

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
1808-SK00D	Site & Roof Plan on Survey	Rolfe Chrystal – Architect	03/12/2019	
1808-SK01D	Plans	Rolfe Chrystal – Architect	03/12/2019	
1808-SK02D	Sections & Elevations	Rolfe Chrystal – Architect	03/12/2019	
1808-SK03A	Phases of the works	Rolfe Chrystal – Architect	06/11/2019	
1808-SK04C	External 3D images	Rolfe Chrystal – Architect	03/12/2019	
1808-SK05C	Internal & Roof 3D images	Rolfe Chrystal – Architect	03/12/2019	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
BCA Assessment Report Ref: 09448.2a-BCA-r3	BCA Logic	25/11/2019	
Access Assessment Report Ref: 109448.2b -Access-r3	BCA Logic	25/11/2019	
Hydraulic Services Plan No. 219031-DAH– Page 1-5	Niven Donnelly & Partners	12/11/2019	

Document Title	Prepared by	Dated	Council Reference
Flora and Fauna Assessment Ref: 19SYD-14132 V3	Eco Logcial	01/11/2019	
Vegetation Management Plan Ref: 15297	Eco Logcial	02/04/2020	
Bushfire Assessment Report Ref: 200178	Building Code & Bushfire Hazard Solutions	06/11/2020	
Acoustic Assessment	PKA Acoustic Consulting	07/02/2020	
Remediation Action Plan	Australian Industry Group	05/2020	
Tree Management Plan Ref: 1919 TMP-01-A	Fiona Robbe	12/2019	
Waste Management Plan	Mohammad Mamun	13/11/2019	

2. Removal of Trees

This development consent permits the removal of tree(s) numbered 1-7, 11-13, 15, 17, 18, 21, 24, 31-34, 43-48, 51-56, 59-60, 62-63, 67A-70, 72-80, 200-220, 223-225, 227, 231, 301 and 302 as identified on page Tree location plan prepared by Fiona Robbe dated December 2019

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).

3. Construction Certificate

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. 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*.

5. Building Upgrade

In accordance with Clause 94 of the *Environmental Planning and Assessment Regulation 2000*, the application for a Construction Certificate must demonstrate that it will incorporate the following building upgrades:

- a) The existing external fire hydrant shall be upgraded to comply where necessary with AS2419.1-2005 including at minimum; replacement of valve connections with Storz connectors and completion of a flow and pressure test.
- b) The building emergency lighting system and exit and direction signs shall be upgraded to comply with AS2293.1-2018.
- c) The building lighting is required to be upgraded to comply with AS1680.0-2009.
- d) Existing rooms shall be upgraded where necessary to comply with BCA Clause F4.6 compliant natural ventilation or a mechanical ventilation or the provision of an air-conditioning system complying with AS1668.2-2012.
- e) The existing plant room shall be fire separated from the remainder of the building by the installation of a self-closing 2 hour -/120/30 door set.

6. 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.

7. Building Accessibility

The new part of the building and affected parts of the building are required to meet the requirements of the *Disability (Access to Premises Buildings) Standards 2010*, this shall include the following requirements:

- a) The existing car parking accessible spaces shall be upgraded, and sufficient spaces provided in compliance with AS2890.6-2009, AS1428.1-2001 and BCA requirements.
- b) Braille and tactile signage complying with Specification D3.6 and incorporating the symbol for access shall be installed to the new and existing parts of the building.
- c) Tactile indicators shall be installed to existing and new parts of the building where necessary.
- d) The existing 25m pool shall be provided with an accessible entry/ exit by means of:
- e) A fixed or movable ramp and an aquatic wheelchair; or
- f) A zero-depth entry and an aquatic wheelchair; or
- g) A platform swimming pool lift and an aquatic wheelchair.
- h) The existing learner pool shall be provided with an accessible entry/ exit by means of:
- i) A fixed or movable ramp and an aquatic wheelchair; or
- j) A zero-depth entry and an aquatic wheelchair; or
- k) A platform swimming pool lift and an aquatic wheelchair; or
- l) A sling-style swimming pool lift
- m) The existing exit doorways are required to be upgraded to comply with BCA clauses D2.20 and D2.21 and AS 1428.1 including circulation space.

8. Bushfire Upgrades

- a) The existing building walls, eaves, gutters, downpipes and roof including any openings that are being retained shall be modified where necessary to achieve compliance with the BAL

requirements as stated in Building Code & Bushfire Hazard Solutions Pty Ltd Report reference number 200178, dated 06/11/2019.

- b) The existing walls and roof and any openings that are being retained shall be upgraded for ember protection. This is to be achieved by enclosing all openings or covering openings with a non-corrosive metal screen mesh with an aperture of 2mm.

9. 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.

10. 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 PCA for registration with the application for the construction certificate.

11. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) In accordance with the approved Hydraulic Services Plan – 219031-DAH– Page 1-5, prepared by Niven Donnelly & Partners.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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12. Erection of Construction Sign

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

13. 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.

14. Erosion and Sediment Control

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

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

15. Toilet Facilities

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

16. Impacts on Fauna

To ensure the protection of local fauna, prior to the removal of trees:

- a) An arborist, ecologist or wildlife carer is to inspect the trees for active habitat use including nests, hollows and decorticated bark.
- b) If any habitat is being actively used for nesting the tree removal must be deferred until after birds have fledged.
- c) A wildlife carer must be on site to capture any observed wildlife from the trees and relocate into adjacent bushland.
- d) Trees are to be removed in sections by a qualified tree surgeon in the presence of a 'Wildlife Carers' organisation to assist in the event of fauna presence or injury.

Note: 'WIRES' (Wildlife Rescue) volunteers can be contacted on 1300 094 737. 'Wildlife Services Sydney Metropolitan' volunteers can be contacted on 9413 4300.

17. Garbage receptacle

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.

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

REQUIREMENTS DURING DEMOLITION AND REMEDIATION

18. Schedule of Works

Construction works must not be commenced until remediation works are finalised and a clearance report is submitted to Council and the PCA.

19. Remediation Action Plan and Schedule of Works

- a) All demolition AND remedial works must be carried out in accordance with the recommendations contained within Sections 6 and 7 of the Remediation Action Plan, prepared by Australian Industry Group, dated May 2020.
- b) A Clearance Report is to be submitted to Council following completion of all remedial works detailed within the Remediation Action Plan, prepared by Architects of Arcadia and dated May 2020. The Clearance Report is to be prepared by an Occupational Hygienist accredited by the Australian Institute of Occupational Hygienists (AIOH) and include but not be limited to air monitoring results prior to, during and after remedial works, photographic evidence confirming the removal of lead dust, lead flashing and acoustic/thermal insulation (synthetic mineral fibres). The report should also include waste dockets confirming the disposal of all material removed from the site during remedial works was disposed of to a licenced waste facility.

GENERAL REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

20. Construction Work Hours

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

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

21. Demolition

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

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS'

and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

22. Environmental Management

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

23. Disturbance of Existing Site

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

24. Excavated Material

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

25. Council Property

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

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

26. Bushland Protection During Construction

To ensure the protection of bushland during construction, the applicant must:

- a) Install 1.2-metre-high chain wire fencing (or similar) along the edge of the bushland which adjoins the aquatic centre within management zone 1 as mapped in figure 2 of the Vegetation Management Plan Ref: 15297, prepared by Ecological Australia dated 2 April 2020;
- b) Install permanent log fencing or another form of delineation around the areas allocated for regeneration in zones 2 and 3 as identified in section 3.1.1 of the Vegetation Management Plan Ref: 15297, prepared by Ecological Australia dated 2 April 2020;
- c) Clean machinery of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

27. 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

28. 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 trees being retained on the approved plans.

29. Approved Works within Tree Protection Zone incursions

- a) No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans
- b) To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered 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 utilise directional drilling only
- c) 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 and;
 - ii) Installation of geotextile fabric ground covering and;
 - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

30. Building materials and Site Waste

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

31. Fire Safety Statement – Final

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

32. Bushfire

- a) Asset protection zones shall be established in accordance with Building Code & Bushfire Hazard Solutions Pty Ltd report reference number 200178.
- b) The existing service trail to the west which provides vehicle access to the netball courts, shall be maintained to the standard of a Fire Trail as described in section 4.1.3(3) of *Planning for Bush Fire Protection 2006*.

33. Final Certification

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

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

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

OPERATIONAL CONDITIONS

34. Noise

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

35. Swimming Pool Requirements

All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not accessible, a filtration system that does not require backwashing must be installed;

36. 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.

37. Ongoing Protection of Bushland

The bushland identified on the approved plans within zones 1, 2, 3 and 4 must be restored in accordance with the approved Vegetation Management Plan Ref: 15297, prepared by Ecological Australia, dated 2 April 2020 for a period of five years commencing at the issuance of a Construction Certificate. Progress reports are to be provided and approved by the Natural Resources Branch at NaturalResources@hornsby.nsw.gov.au at 12 month intervals.

CONDITIONS OF CONCURRENCE – NSW RURAL FIRE SERVICE

The following conditions of consent are from the nominated State Agency pursuant to Section 4.14 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

38. Asset Protection Zones

From the start of building works, the property around the northwest and southwest elevations of the building must be managed as an inner protection area (IPA) for a distance of 10 metres. The IPA must comprise:

- a) Minimal fine fuel at ground level;
- b) Grass mowed or grazed;
- c) Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- d) Trees and shrubs located far enough from buildings so that they will not ignite the building;
- e) Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- f) Minimal plant species that keep dead material or drop large quantities of ground fuel;
- g) Tree canopy cover not more than 15%;
- h) Tree canopies not located within 2 metres of the building;
- i) Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- j) Lower limbs of trees removed up to a height of 2 metres above the ground.

39. Construction Standards

- a) New construction to the northwest and southwest elevations as well as to the roof of the structure shall comply with Sections 3 and 9 (BAL FZ) of *Australian Standard AS3959-2009 Construction of buildings in bush fireprone areas* or NASH Standard (1.7.14 updated) '*National Standard Steel Framed Construction in Bushfire Areas – 2014*' as appropriate. Except for windows, flaming of the specimen is not permitted and there shall be no exposed timber.
- b) New construction to the northeast and southeast elevations must comply with Sections 3 and 8 (BAL 40) *Australian Standard AS3959-2009 Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) '*National Standard Steel Framed Construction in Bushfire Areas – 2014*' as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.
- c) The remaining areas of the existing building where no works are proposed are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

40. Water and Utility Services

The provision of water, electricity and gas must comply with section 4.1.3 of *Planning for Bush Fire Protection 2006*.

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

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

Long Service Levy

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

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

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

Tree and Vegetation Preservation

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

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

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

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

Disability Discrimination Act

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

Covenants

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

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

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

Food Authority Notification

The *NSW Food Authority* requires businesses to electronically notify the Authority prior to the commencement of its operation.

Note: NSW Food Authority can be contacted at www.foodnotify.nsw.gov.au.

Council Notification – Food Premises

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

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