

Attachment A: Recommended Conditions of Development Consent

1. Deferred Commencement

- a) An Integrated Bushfire and Vegetation Management Plan (IBVMP) shall be prepared for the Asset Protection Zone, 93 metres southwest and 47 metres west of the proposed development. The IBVMP shall address the following:
 - i) Provision of a map that identifies the location of the Asset Protection Zone (APZ) in accordance with the requirements of the Bushfire Assessment Report Ref: 230299 prepared by Building Code & Bushfire Hazard Solutions Pty Ltd dated 1 March 2023.
 - ii) Establishment and ongoing management of the APZ.
 - iii) Offset planting, to replace any shrub or canopy trees required to be removed as part of APZ works.
 - iv) Vegetation management.
- b) The IBVMP shall address the APZ requirements including:
 - i) Permanent marking of the APZ to delineate areas for ongoing management actions.
 - ii) Methodology for establishing and maintaining vegetation within the APZ.
 - iii) Prioritise removal of weed species and retention of native species.
 - iv) Retention of native vegetation in clumps where possible as described in the NSW RFS publications Planning for Bushfire Protection 2019 and Standards for asset protection zones.
 - v) Use of hand tools around trees and vegetation to be retained.
- c) The IBVMP shall address any offset and vegetation management requirements including:
 - i) Provide a schedule of works and general specification that demonstrates compliance with the ongoing management requirements of the APZ and retained vegetation outside of the APZ, including:
 - a. Desired outcomes of the vegetation management works (i.e. number of plants, plant density, weed coverage, success rate).
 - b. the timing of landscape and vegetation management works.
 - c. protocols for planting, establishment, maintenance and replacement.
 - d. species, numbers, pot size and height of plants to be used.
 - e. Plant stock shall be sourced from a native nursery utilising Sydney basin stock.
 - f. Ongoing weed management.

- d) The IBVMP shall be implemented from the date of the Occupation Certificate and will be in place for 3 years from that date.
- e) The VMP may be implemented by students at the school under the supervision of a suitably qualified bush regenerator.
- f) Such information must be submitted within 36 months of the date of this notice.

Reason: The development of a consolidated IBVMP will provide the developer and current and future landowners with a single document describing the required vegetation management actions across the site.

Upon Council's written satisfaction of the above information, the following conditions of development consent apply:

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.

2. 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 |
|-----------------|---------------------------------------|--------------------------|--------------|--------------------------|
| DA1001 | Proposed Site Plan | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1002 | Demolition Site Plan | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1101 | Demolition Plan | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1200 | Teaching Building, Lower Ground Level | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1201 | Teaching Building, Ground Level | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1202 | Teaching Building, Level 1 | Gardner Wetherill Assoc. | 03/03/2023 | |

| Plan No. | Plan Title | Drawn by | Dated | Council Reference |
|-----------------|--|-----------------------------|--------------|--------------------------|
| DA1203 | Teaching Building, Roof | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1301 | Pavilion Ground Level | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1302 | Pavilion Level 1 | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1303 | Pavilion Roof | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1500 | Elevations, Teaching Building | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1501 | Elevations, Teaching Building (Coloured) | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1502 | Elevations, Pavilion | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1600 | Sections | Gardner Wetherill Assoc. | 03/03/2023 | |
| DA1701 | Materials | Gardner Wetherill Assoc. | 03/03/2023 | |
| MP200 Rev-B | Master Plan | Gardner Wetherill Assoc. | 09/02/2023 | |
| SK 01 Rev B | Landscape Concept Plan | Umbaco Landscape Architects | Mar 2022 | |
| SK 0X Rev B | Tree Protection Plan | Umbaco Landscape Architects | Mar 2022 | |
| SK 02 Rev B | Precedents | Umbaco Landscape Architects | Mar 2022 | |
| SK 03 Rev B | Plant Material | Umbaco Landscape Architects | Mar 2022 | |

Supporting Documentation

| Document Title | Prepared by | Dated | Council Reference |
|---|---|--------------|--------------------------|
| Survey Plan Ref: 0119-14 | GJ Atkins & Associates | 23/02/2023 | D08615402 |
| Waste Management Plan | A. Caladine | 06/03/2023 | D08615403 |
| Civil Stormwater Report Ref: 221616 CAAA | Taylor Thomson Whitting (NSW) Pty Ltd | 07/03/2023 | D08615401 |
| Civil/Stormwater Plans Project No. 221616 Dwgs: C01-C04, C10-C12 and C20 Rev P2 | Taylor Thomson Whitting (NSW) Pty Ltd | 07/03/2023 | D08615400 |
| Ecological Assessment Report Ref: 22NGS02 | Travers Bushfire & Ecology | 03/03/2023 | D08615391 |
| Bushfire Assessment Report Ref: 230299 | Building Code & Bushfire Hazard Solutions Pty Ltd | 01/03/2023 | D08615389 |

| Document Title | Prepared by | Dated | Council Reference |
|---|----------------------------|------------|-------------------|
| Arboriculture Impact Assessment Report Ref: 22NGS02 | Travers Bushfire & Ecology | 14/03/2023 | D08615387 |
| Access Review - DA Final | MGAC | 13/02/2023 | D08670082 |
| Construction Management Plan Job No. 23NL085-CMP1 | LOKA Consulting Engineers | 22/06/2023 | D08674607 |

Reason: To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.

3. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Principal Certifier (PC) prior to the commencement of any construction works under this consent.
- b) The Construction Certificate plans must be consistent with the Development Consent plans.

Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.

4. Removal of Trees

- a) This development consent permits the removal of trees numbered 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 20, 21, 38, 39 and 40 as identified on page 15 contained in the Arboriculture Impact Assessment Report Ref: 22NGS02 prepared by Travers Bushfire & Ecology dated 14 March 2023.
- b) No consent is granted for the removal of trees numbered 4, 9, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 as these trees contribute to the established landscape amenity of the area/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).

Reason: To identify only those trees permitted to be removed.

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 7.12 Development Contributions Plan 2019-2029*, **\$73,693.75** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$7,369,378.00**.
- b) The value of this contribution is current as of **26 June 2023**. 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: Should the cost of works increase at Construction Certificate stage, a revised contribution amount will be calculated in accordance with the Hornsby Shire Council Section 7.12 Development Contributions Plan.

Note: It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Note: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.

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.

Reason: To address the increased demand for community infrastructure resulting from the approved development.

6. Retaining Walls

To ensure the stability of the site, structural details of all required retaining walls must be submitted with the application of the Construction Certificate.

Reason: To ensure the stability of the site and adjoining properties.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with the following requirements:

- a) Roof water must be connected to a rainwater tank having a minimum capacity to the BASIX requirements.
- b) The overflow from the rainwater tank and collected surface water must be connected to the existing internal drainage system.
- c) The stormwater drainage system must be designed by a qualified hydraulic engineer.

Reason: To ensure appropriate provision for management and disposal of stormwater.

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.

Reason: Prescribed condition - EP&A Regulation section 69(1).

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.

Reason: To ensure fire safety measures are implemented to protect life and property.

10. Building Accessibility

The new buildings are required to meet the requirements of the Disability (Access to Premises Buildings) Standards 2010 and Australian Standard AS1428.1-2009 Design for access and mobility.

Reason: To ensure compliance with Australian Standards

11. Appointment of a Project Arborist

- a) A project arborist with AQF Level 5 qualifications must be appointed.
- b) Details of the appointed project arborist must be submitted to Council and the PC for registration with the application for the construction certificate.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

12. 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.

Reason: To ensure the development is provided with the relevant utility services.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

13. 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 certifier (PC) 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.

Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).

14. 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.

Reason: To ensure public safety and protection of adjoining land.

15. 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 certifier. 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.

Reason: To minimise impacts on the water quality of the downstream environment.

16. Earthworks (Cut and Fill) Report

An Earthworks report is required to be prepared by a qualified quantitative Surveyor and submitted to Council for review. If fill importation from an external source site is proposed, the report must be prepared in consultation with a Contaminated Land Consultant certified under the EIANZ CEnvP(SC) Scheme or the SSA CPSS CSAM Scheme.

The Earthworks report must include:

- a) A table of information detailing cut and in-situ fill calculations for all stages for works. The table must include specified dimensions (WxLxD) and total cubic metres
- b) Details of the total volume of fill material to be exported from the site throughout all stages of works
- c) Details of the total volume of any additional fill material to be imported to the site throughout all stages of works
- d) Details of the material type and waste classification for all additional fill material to be imported to the site throughout all stages of works
- e) A scaled site plan including levels of the extent of cut and fill on the site, forming part of the proposed development.

Reason: To minimise environmental impacts from landform modification.

17. Installation of Tree Protection Measures

- a) Trees to be retained and numbered 4, 9, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 as identified on the AZ Plan contained on Page 14 of the Arboriculture Impact Assessment Report Ref: 22NGS02 prepared by Travers Bushfire & Ecology dated 14 March must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
 - i) For the duration of demolition works, in accordance with the AZ Plan contained on Page 14 contained in the Arboriculture Impact Assessment Report Ref: 22NGS02 prepared by Travers Bushfire & Ecology dated 14 March
 - ii) For the duration of construction works, in accordance with AZ Plan contained on Page 14 in the Arboriculture Impact Assessment Report Ref: 22NGS02 prepared by Travers Bushfire & Ecology dated 14 March.
- b) Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.

- 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.
- d) The circumference of the trunks of trees numbered 4 and 9 must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- e) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- f) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.

Reason: To minimise impacts on the water quality of the downstream environment

18. 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 temporary chemical closet approved under the *Local Government Act 1993*; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

Reason: To ensure adequate toilet facilities are provided.

19. Garbage receptacle

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.

Reason: To maintain the site in a clean condition and protect local amenity.

20. Pedestrian Access Management Plan (PAMP)

To assist in the protection of the public, a Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths must be prepared by a suitably qualified traffic engineer and submitted to Council's Traffic and Road Safety Branch at TrafficBranch@hornsby.nsw.gov.au for review and written approval prior to works commencing. Council will review the PAMP, agree to any modifications with the proponent and enforce the PAMP during construction.

Reason: To provide safe vehicle and pedestrian access.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

21. Construction Work Hours

- a) All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.
- b) No work is to be undertaken on Sundays or public holidays.

Reason: To protect the amenity of neighbouring properties.

22. Works Zone

All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Works Zone".

- a) The site supervisor to be advised that the Works Zone will be deemed to be in effect, and fees will apply, between the dates nominated by the supervisor, or when parking spaces are managed for the sole use of construction vehicles associated with the site.
- b) The Works Zone signs shall be in effect only for the times approved by Council, and the time is to be noted on the sign. Eg, 'Works Zone Mon-Sat 7am - 5pm'.
- c) The applicant is required to supply a sign posting installation plan for referral to the Local Traffic Committee, noting on it the duration of the Works Zone.
- d) The Works Zone is only to be used for the loading and unloading of vehicles. Parking of workers' vehicles, or storage of materials, is not permitted.

Reason: To maintain safety of the site during construction.

23. 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
- 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
- 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.

Reason: To ensure the appropriate removal and disposal of demolition materials.

24. Compliance with Construction Management Plan

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

Reason: To ensure implementation of construction measures to protect the public and the surrounding environment.

25. Compliance with Pedestrian Access Management Plan

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

Reason: To provide safe vehicle and pedestrian access.

26. Compliance with Erosion and Sediment Control Plan

The Council approved Sediment and Erosion Control Plan must be complied with for the duration of works, unless otherwise approved by Council.

Reason: To minimise impacts on the water quality of the downstream environment.

27. Street Sweeping

During works and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site.

The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

Reason: To minimise impacts to the natural environment.

28. Environmental Management

To prevent excessive dust and air pollution emanating from the site, the following measures must be provided and maintained throughout construction.

- a) Dust from exposed surfaces and/or stockpiles are suppressed by regular watering or by being suitably covered
- b) All trucks entering or leaving the site have their loads covered
- c) Trucks associated with the development do not track dirt onto the public road network
- d) Public roads used by these trucks are kept clean
- e) Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

Reason: To ensure the required site management measures are implemented during construction

29. 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.

Reason: To protect public land.

30. 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 certifier prior to the issue of an Occupation Certificate.

Reason: To confirm appropriate disposal of excavated material.

31. Landfill

- a) Prior to fill material being imported to the site, a Waste Classification 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 a material approved under the NSW Environment Protection Authority's Resource Recovery Orders and Exemptions.
- b) The required Waste Classification Certificate must be obtained by the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

Reason: To minimise environmental impacts from landform modification.

32. Unexpected Finds

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 principal certifier and Council.

Reason: To ensure the appropriate removal and disposal of contaminated materials.

33. Prohibited actions within the fenced tree protection zone

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

- a) Soil cutting or filling, including excavation and trenching
- b) Soil cultivation, disturbance or compaction
- c) Stockpiling storage or mixing of materials
- d) The parking, storing, washing and repairing of tools, equipment and machinery
- e) The disposal of liquids and refuelling
- f) The disposal of building materials
- g) The siting of offices or sheds
- h) Any action leading to the impact on tree health or structure

Reason: To protect trees during construction.

34. Maintaining the health of trees approved for retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for retained trees on the approved plans.

Reason: To ensure appropriate monitoring of tree(s) to be retained.

35. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with condition Nos. 17 and 33 of this consent for the duration of works.

Reason: To protect trees during construction.

36. Approved Works within Tree Protection Zone incursions

- a) Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
 - i) Using sharp secateurs, pruners, hand saws or chainsaws with the final cut being clean.
 - ii) The maximum diameter of roots permitted to be cut is 40mm.
- b) No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans, are permitted.
- c) To minimise impacts within the Tree Protection Zone (TPZ) of retained trees on the approved plans, the installation of services must be undertaken as follows:
 - i) The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
 - ii) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
 - iii) For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
- d) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i) Installation of a 100mm deep layer of woodchip

Reason: To protect trees during construction.

37. Building materials and Site Waste

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, wastewater or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent of any tree to be retained.

Reason: To protect trees during construction.

38. Waste Management

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

Reason: To ensure the management of waste to protect the environment and local amenity during construction.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

39. Final Certification - Integrated Bushfire and Vegetation Management Plan

A suitably qualified ecologist or bush regenerator must provide written certification to Council (naturalresources@hornsby.nsw.gov.au) confirming the commencement of implementation of the approved IBVMP. The certification must note the date of commencement of works.

Reason: To ensure that ecological works have been undertaken in accordance with the approved plan(s).

40. 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.

Reason: To ensure public infrastructure and property is maintained.

41. Asbestos Clearance Certificate

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Certifier prior to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

Reason: To ensure the appropriate removal and disposal of contaminated materials and the site is suitable for its approved use.

42. Submission of Excavated Material Tipping Dockets to Principal Certifier

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

Reason: To confirm appropriate disposal of excavated material.

43. Wastewater System Approval

- a) Prior to installation / connection to the on-site sewage management system, Council approval must be obtained in the form of an 'Approval to Install' licence issued pursuant to the *Local Government Act 1993*.
- b) The on-site sewage management system must be commissioned and certified by a licensed plumber in accordance with Australian Standard AS1547 Onsite domestic

wastewater management (2012) and Environment & Health Protection Guidelines - Onsite Sewage Management for Single Households (1998).

- c) Prior to the operation of the on-site sewage management system, Council approval must be obtained in the form of an 'Approval to Operate' licence issued pursuant to the *Local Government Act 1993*, and a copy submitted to the principal certifier prior to the issue of an Occupation Certificate.

Reason: To ensure the required licences and approvals for the wastewater system are obtained.

44. Fire Safety Statement - Final

In accordance with the Environmental Planning & Assessment (Development Certification and Fire Safety) Regulation 2021, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

Reason: To ensure all fire safety measures are implemented to protect life and property.

45. Replacement Tree Requirements

- a) The trees approved for removal under this consent, being trees numbered 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 15, 16, 20, 21, 38, 39 and 40 must be offset through replacement planting of a minimum of 19 trees.
- b) All 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 front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
 - 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 15 metres.

Reason: To ensure replacement planting to maintain tree canopy.

46. Final Certification

The AQF 5 Project arborist must submit to the Principal Certifier 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; and
- f) A statement to confirm that tree replacement planting meets NATSPEC guidelines and the approved landscape plan.

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

Reason: To ensure compliance with tree protection commitments.

47. Landscaping of Site

All pervious areas of the site and the road reserve adjoining the site must be appropriately landscaped with suitable (preferably indigenous) turf, trees and shrubs to complement the development and prevent erosion of soil.

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.

Reason: To enhance the environmental and visual qualities of the development.

48. Retaining Walls

All retaining walls must be constructed as part of the development and prior to the issue of an Occupation Certificate.

Reason: To ensure the stability of the site and adjoining land.

49. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifier, 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".

Reason: To protect the State's survey infrastructure.

50. Certification of RFS Requirements

A Certificate prepared by a BPAD accredited Bushfire Consultant is to be provided to the Principal Certifier (PC) certifying the completion of all works required by the NSW RFS General Terms of Approval (GTAs) prior to the issue of the Occupation Certificate.

Reason: To ensure all bushfire protection measures are implemented to protect life and property.

OPERATIONAL CONDITIONS

51. Sight Distance

Any proposed landscaping and/or fencing must be maintained and not restrict sight distance to pedestrians and cyclists travelling along the footpath.

Reason: To maintain safety for pedestrians and cyclists

52. Access for Garbage Vehicles

Access for garbage vehicles is to satisfy the requirements of Council's Waste Management Branch.

Reason: to ensure adequate servicing of the site by waste vehicles.

53. 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.

Reason: To ensure fire safety measures are maintained to protect life and property.

54. Student Numbers

This development consent does not allow for additional students. A maximum of 650 students are to be enrolled at the school. Development consent is required for any future increase in student numbers.

Reason: To maintain consistency with the approved plan of management.

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.

55. Inner Protection Area

Intent of Measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

From the commencement of building works and in perpetuity, the property around the proposed works must be maintained as an inner protection area to the following distances and aspects in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

a) Teaching Building:

- i) North, East, and South to the property boundary,
- ii) South West for a distance of 93 metres; and,
- iii) West for a distance of 47 metres.

b) Pavilion Building:

- i) North, East, and South to the property boundary,
- ii) South West for a distance of 100 metres; and
- iii) West for a distance of 73 metres.
- iv) When establishing and maintaining an inner protection area, the following requirements apply:
 - a. tree canopy cover should be less than 15% at maturity

- b. trees at maturity should not touch or overhang the building
- c. lower limbs should be removed up to a height of 2 m above the ground
- d. tree canopies should be separated by 2 to 5m
- e. preference should be given to smooth-barked and evergreen trees
- f. large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings
- g. shrubs should not be located under trees
- h. shrubs should not form more than 10% ground cover
- i. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation
- j. grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and leaves and vegetation debris should be removed regularly.

56. Landscaping

Intent of Measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- a) A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building.
- b) Planting is limited in the immediate vicinity of the building.
- c) Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters).
- d) Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings.
- e) Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies.
- f) Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown.
- g) Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter).
- h) Avoid climbing species to walls and pergolas.
- i) Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building.
- j) Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- k) Low flammability vegetation species are used.

57. Construction Standards

The intent of measure: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

Construction of the proposed teaching building and pavilion must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). Construction of the proposed teaching building and pavilion must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

58. Water and Utility Services

The intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities.

The provision of water, electricity and gas services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:

- a) reticulated water with a hydrant system is to be provided to the development, where available; or
- b) a 10,000 litres minimum static water supply for firefighting purposes is provided for each occupied building where no reticulated water is available (if not already existing).
- c) fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005.
- d) hydrants are not located within any road carriageway; and
- e) reticulated water supply uses a ring main system for areas with perimeter roads.
- f) Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.
- g) All above-ground water service pipes external to the building are metal, including and up to any taps.
- h) where static water supplies are provided:
 - i) a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure.
 - ii) a connection of a 65 millimetre Storz fitting with a ball valve fitted to the outlet of the tank.
 - iii) the ball valve and pipes have the same bore size as the Storz fitting to ensure flow volume and are metal.
 - iv) underground tanks have an access hole of 200 millimetres to allow tankers to refill direct from the tank.
 - v) a hardened ground surface for truck access is supplied within 4 metres of the access hole.
 - vi) above-ground tanks are manufactured from concrete or metal.

- vii) raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959).
- viii) unobstructed access is provided at all times.
- ix) tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters.
- x) underground tanks are clearly, marked.
- xi) all exposed water pipes external to the building are metal, including any fittings.
- xii) where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack.
- xiii) any hose and reel for firefighting connected to the pump shall be 19 millimetres internal diameter; and
- xiv) fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels.
- i) where practicable, electrical transmission lines are underground.
- j) where overhead, electrical transmission lines are proposed as follow:
 - i) lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
 - ii) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- k) reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used.
- l) all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side.
- m) connections to and from gas cylinders are metal.
- n) if gas cylinders need to be kept close to the building, safety valves are directed away from the building and at least 2 metres away from any combustible material, so they do not act as a catalyst to combustion.
- o) polymer-sheathed flexible gas supply lines to gas meters adjacent to buildings are not to be used; and
- p) above-ground gas service pipes external to the building are metal, including and up to any outlets.

59. Emergency and Evacuation Planning Assessment

The intent of measures: to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

If not already existing a Bush Fire Emergency Management and Evacuation Plan must be prepared which includes the existing buildings, the proposed teaching & pavilion buildings, and

be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. The plan must also include the following:

- a) contact details for the local Rural Fire Service office; and
- b) procedures for coordinated evacuation of the site in consultation with local emergency services.

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 the occupation of the development.

- END OF CONDITIONS -

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