

Our ref: DOC24/630087-23

Ms Vanessa Cronshaw
Hornsby Shire Council
296 Peats Ferry Road
Hornsby NSW 2077
vcronshaw@hornsby.nsw.gov.au
Letter uploaded to the NSW Planning Portal

Address: 62 Quarter Sessions Road, Westleigh

Proposal: Staged development of the site to provide parkland comprising formal sports fields, passive recreation (picnics, walking, playground), tracks and trails (bushwalking and mountain biking) and ancillary facilities (roads, carparks, buildings, services, lighting, share ways and stormwater management).

Development Application no: DA/975/2023, CNR-60485, A-72321, received 26 September 2023.

Subject: General Terms of Approval for Integrated Development Application, *National Parks and Wildlife Act 1974*

Dear Ms Cronshaw

This letter contains our general terms of approval for the above integrated development application that will require an Aboriginal Heritage Impact Permit pursuant to s.90 of the *National Parks and Wildlife Act 1974*. We note that:

- We requested further information including a revision of submitted reports on 15 December 2023 (DOC23/952327-47).
- At the request of the applicant an online meeting was held between the applicant, consultants and Heritage NSW representatives on 22 February 2024 to respond to queries on the request for information.
- A s38 amendment of development application referral was received on 2 August 2024.

We have reviewed the revised Aboriginal Cultural Heritage Assessment Report, prepared by Scribe Cultural Resource Management dated 12 July 2024 and accompanying reports. The report documents Registered Aboriginal Parties were invited to attend a Connecting with Country workshop on 9 May 2024 to consider options for the management of the Westleigh Scarred Tree

45-6-3657. The revised report was provided to Registered Aboriginal Parties for a 28-day comment period on 11 June 2024. Responses received generally supported the applicants preferred management option of relocation of the Westleigh Scarred Tree 45-6-3657. No objections were identified through this final consultation stage. An arborist report submitted noted the tree had died, the structural integrity of the tree will be significantly diminished in coming years and the decay poses a public safety risk. Archaeological test excavations undertaken for the proposal did not identify any subsurface stone artefacts.

The report identifies that the Westleigh Scarred Tree 45-6-3657 will be impacted by the proposal from construction of a sports oval. Mitigation is proposed in the form of baseline recording of the tree and relocation of the Westleigh Scarred Tree 45-6-3657 under an Aboriginal Heritage Impact Permit and relocation plan.

The report identifies that Westleigh Rock Shelter 45-6-3658 may be indirectly impacted by the proposed development through increased vibration during construction works, increased visitation and from water ingress. Harm minimisation strategies proposed comprise:

- A baseline record of the shelter prior to commencement of construction activities.
- Monitoring vibration levels in the rockshelter during construction. Immediate cessation of work if vibration alarms are triggered to assess the state of the shelter. Work should only recommence after the shelter has been deemed unaffected. Any harm will be reported to Heritage NSW.
- Mountain bike track construction in the vicinity of the rock shelter will be undertaken with hand tools only. Removal of the lower mountain bike track from the proposal.
- No alteration to the rock surface that may increase the volume of water in or near the site.

Public submissions were uploaded to the portal on 21 and 27 November 2023. Public submissions that referred to Aboriginal cultural heritage matters are detailed and considered in **Attachment A**.

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

Approved development

Development must be in accordance with:

- a. Westleigh Sports Complex Aboriginal Cultural Heritage Assessment Westleigh, NSW (Scribe Cultural Resource Management, 12 July 2024).
- b. Aboriginal Archaeological Test Investigation Report Proposed Westleigh Sports Complex (Stratum Archaeology, 17 May 2024).
- c. Westleigh Sports Complex Connecting with Country Workshop & Scarred Tree Discussion Report (Scribe Cultural Resource Management, 28 May 2024).
- d. Arboricultural Assessment – Condition of Scarred Tree Proposed Westleigh Park Sports Complex Warrigal Drive, Westleigh NSW.
- e. Quarter Sessions Road, Westleigh Environmental Impact Statement for Designated Development (SJB, 22 September 2023 and revised 12 July 2024).
- f. Site plans, engineering plans, landscape plans submitted to the portal (CNR-60485) in July 2024.

Except as amended by the following general terms of approval:

1. A s.90 Aboriginal Heritage Impact Permit for the proposed works must be sought and granted prior to the commencement of works.
2. The Aboriginal Heritage Impact Permit application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011).
3. Consultation with the Aboriginal community undertaken as part of the Aboriginal Heritage Impact Permit application must be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.
4. The Aboriginal Heritage Impact Permit application must be completed with reference to the requirements of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).
5. The Aboriginal Heritage Impact Permit application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).
6. Long term management of Aboriginal objects, such as through a cultural heritage management plan, must be considered as part of the Aboriginal Heritage Impact Permit application.
7. The Aboriginal Heritage Impact Permit application must be supported by baseline recording of the Westleigh Scarred Tree 45-6-3657 and Westleigh Rock Shelter 45-6-3658.
8. The Aboriginal Heritage Impact Permit application must include a relocation plan for Westleigh Scarred Tree 45-6-3657.

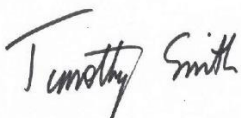
Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to Heritage NSW to determine whether changes to these general terms of approval are required.

Aboriginal community consultation must be maintained

Consultation with the registered Aboriginal parties must be maintained. We recommend updates on the project are provided to the registered Aboriginal parties every 6 months to ensure the consultation is continuous.

If you have any questions regarding these general terms of approval, please contact Lyndon Patterson, Senior Assessments Officer, at Heritage NSW on 6022 0619 or lyndon.patterson@environment.nsw.gov.au.

Yours sincerely



Tim Smith OAM
Director Assessment
Heritage NSW
Department of Climate Change, Energy, the Environment and Water

23 August 2024

Attachment A – Public submissions received for 62 Quarter Sessions Road, Westleigh (DA/975/2023, CNR-60485, A-72321) that referred to Aboriginal heritage matters and Heritage NSW consideration of submissions

Public submissions were uploaded to the portal on 21 and 27 November 2023. Public submissions that referred to Aboriginal cultural heritage matters are detailed and considered below.

Submission	Heritage NSW consideration
<p>A submission received from Metropolitan Local Aboriginal Land Council (MLALC) on 20 November 2023 noted the validity of Aboriginal groups consulted and the lack of consultation with MLALC.</p> <p>MLALC has no confidence that the Aboriginal Cultural Heritage Assessment that has been completed for Hornsby Council is legal and or meets requirements to engage Aboriginal community let alone MLALC as the legislated authority for all Aboriginal people and culture heritage of entirety of area Hornsby council is responsible for as its within MLALC prescribed boundaries and has been since 1984.</p>	<p>Heritage NSW requested the applicant undertake further consultation with all Registered Aboriginal Parties on the proposal on 15 December 2023 (DOC23/952327-47). Reporting submitted for the application in August 2024 documents a workshop and the revised report proposing the relocation of the Westleigh scarred tree was provided to Registered Aboriginal Parties on 11 June 2024 for a 28-day comment period. No objections were documented on the proposed relocation of the scarred tree in this final consultation stage. The report documents the MLALC was invited to the workshop and provided a copy of the revised report to comment and multiple attempts to consult with MLALC in 2024.</p> <p>Submitted documents show consultation has been undertaken in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents', the 'Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW' and Heritage NSW guidelines.</p> <p>Aboriginal people may provide services to the proponent through a contractual arrangement; however, this is separate from consultation and is a matter for the proponent.</p> <p>The consultation requirements section 5.2 note it is only Aboriginal people who can determine who is accepted by their community as being authorised to speak for Country and its associated cultural heritage. Where there is a dispute about who speaks for Country, it is appropriate for Aboriginal people, not the Department or the proponent, to resolve this dispute in a timely matter to enable effective consultation to proceed.</p>

Submission	Heritage NSW consideration
<p>A submission received from the Nature Conservation Council on 20 November 2023 opposed impacts on Aboriginal heritage in particular the relocation of an Aboriginal Scarred Tree on the northern most platform and mountain biking trail in proximity to Aboriginal rock shelter.</p>	<p>Reporting submitted in July 2024 documents general support to relocate the scarred tree from Registered Aboriginal Parties and appropriate management strategies are proposed to avoid and minimise harm to the rockshelter including monitoring vibration levels, using hand tools in the vicinity of the shelter and removal of the lower mountain bike track.</p>
<p>A submission received from a local resident on 21 November 2023 noted concern that Aboriginal sites in the proposed development area are not being treated with the required respect and consultation with relevant parties has not been undertaken.</p>	<p>Consultation has been undertaken in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents' and the assessment in accordance with the 'Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW' and Heritage NSW guidelines.</p>
<p>A submission from a local resident notes the Westleigh scarred tree was poisoned by the use of PFAS leaching through the soil, given its proximity to the fire-retardant practices and raises concerns in relation to potential impacts to the Westleigh Rock Shelter from the proposal</p>	<p>The death of the scarred tree was reported to NSW Environment Line in 2023. A Geological Investigation (Tetra Tech Coffey, 27 May 2024) of the shelter was submitted with the application. A baseline recording of the shelter and monitoring during construction is proposed.</p>
<p>A submission received states no Aboriginal heritage report has been exhibited as part of the Draft Master Plan and the Aboriginal community must be consulted and involved in management and queried what approvals had been given for impact on this known Indigenous site.</p>	<p>The application has been supported by an Aboriginal cultural heritage assessment report that included consultation with Aboriginal people on the proposal. An Aboriginal Heritage Impact Permit under s90 of the National Parks and Wildlife Act 1974 is required to harm Aboriginal objects, such as the proposed relocation of the scarred tree.</p>
<p>A submission from an individual states the proposal to relocate an Aboriginal culturally significance tree is misplaced, and it is one of the very few remaining intact scarred trees in Hornsby Shire Council local government area.</p>	<p>The assessment submitted with the application states the Westleigh Scarred tree is one of ten scarred trees recorded in the Hornsby local government area. An arborist report submitted noted the tree had died, the structural integrity of the tree will be significantly diminished in coming years and the decay poses a public safety risk</p>

Submission	Heritage NSW consideration
<p>A submission from an individual states the proposed removal of Aboriginal scarred tree is disrespectful and dangerous and must not be approved. The tree and location are both important and the site must not be disturbed. Moving the tree is dangerous to the structure of the tree and its inhabitants.</p>	<p>The application has been supported by an Aboriginal cultural heritage assessment report that included consultation with Aboriginal people on the proposal. Responses received from Registered Aboriginal Parties in additional consultation in 2024 generally supported the applicants preferred management option of relocation of the Westleigh Scarred Tree 45-6-3657. No objections were identified through this final consultation stage. The works are proposed under a scarred tree relocation plan.</p>
<p>A submission received from Galston Area Residents Association on 7 November 2023 noted other reports shown four Aboriginal sites existing on the development site. The submission believes the scarred tree should remain where it is be fenced off to preserve it in-situ. The submission states the mountain bike track should not be located over the rockshelter.</p>	<p>The Aboriginal cultural heritage report states of the other two sites, a second scarred tree will not be impacted by the proposal and archaeological test excavation of a potential archaeological deposit did not identify any stone artefacts. Management strategies have been proposed to minimise harm to the shelter.</p>
<p>A submission received on 20 November 2023 states the relocation of scarred tree is not being carried out with the agreement of the Registered Aboriginal Parties.</p>	<p>Consultation occurred with Registered Aboriginal Parties in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents'.</p>
<p>A submission received states the Aboriginal scarred tree must remain undisturbed in situ.</p>	<p>The Aboriginal cultural heritage report documents responses received from Registered Aboriginal Parties in additional consultation in 2024 generally supported the applicants preferred management option of relocation of the Westleigh Scarred Tree 45-6-3657. No objections were identified through this final consultation stage.</p>
<p>A submission from Sue Higgins, NSW Greens MP states the Registered Aboriginal Parties did not want the scarred tree removed and this project must not disrespect this area that is a significant part of the local indigenous cultural for thousands of years.</p>	<p>The cultural heritage assessment documents some Aboriginal parties did not support relocation of the scarred tree at different times during the project. Following a request from Heritage NSW to undertake further consultation with all Registered Aboriginal Parties on 15 December 2023 (DOC23/952327-47), a workshop and the revised report was provided to Registered Aboriginal Parties for comment. Responses received from Registered Aboriginal Parties in additional consultation in 2024 generally supported the applicants preferred management option of relocation of the Westleigh Scarred Tree 45-6-3657. No objections were identified through this final consultation stage.</p>

Submission	Heritage NSW consideration
<p>A submission from Byles Creek Valley Union Inc believes the original discussions with the registered Aboriginal parties who did not want the scarred tree relocated, must be respected. this tree represents the past and should as such be given heritage recognition and protection.</p>	<p>Objections by Aboriginal people in earlier stages of the project are documented in reports submitted. Following a request from Heritage NSW to undertake further consultation with all Registered Aboriginal Parties on 15 December 2023 (DOC23/952327-47), a workshop and the revised report was provided to Registered Aboriginal Parties for comment. Responses received from Registered Aboriginal Parties in additional consultation in 2024 generally supported the applicants preferred management option of relocation of the Westleigh Scarred Tree 45-6-3657. No objections were identified through this final consultation stage.</p>
<p>A submission received by an individual states there should be some acknowledgement in the park to Hornsby's convict and pioneering past and Aboriginal heritage and showcase these somehow.</p>	<p>Heritage NSW supports the interpretation of Aboriginal cultural heritage of the project through consultation with Registered Aboriginal Parties, such as through a connecting with country framework.</p>
<p>A submission received by an individual hopes the Aboriginal scarred tree will be left in situ as per the wishes of the Registered Aboriginal Parties originally consulted about this important relic.</p>	<p>Objections by Aboriginal people in earlier stages of the project are documented in reports submitted. Following a request from Heritage NSW to undertake further consultation with all Registered Aboriginal Parties on 15 December 2023 (DOC23/952327-47), a workshop and the revised report was provided to Registered Aboriginal Parties for comment. Responses received from Registered Aboriginal Parties in additional consultation in 2024 generally supported the applicants preferred management option of relocation of the Westleigh Scarred Tree 45-6-3657. No objections were identified through this final consultation stage.</p>
<p>A submission received by a resident on 19 November 2023 states they find it unconscionable that a scarred tree could simply be "picked up and relocated" elsewhere for a development. It is not just the scarred tree that has aboriginal cultural significance, but the site that the scarred tree resides on.</p>	<p>The Aboriginal cultural heritage assessment report acknowledges and documents the significance of the location. Responses received from Registered Aboriginal Parties in additional consultation in 2024 generally supported the applicants preferred management option of relocation of the Westleigh Scarred Tree 45-6-3657. No objections were identified through this final consultation stage.</p>



DOC24/632570-8

The Proper Officer
Hornsby Shire Council
PO BOX 37
HORNSBY NSW 1630

By email: hsc@hornsby.nsw.gov.au

EPA Advice for Redevelopment and Construction of Parkland and Sports Fields – Westleigh Park - 62 Quarter Sessions Road, Westleigh (OC-5198)

This letter supersedes the letter issued by the NSW Environment Protection Authority (EPA) to Hornsby Shire Council (Council) dated 13 September 2024 (EPA reference DOC24/632570-7), including any comments or recommendations of that letter.

I am writing in response to your request for the NSW Environment Protection Authority (EPA) to provide comment on the proposed redevelopment at Westleigh Park located at 62 Quarter Sessions Road, Westleigh NSW 2120 (the site).

The EPA understands that the proposed development includes:

- Remediation of contaminated land;
- Demolition of the former RFS training facility;
- Staged development of parkland including three sports fields, passive recreation areas, tracks and trails (bushwalking and mountain biking).
- Development of ancillary facilities including roads, carparks, buildings, services, lighting, fencing, share ways and stormwater management.

The EPA has reviewed the information submitted for the proposal including:

- ‘*Westleigh Park, Quarter Sessions Road, Westleigh - Environmental Impact Statement Addendum for Designated Development*’ prepared by SJB Planning (NSW) Pty Ltd and dated 12 July 2024 (**the EIS**).
- ‘*Westleigh Park Acoustic Impact Assessment*’ prepared by Marshall Day Acoustics Pty Ltd and dated 5 July 2024 (**the Acoustic Impact Assessment**).
- ‘*Westleigh Park Redevelopment - Air Quality Impact Assessment*’ prepared by Northstar Air Quality Pty Ltd and dated 1 July 2024 (**the Air Quality Impact Assessment**).
- ‘*Construction Environmental Management Plan – Westleigh Park, 62 Quarter Sessions Road, Westleigh NSW 2120*’ prepared by Willow Frank Consulting Pty Ltd and dated 11 July 2024 (**the CEMP**).
- ‘*Waste Management Plan – Westleigh Park, 62 Quarter Sessions Road, Westleigh NSW 2120*’ prepared by Willow Frank Consulting Pty Ltd and dated 11 July 2024 (**the Waste Management Plan**).
- ‘*Westleigh Park – Addendum to 2023 Water Management Strategy*’ prepared by Civile Pty Ltd and dated 4 July 2024 (**the Water Management Strategy Addendum**).

The proposal was referred to the EPA for comment under the *State Environmental Planning Policy (Resilience and Hazards) 2021* and the *Protection of the Environment Operations Act 1997* (the Act).

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(from outside NSW)

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ask for 131 155

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Under Clause 15, Schedule 1 of the Act, the scheduled activity of 'contaminated soil treatment' is defined as *"the on-site or off-site treatment of contaminated soil (including, in either case, incineration or storage of contaminated soil but excluding excavation for treatment at another site"*. Contaminated soil treatment is declared to be a scheduled activity under the Act if it has the capacity to disturb more than an aggregate area of 3 hectares of contaminated soil.

The EPA has reviewed the information provided and understands that the proposed development includes the remediation of contaminated soil within an area of approximately 9.2 hectares. The EPA notes that an Environment Protection Licence (EPL) will be required for the scheduled activity of 'contaminated soil treatment' at the site, as described under Schedule 1 of the Act.

The Proponent will need to make a separate application to the EPA to obtain this EPL. The EPA also notes that General Terms of Approval for the EPL were previously provided to Hornsby Shire Council (Council) in a letter dated 18 December 2023 (EPA reference DOC23/853696-13).

If the proposal is approved, the EPA recommends it include the conditions of consent in **Attachment A**.

If you have any further questions about this issue, please contact Brendan Pearson, Senior Operations Officer on (02) 9995 6535 or at Brendan.pearson@epa.nsw.gov.au.

Yours sincerely



24 September 2024

MARIA MORENO
Unit Head – Operations
Environment Protection Authority

Attachment A – Conditions of Consent

The EPA has reviewed the supporting document and requires no further information. If the development application is approved, it should include the following conditions.

Former NSW Rural Fire Service Training Centre

The EPA understands that the NSW Rural Fire Service (RFS) are conducting an ongoing PFAS investigation at the former RFS Training Centre located within the site at 12 Warrigial Drive, Westleigh (Lot 68 DP 752053 and Lot 101 DP 1217395).

RFS engaged Senversa Pty Ltd to prepare the report titled '*Former NSW RFS Training Centre Westleigh*' and dated 24 July 2024 (the RAP). RFS provided the RAP to the NSW EPA for review and comment on 26 July 2024. The EPA will write to RFS with comments and requested actions by the end of September 2024.

The EPA understands that RFS has discussed the proposed remediation at the RFS Training Centre with Council on 17 April 2024, and that it was agreed that the RFS was responsible for the remediation in groundwater (BH8W), surface water (Larool Creek SW02), concrete and sediment and brick work in the former training ground. The EPA encourages Council to continue consulting with the RFS.

The former RFS Training Centre is located within the Stage 2 area of the proposed development at Westleigh Park. The EPA notes that the proposed remediation at the former RFS Training Centre, Westleigh must be completed prior to Council commencing the proposed Stage 2 development works at the site to avoid re contaminating the development site.

In addition, the EPA reminds Council that waste classification is mandatory prior to offsite disposal of soils surrounding the former RFS Training Centre, Westleigh, in accordance with the methods outlined in the NSW EPA Waste Classification Guidelines (2014) and the 2016 Addendum to the Waste Classification Guidelines (2014) – Part 1: classifying waste for PFAS compounds.

Site Contamination

Council must engage a NSW accredited site auditor throughout the duration of works to oversee matters relating to site contamination and remediation.

The site auditor must be engaged to complete a section A2 site audit to determine land use suitability subject to compliance with appropriate long-term environmental management plans covering the Sports Precinct; the Environmental Management Zone Restoration Area; and Environmental Management Zone Restoration Area; and Environmental Management Zone Bushland Protection Area.

The EPA reminds Council that the proposed development should not result in a change of risk in relation to any pre-existing contamination on the site so as to result in significant contamination (noting that this may render Council as the 'responsible person' for contamination under section 6(2) of the *Contaminated Land Management Act 1997*).

Red-Crowned Toadlets

The Water Management Strategy Addendum identified that there is a Red-Crowned Toadlets habitat within the site, and that the Toadlet ponds are likely to be sensitive to changes in water quality and disturbance from frequent discharge of stormflows into the gully line and potentially into the pond.

The EPA notes that Council should consider and implement all necessary stormwater management controls, erosion and sediment controls to reduce any impacts to the water quality in the Toadlet ponds during construction and remediation at the site.

In addition, the EPA notes that ongoing water quality monitoring of the Toadlet ponds should be completed during construction and remediation of the site with appropriate triggers to prevent impacts to the Red-Crowned Toadlet population at the site.

Dust

In addition to the dust mitigation measures listed under Section 21 of the CEMP, the EPA notes that Council should also implement a rattle grate (rumble grid) to reduce offsite tracking of dust and soil from vehicles leaving the site.

Erosion and Sediment Control

In addition to the sediment and erosion controls listed under Section 22 of the CEMP, the EPA notes that Council should also ensure that potentially contaminated soils are placed on non-permeable lining, immediately stabilised and labelled to outline the contamination status. Sediment fencing should also be installed down-gradient of any stockpiles of potentially contaminated soil.

The EPA reminds Council that effective erosion and sediment controls in accordance with 'The Blue Book' (*Managing Urban Stormwater: Soils and Construction – Volume , 4th edition*) must be installed and maintained throughout construction in accordance with the CEMP.

Odour

The CEMP must include an odour management plan to address and offensive odours that may be generated during the remedial works.

Noise

The EPA notes that noise will primarily be generated by the use of heavy equipment and machinery during excavation and construction activities, and that works will be conducted during standard construction hours. The EIS noted that noise has the potential to affect nearby residential receivers from a helicopter that will be used to lift construction material into bushland for the construction of mountain bike trails at the site. The EPA reminds Council of the following:

- A noise management plan must be included in the CEMP to address and excess noise that may be generated during the remedial works.
- A stakeholder engagement and communications plan should consider appropriate measures to inform nearby residents prior to using a helicopter at the site.
- All construction work at the site must only be conducted between 7:00 am and 5:00 pm, Monday to Saturday. No construction work is permitted on Sundays or Public Holidays.

The EPA also provided Council with recommended noise conditions in the General Terms of Approval for an EPL in a letter dated 18 December 2023 (EPA reference DOC23/853696-13).

Surface Water and Groundwater

The EIS noted that groundwater at the site contained elevated nitrate, ammonia and metals and that groundwater was encountered at depths between 2 to 29 metres below ground level (m bgl).

The EPA notes the potential for PFAS contamination to exist in groundwater through leaching of concrete and soil at the former onsite RFS buildings. The EIS concluded that the likelihood of contaminant migration from groundwater into surface water is low due to the localised nature of groundwater contamination. However, the EPA notes that there is a potential for groundwater to be encountered during excavation, particularly within areas of the site where groundwater is close to the surface.

The EIS noted that a groundwater and surface water monitoring program will be developed and incorporated with a Long-Term Environmental Management Plan (LTEMP) for the site. The EPA agrees with this recommendation. However, the EPA requests that Council conduct ongoing monitoring of PFAS contamination in onsite and offsite surface water and groundwater surrounding the former RFS Training Centre. The EPA notes that this monitoring should be conducted prior to, during, and after remediation is completed by Council at the site to determine any trends or seasonal changes in surface water and groundwater overtime.

The EPA reminds Council that appropriate measures must be taken to prevent offsite migration of groundwater into surface water where groundwater is encountered during excavation.



RFS



The Council of the Shire of Hornsby
PO Box 37
HORNSBY NSW 1630

Your reference: CNR-60485 DA/975/2023
Our reference: DA20230926004268-S38-1

ATTENTION: Cassandra Williams

Date: Friday 11 October 2024

Dear Sir/Madam,

Development Application

s4.14 - Other - Recreation Facility

62 Quarter Sessions Road Westleigh NSW 2120, 101//DP1217395, 75//DP233580, 40//DP576173, 68//DP752053

I refer to your correspondence dated 03/10/2024 seeking advice regarding bush fire protection for the above Development Application in accordance with S38 of the *Environmental Planning and Assessment Regulation 2021*.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

Asset Protection Zones

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.

1. From the commencement of building works and in perpetuity, the property around the proposed amenities buildings 1 to 3 must be maintained as an inner protection area for the distances described in Table 3 and as generally mapped as 'Asset Protection Zones' in Figure 8: Bushfire Hazard Assessment of the submitted bushfire report prepared by Eco Logical Australia (dated: 8 September 2023, referenced: 23HUS 6556) and in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019.

When establishing and maintaining an inner protection area, the following requirements apply:

- 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;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- 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;

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NSW Rural Fire Service
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- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

2. 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:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2 metres above the ground;
- tree canopies should be separated by 2 to 5 metres; and
- preference should be given to smooth-barked and evergreen trees
- create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards buildings should be provided;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide, grass should be kept to no more than 100 millimetres in height); and
- leaves and vegetation debris should be removed.

Construction Standards

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.

3. Construction of the proposed amenities buildings 1 to 3 must comply with Sections 3 and 8 (BAL 40) 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 amenities buildings 1 to 3 must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

4. Fences and gates must comply with Section 7.6 of *Planning for Bush Fire Protection 2019*. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6 metres of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.

Access - Internal Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while occupants are seeking to evacuate from an area.



5. Access roads for developments must comply with the following requirements of Table 5.3b of *Planning for Bush Fire Protection 2019*:

- property access roads are two-wheel drive, all-weather roads;
- perimeter roads are provided for residential subdivisions of three or more allotments;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating;
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - *Fire hydrant installations System design, installation and commissioning*;
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
- Perimeter roads are;
 - are two-way sealed roads;
 - minimum 8m carriageway width kerb to kerb;
 - parking is provided outside of the carriageway width;
 - hydrants are located clear of parking areas;
 - are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - curves of roads have a minimum inner radius of 6m;
 - the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
 - the road crossfall does not exceed 3 degrees; and
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- Non-perimeter roads are;
 - minimum 5.5m carriageway width kerb to kerb;
 - parking is provided outside of the carriageway width;
 - hydrants are located clear of parking areas;
 - roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
 - curves of roads have a minimum inner radius of 6m;
 - the road crossfall does not exceed 3 degrees; and
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.



RFS



6. Temporary turning heads must be provided to temporary dead end roads in accordance with Appendix 3 of *Planning for Bushfire Protection 2019*. The turning area can be removed upon opening of future proposed through roads.

Water and Utility Services

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

7. The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30 metres), unless crossing gullies, gorges or riparian areas; and
 - 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*.
- 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;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

General Advice – Consent Authority to Note

- The NSW RFS recognises that the site is constrained and that the proposed development falls within the Flame Zone. Flame Zone development is high risk development; consequently, in situations such as this, the NSW RFS seeks to improve the overall fire safety of the existing development. This requires greater emphasis on construction standards, landscaping, siting, and vegetation management practices to ensure improved levels of protection are afforded to the development, its occupants and firefighters. The NSW RFS has undertaken a merit based assessment of the proposal and provides the above advice in accordance with *Planning for Bushfire Protection 2019*.
- This advice is in response to additional information submitted and supersedes our previous advice dated 13/08/2024

For any queries regarding this correspondence, please contact Willem Paton on 1300 NSW RFS.



RFS



Yours sincerely,

Bryce Pascoe
**Supervisor Development Assessment & Plan
Built & Natural Environment**

22 August 2024

TfNSW Reference: SYD24-01385/01
Council Reference: DA/975/2023 (CNR-60485)



Mr Steven Head
General Manager
Hornsby Council
PO Box 37
Hornsby NSW 1630

Attention: Vanessa Cronshaw

**UPDATED PLANS - STAGED DEVELOPMENT TO CONSTRUCT SPORTS RECREATION AND ANCILLARIES FACILITY
62 QUARTER SESSIONS ROAD, WESTLEIGH**

Dear Mr Head,

Reference is made to Council's referral regarding the abovementioned application which was referred to Transport for NSW (TfNSW) in accordance with clause 2.122 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

This letter supersedes our previous letter in relation to this proposed development dated 18 October 2023.

Following a review of the submitted material, TfNSW provides the following advisory comments for Council's consideration:

1. Any proposed traffic signals would require the consent of TfNSW under section 87 of the Roads Act 1993 and is dependent on general warrants in accordance with TfNSW requirements for Traffic Signal Design – Section 2 Warrants. The following information would need to be submitted to TfNSW for consideration and approval if any new traffic signals are proposed:
 - a. A traffic signal warrant assessment in accordance with the Traffic Signal Design Guide.
 - b. Electronic copies of the modelling files for the proposed TCS for the both the weekday AM and PM road network peak hours.
 - c. TCS and concept civil design plans (if TfNSW support is given based on the modelling and warrants assessment).

In addition to the above, TfNSW recommends that the following requirements are included in any determination issued by Council:

- Any proposed changes to existing bus stops shall be determined in consultation with the contract bus operator and TfNSW and approved by the Local Traffic Committee. Details of any proposed changes should be submitted to development.sydney@transport.nsw.gov.au. These works shall be at no cost to TfNSW
- For any large events, a Special Event Management Plan in accordance with the Guide to Traffic and Transport Management for Special Events Version 3.5 July 1, 2018 (or as updated), should be submitted to the Local Traffic Committee for review and endorsement.

Should you have any further inquiries in relation to this matter, please do not hesitate to contact Matthew Houlden, Land Use Planner, by email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

Aleks Tancevski
Senior Manager Land Use Assessment Eastern
Planning and Programs, Greater Sydney Division

OFFICIAL

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W transport.nsw.gov.au



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ausgrid.com.au

This letter is Ausgrid's response under clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007.

Ausgrid does not object to the proposed development.

The applicant/developer should note the following comments below regarding any proposal within the proximity of existing electrical network assets.

Ausgrid Overhead Powerlines are in the vicinity of the development

The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site.

The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details:

<https://www.ausgrid.com.au/Connections/Get-connected>

Should you have any enquiries, please contact Ausgrid at development@ausgrid.com.au

Regards,
Ausgrid Development Team