

SYDNEY NORTH PLANNING PANEL – SUPPLEMENTARY REPORT

Panel Reference	2019SNH026
DA Number	DA/1227/2018
LGA	Hornsby Shire Council
Proposed Development	Demolition of an existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places and site amalgamation
Street Address	Nos. 6-12 Mount Pleasant Avenue and Nos. 91-93 Pennant Hills Road, Normanhurst
Applicant	Ethos Urban
Owner	Loreto Convent Property Association
Date of DA Lodgement	23 November 2018
Number of Submissions	65 submissions to original proposal 48 submissions to amended proposal during notification period
Recommendation	Approval
Regional Development Criteria (Schedule 4A of the EP&A Act)	Community Facility that has a capital investment value of more than \$5 million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • Environmental Planning and Assessment Act 1979 • State Environmental Planning Policy No. 44 Koala Habitat Protection • State Environmental Planning Policy No. 55 Remediation of Land • State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 • Rural Fire Act 1997 • Hornsby Local Environmental Plan 2013 • Child Care Planning Guideline 2017 • Hornsby Development Control Plan 2013 • Hornsby Shire Section 94 Development Contributions Plan 2014 - 2024

List all documents submitted with this report for the panel's consideration	Attachment 1 Architectural Plans Attachment 2 Landscape plans Attachment 3 Parking Strategy Attachment 4 Traffic Report Attachment 5 Response to Panel
Report prepared by	Matthew Miles (Senior Town Planner)
Report date	4 December 2019

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.22)? **No**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**



EXECUTIVE SUMMARY

- The application proposes demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places and site amalgamation.
- The proposed development is defined as '*child care centre*' and is permitted with consent under the *Hornsby Local Environmental Plan 2013* in the R2 zone.
- The proposal generally complies with the relevant provisions of the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, *Hornsby Local Environmental Plan 2013* and the Hornsby Development Control Plan 2013. The site of Loreto Normanhurst is identified as bushfire prone.
- 65 submissions were received to the original proposal and 48 submissions have been received in respect to the amended application during the notification period.
- It is recommended that the application be approved.

RECOMMENDATION

THAT Development Application No. DA/1227/2018 for demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places and site amalgamation at Lot C DP366271, Lot B DP327538 and Lots 1, 2 & 3 DP1218765, Nos.6-12 Mount Pleasant Avenue and Lot 3 DP1217496, Nos.91-93 Pennant Hills Road, Normanhurst be approved subject to the conditions of consent detailed in Schedule 1 of this report.

BACKGROUND

On 12 January 2018, the NSW Department of Planning, Industry and Environment issued Secretary's Environmental Assessment Requirements (SEARS) for Loreto Normanhurst School Concept and Stage 1 works.

On 23 November 2018, Development Application No. DA/1227/2018 was lodged for demolition of existing dwelling, construction of a split level, 2 storey early learning child care facility comprising 80 places and site amalgamation.

The application was exhibited between 4 January 2019 to 7 March 2019. During the notification period, Council received 62 submissions. The vast majority of submissions raised concerns regarding traffic and parking impacts.

On 15 February 2019, the applicant submitted amended architectural plans and additional traffic generation data.

On 13 March 2019, as a result of safety concerns indicated in the submitted traffic report, Council requested the applicant to investigate alternative access options for entry and exit of the proposed Early Learning Centre, specifically providing access via Osborn Road as well as Mount Pleasant Avenue.

On 2 April 2019, the applicant provided a written response to Council disagreeing with alternative access arrangements given the proposals impact on Pennant Hills Road would be minor and that following completion of NorthConnex in 2020 traffic volumes are forecast to reduce significantly. Further, in terms of gaining access



from Osborn Road, the School is proposed to be redeveloped as part of a 30-year Master Plan. The Master Plan would see all internal vehicular movements removed from within the School grounds to improve the environment for the students at the School. Therefore, there would be no feasible option for access from Osborn Road.

On 13 May 2019, Council received referral comments from Roads and Maritime Services requesting that the plan for the site include access via Osborn Road as well as Mount Pleasant Avenue.

On 5 June 2019, Sydney North Regional Planning Panel members and Council Staff met at the site and discussed the following aspects of the proposal:

- Overview and history of application.
- Relationship with the current Development Application and the Loreto Normanhurst State Significant Development concept proposal which is currently lodged with NSW Department Planning, Industry and Environment for a 2047 masterplan increasing student cap to 2000 students, erection of a new boarding house, adaptive reuse and new educational building.
- Safety concerns identified by Council's Traffic Branch and Roads and Maritime Services with the intersection of Pennant Hills Road and Mount Pleasant Avenue and a request to provide internal access from the Loreto site in addition to Mount Pleasant Avenue to enable access to the traffic lights on Osborn Road and impacts to Sydney Blue Gum High Forest (SBGHF) adjoining the oval should a through road be constructed on the lower portion of the site.

On 18 June 2019, Loreto Normanhurst lodged State Significant Development concept proposal (SSD-8996) with the NSW Department of Planning, Industry and Environment for a 2047 masterplan including increasing the student cap to 2000 students, erection of a new boarding house, adaptive reuse and new educational buildings. The application was placed on exhibition from 28 June to 25 July and 21 submissions were received, 12 from the Public, 1 from an Organisation and 8 from a Public Authority. The application is currently under assessment by the Department.

On 5 July 2019, amended traffic and parking documentation was submitted to Council which included a right turn restriction at the intersection of Mount Pleasant Avenue and Pennant Hills Road during peak periods and a Preliminary Operational Traffic Management Plan which included 10 car spaces within the Loreto School for use of both staff and parents accessed from Osborn Road. The amended documentation seeks to reduce the reliance on the Mount Pleasant Avenue and Pennant Hills Road intersection by providing car spaces for parents and staff within the Loreto School site as well as in front of the ELC.

On 11 September 2019, the Sydney North Planning Panel considered a Planning Report prepared by the Planning Division, Hornsby Shire Council recommending approval of the application. The Panel deferred determination of the application to enable the applicant to submit a Traffic Management Plan which addresses, but is not limited to, the following:

1. *Consideration of widening of Osborn Road to ease traffic flow and safety.*
2. *Consideration of widening the existing or altering the access points to the school in both Osborn Road and Mount Pleasant Avenue.*
3. *Assessing the traffic issues for the full length of both Mt Pleasant Avenue and Osborn Road.*
4. *Consider introducing the 'masterplan' solutions as part of the subject proposal.*



5. *Notwithstanding the above, any matters which would go to improving the existing and future traffic impact in the vicinity of which the school has a significant impact on.*

On 13 November 2019, the applicant submitted an amended car parking strategy increasing the car parking allocated to the child care centre by 5 car spaces for a total of 25 car spaces, amended traffic report which included drone surveys taken on 25, 26 and 27 September 2019 of the intersections of Osborn Road and Mount Pleasant Avenue with Pennant Hills Road and a Road Safety Audit (RSA) of the existing conditions on Osborn Road and Mount Pleasant Avenue to highlight any existing potential road safety concerns. The Traffic Report and Road Safety Audit provide recommendations to improve existing and future traffic conditions.

On 14 November 2019, Council sent renotification letters to residents originally notified of the proposal and/or who made a submission and to residents that spoke at the Sydney North Planning Panel meeting. The application was re-notified for a period of 14 days ending on 2 December 2019 and Council received 48 submissions objecting to the proposal during the notification period.

SITE

The 3,913.9m² site has a frontage on three sides, Mount Pleasant Avenue to the east, Pennant Hills Road to the north and Osborn Road to the west and comprises five allotments including Nos. 6, 8, 10-12 Mount Pleasant Avenue and Nos. 91-93 Pennant Hills Road, Normanhurst.

The early child care centre site slopes towards Mount Pleasant Avenue with an overall fall of approximately six metres.

The site includes a single storey dwelling on No.6 Mount Pleasant Avenue and includes a large cleared grassed area at No.8 Mount Pleasant Avenue.

The child care site directly adjoins two heritage items, namely the Loreto School which includes a group of early federation gothic brick school buildings, cemetery and gates and an adjoining federation style dwelling at No.4 Mount Pleasant Avenue.

The area adjoining the child care centre to the north and east comprises a low-density residential area.

The school site is partially bushfire prone, however the child care site is not bushfire prone.

PROPOSAL

The application proposes demolition of a dwelling and construction and use of an 80 place early learning child care centre (ELC), increase in the school student cap from 1150 to 1230 students and site amalgamation.

The centre would cater for a maximum of 80 children with the following age groups:

- 0 - 18 months 10 Children
- 18 months – 2 years 18 Children
- 2 years – 3 months 22 Children
- 3 - 5 years 30 Children

The infants aged between 0 - 2 years would be maintained separate from toddler and pre-school age groups.

The centre would employ approximately 20-25 staff.



The proposed ELC would comprise a single building arranged in a series of curved lightweight pods which cluster underneath a green roof. The ELC encompasses 818m² of floor space across a part 1 and part 2 storey built form. The built form is designed to fit within the topography of the site as it falls towards Mount Pleasant Avenue.

The lower level of the ELC would comprise the front entrance from the car park, store rooms, cleaners room and building/plant services.

The ground level would include 3 separate 'pods' underneath the green roof for different age groups and would comprise 5 indoor play rooms, 2 cot rooms, numerous water-closet facilities and store rooms, a reception, office, arrival/waiting area, staff room and interview room. The indoor playrooms would have direct access to an expansive rear deck to the rear elevation of the building.

An uncovered carpark with direct vehicle access from Mount Pleasant Avenue, would be provided to the front of the ELC comprising 10 car parking spaces, including 1 disabled space, motorcycle parking and a bicycle rack. 15 car spaces with direct vehicle access from Osborn Road would be located within the Loreto School site for use by both parents and staff.

Pedestrian access is proposed to the southern and northern side of the ELC frontage in the form of an accessible ramp, which would provide direct access to the front entry of the centre and a public footpath is proposed in-front of the ELC. A pedestrian walkway would be provided from the Loreto School site to the ELC at the rear to provide access to the 15 dedicated ELC car spaces within the School grounds.

Six trees are proposed to be removed to facilitate the proposed development. Significant landscaping is proposed within the front, side and rear setbacks to compensate for any trees to be removed.

The fencing details would comprise a 1.8m high lapped and capped fence along the northern side boundary to replace the existing dilapidated boundary fence, a 1.8m feature fence along the front boundary, a 1.8m palisade fence above retaining walls along the southern boundary and a 1.8m security fence along the rear boundary.

The proposed operating hours of the child care centre would be 7am to 6pm, Monday to Friday (excluding public holidays).

No signage is proposed as part of this application.

ASSESSMENT

This supplementary report should be read in conjunction with the assessment report submitted to the Sydney North Planning Panel on 28 August 2019.

1.1 Amended Traffic Documentation

In response to the Sydney North Planning Panel resolution of 11 September 2019 to defer the application to enable the applicant to submit additional traffic information, the applicant submitted an amended Traffic Report which includes drone surveys of Osborn Road and Mount Pleasant Avenue, a Road Safety Audit (RSA) and a amended parking plan with 5 additional car spaces seeking to address the 5 items listed in the Sydney North Planning Panel deferral. The applicant has prepared a written submission seeking to respond directly to the issues raised which is provided in detail below as well as a response from Council:

1.1.1 Consideration of widening of Osborn Road to ease traffic flow and safety

The Applicants response to widening Osborn Road is provided below:

"The potential to widen Osborn Road in the vicinity of its intersection with Pennant Hills Road was a suggestion raised by the Panel to create additional capacity for vehicles leaving Osborn Road (i.e. additional left / right / through lanes from Osborn Road).

The drone surveys demonstrated only minor queueing in both the AM and PM peak periods on Osborn Road . Whilst some queueing was observed during the peak morning and evening pick-up times, the videos demonstrate that these queues clear under each intersection cycle. The maximum number of vehicles observed existing at any time from Osborn Road under each cycle was some 9 vehicles. The peak observed times were between 8:17-8:33am in the morning peak and 3:10-3:25pm in the afternoon peak.

The drone survey results validate the SIDRA analysis undertaken by Ason Group, which found that the intersection was operating with a good Level of Service (LOS B), with acceptable delays and spare capacity. The drone surveys and SIDRA analysis confirm that physical widening OF Osborn Road is not warranted for the ELC given the minor increase in traffic generation of 20-25 vehicles on Osborn Road and Mt Pleasant Ave.

The surveys did however identify a simple improvement that can be made to improve the intersection operation. It was demonstrated that a section of existing on site parking within Osborn Road on the eastern side does impact the ability of vehicles (notably for buses) to merge into the left-hand lane during peak periods. Removal of the off street parking spaces close to the intersection with Pennant Hills Road would improve the traffic flow in Osborn Road subject to approval of the Local Traffic Committee. This is considered an appropriate remedy to the request to explore road widening opportunities by the panel."

On 4 December 2019, Council observed the traffic conditions along Osborn Road between 7:50am to 9am and 2:45pm to 4pm, which coincides with the schools peak drop off/pick up times. Council's observation of the morning and peak hour traffic during the starting time of School (8:20am) and finishing time (3:15pm) as well as an analysis of the submitted drone surveys demonstrated that traffic queues were generally associated with vehicles turning right out of Osborn Road. Council's observations are as follows:

- An average of 7 vehicles would queue at the Osborn Road intersection during the morning peak and a maximum of 8 vehicles were observed queueing,
- An average of 9 vehicles would queue at the Osborn Road intersection during the afternoon peak and a maximum of 15 vehicles were observed queueing,
- Traffic light changes would occur every 2 minutes and 20 seconds,
- 12-13 vehicles would exit Osborn Road during a single traffic light cycle.

This is consistent with the drone footage supplied as part of the submitted traffic report, albeit slightly higher given year 11 were present at the School on the day Council observed.

Council observed numerous buses entering and exiting the School in a safe and orderly manner, notwithstanding, egress of the buses could be improved by increasing the existing 'No Parking' zone by an additional 5m opposite Gate 03, to allow buses to safely manoeuvre. Accordingly a condition is recommended that the Local Traffic Committee increase the car parking restriction by an additional 5m during AM and PM drop off and pick up times.



Council's observation of traffic queuing as a result of parked cars opposite Gate 01 within 50m from the Osborn Road intersection is consistent with the supplied RSA, in that implementation of no parking restrictions during AM and PM peak School periods for a 25m section of Osborn Road would assist vehicles travelling left at the traffic lights and assist the reduction in traffic queuing.

Council also observed that Loreto currently has a dedicated pick up and drop off area approximately 90m long inside the School accessed off Osborn Road which enables vehicles to pass and incorporates a dedicated bus zone and at one point in time vehicles queued for approximately 30 seconds on Osborn Road waiting to enter the School. Loreto buses were also waiting within the School grounds in the PM peak separately to the dedicated pick up area to pick up children. Council observed was working effectively some minor queuing on Osborn Road in the PM Peak for vehicles waiting to enter the

With regard to widening Osborn Road as part of the subject Child Care application to address existing traffic issues on Osborn Road, the drone survey footage demonstrates negligible queueing of vehicles entering and leaving Osborn Road during the AM and PM peak periods and that the traffic queues clear under each intersection cycle. It is considered that the additional 20 to 25 vehicles during the peak periods using Osborn Road as a result of the ELC would have negligible impacts on the operation of this intersection. Accordingly, the widening of Osborn Road must be taken into consideration with the peak operating hours of the School which is limited to a small morning peak and afternoon peak associated with parents dropping off or collecting their children and the peak pick-up/drop-off for a long day care or ELC which typically has different peak pick-up/drop-off peak period across numerous hours of the day which can occur prior to and after school peak periods.

Accordingly, consideration of widening of Osborn Road should be investigated further as part of the overall masterplan for the school and not the subject application given it has been demonstrated in the supplied Traffic Reports and Council's observation of existing traffic conditions that the external road network can accommodate the additional traffic generated by the ELC and that the "pre-existing" problems would be assisted by the delivery of NorthConnex and the proposed traffic and safety improvements identified in the RSA as discussed in greater in the report below.

1.1.2 Consideration of widening the existing or altering the access points to the school in both Osborn Road and Mount Pleasant Avenue.

The Applicants response to widening or altering access points to the school is provided below:

"The Panel requested the applicant consider widening the existing or altering the existing access points to the school on Osborn Road and Mt Pleasant Ave. The Road Safety Audit (RSA) reviewed the existing access points to Loreto Normanhurst.

The RSA found that vegetation impacted on the visibility of drivers exiting the site which may increase the risk of vehicle pedestrian crashes, particularly at Gates 1, 2 and 4. Simple measures such as pruning, maintaining vegetation, providing Stop signs and convex mirrors are methods which will be utilised to improve the safety at the access points of Loreto Normanhurst as detailed below. Furthermore, it is important to note that the school gates and entry points are being reviewed as part of the Master Plan works.

Osborn Road Access Points

Gate 01

Gate O1 functions as a joint inbound and outbound gate to the school. The RSA found that outbound drivers would have limited visibility to pedestrians on the eastern footpath of Osborn Road, due to the vegetation either side of the driveway. The limited visibility may increase the risk of vehicle pedestrian crashes, particularly since the footpath is likely to be used by school children, including persons of shorter stature. The majority of the issues involve improved maintenance to the landscaping with some additional signage and convex mirrors to improve sightlines and Loreto proposes the following:

- *Trimming the vegetation and hedges to a lower height. The un-shape-able trees can be “thinned out” to improve see through visibility;*
- *Provision of STOP signs and a stop hold line; and*
- *Provision of convex mirrors.*

Gate O3

The RSA found that outbound drivers from Gate O3 of Loreto Normanhurst would need to check for gaps in the northbound and southbound traffic streams of Osborn Road. This requires drivers to look to left (south) and right (north). There is limited minimum gap sight distance (MGSD) to the south due to a large tree.

To address this Loreto will modify the existing landscaping by clearing out the understorey layer of low level trees and plants.

Gate O4

Outbound drivers from Gate O4 would need to check for gaps in the northbound and southbound traffic streams of Osborn Road. This requires drivers to look to the left (south) and right (north). There is limited minimum gap sight distance (MGSD) to the south due to a cluster of trees. The driver is unlikely to have a clear view to northbound traffic and may not be able to judge suitable gaps. This could lead to poor gap selection and consequential cross traffic crashes. Alternatively, a common response is for drivers to “creep” out into the roadway to improve their sightline. This would leave them exposed to impacts by southbound vehicles when stopped in such a position.

To address this the MGSD sight lines will be improved through tree pruning works.

In addition to the above measures, the access points into Loreto Normanhurst are all being reviewed as part of the State Significant DA Master Plan currently being considered by the Department of Planning, Industry and Environment. As part of the Master Plan works the left-turns into the site are to be reviewed.”

Council's traffic assessment concurs with the findings within the RSA in that existing vegetation within Loreto and along Council's road reserve restricts site distances for vehicles exiting the site and accordingly conditions are recommended requiring pruning vegetation, installation of 'Stop signs', line marking and convex mirrors to improve traffic safety for vehicles entering and leaving Loreto Normanhurst.

1.1.3 Assessing the traffic issues for the full length of both Mt Pleasant Avenue and Osborn Road.

The Applicants response to providing a traffic assessment for the full length of Mount Pleasant Avenue and Osborn Road is provided below:

“The Panel requested that the traffic issues be assessed for the full length of both Osborn Road and Mt Pleasant Ave. As outlined above, an RSA of the existing conditions on Osborn Road and Mt Pleasant Ave was undertaken by DC Traffic Engineering to highlight any existing potential traffic issues.

The Osborn Road RSA included a number of suggestions which should be considered by Council and the RMS, such as and the removal of the left turn on red permitted after stopping at the Osborn Road / Pennant Hills Road intersection, footpath improvements works, tree pruning, relocating traffic signs, re-installment of pavement markings and review of the permitted left-turn on red, refer to Appendix A and Table 1 of the RSA.

The RSA also found that the key issue identified for Mt Pleasant Ave was the concern with the permitted right-turns. Signage restricting the right-turn will be implemented as part of the ELC development and therefore will resolve this key issue. Tree pruning works, where possible would be undertaken by the School. Many of the other items suggested are recommended to be considered by Council / RMS, such as repairing potholes, tree pruning on public land, relocation of traffic signs and installation of pavement markings, refer to Appendix A and Table 2.

Loreto Normanhurst will work with both agencies to accommodate the recommendations where possible which are detailed in the below table:

Table 1 Osborn Road Assessment Comment	Response
Comment: <i>the combined effect of the curvature of this road, and overhanging tree foliage on the inside (northern) side of the curve have affected the sight distance</i> Suggestion: <i>Driver visibility to the primary signals could be improved by pruning</i>	<i>Any works to foliage and signage on the public roadway need to be undertaken by the asset owner (RMS and / or Council). The School will place maintenance requests for tree pruning works.</i>
Comment: <i>A dynamic flashing light unit has been provided to alert westbound drivers of the traffic signals in the road ahead... the flashing light unit is not optimally positioned.</i> Suggestion: <i>if the flashing light unit was relocated...As such, the flashing light unit would be more meaningful as the driver would receive both advanced warning messages at the same time.</i>	<i>As above, any works to the public roadway need to be undertaken by RMS and / or Council. The RSAs will be provided to RMS for their review.</i>
Comment: <i>The northbound left-turn movement from Osborn Road to Pennant Hills Road contains LEFT TURN ON RED PERMITTED AFTER STOPPING signs (LTOR rule). This does not appear to be appropriate for a left-turn onto Pennant Hills Road, as a major and high-volume arterial route.</i>	<i>Any alterations to the phasing of the signals are the responsibility of RMS. However, it is noted that the safety concern raised has regard for uncontrolled left-turns onto the high-volume Pennant Hills Road.</i> <i>As recorded by the drone survey, this intersection is operating safely and</i>

<p>Suggestion: With minor adjustment works to include red arrow aspects, the left-turn movement to Pennant Hills Road West could easily become fully controllable, and adaptive to differing traffic conditions of the day. The adjusted signal hardware and phasing may also be able to replace the LTOR rule such that there are no longer any uncontrolled left-turn movements.</p>	<p>efficiently and therefore, Ason Group does not deem the suggestion to change the phasing of the signals to be required at this stage, however it open to review by RMS and Council.</p>
<p>Comment: The Osborn Road southbound departure from Pennant Hills Road is narrow. Suggestion: There are very few easy solutions to addressing these issues. However, if larger scale improvements are considered along Osborn Road, then consideration could also be given to widening works to improve lane and road widths, as well as safety on footpaths.</p>	<p>As noted, the only way to overcome this issue is to widen Osborn Road, which would require significant works and is not warranted for the minor increase in traffic associated with the ELC.. As demonstrated within the drone surveys the restriction of a section of parking is instead proposed which will effectively improve the operation of the southbound departure lane on Osborn Road. This is proposed to be implemented as part of the works.</p>
<p>Comment: There are several signs along the audited length of Osborn Road which are visually obscured by tree foliage. Suggestion: These are generally mitigatable by tree pruning works.</p>	<p>Pruning works on trees which overhang the School property boundary are to be undertaken by the School. As noted above, any works to public land are the responsibility of the asset owner, so a request will be made to Council to prune the trees on public land.</p>
<p>Comment: Pennant Hills Road/Osborn Road intersection – opposing right-turn visibility constraints. Suggestion: Increased controls on the right-turn movements could be considered including full control (non-filtered turns), part-day controls, or leading right-turn phases.</p>	<p>The concerns raised are with regard to opposing right turns at the Pennant Hills Road / Osborn Road signals. As discussed under Ref 3. the drone surveys and modelling analysis to date has illustrated that these signals operate efficiently and safely and therefore it is not Ason Group's recommendation to review the phasing at this time. Nevertheless, the RSA will be made available for RMS review and consideration.</p>
<p>Comment: The 40k pavement patches associated with the start of the school zone have faded.</p>	<p>This is the responsibility of RMS; as above, the RSA will be made available for RMS review and consideration.</p>

<p>Suggestion: The pavement markings should be re-instated to improve the prominence of the western gateway to the school zone.</p>	
<p>Comment: In general, the audit team noted that there was a substantial volume of loose gravel and debris at the Pennant Hills Road/Osborn Road/ Normanhurst Road intersection.</p> <p>Suggestion: There is no immediately obvious source of this loose material. As such, the mitigations would tend to be reactive, such as street sweeping and maintenance.</p>	<p>As above, this is an issue for RMS to address.</p>
<p>Comment: the continued single southbound lane of Osborn Road presents several other movement restrictions along its length, particularly for the section that contains a BB double barrier centreline. As shown below, at gate O1, the limited width between the eastern kerb line of Osborn Road and the BB double barrier centreline constrains the left-turn movement into the driveway.</p> <p>Suggestion: N/A</p>	<p>This was not observed to be an issue during on-site investigations nor the drone surveys.</p> <p>Nevertheless, the access points into the School are all being reviewed as part of the Master Plan. As part of these works, the left-turns into the site would be reviewed.</p>
<p>Comment: A portion of the eastern kerb line between Gates O2 and O3 is signposted as a NO PARKING zone...drivers are permitted to stop along a kerb line signposted with NO PARKING signs provided that they are dropping off or picking up passengers...the audit team envisages that this kerb line would still be used in less formal situations.</p> <p>Suggestion: Consideration could be given to extending the NO STOPPING designation to cover this zone.</p>	<p>As above, this was not observed to be an issue during on-site investigations nor the drone surveys.</p> <p>Further, it is noted that PUDO arrangements are currently being reviewed as part of the Master Plan, with the PUDO location to be moved to the southern part of School Grounds on Osborn Road, under the Oval.</p> <p>However, this will be monitored and if required, a request would be made to Council's Traffic Committee to install NO STOPPING signs.</p>
<p>Comment: In general, the footpaths throughout the study length contained many uneven surfaces due to vertical movement in the slabs, non-flush interfaces between asphalt in-fills and concrete slabs, and loose litter and debris.</p> <p>Suggestion: N/A</p>	<p>Maintenance of footpaths is the responsibility of the asset owner (Council). Therefore, a request will be made to Council to review and repair the footpaths.</p>

<p>Comment: <i>There is no footpath on the western side of the road along the School frontage (left-hand image). As such, any pedestrian traffic generated from the School would be forced to walk on the unpaved portions of the verge...or crossing the road to access the eastern footpath.</i></p> <p>Suggestion: <i>Consideration should be given to providing a footpath on the western side of Mt. Pleasant Avenue to link into the pre-existing footpath further north.</i></p>	<p><i>With regard to the ELC, the Site is connected to the external footpath along Mt Pleasant Ave. This would assist with improving connectivity of the main School, as a pedestrian connection will be provided between the School and the ELC.</i></p> <p><i>The pedestrian connectivity of the School itself is being reviewed as part of the Master Plan. It is worthy of note again that any works to public land, such as provision of a footpath, would need to be considered by the asset owner, being Council.</i></p>
<p>Comment: <i>At the southern end of the audited length of Mt. Pleasant Avenue, the kerb-bounded section of this road transitions to an un-kerbed section with an unpaved verge.</i></p>	<p><i>As above, any works to the public road need to be undertaken by the asset owner (RMS / Council).</i></p>
<p>Comment: <i>In general, many driveways along this road contain trees/ shrubs either side of them and in the roadside verges of Mt Pleasant Road. The sight lines to and from several driveways were restricted due to these trees.</i></p> <p>Suggestion: <i>Tree pruning/ thinning works would generally improve sight lines in these respects.</i></p>	<p><i>As above, any works to the public road need to be undertaken by the asset owner (Council). However, the foliage along the School frontage which could impede sightlines will be pruned following the outcome of the RSA.</i></p>

The RSA recommends conditions requiring vegetation pruning, line marking and parking restrictions on Osborn Road as well as convex mirrors to address the recommendations within the RSA. The RSA included two traffic safety improvements that could be implemented as a condition of consent by the Panel to improve the traffic safety of the intersections of both Mount Pleasant Avenue and Osborn Road as follows:

- No right turn restriction at the intersection of Mount Pleasant Avenue during peak periods,
- Removing the existing signage at the intersection of Osborn Road 'left permitted on red permitted after stopping',

Whilst these safety improvements could be implemented as a condition of consent, as these safety measures would impact traffic flow at both these intersections and are not a requirement for the operation of the Child Care Centre, it is recommended Council forward the safety findings to the RMS for their review. Council's traffic assessment acknowledges that the 'no right turn during peak hour' signage at Mount Pleasant Avenue is not a new safety recommendation and was recommended as a condition of consent as part of State Significant Development Application (SSDA) MP07_0166, for the Wahroonga Estate Master Plan approved by the Department of Planning in March 2010.



Issues identified in the RSA that cannot be addressed as part of the subject application such as fixing existing pot holes, footpath improvements and school zone line marking have been referred to Council's Infrastructure Works and Projects Team for further investigation.

1.1.4 Consider introducing the 'masterplan' solutions as part of the subject proposal.

The Applicants response to introducing 'masterplan' solutions as part of the Child Care development application proposal is provided below:

"The Panel requested the applicant to consider introducing the masterplan solutions as part of the proposal. As outlined in the traffic report, the drone surveys demonstrated that the two key intersections at Mt Pleasant Ave and Osborn Road with Pennant Hills Road currently operate with good LOS and spare capacity, with the exception of the right-turn from Mt Pleasant Ave, which is proposed be restricted as part of the ELC DA.

It was therefore demonstrated that the net increase in traffic generation expected as a result of the ELC (which equates to 20-25 vehicles on Mt Pleasant Ave and Osborn Road) can be accommodated by the existing road network and it is not justified that additional requirements be imposed as a result of the subject development application

The RSA also identified a number of opportunities to improve safety, with the main recommendation that can be implemented by Loreto Normanhurst relating to the removal of the left turn on red permitted after stopping at the Osborn Road / Pennant Hills Road intersection, pruning of vegetation, relocating traffic signs, re-installment of pavement markings and, repairing pot holes, on public land. Loreto Normanhurst will work with Council and RMS to accommodate the recommendations where possible.

Furthermore, the provision of parking spaces for the ELC is in accordance with Council's DCP. However, a further additional 5 spaces are to be provided within Loreto Normanhurst Grounds to the east of the tennis courts, to further ensure all parking requirements can be accommodated on site.

Considering the net increase in traffic generation expected from the ELC can be accommodated by the existing road network the proposed RSA safety measures will help improve the safety surrounding the site, and parking is compliant with Council's DCP, therefore, introducing the masterplan solutions as part of the subject proposal is not justified or considered reasonable."

As identified in the additional traffic modelling, the RSA and Traffic Report, it is acknowledged that the traffic impact of the proposed Child Care Centre in the context of the broader traffic network for Osborn Road and Mount Pleasant Avenue would not be substantial in and of itself to require the addition of masterplan improvements. It is noted that subject to implementation of recommended traffic and safety improvements identified in the RSA and the opening of the NorthConnex in early 2020, an improvement in existing traffic and safety conditions would be expected.

Given the above, the traffic report and Council's observations demonstrates that the external road network can accommodate the additional traffic generated by the ELC and that the "pre-existing" problems would be assisted by the opening of NorthConnex and proposed traffic and safety improvements identified in the RSA.

1.1.5 Notwithstanding the above, any matters which would go to improving the existing and future traffic impact in the vicinity of which the school has a significant impact on

The Applicants response is provided below:

“As outlined above parking and importantly pick up/Drop off car spaces for the ELC, are provided in accordance with Council controls and is therefore acceptable. However to further improve the existing and future traffic in the vicinity of the school, 5 additional parking spaces are to be provided within Loreto Normanhurst’s grounds to the east of the tennis courts. The blue writing on Figure 4 of Parking Strategy, indicates the key changes to the parking and traffic arrangements in response to the Panel’s comments. The additional parking spaces will help to ensure that parking is contained on site rather than on Osborn Road or Mt Pleasant Ave.

In response to the Panel’s meeting on 11 September 2019, and the issues raised regarding the operation of the current school facilities on the road safety and immediately adjoining road network, the applicant undertook drone surveys and road safety audits and proposes the following amendments to the DA including:

- Improving traffic flow at the Osborn Road traffic signals for vehicles travelling outbound (west) – through proposing to remove on street parking spaces as shown in Figure 3, subject to confirmation by Council.*
- Improvements to pedestrian and traffic safety – through carrying out the road and traffic safety audit matters upon Loreto land, such as pruning of vegetation. Other methods such as relocating traffic signs, e.g. review of the removal of the left turn on red permitted after stopping at the Osborn Road intersection, re-installment of pavement markings and, repairing potholes on public land need to be confirmed with Council and RMS; and*
- Addressing on-site parking non-compliance - through the provision of 5 extra on-site parking spaces which are accessed from the Osborn Road driveway and ensures compliance with Council’s DCP.*

Furthermore, as outlined in the letter and Appendix A, the drone surveys demonstrated that the two key intersections assessed currently operate with good LOS and spare capacity, with the exception of the right-turn from Mt Pleasant Ave, which is to be restricted as part of the ELC DA. Therefore, the net increase in traffic generation expected as a result of the ELC (which equates to 20-25 vehicles on Mt Pleasant Ave and Osborn Road) can be accommodated by the existing road network.”

2 Response to submissions

Council Officers have continued to receive submissions from the public objecting to various traffic aspects of the development. The issues raised have been previously addressed by Council’s previous assessment report and the subject report considered by the Panel with the exception of the following:

2.1 Drone surveys inadequate and done on days year 11 and year 12 were not present at School

The submitted drone surveys were not a requirement for submission by the Sydney North Planning Panel or Council and merely assist the assessment of known traffic and safety issues on Osborn Road and Mount Pleasant Avenue. As discussed in the above assessment report under Section 1.1.1, Council observed the existing traffic conditions on 4 December 2019 and all year groups of the School with the exception of year 12 were present.



2.2 Issues regarding installation of 'no right turn during peak hour' signage for Mount Pleasant Avenue and removal of 'left on red permitted after stopping' signage on Osborn Road.

Both the addition and removal of these signs would assist in increasing safety at these intersections during peak periods and should be adopted in the future. However, as these measures would impact the traffic flow at both these intersections (as identified in the drone footage) and Council received strong objections against these safety measures and the adoption of the safety measures are not considered a requirement for the operation of the Child Care Centre, it is therefore recommended that Council forward the RSA to the RMS for their investigation.

2.3 Issue regarding increasing the car parking at the school and displacing existing car parking and issues regarding one way access into the School car park

The 15 car spaces allocated to the ELC would not displace car parking for the School as these spaces were previously used for visitor car parking, maintenance purposes and recently created car spaces. In response to these concerns, the applicant has provided clarification as follows:

"There were 8 carpark spaces created by Loreto 2 years ago in the existing year 12 carpark. This DA will recognise those spaces and therefore they can be treated as new. The two images attached from Near Maps show when these spaces were created. 7 of these spaces are very apparent as the new bitumen is quite distinct. One of these spaces was an additional line marked space. The 5 spaces in the maintenance area are new spaces to be formed."

A condition is recommended requiring the 5 car spaces within the Year 12 car park and 5 car spaces within the maintenance car park identified as B and D on the car parking layout plan must be for Staff only given there is only one-way access during the morning and afternoon. A condition is also recommended that the 5 car spaces identified as C on the car parking layout plan within the existing administration car park must be designated as pick up/drop off car spaces for the ELC only during the morning and afternoon from 7am to 10am and 4pm to 6pm.

2.4 Removal of car spaces along Osborn Road will impact car parking on Osborn Road

The benefits of restricting parking for approximately 25m of Osborn Road or 4 car spaces during 7:00am to 9am weekdays and 2:30pm to 4pm weekdays to improve existing traffic flow for vehicles entering Pennant Hills Road would improve traffic flow for a substantial number of vehicles using Osborn Road and outweigh the removal of these car spaces. Accordingly, a condition is recommended that the Local Traffic Committee consider removing these car spaces.

2.5 Management of pick up and drop off is insufficient by the School

The ELC would provide negligible impacts to the management of existing pick up and drop off from vehicles as the proposed pick up and drop off locations for the ELC are different to the existing pick up and drop off locations to the School.

2.6 Timing of traffic lights on Pennant Hills Road/Osborn Road could be extended

This is a matter for the RMS as Pennant Hills is a State and Regional Road of National significance and should be investigated further to improve traffic flow on Osborn Road and considered in more detail once the Northconnex becomes operational. As discussed in the report above, Council will forward the findings of the submitted RSA to the RMS for their investigation.

2.7 Additional suggestions for safety



Some submissions requested additional safety improvements such as increased street lighting, speed humps and pedestrian crossing for Mount Pleasant Avenue. The ELC has two way egress in and out of the site which is considered a safe vehicle movement and 10 car spaces would be located within the ELC car park fronting Mount Pleasant Avenue, accordingly there is not considered a nexus for these improvements.

2.8 Access point upgrades

As discussed in the report above, there is a nexus for vegetation removal for vehicles entering and exiting Gate 01 as car spaces would be located through these gates, however there is considered no nexus for upgrades to the existing access points at Gates 02 and 03 as ELC traffic does not use these access points.

CONCLUSION

This report responds to the additional matters for which additional traffic information was sought by the Panel. Subject to conditions requiring restriction of car parking in Osborn Road during peak hour; and internal and external traffic safety improvements, the proposal is considered to have an acceptable impact on the traffic network. As such approval is recommended.

SCHEDULE 1

GENERAL CONDITIONS

The conditions of consent within this notice of determination have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the relevant legislation, planning instruments and Council policies affecting the land and does not disrupt the amenity of the neighbourhood or impact upon the environment.

Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.

Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation, or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Approved Plans:

Plan No.	Plan Title	Drawn by	Dated	Council Reference
SK 190723	ELC Proposed Lot Consolidation	Allen Jack + Cottier	No date	D07738695
DA1002, Issue 9	Proposed Site Plan	Allen Jack + Cottier	11.07.2019	D07738585
DA1101, Issue 3	Demolition Plan	Allen Jack + Cottier	22.11.2018	D07738585
DA2101, Issue 11	Floor Plans	Allen Jack + Cottier	21.08.2019	D07738585
DA2102, Issue 9	Roof Plan	Allen Jack + Cottier	11.07.2019	D07738585
DA3101, Issue 8	Elevations	Allen Jack + Cottier	22.11.2018	D07738585
DA3201, Issue 8	Sections Sheet 1	Allen Jack + Cottier	22.11.2018	D07738585
DA3202, Issue 4	Sections Sheet 2	Allen Jack + Cottier	22.11.2018	D07738585
DA3301, Issue 4	Materials Board	Allen Jack + Cottier	22.11.2018	D07738585

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
L-002, Rev B	Tree retention, relocation & removal plan	Oculus	10.07.2019	D07568897
L-101, Rev B	Landscape zoning plan	Oculus	10.07.2019	D07568897
L-102, Rev A	Landscape zoning - design intent	Oculus	21.11.2018	D07568897
L-103, Rev B	Fence arrangement plan	Oculus	10.07.2019	D07568897
L-200, Rev B	Ground floor landscape key plan	Oculus	10.07.2019	D07568897
L-201, Rev A	Detail plan 01 - proposed landscape design	Oculus	21.11.2018	D07568897
L-202, Rev B	Detail plan 02 - proposed landscape design	Oculus	10.07.2019	D07568897
L-203, Rev A	Detail plan 03 - proposed landscape design	Oculus	21.11.2018	D07568897
L-204, Rev A	Detail plan 04 - proposed landscape design	Oculus	21.11.2018	D07568897
L-301, Rev A	Indicative section & elevation carpark level	Oculus	21.11.2018	D07568897
L-302, Rev A	Indicative sections ground floor	Oculus	21.11.2018	D07568897
L-303, Rev A	Indicative section through terrace & existing tree	Oculus	21.11.2018	D07568897
L-304, Rev A	Indicative section roof terrace	Oculus	21.11.2018	D07568897
L-401, Rev A	Detail plan 01 - proposed planting plan	Oculus	21.11.2018	D07568897
L-402, Rev B	Detail plan 02 - proposed planting plan	Oculus	10.07.2019	D07568897
L-403, Rev A	Detail plan 03 - proposed planting plan	Oculus	21.11.2018	D07568897
L-404, Rev A	Detail plan 04 - proposed planting plan	Oculus	21.11.2018	D07568897
L-501, Rev A	Indicative material palette	Oculus	21.11.2018	D07568897

Plan No.	Plan Title	Drawn by	Dated	Council Reference
L-502, Rev A	Planting palette & indicative plant schedule	Oculus	21.11.2018	D07568897
L-503, Rev A	Planting palette & indicative plant schedule	Oculus	21.11.2018	D07568897
L-504, Rev A	Indicative maintenance specification	Oculus	21.11.2018	D07568897

Supporting Documentation:

Document Title	Prepared by	Dated	Council Reference
Survey Plans Sheets 1-6 Rev C	LTS	5.8.2018	D07568903
Operational Plan of Management Ref: 17074	Ethos Urban	22.11.2018	D07568892
skc001 Erosion & sediment plan and details, P2	Taylor Thomson Whittling	20.11.2018	D07568885
skc002 Stormwater concept design, P4	Taylor Thomson Whittling	20.11.2018	D07568885
skc003 Catchment plan, P2	Taylor Thomson Whittling	22.11.2018	D07568885
skc004 Details sheet, P2	Taylor Thomson Whittling	22.11.2018	D07568885
skc005 OSD tank detail sheet, P2	Taylor Thomson Whittling	22.11.2018	D07568885
Waste management Strategy Rev.1	Foresight Environmental	21.11.2018	D07568873
Acoustic Assessment Report No. 18120 Ver. B	Wilkinson Murray	November 2018	D07568877
Amended Acoustic Assessment Report No. 18120 Ver. C	Wilkinson Murray	April 2019	D07660831
Arboricultural Assessment Report	Earthscape Horticultural Services	November 2018	D07568879
BCA Assessment Report Project No. 180226	Blackett Maguire + Goldsmith	21.11.2018	D07568881
Traffic Impact Assessment Report Ref: 0731r01v1	Ason Group	21.11.2018	D07568904

Document Title	Prepared by	Dated	Council Reference
Additional Traffic letter Ref: 0731101	Ason Group	14.02.2019	D07613498
ELC Parking Strategy	AJ+C	12.11.2019	D07798467
Access Review Report Issue 1	Funktion	29.10.18	D07568876
Preliminary Site Investigation Ref: E31772KLrpt	EIS	24.10.2018	D07568898
Drop-Off Carpark	AJ+C	14.02.2019	D07613488
Music Link Report	Taylor Thomson Whitting	4.10.2019	D07798469
Traffic report, reference 0731106v6	Ason Group	13.11.2019	D07798466

2. Appointment of a Project Arborist

- a) A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.
- c) Proposed inspection schedule to assess tree health and provide certification for the various stages of development such as site establishment (includes demolition and installation of tree protection measures), construction work, hard and soft landscaping practical completion and occupancy certification.

3. Removal of Trees

- a) This development consent permits the removal of trees numbered T86d, T91, T100, T101, T102 and T103 as identified in Appendix 3 contained in the Aboricultural Impact Assessment submitted by Earthscape Horticultural Services dated November 2018.
- b) No consent is granted for the removal of tree(s) numbered T12,T13,T86a, T86b,T86c, T86,T87, T87a, T88, T89, T89a, T90, T92, T93, T94, T95, T96, T97m T103, T104,T107 and T107b as these trees contribute to the established landscape amenity of the area and streetscape.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).

4. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

5. Section 7.12 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2014-2024*, \$67,894.40 must be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$6,789.441.
- b) The value of this contribution is current as at 7 August 2019. If this contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\frac{\$C_{PY}}{CPI_{DC}} = \frac{\$C_{DC}}{CPI_{PY}}$$

Where:

\$C_{PY} is the amount of the contribution at the date of Payment

\$C_{DC} is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

- c) The monetary contributions must be paid to Council:
 - (i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - (ii) prior to the issue of the first Construction Certificate where the development is for building work; or
 - (iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - (iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

Note: It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes. Council's S94A Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – "**Preservation of Survey Infrastructure**"

7. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards AS2890.1, AS2890.2, AS3727* and the following requirements:

- a) Design levels at the front boundary be obtained from Council.
- b) The driveway be a rigid pavement.
- c) The driveway pavement be a minimum 3 metres wide, 0.15 metres thick reinforced concrete with F72 steel reinforcing fabric and a 0.15 metre sub-base.
- d) The pavement has a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a lintel and pit provided at the low point.
- e) Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- f) The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.
- g) Construction of pedestrian access designed to help prevent slip and fall shall be designed and constructed with the future access driveway. Pedestrian grades steeper than 12.5% shall be provided with surface texturing, brushing or cleats to satisfy Class V: R11 ramps in accordance with *Australian Standards AS 4586-2004* Clause 5.2.
- h) Longitudinal sections along both sides of the access driveway shall be submitted to the principal certifying authority in accordance with the relevant sections of AS 2890.1. The maximum grade shall not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades. Any transition grades shall have a minimum length of 2 metres. The longitudinal sections shall incorporate the design levels obtained by Council.

8. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of new vehicular crossings and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements:

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

9. Road Works

All road works approved under this consent must be designed in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) A concrete footpath to be constructed across the frontage of the subject site.
- b) A kerb and gutter across the frontage of the subject site is to be removed and reconstructed.
- c) The existing road pavement to be saw cut a minimum of 600 mm from the lip of the gutter and reconstructed.
- d) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
- e) The relocation and reconstruction of the existing Council pit at Mount Pleasant Avenue for the new driveway access.

A Subdivision Construction Certificate (SCC) application detailing the above works shall be lodged with Hornsby Council and approval must be obtained prior to commencement of works in public area.

10. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 65 cubic metres, and a maximum discharge (when full) of 80 litres per second;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;

11. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a) Connected to an existing Council piped drainage system with the following requirements:
 - i) A separate Application must be made to Council for '*Approval to Connect Stormwater Drainage Outlet to Council's System*' with all fees paid, prior to connecting to Council's drainage system;
 - ii) The connection to Council's drainage pit or pipeline shall be designed in accordance with Council's Design Standard Drawing No. 6 and must be inspected by a Council Engineer from Council's Planning Division;

*Note: An inspection booking can be made by calling Council on 9847 6760 quoting the Application reference number commencing **SD**.*

12. Water Quality Treatment Devices

The on-site stormwater quality treatment devices must be constructed generally in accordance with "Stormwater Concept Plan" and "Civil Engineering Report", prepared by Taylor Thomson Whitting Consulting Engineers, dated 20 November 2018.

13. Education and Care Services National Regulations

Documentation must be prepared by a registered architect and submitted with the Construction Certificate to certify that the proposed development complies with the requirements of Part 4.3 Physical Environment of the Education and Care Services National Regulations.

14. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the Construction Certificate application.

15. Building Code of Australia

All approved building work must be carried out in accordance with the relevant requirements of the Building Code of Australia.

16. Accessibility

A suitably qualified accessibility consultant must provide certification to the PCA that the Construction Certificate plans have incorporated the design recommendations within the accessibility report prepared by 'Funktion' dated 29.10.2018 on pages 11 to 15.

17. Dilapidation Report

To record the structural condition of Lot D DP 36627 (No. 4 Mount Pleasant Avenue, Normanhurst) which adjoins the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate and submitted to the PCA.

18. Sydney Water – Approval

This application must be submitted to *Sydney Water* for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through www.sydneywater.com.au under the Building and Development tab.

19. Construction Management Plan (CMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist, and submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - iii) In order to prevent injury, accident and loss of property, a statement must be included within the Plan confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
 - iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - a. Public notification of proposed works;
 - b. Long term signage requirements;
 - c. Short term (during actual works) signage;
 - d. Vehicle Movement Plans, where applicable;
 - e. Traffic Management Plans;
 - f. Pedestrian and Cyclist access and safety.
 - v) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
 - vi) A plan showing site sheds, concrete pump and crane locations for all stages of works.
 - vii) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and

dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.

- viii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
 - ix) The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development;
 - x) The plan shall include swept path analysis for ingress and egress of the site for all stages of works.
 - xi) The plan shall include site plans for all stages of works including the location of site sheds, unloading and loading areas, waste and storage areas being used.
 - xii) The plan shall include the total volume of fill to be imported to the subject site throughout all stages to achieve approved levels.
 - xiii) The plan shall include the total volume of fill to be exported at the subject property throughout all stages.
 - xiv) The plan shall include the total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
 - xv) The plan shall include the number of total truck movements to and from the site for each stage of works.
 - xvi) The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
 - xvii) The plan shall include the maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - xviii) The plan shall include the maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - xix) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
 - xx) The plan must include the location details of the source site of any proposed fill to be imported for all stages of works.
 - xxi) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - xxii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- c) A Construction Waste Management Plan detailing the following:

- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS 2601–2001 – *‘The Demolition of Structures’*, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any Arboricultural Impact Assessment and tree location plans submitted as part of the Development Application, detailing the following:
 - i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
 - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - iv) Location of dedicated material storage space on site outside of TPZ’s and SRZ’s for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
 - i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
 - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
 - v) Details of mitigation measures that will meet acoustic standards and guidelines at each stage of works.
 - vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Management of stormwater disposal from proposed detention basins or basements throughout all development phases in accordance with the ANZECC Guidelines trigger values for the area.
- g) Sediment and erosion control measures in accordance with the *Soils and Construction 2004 (Bluebook)*.
- h) Air quality management on site, including dust suppression measures during demolition and construction.

- i) Details on the general operating procedures to manage environmental risk throughout all stages of works on the site.
- j) To ensure Council assets are maintained throughout the development, a detailed survey plan is to be included, detailing existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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20. Installation of Tree Protection Fencing

- a) All tree protection measures for the ground, trunk and canopy installed by the project arborist must be in accordance with *Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites"*.
- b) The location of tree protection fencing for trees numbered T86a, T86B, T86c, T89, T89a, T90, T97 and T104 must be in accordance with the nominated 'tree protection plan' indicated on Sheet 5, Appendix 6, prepared by Earthscape Horticultural Services dated November 2018.
- c) The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- d) Tree Protection fencing must have identifying signs attached, with the lettering complying with *Australian Standard AS 1319*.
- e) All installation of tree protection fencing must be supervised and certified by the project arborist.

21. Tree Protection Zone - Ground Protection

- a) The tree protection zones of all trees to be retained on the subject site must have a layer of wood-chip mulch at a depth of between 150mm and 300mm in accordance with the relevant requirements of *Australian Standard AS 4454 Composts, Soil Conditioners and Mulches* installed prior to works commencing.
- b) Where fencing cannot be installed inside the TPZ, the wood-chip must be covered with a layer of geotextile fabric and rumble boards to allow for small plant movement and/or placement of storage of material.

22. Protection Certification

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

23. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;

- ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

24. Protection of Adjoining Areas

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place.
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

25. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

26. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

27. Maintenance of Public Footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

28. Construction Work Hours

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

29. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with *Australian Standard AS2601-2001 – The Demolition of Structures* and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.
- d) Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the PCA and Council.

30. Environmental Management

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, the site must be managed in accordance with the publication '*Managing Urban Stormwater – Landcom (March 2004)*' and the *Protection of the Environment Operations Act 1997*.

31. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.

32. Disturbance of Existing Site

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

33. Landfill

Landfill must be constructed in accordance with Council's '*Construction Specification 2005*' and the following requirements:

- a) As indicated in the approved Waste Management Plan, concrete obtained from the demolition of the existing buildings is to be reused as fill on-site.
- b) Prior to additional fill material being imported to the site, a certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- c) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- d) These certificates must be included with the application for an occupation certificate.

34. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

35. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor levels are in accordance with the approved plans.

36. Prohibited Actions Within the Tree Protection Zone

In accordance with *Australian Standard AS 4970-2009*, the following is prohibited within the fenced area of the TPZ for all trees to be retained:

- a) Stockpiling storage or mixing of materials,
- b) The parking, storing, washing and repairing of tools, equipment and machinery,
- c) The disposal of liquids and refuelling,

- d) The disposal of building materials,
- e) The siting of offices or sheds, and
- f) Any action leading to the impact on tree health or structure.

37. Works Near Trees

- a) To maintain tree health and condition for trees numbered T12, T13, T86a, T86b, T86c, T86, T87, T87a, T88, T89, T89a, T90, T92, T93, T94, T95, T96, T97m T103, T104 and T107 on the approved plans, the appointed project arborist must monitor and record any and all necessary remedial actions required.
- b) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the Occupation Certificate.

38. Maintaining Tree Protections Zones

The Tree Protection Zones must be maintained by the project arborist in accordance with section 4.6 requirements of *Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites"*

39. Works Within Tree Protection Zones

- a) All root pruning must be undertaken in accordance with the relevant requirements of *Australian Standard AS 4970-2009 "Protection of Trees on Development Sites"* - Sections 3.3.4, 4.5.4 and 4.5.5.
- b) Any necessary excavations within the Tree Protection Zone of trees numbered T97 and T104 on the approved plans not associated with installation of services must be undertaken manually as prescribed in the *Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites" Section 4.5.5*.
- c) To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered T104 on the approved plans the installation of services must be undertaken as follows:
 - i) The project arborist must monitor the installation of any underground services which enter or transect the tree protection zone of trees numbered T104.
 - ii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as directional drilling.OR
 - iii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as manual excavation.
 - iv) For manual excavation of trenches the project arborist must advise on roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.

40. Building Materials and Site Waste

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the *Hornsby Development Control Plan 2013*, of any tree to be retained.

41. Works Near Trees Certification

- a) The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

Note: Copies of monitoring documentation may be required by the PCA and/or Council.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

42. Road Safety Audit Recommendations

In accordance with recommendations of the Road Safety Audit on pages 9 and 10 of the Traffic Report prepared by asongroup, reference 0731106v5, dated 13 December 2019, the following works must be undertaken to improve sight lines for vehicles entering and exiting the entrances and exits to the School:

- a) Gate O1
 - i) Hedges growing along both the Council road reserve and inside the School must be trimmed or removed to improve see through visibility of drivers exiting Loreto. Existing trees must be thinned out to improve visibility to School Zone signage.
 - ii) Provision of STOP signs and a stop hold line; and
 - iii) Provision of convex mirrors.
- b) Gate 03 and 04
 - i) Existing understorey layer of low level trees and plants within Loreto School grounds must be cleared out to improve driver visibility.

A certificate must be submitted to the PCA by a traffic engineer confirming that vehicle sightlines as identified above comply with *Australian Standard/New Zealand Standard 2890.1:2004 Figure 3.3* and the condition has been complied with.

43. Parking Restrictions

- a) Prior to the installation of 'No parking during peak School periods' signage opposite Gate 03 for an additional 5m to the start of the driveway at 14A Osborn Road, the Local Traffic Committee must approve the increase of the car parking restriction during pick up and drop off times of the School.

- b) Prior to the installation of 'No parking' signage along the western side of Osborn Street as identified on page 7 of the traffic report prepared by asongroup, reference 0731106v5, the Local Traffic Committee must approve the increase of the car parking restriction by an additional 25m during pick up and drop off times of the School.

44. Automated watering system

An automated watering system must be installed within the subject site to provide irrigation to all landscaping required under this consent.

45. Completion of Landscaping

A certificate must be submitted to the PCA by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans. Such a certificate must include the name, qualifications and contact details of the author of the certificate.

Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.

46. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

47. Survey Infrastructure

A certificate by a Registered Surveyor shall be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development, or otherwise certifying that the necessary re-establishment of any damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure".

48. Creation of Easements

The following matter(s) must be nominated on the title under s88 of the *Conveyancing Act 1919*:

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title;
- b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.



Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

49. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and footpath. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

50. Consolidated Lots

All allotments including Lot C DP 366271, Lot B DP 366271, Lot 1 DP 1218765, and the northern portion of Lot 2 DP 2118765 as outlined within the blue dashed line on Proposed Lot Consolidation Plan SK190723 must be consolidated into one lot or consolidated into the Loreto Normanhurst School site Lot 3 DP 1217496.

51. Restriction as to User

To ensure that a minimum of 25 car spaces are provided for the use of the Early Learning Child Care centre, the following matters must be nominated on the plan of subdivision under Section 88B of the *Conveyancing Act 1919*:

- a) The creation of a "Restriction as to user" over the proposed consolidated allotment restricting the sale of the Early Learning Child care centre to any business or entity other than the operator of Loreto Normanhurst,
- b) Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

52. Easements

An easement be created over Lot 3 DP 1217496 (Loreto Convent) to provide a minimum of 15 car parking spaces for the use of the early child care centre.

53. Lapped and Capped Boundary Fence

To improve acoustic treatment to adjacent properties, the existing dilapidated 1.8m timber fence along the northern side boundary is to be replaced with a 1.8m high 'lapped and capped' timber fence.

54. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

55. Food Premises

- a) A food premises notification form must be submitted to Council prior to the commencement of operation.

Note: Hornsby Shire Council's Food Premises notification form can be found at <http://www.hornsby.nsw.gov.au>

- b) The fit out and operation of that part of the building to be used for the preparation of food must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, *Food Regulation 2015* and the *Food Standards Code* developed by Food Standards Australia New Zealand. *Food Standards 3.3.1, 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

- c) Prior to the commencement of the child care centre, the operator is requested to contact Council's Compliance & Certification Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval. Contact Council's Administration Officer on 9847 6784.
- d) A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

56. Outdoor Play Area

The outdoor play space must be adequately shaded in accordance with *The Shade Handbook*, published by the New South Wales Cancer Council in 2008.

57. Fire Safety Statement – Final

In accordance with the *Environmental Planning & Assessment Regulation 2000*, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

58. Final Certification

- a) The AQF 5 Project arborist must submit to the principal certifying authority a certificate that states the following:
- i) All the tree protection requirements comply with the tree protection plan
 - ii) All completed works have been carried out in compliance with the conditions of consent and approved plans.
 - iii) Dates and times and reasons for site attendance.
 - iv) The post development condition of the health for the retained trees.
 - v) Details necessary work to maintain tree health.
 - vi) Details of tree protection zone maintenance.
 - vii) Tree replacements meet NATSPEC guidelines and the approved landscape plan.

Note: Copies of monitoring documentation may be requested throughout DA process.

59. Implementation of Road Safety Audit

In accordance with the submitted Road Safety Audit, the following must be incorporated prior to the issue of an Occupation Certificate:

- a) Gate 01 -
 - i) Trimming the vegetation and hedges to a lower height. The un-shape-able trees must be “thinned out” to improve visibility;
 - ii) Provision of internal ‘STOP’ signs and a line marked stop hold line within the school grounds; and
 - iii) Provision of convex mirrors within the school grounds.

OPERATIONAL CONDITIONS

60. Traffic and Parking Operational Analysis

The Applicant is to conduct a traffic flow and safety review of the intersection of Mount Pleasant Avenue and Pennant Hills Road after the first 6 months of operation of the ELC. This document must be submitted to devmail@hornsby.nsw.gov.au and addressed to Council’s Traffic Branch.

61. Car Parking

- a) 25 off street car parking spaces must be provided and allocated to the Early Child Care Centre at all times.
- b) The 5 car spaces within the year 12 car park and 5 car spaces within the maintenance car park identified as B and D on the approved car parking layout plan must be for Staff only given there is only one-way access during the morning and afternoon.
- c) The 5 car spaces identified as C on the approved car parking layout plan within the existing administration car park must be designated as pick up/drop off car spaces for the ELC only during the morning and afternoon from 7am to 10am and 4pm to 6pm. Line marking or signage must be installed nominated these times.
- d) The approved Operational Traffic Management Plan is to be implemented for the operation of the ELC facility. Should changes be required to the operational traffic management plan due to construction or relocation of the Loreto school’s car park area in the future, an update of the plan should be submitted to Council to review.
- e) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- f) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- g) All parking for people with disabilities is to comply with *Australian Standard/New Zealand Standard 2890.6:2009 Off-street parking for people with disabilities*.

62. Operational Noise Requirements

- a) The child care centre must be managed in accordance with the recommendations of the plan of management prepared by Ethos Urban as follows:
 - i) Erection and maintenance of signs to indicate that centre staff and parents must talk quietly in the outdoor play area; and doors must not be slammed. These signs must be placed at all entry points to the outdoor play area as well as in the outdoor play area;
 - ii) Music must only be played indoors quietly;
 - iii) Educators at all times must ensure the following:
 - a. supervise children;
 - b. speak to children and other staff quietly when outdoors;
 - c. engage children in outdoor play activities to keep their attention focused;
 - d. ask parents who are talking too loudly to speak more quietly;
 - e. resolve children's conflicts face to face rather than shouting across the play area;
 - f. direct children screaming or yelling to quieter play;
 - g. comfort babies who are crying outdoors, and if the crying continues take the child indoors.
- b) Any complaints regarding the operation of the facility must be directed to the manager of the business and a log book of the date and time of the complaint, complainants must be advised within 48 hours of what, if any, actions have been undertaken as a result of reviewing the complaint, contact details of the person making the complaint and the nature of the complaint must be documented. This logbook must be readily available to Council and:
- c) Contact details must be provided on a website or alternatively all adjoining properties must be notified in writing of relevant contact details of the manager of the Child care establishment.

63. Use of Premises

- a) The development approved under this consent shall be used for 'child care centre' and not for any other purpose without Council's separate written consent.
- b) The child care centre shall accommodate a maximum of 80 children.
- c) The hours of operation of the 'child care centre' are restricted to those times listed below:

Monday to Friday	7:00am to 6:00pm
Saturday, Sunday and Public Holidays	Closed

64. Waste Management

The waste management on site must be in accordance with the following requirements:

- a) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- b) All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- c) All bins must be returned to the on-site bin storage area promptly after waste and recycling collection services.
- d) A Work, Health & Safety (WHS) risk assessment is to be carried out by a suitably qualified person with qualifications in Work, Health & Safety Legislation with specific regard to waste management. The recommendations of the WHS Risk Assessment are to be implemented as required.

65. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' certifying each essential service installed in the building.

66. Evacuation and Emergency Management

Arrangements for emergency and evacuation are to comply with Regulations 97 and 168 of the Education and Care Services National Regulations.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.



Long Service Levy

In accordance with Section 34 of the Building and *Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with the Hornsby Development Control Plan 2013.

Disability Discrimination Act 1992

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act 1992*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Advertising Signage – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.



Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *SafeWork NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.adfa.org.au

www.workcover.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* Asbestos and Demolition Team on 8260 5885.

Council Notification – Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6014.

Food Premises

The following facilities are required in the food preparation area to ensure food handler hygiene and the cleaning and sanitising of food contact utensils:

1. A hand wash basin and a double bowl sink or
2. A hand wash basin, washing up sink and a dishwasher.