

SYDNEY NORTH PLANNING PANEL - REPORT

Panel Reference	PPSSNH-122
DA Number	DA/509/2020
LGA	Hornsby Shire Council
Proposed Development	Demolition of two educational buildings and construction of an “innovation hub” educational building within an existing educational establishment
Street Address	423-521 Old Northern Road, Castle Hill
Applicant	Andrew Hobbs – Urbis
Owner	Trustees of the De La Salle Brothers Australia
Date of DA Lodgement	30 June 2020
Number of Submissions	58 during initial notification, 26 submissions during further notification.
Recommendation	Approval
Regional Development Criteria) (Schedule 7 of the SEPP (State and Regional Development) 2011)	Private Infrastructure and Community Facilities over \$5 million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 • State Environmental Planning Policy No. 55 Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River • Biodiversity Conservation Act 2016 • Hornsby Local Environment Plan 2013 • Hornsby Development Control Plan 2013 • Section 7.12 Development Contributions Plan
List all documents submitted with this report for the panel’s consideration	<ul style="list-style-type: none"> • Item 5.0 – Visual Impact Analysis from Surrounding Streets • Item 7.0 Consideration of Options Which May Increase the Northern Setback of the Top Level of the Building • Landscape Design Statement, Urbis, 30 March 2021 • Clause 4.6 Variation, Urbis.

	<ul style="list-style-type: none"> Northern Window Updates and Item 4.0 Roof Plant Sight Lines Visual Impact Analysis Oakhill College – Innovation Hub, Urbis, 31 March 2021 Section with measurements for Clause 4.6 Variation Response to Record for Deferral, Urbis, 31 March 2021 Updated Consolidated Plan Ste (Approved Plans as Listed in Condition 1) 3 May 2021
Report prepared by	Ben Jones
Report date	3 May 2021

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

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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? Yes

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

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

SUPPLEMENTARY ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- Development Application Number DA/509/2020 was reported to the Sydney North Planning Panel (the Panel) for determination on 17 March 2021.
- The Panel deferred determination of the DA to enable the Applicant to prepare a revised Clause 4.6 written request and amend the submitted plans to address the concerns raised by the Panel.
- The applicant has amended the proposed development to address matters raised by the Panel.
- It is recommended that the application be approved, subject to conditions.

RECOMMENDATION

THAT the Sydney North Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/509/2020 for demolition of two education buildings and construction of an 'innovation hub' educational building within existing educational establishment at Oakhill College, Lot 1370 DP 1063007, No. 423-521 Old Northern Road, Castle Hill subject to the conditions of consent detailed in Schedule 1 of this supplementary report.

BACKGROUND

On 17 March 2021, DA/509/2020 was reported to the Sydney North Planning Panel (the Panel) for determination. At that meeting, the Panel resolved to defer determination of the DA and required the Applicant to submit additional information.

The additional matters to be addressed are as follows:

1. *Revised Clause 4.6 written request;*
2. *Review of plans to indicate the verandah on the northern edge of the building is either non trafficable or a landscaped planted roof;*
3. *Revision of plans to show the horizontal shelf angles on the windows on the northern edge of the building to be increased to a height of 1.6m from FFL to protect the privacy of residential properties to the north;*
4. *Revision of plans to include roof plant details;*
5. *Visual Impact analysis of the new building from surrounding streets;*
6. *Revised Landscape Plan along the northern boundary of the site to reduce the width of the access way, increase the width of the garden bed, increase canopy tree planting and ensure maximum screening of the built form;*
7. *Consideration of options which may increase the northern setback of the top level of the building;*
8. *Revised construction conditions to include a monthly tree health report to Council; and*
9. *Revised conditions to ensure the buildings internal lights are extinguished by 10pm daily.*

The panel also requested that the above information be provided to Council by 31 March 2021.

The response to each of the deferment items is discussed in the report, together with the submissions received during the additional public notification period.

This report is a supplementary report and is to be read in conjunction with the Planning Assessment report in relation to DA/509/2020 which was considered by the Panel at its meeting held on 17 March 2021.

ASSESSMENT

1. RESPONSE TO REASONS FOR DEFERRAL

1.1 Decision of Sydney North Planning Panel

On 17 March 2021, DA/509/2021 was reported to the Panel for determination. At that meeting, the Panel resolved to defer determination of the DA and required the Applicant to submit additional information. Each of the reasons for deferral are addressed in detail below.

1.2 Revised Clause 4.6 written request

1. Revised Clause 4.6 written request

1.2.1 Exceptions to Development Standards

The applicant submitted a revised written request to contravene the height of building development standard contained within Clause 4.3 of the *Hornsby Local Environmental Plan 2013 (HLEP)*. The revised request captures the result of a more detailed study into the roof plant shown as “indicative” on the previously submitted plans. The written request describes the extent of the non-compliance as follows:

The maximum height of the proposed development is 18.764m to the top of the plant (shown on the architectural plans), which is a maximum non-compliance of 10.26m. The building itself is approximately 16.95m at the northern end (see Figure 2), which has a non-compliance of 8.45m. The southern end of the proposal has a non-compliance of 3.471m.

When compared to the previously submitted written request, the applicant is seeking consent for an additional 2.113m of building height. This additional building height is not the result of design changes to the building and is the result of further detail provided for the proposed roof plant.

The application has been assessed against the requirements of Clause 4.6 of the *HLEP*. This clause provides flexibility in the application of the development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tender to hinder the attainment of the objectives of the zone.

In particular, Clause 4.6 provides criteria that must be satisfied prior to a consent authority granting consent to development that contravenes a development standard. These criteria demonstrated under Clause 4.6(3) are as follows:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

Numerous New South Wales Land and Environment Court (NSW LEC) planning principles and judgements have detailed the method in which variations to development standards should be approached. A detailed discussion of these relevant considerations is included within the Planning Assessment report in relation to DA/509/2020 which was considered by the SNPP at its meeting held on 17 March 2021.

A discussion regarding the criteria provided at Clause 4.6(3), with respect to the original and amended requests is provided below.

1.2.2 Unreasonable or Unnecessary Clause 4.6(3)(a)

The applicant has not provided any additional information in their updated Clause 4.6 written request, with respect to demonstrating that the additional identified height satisfies the criteria of being unreasonable or unnecessary.

Notwithstanding, Council's previous assessment of the Clause 4.6 written request identified that the applicant had provided sufficient reasoning to demonstrate that "the objectives of the development standard are achieved notwithstanding non-compliance with the standard" which is one of the five tests provided in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 [61-62]*.

A summary of the reasons provided by Council for the support of the previous written request are as follows:

- The proposed building height is largely comparable to the bulk and scale of several existing structures on site, including the De La Salle building which is located immediately to the west of the proposed innovation hub building;
- The proposed building would not unreasonably increase demand for infrastructure capacity within the locality;
- The proposed building appropriately controlled potential amenity impacts arising from its height to the adjoining residential development to the north; and
- The height and setbacks of the proposed building are largely similar to the controls contained within Schedule 2 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* which allows the construction of a 22 metre building 10 metres from the side boundary.

With respect to the amended development proposal, Council considers that the reasons provided to demonstrate that "*compliance with the height of building development is unreasonable or unnecessary as the objectives of the development standard are achieved notwithstanding non-compliance with the standard*" remain relevant to the proposed development without requiring alteration, despite the identification of additional height. The reasons for this are as follows:

- The additional height is a result of the further investigation of roof plant placement, and not a substantial redesign of the building;
- The proposed roof plant will be centrally located within the roof form and would have negligible additional amenity impacts to the surrounding built and natural environments.
- The proposed roof plant would be setback from the northern façade of the proposed building, and centrally located within the roof form, minimising perceived bulk.

- The proposed roof plant would be setback 13.5 metres from the northern side boundary, which is compliant with the controls for setbacks contained within Schedule 2 of *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* which allows the construction of a 22 metre building 10 metres from the side boundary.

For the reasons outlined above, it is considered that the written request to contravene the height of building standard adequately demonstrates that the objectives of the height of buildings development standard contained within Clause 4.3 of the *HLEP* are achieved, notwithstanding non-compliance with the standard.

1.2.3 Environmental Planning Grounds - Clause 4.6(3)(b)

In addition to demonstrating that compliance is unreasonable or unnecessary, Clause 4.6(3)(b) requires that there are sufficient environmental planning grounds to justify contravening the development standard. In demonstrating that sufficient environmental planning grounds exist it must be demonstrated that the planning grounds are particular to the circumstances of the development on the subject site (summarised from *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009* [60].

In demonstrating that sufficient environmental planning grounds exist to justify the non-compliance with the development standard, the applicant outlined that amenity impacts arising from the proposal in the form of privacy, overshadowing and acoustics were negligible or otherwise adequately controlled. Additionally, further detail was provided with respect to privacy devices, including additional horizontal privacy louvers on the northern elevation, additional landscaping and restriction of access to the northern verandah area.

In addition to the amended detail with respect to privacy devices, the applicant provided a visual impact analysis of the building from Armidale Crescent and diagrams showing that the setback of the roof plant is such that it cannot be viewed from the private open space of adjoining residential properties adjacent to the northern side boundary.

Council's review of this additional detail identifies that the proposed building would not dominate the skyline of the locality, with maximum views of the proposal being from the north western portion of Armidale Crescent. Due to the adequate control of amenity impacts, including privacy, overshadowing and acoustics, Council does not consider that the supplied view impact analysis identifies any significant concern with regard to the height of the proposed building.

In summary Council's further review of the environmental planning grounds presented by the applicant raises no points of contention, and it is considered that the consolidation of the building footprint to be a reasonable built environment outcome, both within the subject site, and to the adjoining residential development. Council is therefore satisfied that Clause 4.6(3)(b) of the *HLEP* is adequately addressed.

1.2.4 Public Interest and Clause 4.6(4)

Clause 4.6(4) states that development consent must not be granted for development that contravenes a development standard unless:

- (a) *The consent authority is satisfied that:*
 - (i) *The applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

- (ii) *The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

- (b) *The concurrence of the Planning Secretary has been obtained*

With regard to part (i), the written requests are considered to adequately address the matters required to be demonstrated as outlined above.

With regard to part (ii), the proposed development is considered to be in the public interest because it is consistent with the objectives of the particular standard and the objectives for height of building contained within the *HLEP*.

With regard to (b) the concurrence of the Planning Secretary has been obtained.

Therefore, the exceedance of the height of buildings development standard is supported in this instance.

1.3 Verandah to be non-trafficable or a landscaped planted roof

- 2. *Review of plans to indicate the verandah on the northern edge of the building is either non trafficable or a landscaped planted roof.*

The applicant has updated the plans to indicate that the north facing verandah is only accessible for maintenance access. The amended plans indicate the removal of the door access from GPLA 00.02 and the addition of two locked access gates on the eastern and western facing access paths. Council notes that the area is still trafficable to maintenance personnel and the verandah maintains its previously proposed form, including the hedgerow on the northern extremity. Council raises no objection to the amended design as it would adequately restrict student access to this area whilst being able to be accessed for maintenance purposes. Council recommends the imposition of Condition 57 as outlined within Schedule 1 of this report to restrict access to this area to solely maintenance.

1.4 Horizontal shelf angles on the widows on the northern edge of the building

- 3. *Revision of plans to show the horizontal shelf angles on the widows on the northern edge of the building to be increased to a height of 1.6m from FFL to protect the privacy of residential properties to the north.*

The applicant has provided further detail in regard to this matter via the provision of window sections and the inclusion of horizontal shelves up to a minimum of 1.6 metres above the finished floor level on the northern elevation plan. Condition 1 within Schedule 1 of this report has been updated to include the window section as a recommended approved document.

1.5 Provision of roof plant details

- 4. *Revision of plans to include roof plant details.*

The Applicant has provided further detail with regard to the size and placement of roof plant as indicated in the provided elevation plans. Discussion on the roof plant is provided in more detail in Section 1.2 of this report.

1.6 Visual Impact Analysis

- 5. *Visual Impact analysis of the new building from surrounding streets.*

The applicant has provided a Visual Impact Analysis in the form of views of the proposed building from two locations on Armidale Crescent and provided a “Visual Impact Analysis” report, prepared by Urbis, dated 31 March 2021. Council’s review of this additional detail identifies that the proposed building would not dominate the skyline of the locality, with maximum views of the proposal being from the north western portion of Armidale Crescent. Views to the building from surrounding residential areas will be partial and the proposed development would not obscure or impact upon any existing views enjoyed by any adjoining residential area. Partial screening of the building would also be afforded via the introduction of the screening vegetation adjacent to the northern property boundary.

1.7 Revised Landscape Plan along the northern boundary of the site

6. *Revised Landscape Plan along the northern boundary of the site to reduce the width of the access way, increase the width of the garden bed, increase canopy tree planting and ensure maximum screening of the built form.*

The applicant has provided amended landscaping plans and detail as per the following:

“The proposed planting plan has been updated to provide additional screening to the northern boundary to increase canopy tree planting and ensure maximum screening of the built form.

The 1.8m existing timber slat fence will be retained with an additional hedging of 168 Syzygium australe ‘Lilly Pilly Select Form’ in 300mm pot sizes maintained at approx. 3m in height.

In addition, 31 x Acmena smithii trees at 100Ltr in size have been proposed at 4-meter spacings to reinforce additional screening to the northern boundary to increase canopy tree planting and ensure maximum screening of the built form. The Acmena smithii trees will grow to an estimated height of 10-12m and a spread of 4m. A 1500mm deep soil area has been proposed to ensure optimal growing conditions.”

Council requested further information from the applicant in regard to the width of the landscaping buffer and the required minimum path width of the gravel pathway. In response to these requests, the applicant provided the following justifications:

- *The width of the landscape buffer will have no material effect on the ability for the proposed vegetation to grow and provide an adequate buffer.*
- *Increasing the width of the landscape buffer would not allow more planting, as adequate spacing is required between planting to ensure root health and vigour.*
- *In summary, it is intended that the additional planting will achieve the objective of the panel’s comment, being to increase screening planting*
- *AS2890.2 (2018) requires a minimum roadway width of straight roads to be a minimum 3.5m wide for Small Rigid Vehicles (comparable to a NSW Ambulance)*

Council raises no objections in regard to the proposed landscaping adjacent to the northern boundary however notes that ambulance access to the site would be possible via the proposed loading dock area, and it is unclear why ambulances would be utilising the gravel pathway.

Notwithstanding the above, Council notes that some level of access would be required along the boundary for maintenance purposes for the continuous hedge planting proposed. The proposed gravel driveway would facilitate access for this purpose.

The amended landscaping detail, including the relevant plans have been added to the list of approved documentation contained within Condition 1 of Schedule 1 of this report.

1.8 Options to increase the northern setback of the top level of the building

7. *Consideration of options which may increase the northern setback of the top level of the building.*

In response to the Panel's concern, the applicant submitted a "Clarification Pack - Top Level Design" Document which outlined several design options and provided further justification for the proposed boundary setbacks. The document also explored the impact of setting back the top floor of the building on the internal circulation. Ultimately, the applicant has opted to not amend the design of the top level of the building.

Consequently, Council's previous assessment of this matter within the Planning Assessment report in relation to DA/509/2020 which was considered by the SNPP at its meeting held on 17 March 2021, remains current as no changes have been proposed for the setback of the top level of the building.

1.9 Construction conditions to include a monthly tree health report to Council

8. *Revised construction conditions to include a monthly tree health report to Council.*

Council has amended condition of consent No. 18(c) within Schedule 1 of this report to include a provision for monthly tree health reporting during the construction period.

1.10 Building internal lights extinguished by 10pm daily

9. *Revised conditions to ensure the buildings internal lights are extinguished by 10pm daily.*

Council has added condition of consent No. 60 within Schedule 1 of this report to include a provision for the automatic extinguishment of all internal lighting within the building by 10pm, with the exception of any lights that may be required for illumination of fire exit signs or other emergency devices.

2. PUBLIC PARTICIPATION

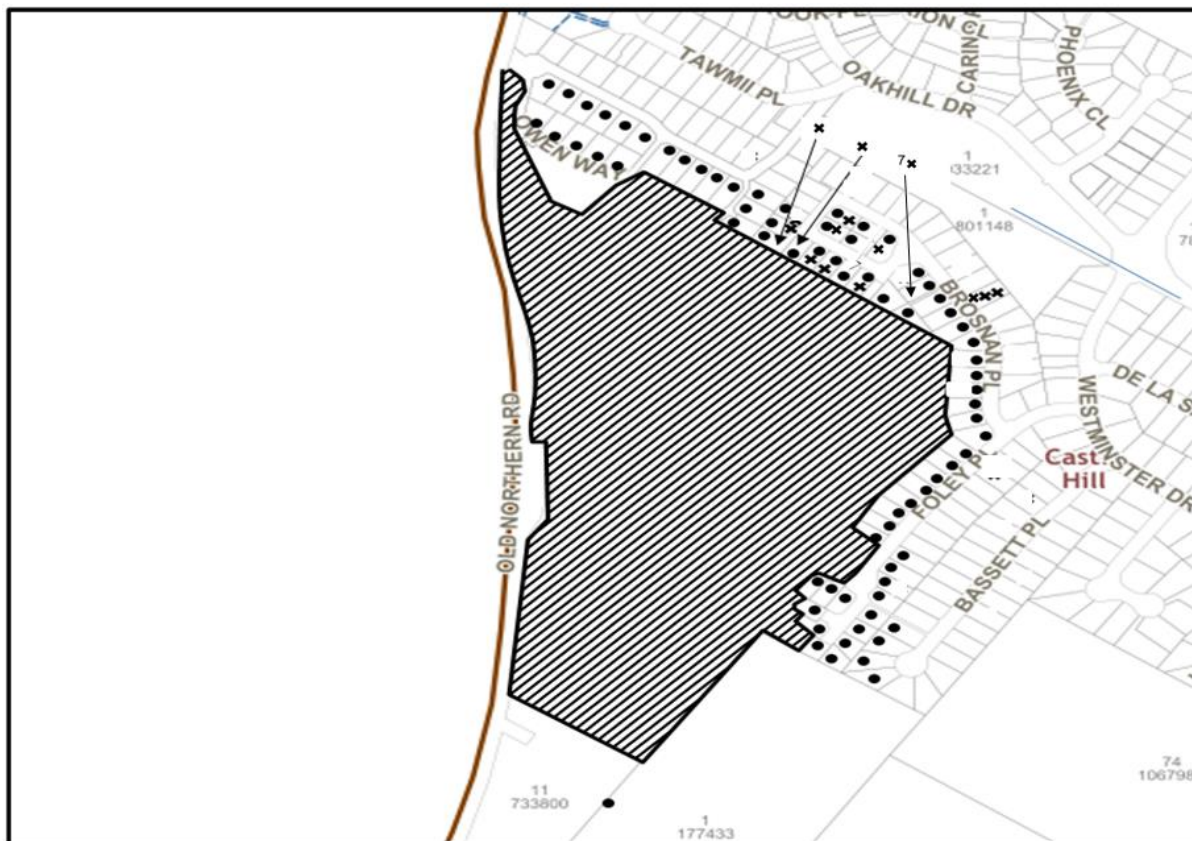
Section 4.15(1)(d) of the Act requires Council to consider *"any submissions made in accordance with this Act"*.

2.1 Community Consultation



The additional plan detail was placed on public exhibition and was notified to adjoining and nearby landowners within the Hornsby and Hills Shire in accordance with the *Hornsby Community Participation Plan* between the 13 and 27 April 2021. During this period, Council has received correspondence from members of the community stating that there was a delay in the delivery of notification letters advising of the additional notification period.

As a result of this delay, Council extended the closing date of submissions from the 27 April 2021 to the 30 April 2021.

During the notification period, Council received 26 submissions. The map below illustrates the location of those nearby landowners who made a submission that are in close proximity to the development site.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
8 SUBMISSIONS RECEIVED OUT OF MAP RANGE			

All of the 26 submissions objected to the development, generally on the grounds that:

- North facing verandah still trafficable;
- Insufficient visual impact analysis;
- Insufficient consideration of northern setback options for top floor;
- Notification issues;
- Overshadowing;
- Height of building / scale;
- Privacy;
- Inadequate changes to landscape design;
- Building will block cell phone signal;
- Noise - Construction and Operational;

- Substation health impacts;
- Property devaluation;
- Traffic impacts; and
- Setbacks

Matters pertaining to setbacks, noise and traffic impact were originally assessed in the Planning Assessment report in relation to DA/509/2020 which was considered by the Panel at its meeting held on 17 March 2021. As these aspects have not been altered by the provision of the amended plans, the assessment of these issues undertaken in the previous planning report remains valid and no further assessment of these issues is undertaken in this report.

Further, matters pertaining to the trafficability of the north facing verandah, the overall height of the building, the consideration of the setbacks of the top floor of the building and the changes to the proposed landscape design have been discussed in the body of this report.

Matters raised in submissions not previously discussed are outlined below;

2.1.1 Insufficient Visual Impact Analysis

Submissions contested that the applicant prepared insufficient visual impact analysis, and further views should be provided from properties in Armidale Close, as well as from additional streets in the locality.

Council's review of the supplied visual impact analysis documentation identifies that sufficient information has been provided to demonstrate the visual impact of the building from Armidale Crescent, which is identified as the adjoining residential area that would have the most direct views of the proposed building. Existing improvements and remnant vegetation would likely obscure most views towards the proposed building, with the building being most visible from the north western end of Armidale Crescent.

2.1.2 Notification Issues

Submissions identified that there was a delay in receiving notification letters informing the public of the additional notification period. In response to these concerns Council extended the notification period, initially from the 13 April 2021 to 27 April, to 13 April to 30 April to ensure sufficient time to allow for the community to provide submissions on the development.

2.1.3 Overshadowing

Submissions raised concerns regarding overshadowing from the proposed building impacting on adjoining residential development.

Council's assessment identifies that adjoining properties would enjoy more than 3 hours of continuous sunlight access at the winter solstice, primarily due to the fact that the building is located to the south of adjoining residences. The addition of the roof plant has minimal additional shadowing impacts, largely as the proposed plant is centrally located within the roof form of the proposed building.

2.1.4 Privacy

Submissions raised concerns regarding privacy impacts from the proposed north facing windows.

In response to these concerns it is noted that the building contains north facing windows which would potentially have views towards adjoining residence. These windows would be fitted with horizontal

privacy shelves or fixed louvres that would prevent views downwards from the elevated position into neighbouring development. The northern elevation was updated to provide additional privacy shelves up to 1.6 metres above the FFL to further reduce opportunities for downward views into neighbouring properties. It is considered that the proposed development would adequately establish and maintain an adequate level of privacy for adjoining residential development.

2.1.5 Cell Phone Reception

A submission raised concerns that the proposed building would block cell phone reception. The maintenance of cell phone reception is not a matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2.1.6 Substation Health Impacts

Submissions raised concerns regarding health impacts arising from the placement of the substation on the site to service the proposed building.

In addressing these concerns, the substation is identified as being of a small scale, and similar in design to the type that regularly services apartment buildings. Substations of this design are located within a housing and no exclusion area is required to be implemented, as the housing provides adequate separation and exclusion from the internals of the device.

2.1.7 Property Devaluation

Submissions were received regarding property devaluation. The devaluation of property is not a matter for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

3. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed Council’s and relevant agencies’ criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

4. CONCLUSION

The application proposes the demolition of two education buildings and construction of an innovation hub within an existing educational establishment.

The development generally meets the desired outcomes of Council’s planning controls and is satisfactory having regard to the matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council received 24 submissions during the additional public notification period. The matters raised have been addressed in the body of the report.

Having regard to the circumstances of the case, approval of the amended application is recommended.

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments, including the *State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017*, the *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*.
- The written request pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* to contravene the height of buildings development standard contained within Clause 4.3 adequately establishes that compliance with the development standard is unnecessary in the circumstances of the development, and that sufficient environmental planning grounds exist to justify the contravention of the development standard.
- The proposed development does not create unreasonable environmental impacts to the adjoining residential development with regard to visual bulk, overshadowing, solar access, traffic, parking, amenity or privacy.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

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
AR-AR-A21_00-01 Issue 5	Existing Site / Demolition Plan	BVN	16.12.2020	
AR-A10_03-01 Issue 2	Site	BVN	02.06.2020	
AR-A10_03-03 Issue 4	Proposed Site Plan	BVN	26.06.2020	
AR-A10_03-04 Issue 3	Proposed Site Plan	BVN	26.06.2020	
AR-B10_01-01 Issue 9	General Arrangement Plan – Level 01	BVN	23.09.2020	
AR-B10_02-01 Issue 8	General Arrangement Plan – Level 02	BVN	26.06.2020	
AR-B10_03-01 Issue 7	General Arrangement Plan - Roof	BVN	26.06.2020	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
AR-AR-B10_LG-01 Issue 9	General Arrangement Plan – Lower Ground	BVN	09.04.2021	
AR-AR-B10_00-01 Issue 12	General Arrangement Plan – Ground	BVN	09.04.2021	
AR-AR-C10_XX-01 Issue 8	Overall Elevations	BVN	09.04.2021	
AR-AR-C10_XX-02 Issue 9	Overall Elevations	BVN	09.04.2021	
AR-AR-D10_XX-01 Issue 8	Long Sections	BVN	09.04.2021	
-	Window Section	Urbis	-	
SK.01 Rev A	Swept Path Analysis	Traffix Traffic and Transport Planners	1.12.2020	
L501 Rev C	Planting Plan	Urbis	25.03.2021	
L001 Rev C	Legend and Plant Schedule	Urbis	25.03.2021	
C-02-01 Rev B	Bulk Earthworks Plan	SCP Engineers and Development Consultants	24/06/20	
C-03-01 Rev B	Siteworks and Grading Plan	SCP Engineers and Development Consultants	24/06/20	
C-03-11 Rev B	Pavement Plan	SCP Engineers and Development Consultants	24/06/20	
C-05-01 Rev B	Stormwater Drainage Plan	SCP Engineers and Development Consultants	24/06/20	
C-05-61 Rev A	Stormwater Drainage Details	SCP Engineers and Development Consultants	24/06/20	
C-05-62 Rev B	On Site Detention and Water Quality Improvement Details	SCP Engineers and Development Consultants	24/06/20	
C-06-01 Rev B	Erosion and Sediment Control Plan	SCP Engineers and Development Consultants	24/06/20	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
C-06-11 Rev B	Erosion and Sediment Control Details	SCP Engineers and Development Consultants	24/06/20	

Supporting Documentation:

Document Title	Prepared by	Dated	Council Reference
Traffic Impact Assessment	Traffix Traffic and Transport Planners	24/06/2020	
Updated Traffic Comment and Plan	Traffix Traffic and Transport Planners	4/12/2020	D08071496
Acoustics Report	Norman Disney and Young	3/12/2020	D08071495
Construction Management Plan Version 02	Mostyn Copper	23/09/2020	D08022871
Hazardous Building Materials Survey	JK Environments	25/09/2020	D08022868
Clause 4.6 Variation – Height of Buildings – V2W	Urbis	-	D08022867
Civil Design Report	SCP Engineers and Development Consultants	24/06/2020	D07946928
Bushfire Assessment	David Peterson	29/05/2020	D07946925
Arboricultural Impact Assessment	Truth About Trees	24/06/2020	D07946921
Waste Management Plan	Oakhill College	Undated	D07946916
Heritage Impact Assessment	Urbis	24/06/2020	D07946907
Geotechnical Investigation	JK Environments	24/02/2020	D07946906
Flora and Fauna Assessment Report	Narla Environmental	June 2020	D07946905
Education SEPP – Schedule 4 School Design Principles	BVN	24/09/20	D08022869
Innovation Hub Built Form and Design Clarification Pack	BVN	Undated	D08051190
Access Review Report	Morris Goding Access Consulting	18/06/2020 Version 4	D07946917

2. Removal of Trees

This development consent permits the removal of 39 trees as identified in the tree schedule within the Arboricultural Impact Assessment report, prepared by Truth About Trees, dated 24 June 2020 Version 4.

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.

3. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.
- b) The Construction Certificate / Subdivision Works Certificate plans must be consistent with the Development Consent plans.

4. 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 7.12 Development Contributions Plan 2019 - 2029*, **\$196,102.90** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$19,610,291.51**.
- b) The value of this contribution is current as of **9 February 2021**. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

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 of this Development Consent.

- c) The monetary contributions shall 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.

Note: The Hornsby Shire Council Section 7.12 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

5. Photographic Archival Record

- a) A photographic archival record of the significant landscape features and exterior of the two buildings to be demolished/removed must be undertaken prior to the commencement of works.
- b) The photographic record should be generally undertaken in accordance with Heritage NSW guidelines and 1 complete 'hard' copy submitted to Hornsby Council, plus an electronic copy.
- c) The photographic and measured drawing record shall include (but not limited to) an accurate site plan showing the main buildings and garden elements within and around the development footprint.
- d) Satisfaction of this condition shall be confirmed by written advice by Council's Strategic Planning Branch prior to the issue of the construction certificate.

Note: Application to Council's Strategic Land Use Planning Branch can be made via devmail@hornsby.nsw.gov.au

6. Archaeological Impacts

- a) A suitably experienced archaeologist shall be appointed, and an archaeological assessment to identify if the foundations of the former boarding house may survive within the footprint of the development, shall be undertaken, completed and submitted to Council prior to the issue of any Construction Certificate that will apply to the Sir Edward Owen Cox period of occupation of the site and area of 1930s dormitory building.
- b) The archaeological assessment should also identify if any predicted surviving remains may have heritage significance, the means to mitigate any adverse heritage impacts which may include monitoring, recording or other archaeological action and identify if the disturbance or excavation of any relics may require approval or an application to seek an Exception to any approval, under the *Heritage Act (NSW) 1977*.
- c) Any approval or Exception to an approval that may be required under the *Heritage Act* must be obtained prior to commencement of works that may disturb area of the 1930s dormitory building.
- d) Satisfaction of this condition shall be confirmed by written advice by Council's Strategic Land Use Planning Branch prior to the issue of the construction certificate.

Note: Application to Council's Strategic Land Use Planning Branch can be made via devmail@hornsby.nsw.gov.au.

7. Interpretation Plan

- a) Preparation of an interpretation plan by a suitably experienced heritage consultant to the interpret the loss of the c1920s stairs and the extensive Federation period cultural landscape developed across the site by Sir Edward Owen Cox.
- b) Satisfaction of this condition shall be confirmed by written advice by Council's Strategic Land Use Planning Branch prior to the issue of the construction certificate.

Note: Application to Council's Strategic Land Use Planning Branch can be made via devmail@hornsby.nsw.gov.au

8. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the *National Construction Code - Building Code of Australia*. All building work must be carried out in accordance with the requirements of the National Construction Code - Building Code of Australia.

9. 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. The schedule shall distinguish between existing and proposed fire safety measures and shall include all buildings that have fire safety measures situated at the property. The schedule shall distinguish between each building and what measures are contained in each building on the schedule.

10. 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.

11. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1-2004 Off Street Car Parking* and *Australian Standard AS2890.2-2002 Off Street Commercial* and the following requirement:

- a) All parking areas and driveways must be sealed to an all-weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas must be used solely for nominated purposes;
- c) Vehicles awaiting loading, unloading or servicing must be parked on site and not on adjacent or nearby public roads; and
- d) All vehicular entry on to the site and egress from the site must be made in a forward direction.

12. 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*.

13. Stormwater

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained via on site detention and water quality treatment systems in accordance with the following;

- a) Connection shall be made to the existing drainage system; and
- b) The system must be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia

14. On Site Stormwater Detention

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

- a) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) storms and a maximum discharge (when full) limited to 5 years pre development rate.
- b) The OSD must have a surcharge/inspection grate located directly above the outlet. Discharge from the detention system to 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.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- d) Detailed calculations are to be shown in construction certificate plan.
- e) An overflow/escape path shall be incorporated in the design.

15. Water Sensitive Urban Design

A Water Sensitive Urban Design is to be designed and constructed. The stormwater leaving the premises must achieve the quality as specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets) or utilise one of the deemed to comply solutions. The design shall be based on Hornsby Council parameters as contained in the MUSIC Model. The design is to be carried out by a Chartered Professional Civil/ Hydraulic Engineer of the institution of Engineers, Australia.

16. 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) The driveway be a rigid pavement.
- b) The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
- 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) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted
- e) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;

17. Construction Environmental Management Plan (CEMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Environmental 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:

<https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and approval.

The CEMP must include the following details:

- a) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The order of construction works and arrangement of all construction machines and vehicles being used 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) A statement 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) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.

- vi) 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 trucks associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- vii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
- viii) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
- ix) Confirmation that all construction access will be via Old Northern Road, with no construction access permitted via Armidale Crescent or Foley Place.
- x) Swept path analysis for ingress and egress of the site for all stages of works.
- xi) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
- xii) 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.
- xiii) The number of weeks that trucks will be accessing and leaving the site with excavated or imported fill material.
- xiv) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
- xv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
- xvi) The source site location of any proposed fill to be imported to the site, for all stages of works.
- xvii) 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.
- xviii) If there is a requirement to obtain a Work Zone permit, Out of Hours permit, partial Road Closure or Crane permit from Hornsby Shire Council, these approvals/permits are required to be provided as part of the Plan submitted to Council.
- xix) If there is a requirement to obtain any permits, licences and/or approvals from the Roads and Maritime Services (RMS) or any State Authority the Plan, these documents must be provided as part of the Plan submitted to Council.
- b) 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.
- c) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, 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.
 - v) Minimum reporting intervals for the maintenance of tree health throughout the construction period in accordance with the following:
 - a. The project arborist must submit to the principal certifying authority on a monthly basis a certificate that the works have been carried out in compliance with the approved plans and specifications for tree protection.
 - b. Certification should include a statement of site attendance, the condition of the 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
- d) 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, inclusive of respite periods, 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.
- e) An Environmental Management Plan (EMP) which includes:
 - vi) All requirements of the Hazardous Materials Survey dated 25 September 2020 prepared by JK Environments;
 - vii) Asbestos Management Plan;
 - viii) Unexpected finds protocol;
 - ix) Water quality and soil management, including but not limited to sediment and erosion control measures and stormwater management;
 - x) Air quality;
 - xi) Noise management, including excavation noise mitigation measures to be implemented;
 - xii) Waste Management.
- f) The CEMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

18. Appointment of a Project Arborist

- a) To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent.
- b) Details of the appointed project arborist must be submitted to Council and the PCA with the application for the construction certificate/subdivision works certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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19. 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.

20. 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; and/or
- 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.

21. 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*.

22. 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.

23. Installation of Tree Protection Fencing

- a) All tree protection fencing, and any tree protection measures such as trunk, ground or canopy protection, as outlined in the approved Tree Protection Plan, must be installed prior to the commencement of any works.
- b) 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.

- c) The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.

24. Garbage Receptacle

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
- a) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- b) The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
- c) Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION
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25. 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.

26. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with *Australian Standard AS2601-2001 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 contains 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.

27. 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*.

28. Site Access for Construction Vehicles

To protect residential amenity of the surrounding low density residential environment, all construction vehicle access must be via Old Northern Road, with no construction access permitted via Armidale Crescent or Foley Place for the duration of works.

29. Compliance with Construction Environmental Management Plan (CEMP)

The Council approved Construction Environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

30. Compliance with Tree Protection Plan

The Council approved Tree Protection Plan must be complied with for the duration of works, and to the satisfaction of the project arborist. Any deviations from the plan must be recorded and reported to the PCA by the project arborist.

31. Street Sweeping

- a) To protect the surrounding environment, street sweeping must be undertaken following sediment tracking from the site along Old Northern Road during works and until the site is established.
- b) The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

32. 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.

33. 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.

34. Landfill not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

35. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to a licensed waste management facility. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate.

36. 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 level(s) are in accordance with the approved plans.

37. Waste Management

All work must be carried out in accordance with the approved waste management plan.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

38. Fire Safety Statement – Final

In accordance with the *Environmental Planning and 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.

39. Replacement Tree Requirements

- a) The trees approved for removal under this consent, must be offset through replacement planting of a minimum of 46 trees.
- a) A minimum of 2 replacement trees that are characteristic of the Blue Gum High Forest vegetation community must be planted on site, such as *Eucalyptus pilularis* (Blackbutt).
- b) All other replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>
- c) The location and size of tree replacement planting must comply with the following:
 - i) All replacement trees must be located in either the front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development and any existing development on the site.
 - ii) The pot size of the replacement trees must be a minimum 45 litres.
 - iii) All replacement trees must be a minimum of 3 metres in height.
 - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.

40. Final Certification

The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:

- a) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works and;

- b) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans and;
- c) Dates, times and reasons for all site attendance and;
- d) All works undertaken to maintain the health of retained trees and;
- e) Details of tree protection zone maintenance for the duration of works.

Note: Copies of monitoring documentation may be requested throughout the development works.

41. Acoustic Certification

On completion of all works and prior to the issue of an Occupation Certificate, the certifier is to be provided with a certificate from a qualified acoustic consultant certifying that all acoustic works have been completed in accordance with Acoustic Report prepared by Norman Disney and Young dated 3 December 2020 and this consent.

42. Water Sensitive Urban Design – Certification

Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that all Water Sensitive Urban Design works have been completed in accordance with the approved construction plans and the design will achieve the specified targets.

43. 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 AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

44. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention and water sensitive urban design systems/rain water tanks and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The positions of the on-site detention system and water sensitive urban design systems/ rainwater are to be clearly indicated on the title.
- b) To register the positive covenant and the restriction on the use of land, "*works-as-executed*" details of the on-site-detention and water sensitive urban design systems must be submitted verifying that the required storage and discharge pipes of the on-site detention system and the water sensitive urban system/ rain water tank have been constructed in accordance with the design requirements. The details must show the invert levels of pipes, pipe sizes and grades and filters/bio retention basin. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations

45. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed diversion of Council pipe, overland flow path, footpath, driveway, on-site detention and water sensitive urban design systems. 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.

46. Completion of Works and Compliance Certificate

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of occupation permit.

47. 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 depicted on the approved landscape plans have been satisfactorily completed.

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.

48. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority

Tipping dockets for the total volume of excavated material that are received from the licensed waste facility must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

49. Installation of Privacy Devices

To establish and maintain a reasonable level of privacy for the adjoining premises, all horizontal privacy devices depicted on the northern building elevation must be permanently installed prior to the issue of an occupation certificate.

50. 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 occupation certificate.

51. Demolition of Structures

All structures noted for demolition on the approved demolition plans must be completely demolished and waste disposed of in accordance with the conditions of this development consent, prior to the issue of any occupation certificate.

52. Preservation of Survey Marks

A certificate by a Registered Surveyor must 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 the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the *Surveyor General's Direction No.11 Preservation of Survey Infrastructure*.

OPERATIONAL CONDITIONS

53. Noise

All noise generated by the proposed development, including all plant machinery and air-conditioning units must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

54. 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.

55. Restriction on Armidale Crescent Entry

To ensure a reasonable level of residential amenity is maintained throughout the life of the development, and to prevent traffic congestion on Armidale Close, additional access to the site via the existing entry point located on Armidale Crescent is permitted as follows:

- a) Deliveries are permitted by any vehicle smaller than or equal to the size of a medium rigid vehicle;
- b) Deliveries via Armidale Crescent must be undertaken between the hours of 10am and 2pm Monday to Friday (excluding public holidays);
- c) Deliveries via the Armidale Crescent entry point are permitted no more frequently than 8 occasions within any 12 month period.
- d) A log must be kept of all deliveries via the Armidale Crescent entry, which is to be made available to Council staff on request.
- e) The entry point must remain secured to prevent pedestrian and vehicular access at all times when the access point is not being utilised for deliveries, or for any other approved purpose.

Note: Nothing in this condition prevents the access from being utilised for any other approved use identified in any other relevant development consent.

56. Restriction on Access to Ground Floor Level Verandah

To ensure a reasonable level of acoustic amenity is maintained between the subject site and adjoining residential development, the north facing verandah as depicted on the General Arrangement Plan – Ground (Plan No. AR-AR-B10_00-01 Issue 12, dated 09.04.21) must have access restricted via the closing and locking of the depicted access doors. Access to the area is to be restricted to maintenance personnel only, with no teaching or student activities permitted at any time.

57. On Site Car Parking Areas

To ensure that adequate car parking area is provided on site for the use of staff, students and teachers, all on site car parking spaces are to be made available for the parking of staff, student and teacher vehicles at all times. The restriction of use of any parking area or parking spaces is not permitted.

58. Storage of Flammable and Combustible Goods

Flammable and combustible liquids must be stored in accordance with *Australian Standard AS1940 Storage and handling of flammable and combustible liquids*. If any liquids are to be stored externally to the building, a bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

59. Internal Lighting

To avoid light pollution into the adjoining residential environment, internal lighting of the building must comply with the following:

- a) All internal lighting within the building must be automatically extinguished upon dusk when the building is not in use.
- b) If the building is in use after dusk, all lighting must be extinguished no later than 15 minutes following the cessation of the use of the building OR by 10pm, whichever occurs first.
- c) Nothing in this condition requires the dimming or extinguishment of any internal lighting required for fire safety or any other similar safety or emergency purpose.

GENERAL TERMS OF APPROVAL - NSW RURAL FIRE SERVICE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

60. Landscaping

Intent of measures: to prevent flame impingement on the building and reduce the spread of fire.

Proposed landscaping shall comply with following principles:

- a) Suitable impervious areas are provided immediately surrounding buildings such as courtyards, paths and driveways.

- b) Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the buildings.
- c) Planting is limited in the immediate vicinity of the buildings.
- d) Planting does not provide a continuous canopy to the buildings (i.e. trees or shrubs should be isolated or located in small clusters).
- e) Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- f) Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- g) Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- h) Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- i) Climbing species are avoided to walls and pergolas.
- j) Combustible materials such as woodchips / mulch and flammable fuel are stored away from the buildings.
- k) Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the buildings.

61. Emergency and Evacuation Planning Assessment

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

A Bush Fire Emergency Management and Evacuation Plan shall be prepared for the school or the existing plan shall be updated to include the new building. The plan shall be prepared by a suitably qualified person and shall be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan.

Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

- END OF CONDITIONS -

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

Hornsby Development Control Plan 2013 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Environmental Planning and Assessment Act 1979*.

In accordance with these provisions a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, lop or otherwise remove a substantial part of the trees or vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

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

Note: 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). (HDGP 1B.6.1.c).

Disability Discrimination Act

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.

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.safework.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* on 13 10 50.