

## SYDNEY NORTH PLANNING PANEL

<b>Panel Reference</b>	PPSSNH-56
<b>DA Number</b>	DA/1041/2019
<b>LGA</b>	Hornsby Shire Council
<b>Proposed Development</b>	Alterations and additions to the existing community swimming pool comprising a new roof over the existing 24m pool and learn to swim pool, a new learn-to-swim change room comprising toilets and showers, new accessible sanitary compartments, and a new proposed club room and canteen
<b>Street Address</b>	No. 412 Galston Road, Galston
<b>Applicant</b>	Mohammad Mamum, Hornsby Shire Council
<b>Owner</b>	Crown Land with Council as Trustee.
<b>Date of DA Lodgment</b>	13 November 2019
<b>Number of Submissions</b>	Nil
<b>Recommendation</b>	Approval
<b>Regional Development Criteria</b>	Community Facility over \$5,000,000
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• Hornsby Local Environmental Plan 2013</li> <li>• State Environmental Planning Policy No. 19 Bushland in Urban Areas</li> <li>• State Environmental Planning Policy No. 44 Koala Habitat Protection</li> <li>• State Environmental Planning Policy No. 55 Remediation of Land</li> <li>• Sydney Regional Environmental Plan No. 20 Hawkesbury Nepean River</li> <li>• Biodiversity Conservation Act 2016</li> <li>• Hornsby Development Control Plan 2013</li> <li>• Planning for Bush Fire Protection 2006</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	<ol style="list-style-type: none"> <li>1. Architectural Plans</li> <li>2. Survey Plan</li> <li>3. BCA Report</li> <li>4. Access Report</li> <li>5. Flora and Fauna Assessment</li> <li>6. Vegetation Management Plan</li> <li>7. Statement of Environmental Effects</li> <li>8. Acoustic Report</li> <li>9. Remedial Action Plan</li> <li>10. Tree Management Plan</li> <li>11. Concept Landscape Plan</li> </ol>
<b>Report prepared by</b>	NEXUS ENVIRONMENTAL PLANNING PTY LTD
<b>Report date</b>	10/06/2020

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**Summary of s4.15 matters**

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

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**Legislative clauses requiring consent authority satisfaction**

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

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

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**Clause 4.6 Exceptions to development standards**

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

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**Special Infrastructure Contributions**

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

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

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**Conditions**

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

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

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**CONSULTANT'S REPORT - NEXUS ENVIRONMENTAL PLANNING PTY LTD**

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Development Application No:	DA/1041/2019 (Lodged on 13 November 2019)
Description of Proposal:	Replacement of the existing roof and increase of patron amenities at the Galston Aquatic and Leisure Centre, to be constructed in two phases
Property Description:	Lot 181, DP 752048, No.412 Galston Road, Galston
Applicant:	Hornsby Shire Council
Owner:	Crown Land with Council as Trustee
Estimated Value:	\$6,793,748
Ward	A

**ASSESSMENT REPORT AND RECOMMENDATION****EXECUTIVE SUMMARY**

- The application proposes replacement of the existing roof and increase of patron amenities at the Galston Aquatic and Leisure Centre.
- The proposed development is consistent with the *Hornsby Local Environmental Plan 2013* and the Hornsby Development Control Plan.
- The site is owned by Hornsby Shire Council. An independent assessment of the development application has been undertaken by *Nexus Environmental Planning Pty Ltd*.
- No submissions have been received in respect of the application.
- It is recommended that the application be approved.

**RECOMMENDATION**

THAT Development Application No. DA/1041/2019 for replacement of the existing roof and increase of patron amenities at the Galston Aquatic and Leisure Centre, to be constructed in two phases at Lot 181, DP 752048, No. 412 Galston Road, Galston be approved subject to the conditions of consent detailed in Schedule 1.

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**BACKGROUND**

- On 13 November 2019, the subject application was lodged.
- The application was exhibited from 18 November 2019 to 11 December 2019 and no submissions were received.
- On 22 November 2019, Council's Development Assessments division requested the Statement of Environmental Effects (SEE) be amended to reflect the proposed works within the submitted Building Code of Australia (BCA) report, prepared by BCA Logic. On 26 November an amended SEE was submitted.
- On 27 November 2019, Council's Development Assessments division requested clarification regarding the scope of work and inconsistency between documents.

- On 6 December 2019, an amended Flora and Fauna Assessment, SEE, Tree Management Plan, Architectural Plans, Access Assessment Report and BCA report were submitted.
- On 20 December 2019, the NSW Rural Fire Service issued a Bushfire Safety Authority.
- On 2 January 2020, Council's Development Assessments division requested clarification that the pool was connected to Sydney Water. On 7 January 2020 it was confirmed that Galston Pool has a connection to the Sydney Water pressure sewer via an on-site pressure sewer pumping station.
- On 17 January 2020, Council's Development Assessments division requested amendments be made to the submitted acoustic report to reference the nearest residential receiver. On 7 February the requested information was submitted.
- On 21 January 2020 and 2 April 2020, Council's Development Assessments and Natural Resource division requested amendments be made to the submitted Flora and Fauna Assessment.
- On 2 April 2020, the requested information was submitted.
- On 6 April 2020, Council's Development Assessments division requested that the applicant provide an assessment of the proposed development against the provisions of *SEPP No. 55 Remediation of Land*.
- On 10 June 2020, the requested information was submitted.

## SITE

The site is located on the western side of Galston Road, Galston.

The Galston Aquatic and Leisure Centre (GALC) is part of the Galston Recreation Reserve which includes Hayes Park.

The Galston Recreation Reserve and Hayes Park comprise four distinct areas:

- Galston Recreation Reserve to the north of the pool site which includes a large open grassed area, tennis courts, picnic area and car park.
- Hayes Oval to the south of the pool site which includes a large sealed car parking area and unsealed overflow car parking.
- Bushland to the west of the pool site.
- A skateboard park to the east of the site.

## PROPOSAL

The application proposes replacement of the existing roof and increase of patron amenities at the GALC, to be constructed in two (2) phases.

The Statement of Environmental Effects submitted with the development application indicates that the development comprises:

*The GALC has recently undergone renovation and refurbishment, but major problems exist with the condition of the existing roof over the 25m pool. This application seeks consent for the re-roofing of the existing facility.*

The metal framed roof structure of the Centre over the 25m pool has been deteriorating for many years and is undergoing regular condition inspections by structural engineers. The monthly inspections are to confirm functionality and the structural integrity of the rusting metal roof steelwork. Repair options were investigated by the engineers and discussed with Hornsby Shire Council, but the rusting of the metal roof structure, and the use of lead-based paint require continual monitoring to allow ongoing use. In addition, the work involved in rectification means the roof linings have to be removed, with the structure encapsulated to prevent scattering of the lead paint during remediation. It was confirmed the best project outcome was to replace the roof structure completely. The existing roof shape can be improved on replacement, as presently, excessive amounts of leaf litter collect in the many valley gutters.

The proposed works include:

- a) A new roof over the existing 25m pool and learner pool.
- b) A new learn-to-swim change room, containing toilets and showers.
- c) New accessible sanitary compartments.
- d) A new proposed club room/canteen.

Whilst the new roof structure will result in increased internal gross floor area, this area is currently being used by patrons travelling between the two pools. No increase in visitors is expected to be generated as a direct result of the proposed re-roofing.

#### **Vehicular Elements**

No changes are proposed to the existing vehicular arrangements on site. The proposed works will not directly result in any increased demand or trip generation from the use of the site.

#### **Management and Hours of Operation**

No changes are proposed as part of this application to these aspects of the site's operation.

#### **Signage**

No signage is proposed as part of this application, apart from that shown (building identification signage) on the entry structure.

#### **Materials and Finishes**

To combat the extremely corrosive environment within a heated and air-conditioned pool complex, the new roof structure will consist of 350mm diameter concrete columns and glulam Victorian Ash H3 treated rafters. The rafters will be fixed to the columns using the highest grade fabricated stainless steel connectors together with underslung highest-grade stainless-steel rods and turnbuckles to minimise the glulam rafter size. Varying length Victorian Ash purlins will span between the rafters to support the roof.

The roof consists of a multi-layer lower acoustic perforated colorbond coated 100mm deep structural deck with trapezoidal acoustic glass wool infill. Over this is a TBA Firefly Flame Zone passive fire protection. On top is a 140mm wool insulation blanket and Kingspan Kingzip Linea 400 colorbond coated top sheet.

Proposed walls in the Flame Zone and BAL 40 which are not existing brickwork will be core filled blockwork, brickwork, CFC with Flame Zone or BAL 40 Firefly passive fire protection, or fire rated glass blocks.

*Windows and doors will be designed as required by the engineered design solution. This will probably [sic] require automatic fire shutters, Flame Zone glazing and frames.*

### **Phasing of Works**

*The proposed works are intended to be carried out over two phases.*

## **ASSESSMENT**

The development application has been assessed having regard to the *Greater Sydney Region Plan - A Metropolis of Three Cities*, the *North District Plan* and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

### **1. STRATEGIC CONTEXT**

#### **1.1 Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan**

A *Metropolis of Three Cities* has been prepared by the NSW State Government to guide land use planning decisions to the year 2056. The population of Greater Sydney is expected to grow by 3.2 million people by 2056. The Plan sets a strategy for accommodating Sydney's future population growth and demographic change, while improving liveability.

The Plan identifies that the most suitable areas for new housing are in locations close to jobs, public transport, community facilities and services.

The NSW Government will use the District planning process to define objectives and set goals for job creation, housing supply and choice in each District. The *North District Plan* is a 20 year plan to manage growth in the context of economic, social and environmental matters to achieve the 40 year vision for Greater Sydney.

Council has been grouped with Hunters Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde, and Willoughby LGAs to form the North District. The North District Plan will be reviewed and the Government will set housing targets and monitor supply to ensure planning controls are in place to stimulate housing development. The *Metropolis of Three Cities* sets a District 20 year strategic housing target of 92,000 dwellings over the next 20 years.

The proposed development would be consistent with A Metropolis of Three Cities, by maintaining existing services and providing additional services to support a growing population.

### **2. STATUTORY CONTROLS**

Section 4.15(1)(a) requires Council to consider "*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*".

#### **2.1 Hornsby Local Environmental Plan 2013**

The proposed development has been assessed having regard to the provisions of the Hornsby Local Environmental Plan 2013 (HLEP).

### 2.1.1 Zoning of Land and Permissibility

The site is zoned part RE1 Public Recreation and part SP2 Infrastructure under the *HLEP*. The section of the site where the proposed development is to be located is within the RE1 Public Recreation zone. The objectives of the zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect and maintain areas of bushland that have ecological value.*

The proposed development is defined as "recreation facility (indoor)" under the *HLEP* and is permissible in the RE1 Public Recreation zone with Council's consent.

### 2.1.2 Heritage Conservation

The site is listed as a Heritage Item in Schedule 5 Part 1 of the *HLEP* as:

- *Ref 439 - 412X Galston Road - Galston Park and Memorial - Local*

The site is in the vicinity to following heritage item:

- *Ref 438 - 403 Galston Road Galston High School - "Waddell Cottage" Local*

Clause 5.10 of the *HLEP* sets out heritage conservation provisions. John Oultram Heritage & Design has prepared an assessment on behalf of Council which states:

*The Galston Recreation Reserve is a place of some significance having provided recreation facilities for the local community for over 100 years. The place has a large oval and a collection of well-used, leisure facilities and play areas. The site also served as the local showground for a number of years and is the site of the local history museum and contains a local War Memorial to those that served in both World Wars and later conflicts.*

*The Aquatic Centre is a large component of the site and is a well-used facility that would be important to the local community. The proposal to upgrade the facility will improve its amenity providing a large cover over the main pool, a more permanent cover over the learner pool and an additional clubroom.*

*The place has been used as a recreation area for over 100 years and the Aquatic Centre has been at the site for over 50 years. The upgrade of the centre will reinforce the recreational facilities at the site ensuring the ongoing use.*

*The Aquatic Centre is a rather undistinguished late Twentieth Century building of no aesthetic merit.*

#### **Demolitions**

*The roof to the pool and the shade structure over the learner pool will be removed but these are not elements of any significance.*

#### **Alterations**

*The two pools and changing rooms will be retained with the works confined to upgrading and enlarging the enclosures by replacing the current roof with a higher structure. The new structure*

*of the learner pool will be to a similar detail and connected to the main pool to improve its amenity.*

*The works will increase the scale of the pool buildings but the site is large and the overall footprint of the centre will retain largely as is. The centre sits is set against a well treed backdrop and, though some trees will be removed in the immediate vicinity to address fire risk issues, the setting of the pool will be largely retained.*

*The brick walls to the pool will be painted to tie in with the coloured panels used in the new side cladding to the roof structure. We would recommend that the colour be a muted, earthy tone to allow the centre to sit discretely in its semi-bushland setting. While some use of coloured panels to the upper sections may be acceptable we would recommend that these be limited and the majority be a muted tone.*

### **Additions**

*There is a small addition to the gymnasium but this is a small scale structure that will not overly increase the bulk and scale of the centre.*

*We consider that the proposals are not at a scale that would impact on the significance of the place overall. The Aquatic Centre is set well away from the war memorials and History Cottage and will have no impact on their setting.*

### **Impact upon the Heritage Item**

*Based on the above we consider that the proposal will have no impact on the setting or significance of the item.*

### **Impact on the Heritage Item in the Vicinity**

*The High School and Waddell Cottage are well separated from the subject site and the school is largely a collection of Post War buildings. There is no visual connection between the subject site and Waddell Cottage.*

*The works will have no immediate effect on the item and the scale of the works would preclude them having any impact on their setting.*

### **Summary**

*Overall we consider that the proposal are a relatively minor redevelopment of the Aquatic Centre and been carefully considered to avoid overdeveloping the site and limiting the impact of the works on the significance of the place.*

*The maintenance of the low scale of the buildings and sensible and limited placement of the additions mitigates the impact of the works on the place.*

*The proposals will have no impact on the heritage item in the vicinity and largely comply with the heritage objectives and controls of the HDCP or provide for a reasonable alternative.*

*In heritage terms, we would recommend that the proposals be approved.*

## **2.2 Biodiversity Conservation Act 2016**

Eco Logical Australia were engaged by the applicant to prepare a Flora and Fauna Assessment in the context of the potential impacts on native vegetation, threatened species, populations and communities listed under the *NSW Biodiversity Conservation Act 2016 (BC Act)* and *Commonwealth Environment*



*Protection and Biodiversity Conservation Act 1999* which included consideration of the APZ required by the bushfire assessment.

No threatened flora or fauna species were recorded during the field survey or during targeted nocturnal surveys within the study area, however, potential foraging and roosting habitat was present within the study area for threatened microchiropteran bat species. A Test of Significance (5-part test) under the *BC Act* was undertaken for microchiropteran bats and concluded that the proposed works is unlikely to have a significant impact.

Council's Natural Resources Unit has reviewed the application and has made the following comments:

*A Vegetation Management Plan has been provided by Ecological Consulting, dated 2 April 2020 (TRIM ref: D07892412). The plan appropriately addresses the removal of APZ vegetation and ensures a positive biodiversity outcome through the management of the surrounding bushland which is in a degraded state. Natural Resources is supportive of the proposed VMP*

....

Suitable conditions of consent have been recommended.

### **2.3 State Environmental Planning Policy No. 19 - Bushland in Urban Areas**

*State Environmental Planning Policy No. 19 Bushland in Urban Areas (SEPP 19)* applies to the proposed development as the land adjoins bushland zoned as open space, however, as the proposal does not affect bushland on the adjoining open space land further consideration of *SEPP 19* is not required.

### **2.4 State Environmental Planning Policy No. 44 - Koala Habitat Protection**

*State Environmental Planning Policy No. 44 (SEPP 44)* provides for the conservation and management of koala habitat and requires that Council must consider whether land of more than one hectare is potential koala habitat or core koala habitat.

The submitted Flora and Fauna Assessment included a review of the NSW Wildlife Database of threatened species. There were no koalas recorded on the data base. The fauna survey assessment found no evidence of koalas on the site. Council's Natural Resources Team inspected the site and raised no objection to the development in regard to koala habitat protection.

Accordingly, it is unlikely the site represents core koala habitat. A koala plan of management is, therefore, not required for the proposal.

### **2.5 State Environmental Planning Policy No.55 - Remediation of Land**

Clause 7 of *State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55)* requires the consent authority to consider whether land is contaminated prior to granting consent to the carrying out of any development on that land.

Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make the land suitable for the proposed use, the consent authority must be satisfied that the land would be remediated before the land is used for that purpose.

Pursuant to clause 7.2 of *SEPP 55*:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
- (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The applicant has provided an assessment of the site pursuant to SEPP 55 which states:

- *The Preliminary Hazardous Material Survey undertaken identified contaminant of significance as: settled lead dust, lead flashing and roof thermal/acoustic insulation (synthetic mineral fibres). No contamination in the form of asbestos, PCB capacitors were identified from an inspection of the roof cavity.*
- *Settled lead dust B two settled dust samples were taken from the roof of GALC; one sample from the north and the other from the east. Lead concentration from both samples were well above the adopted recommended criteria of 8,600 µg/m<sup>2</sup>. It was noted that settled dust is distributed across the roof cavity of the GALC.*
- *Lead flashing - Lead flashing is observed around window frames and likely to be used within roof cavity to prevent moisture incursion.*
- *Roof thermal/acoustic insulation - site inspection of the roof cavity indicated that there is the presence of thermal/acoustic insulation within the roof cavity of GALC and used as pipe insulation for the hot water pipping on the roof-top. The thermal/acoustic insulation is made of synthetic mineral fibres.*

In response to the identification of contamination on the site, a Remedial Action Plan (RAP) is recommended, the objectives of which are to:

- *Set remediation goals to an extent that enables the client to ensure that the remediated site is suitable for its proposed use and will pose no unacceptable risk to human health or the environment with regards to the contaminants of concern;*
- *Propose a cost effective and practical remediation strategy for the roof of GALC;*
- *Document in detail all procedures and plans to be implemented to reduce risks to acceptable levels for the proposed site use;*
- *Establish environmental safeguards required to complete the remediation in an environmentally acceptable matter; and*
- *Comply with the relevant regulatory guidelines.*

The RAP provides details of the measures which would be implemented as part of the demolition of the existing roof structure on the site together with the health and safety measures to be implemented to ensure that contamination is remediated such that the site can be used as a recreation facility. A condition of consent has been recommended to ensure that the recommendations of the RAP are implemented.

With the recommendations contained in the RAP implemented as part of the proposed development, the Sydney North Planning Panel can be satisfied that the provisions of *SEPP 55* have been satisfied.

## **2.6 Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (SREP 20)**

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of *SREP 20* contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

The proposed development will have the potential to impact on the catchment of the Hawkesbury River. The relevant policies and recommended strategies are addressed as follows:

### **(i) Total catchment management, water quality and water quantity**

Should the application be approved, conditions are essential to ensure the development will be carried out with minimal impact on water quality. This will require water quality measures for the construction stage, such as an erosion and sediment control plan. *SREP 20* also requires that stormwater run-off does not significantly increase as a result of development and water quality is maintained.

Suitable conditions of consent have been recommended.

### **(ii) Environmentally sensitive areas**

The quality of environmentally sensitive areas must be protected and enhanced. Environmentally sensitive areas include significant flora and fauna habitats and riparian land.

The proposed development does not have the potential to have a negative impact on any watercourse in the vicinity of the site.

### **(iii) Cultural Heritage**

*SREP 20* requires an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.

It is unlikely that any Aboriginal site would be affected by the proposed development.

### **(iv) Flora and Fauna**

*SREP 20* requires the conservation and enhancement of flora and fauna communities which also requires developments to locate structures, where possible, in areas which are already cleared or disturbed instead of clearing or disturbing further land.

As noted in the report of Eco Logical, no threatened flora or fauna species were recorded during the field survey or during targeted nocturnal surveys within the study area, however, potential foraging and roosting habitat was present within the study area for threatened microchiropteran bat species. A Test of Significance (5-part test) under the BC Act was undertaken for microchiropteran bats and concluded that the proposed works are unlikely to have a significant impact.

### **(v) Riverine scenic quality**

Not applicable

### **(vi) Agriculture/aquaculture and fishing**

Not applicable.

**(vii) Rural residential development**

Not applicable.

**(viii) Urban development**

Not applicable.

**(ix) Recreation and tourism**

Not applicable

**(x) Metropolitan strategy**

The proposal is consistent with the *Greater Sydney Region Plan - A Metropolis of Three Cities* and the *North District Plan*.

**2.7 Hornsby Development Control Plan 2013**

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCP).

**2.7.1 Biodiversity**

As noted in the report of Eco Logical, no threatened flora or fauna species were recorded during the field survey or during targeted nocturnal surveys within the study area, however, potential foraging and roosting habitat was present within the study area for threatened microchiropteran bat species. A Test of Significance (5-part test) under the BC Act was undertaken for microchiropteran bats and concluded that the proposed works are unlikely to have a significant impact.

**2.7.2 Bushfire**

The site is identified as bushfire prone land. The applicant has provided a Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Limited. The assessment states:

*Hornsby Council's Bushfire Prone Land Map identifies the subject property as containing Category 1 Vegetation and its associated 100 metre buffer zone therefore the application of Planning for Bush Fire Protection - 2006 (PBP) must apply in this instance.*

*The vegetation identified as being the hazard is to the south and west of the subject building within the subject site and Galston Recreation Reserve.*

*As the subject building is considered as a place of public assembly (Class 9 structure) in accordance with Planning for Bush Fire Protection 2006 and the Rural Fire Services Fast Fact B Places of public worship and other public assembly buildings on bush fire prone land (October 2014), the proposal should be considered on its merits under section 4.14 of the Environmental Planning & Assessment Act 1979, with consideration of the specific objectives listed in 4.2.3 of PBP.*

The report concluded as follows:

*A fundamental objective underpinning the proposal has been to achieve a better bush fire outcome. In this regard it is noted that the proposal will result in:*

- *Creation of a defensible space for fire-fighters*

- *Implementation of a Fuel Management Plan, ensuring ongoing management of the defensible space;*
- *All new building works to comply with the relevant Bushfire Attack Level under AS3959;*
- *Ember upgrade package to the balance of the subject building;*
- *Implementation of a Bushfire Emergency Management Plan; and*
- *Improved access provisions for attending fire services.*

*In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that the proposed development satisfies the aim and objectives of PBP 2006 and will result in an improved bushfire safety outcome.*

On 20 December 2019, the NSW Rural Fire Service issued a Bushfire Safety Authority.

### **3. ENVIRONMENTAL IMPACTS**

Section 4.15(1)(b) of the Act requires the consent authority to consider "*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*".

#### **3.1 Natural Environment**

##### **3.1.1 Tree and Vegetation Preservation**

Council's Tree Management Team has made the following comments:

##### ***Vegetation Community:***

*Peppermint Angophora Forest and Narrow Leaved Scribbly Gum Woodland. The subject site and/or adjoining land contain/s tree species protected by the Tree Preservation Measures contained in Part1.B.6 of the Hornsby Development Control Plan 2013 (HDCP).*

*The site contains trees which satisfy Council's criteria for being Individually Significant Trees. These trees are numbered 1-304 on the Tree Location Plan prepared by Fiona Robbe dated November 2019 (TRIM: D0781461).*

*An Arboricultural Impact Assessment (AIA) has not been provided with the proposal.*

*The proposal is for re-roofing of the existing 25m pool. As a result there will be a requirement to remove trees and some other vegetation to comply with the APZ requirements for the site based on the current PBP.*

*Based on discussions with the natural resource team the proposed removals will be acceptable as these target species which are of poor condition or structurally defective and removal will provide benefit to effective site management and off-set planting.*

*No objections are raised to the proposal in terms of its anticipated impact on trees ....*

Suitable conditions of consent have been recommended.

##### **3.1.2 Stormwater Management**

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements.

Suitable conditions of consent have been recommended.

### **3.2 Built Environment**

Council's Environmental Health and Building Surveyor raised no objection to the proposed development.

Suitable conditions of consent have been recommended.

### **3.3 Social Impacts**

The proposed development would provide alterations and additions to the existing Galston Aquatic Centre which would provide for increase social amenity for the residents of the Hornsby Shire.

### **3.4 Economic Impacts**

The proposal would have no economic impact.

## **4. SITE SUITABILITY**

Section 4.15(1)(c) of the Act requires the consent authority to consider "*the suitability of the site for the development*". The site is current used as the Galston Aquatic and Leisure Centre and the proposed development, suitably conditioned as detailed in the report, would remain suitable for the proposed use.

## **5. PUBLIC PARTICIPATION**

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

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 18 November 2019 and 11 December 2019 in accordance with the Notification and Exhibition requirements of the HDCP.

During this period, Council received no submissions.

## **6. PUBLIC INTEREST**

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

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

The proposed development would result in significant increase to the amenity of those who utilise the Galston Aquatic and Leisure Centre.

The applicant has demonstrated that the site is suitable for the proposed development and, in particular, with regard to the contamination of the site.

The applicant has satisfactorily addressed Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community.

Accordingly, it is considered that the approval of the proposal would be in the public interest.

## **7. CONCLUSION**

The application proposes the replacement of the existing roof and increase of patron amenities at the Galston Aquatic and Leisure Centre, to be constructed in two (2) phases.

The proposed development has adequately provided for the retention and conservation of significant vegetation on the site and would not result in adverse impacts to any locally significant vegetation community, wildlife corridor, threatened species habitat or remnant endangered ecological communities.

The applicant has demonstrated that the site is suitable for the proposed development and, in particular, with regard to the contamination of the site and any impact contamination would have on the use of the Galston Aquatic and Leisure Centre in the future.

Conditions are recommended to minimise disruption to residential amenity.

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

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and the Hornsby Development Control Plan 2013.
- Tree and vegetation removal to satisfy bushfire safety requirements would be offset through the implementation of a 5 year vegetation management plan.
- The proposed development does not create unreasonable environmental impacts to adjoining development with regard to visual bulk, overshadowing, solar access, amenity or privacy.

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

**Attachments:**

1. Architectural Plans
2. Survey Plan
3. BCA Report
4. Access Report
5. Flora and Fauna Assessment
6. Vegetation Management Plan
7. Statement of Environmental Effects
8. Acoustic Report
9. Remedial Action Plan
10. Tree Management Plan
11. Concept Landscape Plan

## SCHEDULE 1

### GENERAL CONDITIONS

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

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

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

### 1. Approved Plans and Supporting Documentation

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

#### *Approved Plans*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
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*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
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	



<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
Hydraulic Services Plan No. 219031-DAH– Page 1-5	Niven Donnelly & Partners	12/11/2019	
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](http://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](http://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****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.

<b>GENERAL REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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## 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.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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**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. 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.

### **36. 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](mailto: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.

### 37. 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.

### 38. 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.

### 39. 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](http://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](http://www.environment.nsw.gov.au)

[www.adfa.org.au](http://www.adfa.org.au)

[www.safework.nsw.gov.au](http://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](http://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.*