

# Development Consent

## *Section 4.38 of the Environmental Planning and Assessment Act 1979*

The Independent Planning Commission (the Commission), as the declared consent authority under clause 8A of State Environmental Planning Policy (State and Regional Development) 2011 and section 4.5(a) of the *Environmental Planning and Assessment Act 1979*, grants consent to the development application referred to in Schedule 1, subject to the conditions in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



Peter Duncan AM  
Member of the Commission



Adrian Pilton  
Member of the Commission

Sydney

9 March 2021

### SCHEDULE 1

<b>Application Number:</b>	SSD-10444
<b>Applicant:</b>	Best-Practice Education Group Limited
<b>Consent Authority:</b>	Independent Planning Commission
<b>Site:</b>	1 Rosemead Road, Hornsby (Lot A in DP 327582)
<b>Development:</b>	<p>Adaptive reuse of an existing heritage listed dwelling (Mount Errington) for the purpose of a pre-school (32 students aged 3 – 5 years) and primary school (48 students aged Kindergarten to Year 2), for 80 students and nine staff, comprising:</p> <ul style="list-style-type: none"><li>• External alterations to the heritage listed dwelling, including:<ul style="list-style-type: none"><li>○ a new fire stair and exit;</li><li>○ increased height of the balustrade to first floor balcony; and</li><li>○ storage enclosure at the rear (ground level);</li></ul></li><li>• Internal alterations and modifications to create:<ul style="list-style-type: none"><li>○ three pre-school rooms on the ground floor;</li><li>○ five general learning areas on both levels; and</li><li>○ common areas, administrative and staff areas and amenities;</li></ul></li><li>• Construction of a new at-grade car parking with 12 car spaces;</li><li>• Tree removal, landscaping and internal drop-off / pick-up bay; and</li><li>• Removal of the existing and replacement with a new gate and perimeter fence and signage.</li></ul>

## DEFINITIONS

<b>Aboriginal object</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Aboriginal place</b>	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
<b>Accredited Certifier</b>	Means the holder of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
<b>Advisory Notes</b>	Advisory information relating to the consent but do not form a part of this consent
<b>Applicant</b>	Best-Practice Education Group Limited or any other person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certified Contaminated Land Consultant</b>	A person certified in accordance with the requirements of the Contaminated Land Consultant Certification Policy Version 2 (EPA November 2017) or any subsequent policies as in force from time to time
<b>Certifier</b>	Means a council or accredited certifier
<b>Conditions of this consent</b>	The conditions contained in Schedule 2 of this document
<b>Construction</b>	<p>All physical work to enable operation including but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities.</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the <i>Biodiversity Conservation Act 2016</i> or <i>Environment Protection and Biodiversity Conservation Act 1999</i>) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EES Group or DPIE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
<b>Council</b>	Hornsby Shire Council
<b>Day</b>	The period from 7am to 6pm on Monday to Saturday, and 8am to 6pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions, including the works and activities comprising the alterations and additions to an existing dwelling for a new pre-school and primary school with associated works, as modified by the conditions of this consent.
<b>Earthworks</b>	Bulk earthworks, site levelling, import and compaction of fill material, excavation for installation of drainage and services

<b>EES Group</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment (Former Office of Environment and Heritage)
<b>EIS</b>	The Environmental Impact Statement titled <i>Adaptive reuse of heritage listed dwelling to facilitate Preschool and Primary School use including additions &amp; alterations, on-site car parking, tree removal, landscaping and fencing</i> , prepared by Andrew Martin Planning Pty Ltd dated 1 June 2020, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Existing dwelling</b>	The Mount Errington House located at 1 Rosemead Road, Hornsby
<b>Evening</b>	The period from 6pm to 10pm.
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage</b>	Encompasses both Aboriginal and historic heritage including sites that predate European settlement, and a shared history since European settlement
<b>Heritage NSW</b>	Heritage, Community Engagement of the Department of Premier and Cabinet
<b>Heritage Item</b>	An item as defined under the <i>Heritage Act 1977</i> , and assessed as being of local, State and/ or National heritage significance, and/or an Aboriginal Object or Aboriginal Place as defined under the <i>National Parks and Wildlife Act 1974</i> , the World Heritage List, or the National Heritage List or Commonwealth Heritage List under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), or anything identified as a heritage item under the conditions of this consent
<b>Incident</b>	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance <i>Note: "material harm" is defined in this consent</i>
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Management and mitigation measures</b>	The management and mitigation measures set out in Section 21 of the EIS.
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Mitigation</b>	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
<b>Monitoring</b>	Any monitoring required under this consent must be undertaken in accordance with section 9.39 of the EP&A Act
<b>Night</b>	The period from 10pm to 7am on Monday to Saturday, and 10pm to 8am on Sundays and Public Holidays

<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>OMP</b>	Operational Management Plan
<b>OTAMP</b>	Operational Traffic and Access Management Plan
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction.
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Pre-school</b>	Pre-school has the same meaning as 'centre-based child care centre' in <i>State Environmental Planning Policy (Educational Establishments and Child care Centres) 2017</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation, benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements.
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>Sensitive receivers</b>	A location where people are likely to work, occupy or reside, including a dwelling, school, hospital, office or public recreational area.
<b>Site</b>	The land defined in Schedule 1.
<b>Supplementary Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.
<b>TfNSW</b>	Transport for New South Wales
<b>VENM</b>	Virgin Excavated Natural Material
<b>Waste</b>	Has the same meaning as the definition of the term in the Dictionary to the POEO Act
<b>Year</b>	A period of 12 consecutive months

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**Obligation to Minimise Harm to the Environment**

- A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.

**Terms of Consent**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) generally in accordance with the EIS, Response to Submissions and Amendment Report; and
  - (d) in accordance with the approved plans in the table below:

<b>Architectural Drawings prepared by Armada</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
A100	M	Site and Roof Plan	14.12.2020
A200	L	Floor Plans + Sections	26.11.2020
A210	L	Elevations House	26.11.2020
A220	L	Elevations Site	26.11.2020
A230	L	Additional Details 01	26.11.2020
A231	K	Additional Details 02	26.11.2020
<b>Landscape Plan prepared by Fiona Cole Design</b>			
<b>Dwg No.</b>	<b>Rev</b>	<b>Name of Plan</b>	<b>Date</b>
04219	D	Landscape Plan	26.11.2020

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary;
  - (b) any reports, reviews or audits commissioned by the Planning Secretary regarding compliance with this approval; and
  - (c) the implementation of any actions or measures contained in any such document referred to in (a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) and A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

**Limits of Consent**

- A5. This consent lapses five years after the date of consent unless work is physically commenced.
- A6. This consent does not permit any alterations and / or demolition of any parts of the heritage listed dwelling or the heritage listed gardens (front and rear) and the fence apart from that approved by the plans listed in condition A2(d).

### **Student numbers**

- A7. The maximum student population permitted the school includes:
- (a) 32 pre-school students;
  - (b) 48 primary school students (Kindergarten – Year 2);
  - (c) nine full time equivalent staff members at any one time on the site; and
  - (d) 48 students in out-of-school hours care (OOSH).

### **Tree removal**

- A8. This consent only permits the removal of trees marked for removal in *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020. No trees or vegetation are permitted to be removed unless separate approval is obtained.

### **Prescribed Conditions**

- A9. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

### **Planning Secretary as Moderator**

- A10. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for mediation.

### **Evidence of Consultation**

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

### **Structural Adequacy**

- A12. Any new addition to existing dwelling and all new internal / external structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

*Note: Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.*

### **Design and Construction for Bush Fire**

- A13. Any new class 10B structure as defined per the National Construction Code must be non-combustible or hardwood.
- A14. The provision of water, electricity and gas must comply with Table 7.4a of *Planning for Bush Fire Protection 2019* (or any updated version).

### **Applicability of Guidelines**

- A15. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A16. Consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

### **Monitoring and Environmental Audits**

- A17. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act.

This includes conditions in respect of incident notification, reporting and response, non-compliance notification, Site audit report and independent auditing.

*Note: For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.*

### **Access to Information**

- A18. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available:
    - (i) the documents referred to in condition A2 of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent (if applicable);
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs (where applicable);
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary, and publicly available for 12 months after the commencement of operations.

### **Compliance**

- A19. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

### **Incident Notification, Reporting and Response**

- A20. The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
- A21. Subsequent notification must be given, and reports submitted in accordance with the requirements set out in **Appendix 2**.

### **Non-Compliance Notification**

- A22. The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The Certifier must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.
- A23. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.
- A24. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

### **Compliance Reporting**

A25. Within three months of the notified date of commencement of operation, a Compliance Report must be submitted to the satisfaction of the Planning Secretary confirming that the development has been carried out in accordance with the conditions of this consent.

### **Asset Protection Zone**

A26. From the start of building works and in perpetuity, the entire property must be managed as an Asset Protection Zone (APZ) in accordance with the performance requirements of Table 6.8a and Appendix 4 within *Planning for Bushfire Protection 2019* (or any updated version) and the NSW Rural Fire Service (RFS) document *Standards for Asset Protection Zones* (or any updated version).

A27. Those trees that are retained should be maintained so that there is no continuous tree canopy leading from the hazard to the asset.

A28. Landscaping of the Site is to be carried out in accordance with the approved plans at Condition A2.



## PART B PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### External Walls and Cladding

- B1. Prior to the issue of a construction certificate, the Applicant must provide the Certifier with documented evidence that the products and systems proposed for use or used in the external walls, including finishes and claddings comply with the requirements of the BCA. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### Compliance for pre-school

- B2. Prior to the issue of any relevant construction certificate, revised details drawings for the pre-school component must be prepared and certified by a suitably qualified person to demonstrate that the relevant areas of the existing dwelling, to be used as a pre-school, are compliant with the Education and Care Services National Regulations. The revised drawings and certification must be Certifier and to the Planning Secretary for information including:
- (a) toilet and hygiene facilities appropriate to the developmental stage and age of children under care within the centre; and
  - (b) adequate nappy change facilities (if applicable).

### Project Heritage Architect

- B3. Prior to the commencement of any works, an appropriately qualified and experienced heritage architect must be commissioned to assist the construction works on the site for their duration by undertaking regular inspections of the works in progress and providing advice in relation to heritage matters. Written details of the engagement of the experienced heritage architect must be submitted to the Certifier and Council for information.

### Design details

- B4. The detailed design drawing must demonstrate that to the satisfaction of the Planning Secretary that:
- (a) the detailed internal and external design plans for the existing dwelling have been prepared in consultation with the Project Heritage Architect and include recommendations of the *Statement of Heritage Impact* prepared by Heritage 21 dated May 2020 (as updated by the addendum dated 4.11.2020 and 30.11.2020);
  - (b) the design of the balustrade and timber handrails of the first-floor balcony, including the schedule of materials, colours and finishes generally match the first-floor balcony of the existing dwelling;
  - (c) the proposed replacement of the roof / new roof tiles has been designed by the Project Heritage Architect and matches the existing roof including use of materials such as Canadian slate;
  - (d) the open framed pergola type structure and the entry structure at the rear of the site:
    - (i) have been designed in consultation with the Project Heritage Architect in consultation with the Strategic Planning Branch of Council;
    - (ii) is consistent with the schedule of colour and finishes of the landscape elements in *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020; and
    - (iii) is consistent in height, scale and footprint, with the approved plans listed in condition A2.
  - (e) any new class 10B structure as defined per the National Construction Code are constructed of materials that are non-combustible or hardwood.

### Landscape Plans

- B5. The detailed landscape plans for the construction certificate must demonstrate that:
- (a) the plans are generally consistent with *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020;

- (b) the plans have been certified by the Project Heritage Architect and include recommendations of the *Statement of Heritage Impact* prepared by Heritage 21 dated May 2020 (as updated by the addendum dated 4.11.2020 and 30.11.2020);
- (c) the proposed new pedestrian gates adjoining the new driveway on the north-western side is constructed of timber and matches the material "TF3" identified in *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020;
- (d) the pedestrian entry gate on William Street matches the schedule of materials and finishes for the fence on William Street as identified in *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020;
- (e) the timber double lapped and capped fence on the western boundary has a Rw rating of minimum 25 and is designed to be 1.8 metres (m) high raking down to 1.2m at the front setback, consistent with the approved plans in condition A2; and
- (f) the timber gates and posts on Rosemead Road have been prepared by the Project Heritage Architect in consultation with Council's Strategic Planning Branch and match the details, materials and colours of the original posts and gate at this location.

### **Operational Waste Storage and Processing**

- B6. Prior to the issue of a construction certificate for the operational waste storage and processing areas, the Applicant must obtain agreement from Council for the design of the operational waste storage area (where waste removal will be undertaken by Council). Evidence of the design and Council endorsement (where relevant) must be provided to the Certifier.

### **Car Parking and Service Vehicle Layout**

- B7. Prior to the issue of a construction certificate, evidence must be submitted to the Certifier for approval demonstrating that the operational access and parking arrangements comply with the following requirements:
- (a) all vehicles can enter and leave the site in a forward direction;
  - (b) a minimum of 12 on-site car parking spaces (comprising eight for pre-school (staff and parents combined) and four for primary school) are included for use during operation of the development and designed in accordance with the latest versions of AS 2890.1 and AS 2890.6;
  - (c) all driveway / carpark and drop-off / pick-up areas comprise decomposed granite permeable surface while ensuring compliance with the latest version of AS 2890.2; and
  - (d) the swept path of the longest vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, is in accordance with the latest version of AS 2890.2.

### **Boundary alignment levels**

- B8. Prior to the issue of the construction certificate for any works at the site boundary (including driveway or the fence), the Applicant must demonstrate to the satisfaction of the Certifier that the site boundary alignment levels match the levels which existed prior to the commencement of works.

*Note: design levels at the boundary must be obtained from the relevant department of Council.*

### **Bicycle Parking and End-of-Trip Facilities**

- B9. Prior to the issue of a construction certificate, the following design details in relation to the secure bicycle parking and end-of-trip facilities must be submitted to the Certifier for approval:
- (a) the provision of a minimum six staff and visitor/student bicycle parking spaces outlined in plans listed in condition A2;
  - (b) compliance of the layout, design and security of bicycle facilities with the minimum requirements of the latest version of *AS 2890.3:2015 Parking facilities - Bicycle parking*, and;
  - (c) the provision of end-of-trip facilities for staff.

### **Vehicular crossing**

B10. Prior to the issue of construction certificate for vehicular crossings, the Applicant must submit design plans to the satisfaction of Council. The vehicular crossing must be constructed in accordance with Council's Civil Works Design 2005 and the design levels at the front boundary must be obtained from Council for the design of the internal driveway.

***Note:** An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.*

### **Fire Safety Schedule**

B11. Prior to the issue of the construction certificate, a schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) must be submitted to the satisfaction of the Certifier.

## PART C PRIOR TO COMMENCEMENT OF CONSTRUCTION

### Notification of Commencement

- C1. The Applicant must notify the Planning Secretary in writing of the dates of the intended commencement of construction at least 48 hours before those dates.
- C2. If the construction of the development is to be staged, the Planning Secretary must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### Certified Drawings

- C3. Prior to the commencement of construction, the Applicant must submit to the satisfaction of the Certifier structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with this development consent.

### Photographic Archival Record

- C4. Prior to the commencement of works the Applicant must:
  - (a) undertake a photographic and measured drawing (where relevant) record of the heritage listed property (Mount Errington house and garden) at No. 1 Rosemead Road, Hornsby in accordance with Heritage NSW guidelines and include accurate record of:
    - (i) the exterior and interior of the building (specifically all elements proposed for removal including the balustrade and internal walls); and
    - (ii) the main garden elements within its curtilage;
  - (b) submit one hard copy and one electronic copy of the photographic and measured drawing record to Council's Strategic Planning Branch and obtain written endorsement; and
  - (c) submit a copy of the endorsement to the Certifier prior to works commencing on the site.

### Protection of Public Infrastructure

- C5. Prior to the commencement of construction, the Applicant must:
  - (a) consult with the relevant owner and provider of services that are likely to be affected by the development to make suitable arrangements for access to, diversion, protection and support of the affected infrastructure;
  - (b) prepare a dilapidation report identifying the condition of all public infrastructure in the vicinity of the site (including roads, gutters and footpaths); and
  - (c) submit a copy of the dilapidation report to the Planning Secretary, Certifier and Council for information.

### Pre-Construction Dilapidation Report

- C6. Prior to the commencement of construction, the Applicant must submit a pre-commencement dilapidation report to Council, and the Certifier. The report must provide an accurate record of the existing condition of adjoining private property to the west, and Council assets that are likely to be impacted by the proposed works.

### Demolition

- C7. Prior to the commencement of construction, demolition work plans required by AS 2601-2001 *The demolition of structures* (Standards Australia, 2001) must be submitted to the Certifier.

### Environmental Management Plan Requirements

- C8. Management plans required under this consent must be prepared having regard to relevant guidelines, including but not limited to the *Environmental Management Plan Guideline: Guideline for Infrastructure Projects* (DPIE April 2020).

**Note:** The *Environmental Management Plan Guideline* is available on the Planning Portal at: <https://www.planningportal.nsw.gov.au/majorprojects/assessment/post-approval>

**Note:** The Planning Secretary may waive some of these requirements if they are unnecessary or unwarranted for particular management plans

## Construction Environmental Management Plan

- C9. Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary. The CEMP must include, but not be limited to, the following:
- (a) Details of:
    - (i) hours of work;
    - (ii) 24-hour contact details of site manager;
    - (iii) management of dust and odour to protect the amenity of the neighbourhood;
    - (iv) stormwater control and discharge (where relevant);
    - (v) measures to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site;
    - (vi) external construction lighting in compliance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting;
    - (vii) community consultation and complaints handling; and
    - (viii) detail the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations.
  - (b) Construction Traffic and Pedestrian Management Sub-Plan (see condition C11);
  - (c) Construction Noise and Vibration Management Sub-Plan (see condition C12);
  - (d) an unexpected finds protocol for contamination and associated communications procedure;
  - (e) an unexpected finds protocol for Aboriginal and non-Aboriginal heritage and associated communications procedure; and
  - (f) waste classification (for materials to be removed) and validation (for materials to remain) be undertaken to confirm the contamination status in these areas of the site.
- C10. The Applicant must not commence construction of the development until the CEMP is approved by the Certifier.
- C11. A Construction Traffic and Pedestrian Management Sub-Plan (CTPMSP) must be prepared to achieve the objective of ensuring safety and efficiency of the road network and address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced person(s);
  - (b) be prepared in consultation with Council;
  - (c) detail the measures that are to be implemented to ensure road safety and network efficiency during construction in consideration of potential impacts on general traffic, cyclists and pedestrians;
  - (d) include the swept path of the longest construction vehicle entering and exiting the site in association with the new work, as well as manoeuvrability through the site, in accordance with the latest version of AS 2890.2;
  - (e) include details of work zones, where applicable, if construction vehicles are proposed to be parked on the road; and
  - (f) detail heavy vehicle routes, access and parking arrangements (where relevant).
- C12. The Construction Noise and Vibration Management Sub-Plan (CNVMSP) must address, but not be limited to, the following:
- (a) be prepared by a suitably qualified and experienced noise expert;
  - (b) describe procedures for achieving the noise management levels in EPA's *Interim Construction Noise Guideline* (DECC, 2009);
  - (c) include strategies that have been developed with the community for managing high noise generating works (if any);
  - (d) describe the community consultation undertaken to develop the strategies in condition C12(c); and

- (e) include a complaints management system that would be implemented for the duration of the construction.
- C13. A Driver Code of Conduct must be prepared and communicated by the Applicant to heavy vehicle drivers (if relevant) and must address the following:
- (a) minimise the impacts of earthworks and construction on the local and regional road network;
  - (b) minimise conflicts with other road users;
  - (c) minimise road traffic noise; and
  - (d) ensure truck drivers use specified routes.

#### **Soil and Water**

- C14. Prior to the commencement of construction, the Applicant must install all erosion and sediment controls to be implemented during construction, as a minimum, in accordance with the publication *Managing Urban Stormwater: Soils & Construction* (4th edition, Landcom 2004) commonly referred to as the 'Blue Book' and generally consistent with *Drg 300 Issue L Site Management + Stormwater Concept Plan* prepared by Armada dated 26.11.2020.

#### **Construction Parking**

- C15. Prior to the commencement of construction, the Applicant must provide sufficient parking facilities on-site, including for heavy vehicles and for site personnel (unless work zones are approved by Council), to ensure that construction traffic associated with the development does not utilise public and residential streets or public parking facilities, unless otherwise agreed with the Planning Secretary.

#### **Outdoor Lighting**

- C16. Prior to the installation of outdoor lighting, evidence must be submitted to the Certifier that all outdoor lighting within the site has been designed to comply with AS 1158.3.1:2005 Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements and AS 4282-2019 Control of the obtrusive effects of outdoor lighting.
- C17. Any new lighting within the existing dwelling, must be designed to the Project Heritage Architect's requirements. Evidence of agreement from Project Architect must be submitted to the Certifier for information prior to the installation of the lighting.

#### **Ecologically Sustainable Development**

- C18. Prior to the commencement of construction, the Applicant must provide details to the satisfaction of the Certifier, of ecologically sustainable development (ESD) measures implemented on the site, including but not limited to the installation of:
- (a) energy efficient lighting and water efficient fixtures;
  - (b) efficient heating, ventilation and air conditioning selection (where relevant); and
  - (c) use of energy efficient LED lighting and lighting control systems with dimmable fittings.

#### **Stormwater Management System**

- C19. Prior to the commencement of the relevant construction stage / commencement of construction, the Applicant must demonstrate that the stormwater for the site is managed;
- (a) generally, in accordance with *Drg 300 Issue L Site Management + Stormwater Concept Plan* prepared by Armada dated 26.11.2020; and
  - (b) connects to the existing stormwater system on the site (if any), in accordance with Council's civil works and stormwater specifications.

#### **Project Arborist and Certification**

- C20. Prior to the commencement of construction, the Applicant must engage a suitably qualified Arborist to oversee the tree protection, retention and removal within the site. The Arborist must be appointed throughout the duration of the construction works.

C21. Prior to commencement of construction, the appointed project arborist must certify that the tree protection measures are correctly installed in accordance with the *Arboricultural Impact Assessment Report* dated April 2020 prepared by Earthscape Horticultural Services.

## PART D DURING CONSTRUCTION

### Site Notice

- D1. A site notice(s):
- (a) must be prominently displayed at the boundaries of the site during construction for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifier and Structural Engineer is to satisfy the following requirements;
  - (b) minimum dimensions of the notice must measure 841 mm x 594 mm (A1) with any text on the notice to be a minimum of 30-point type size;
  - (c) the notice is to be durable and weatherproof and is to be displayed throughout the works period;
  - (d) the approved hours of work, the name of the site/ project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/ noise complaint must be displayed on the site notice; and
  - (e) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

### Operation of Plant and Equipment

- D2. All construction plant and equipment used on site must be maintained in a proper and efficient condition and operated in a proper and efficient manner.

### Demolition

- D3. Demolition work must comply with the demolition work plans required by *Australian Standard AS 2601-2001 The demolition of structures* (Standards Australia, 2001) and endorsed by a suitably qualified person as required by condition C7.

### Construction Hours

- D4. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7am and 6pm, Mondays to Fridays inclusive; and
  - (b) between 8am and 1pm, Saturdays.

No work may be carried out on Sundays or public holidays.

- D5. Construction activities may be undertaken outside of the hours in condition D4 if required:
- (a) by the Police or a public authority for the delivery of vehicles, plant or materials; or
  - (b) in an emergency to avoid the loss of life, damage to property or to prevent environmental harm; or
  - (c) where the works are inaudible at the nearest sensitive receivers; or
  - (d) where a variation is approved in advance in writing by the Planning Secretary or his nominee if appropriate justification is provided for the works.

- D6. Notification of such construction activities as referenced in condition D5 must be given to affected residents before undertaking the activities or as soon as is practical afterwards.

### Implementation of Management Plans

- D7. The Applicant must carry out the construction of the development in accordance with the most recent version of the approved CEMP (including Sub-Plans).

### Construction Traffic

- D8. All construction vehicles are to be contained wholly within the site (unless work zones are pre-approved by Council prior to the commencement of construction) and vehicles must enter the site before stopping.

### Hoarding Requirements

- D9. The following hoarding requirements must be complied with:



- (a) no third-party advertising is permitted to be displayed on the subject hoarding/ fencing; and
- (b) the construction site manager must be responsible for the removal of all graffiti from any construction hoardings or the like within the construction area within 48 hours of its application.

#### **No Obstruction of Public Way**

D10. The public way (outside of any approved construction works zone) must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

#### **Construction Noise Limits**

- D11. The development must be constructed to achieve the construction noise management levels detailed in *the Interim Construction Noise Guideline* (DECC, 2009). All feasible and reasonable noise mitigation measures must be implemented in accordance with the approved CNVMSP outlined in condition C12.
- D12. The Applicant must ensure construction vehicles do not arrive at the site or surrounding residential precincts outside of the construction hours of work outlined under condition D4.
- D13. The Applicant must implement, where practicable and without compromising the safety of construction staff or members of the public, the use of 'quackers' to ensure noise impacts on surrounding noise sensitive receivers are minimised.

#### **Vibration Criteria**

- D14. Vibration caused by construction at any residence or structure outside the site must be limited to:
- (a) for structural damage, the latest version of *DIN 4150-3 (1992-02) Structural vibration - Effects of vibration on structures* (German Institute for Standardisation, 1999); and
  - (b) for human exposure, the acceptable vibration values set out in the *Environmental Noise Management Assessing Vibration: a technical guideline* (DEC, 2006) (as may be updated or replaced from time to time).
- D15. Vibratory compactors must not be used closer than 30m from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified in condition D14.

#### **Tree Protection**

- D16. For the duration of construction works:
- (a) Street trees must not be trimmed or removed unless it forms a part of this development consent or prior written approval from Council is obtained or is required in an emergency to avoid the loss of life or damage to property;
  - (b) all street trees immediately adjacent to the property boundaries must be protected at all times during construction in accordance with Council's tree protection requirements. Any street tree which is damaged or removed during construction due to an emergency, must be replaced, to the satisfaction of Council.
  - (c) all trees on the site that are not approved for removal must be suitably protected during construction as per the recommendations of the *Arboricultural Impact Assessment Report, Proposed School 1 Rosemead Road, Hornsby*, dated April 2020 and prepared by Earthscape Horticultural Services; and
  - (d) if access to the area within any protective barrier is required during the works, it must be carried out under the supervision of the Project Arborist and alternative tree protection measures must be installed, as required.

#### **Air Quality**

- D17. The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent.
- D18. During construction, the Applicant must ensure that:
- (a) exposed surfaces and stockpiles are suppressed by regular watering;

- (b) all trucks entering or leaving the site with loads have their loads covered;
- (c) trucks associated with the development do not track dirt onto the public road network;
- (d) public roads used by these trucks are kept clean; and
- (e) land stabilisation works are carried out progressively on site to minimise exposed surfaces.

### **Erosion and Sediment Control**

D19. All erosion and sediment control measures required by the conditions of this consent must be implemented during construction.

### **Imported Soil**

D20. The Applicant must:

- (a) ensure that only VENM, ENM, or other material approved in writing by EPA is brought onto the site;
- (b) keep accurate records of the volume and type of fill to be used; and
- (c) make these records available to the Certifier upon request.

### **Disposal of Seepage and Stormwater**

D21. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the carpark and driveway areas to the satisfaction of the Certifier. The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

### **Unexpected Finds Protocol – Aboriginal Heritage**

D22. In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS. The Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.

### **Unexpected Finds Protocol – Historic Heritage**

D23. If any unexpected archaeological relics are uncovered during the work, then all works must cease immediately in that area and Heritage NSW contacted. Depending on the possible significance of the relics, an archaeological assessment and management strategy may be required before further works can continue in that area. Works may only recommence with the written approval of Heritage NSW.

### **Waste Storage and Processing**

D24. All waste generated during construction must be secured and maintained within designated waste storage areas at all times and must not leave the site onto neighbouring public or private properties.

D25. All waste generated during construction must be assess, classified and managed in accordance with the Waste Classification Guidelines Part 1: Classifying Waste (EPA, 2014).

D26. The Applicant must ensure that concrete waste and rinse water are not disposed of on the site and are prevented from entering any natural or artificial watercourse.

D27. The Applicant must record the quantities of each waste type generated during construction and the proposed reuse, recycling and disposal locations for the duration of construction.

D28. The Applicant must ensure that the removal of hazardous materials, particularly the method of containment and control of emission of fibres to the air, and disposal at an approved waste disposal facility is in accordance with the requirements of the relevant legislation, codes, standards and guidelines.

### **Outdoor Lighting**

D29. The Applicant must ensure that all external lighting is constructed and maintained in accordance with AS 4282-2019 Control of the obtrusive effects of outdoor lighting.

### **Site Contamination**

D30. The Applicant must ensure that the recommendations provided in the *Preliminary (Stage 1) Site Investigation, Proposed Community School, 1 Rosemead Road Hornsby NSW*, dated 30 April 2020 and prepared by NG Child & Associates are complied with during construction.

D31. The Applicant must ensure the proposed development does not result in a change of risk in relation to any pre-existing contamination on the site that would result in significant contamination.

## **PART E PRIOR TO THE ISSUE OF OCCUPATION CERTIFICATE/ COMMENCEMENT OF OPERATION**

### **Notification of Occupation**

- E1. At least one month before the issue of the occupation certificate, the date of commencement of the operation of the development must be notified to the Planning Secretary in writing. If the operation of the development is to be staged, the Planning Secretary must be notified in writing at least one month before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### **External Walls and Cladding**

- E2. Prior to the issue of the occupation certificate, the Applicant must provide the Certifier with documented evidence that the products and systems used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- E3. The Applicant must provide a copy of the documentation given to the Certifier to the Planning Secretary within seven days after the Certifier accepts it.

### **Certification of works for the existing dwelling**

- E4. Prior to the issue of the occupation certificate, the Project Heritage Architect must certify that, unless otherwise required by the conditions of this consent:
- (a) all external and internal alterations to the existing dwelling have been undertaken in accordance with the plans listed in A2 unless updated by the recommendations of the *State of Heritage Impact* prepared by Heritage 21 dated May 2020 (as updated by the addendum dated 4.11.2020 and 30.11.2020) and the condition B4;
  - (b) all original door and windows of the existing dwelling have been retained;
  - (c) all new door and window locking fixtures are discrete and reflect the design and materials of the original hardware and installed to the Project Heritage Architect's requirements;
  - (d) all original light cords and handles have been retained;
  - (e) any new lighting plan has been installed to the Project Heritage Architect's requirements;
  - (f) any new signage (in addition to those approved in condition A2) has been installed to the Project Heritage Architect's requirements;
  - (g) the approved signage includes the "Acknowledge of the country";
  - (h) all significant fabric of the existing dwelling, such as timber fascia is retained; and
  - (i) polycarbonate sheeting over the leadlight only relates to doors (rather than windows and fireplace), and panels are removable.

### **Certification of landscape works**

- E5. Prior to the issue of the occupation certificate, the Project Heritage Architect must certify that, unless otherwise required by the conditions of this consent:
- (a) the fencing and gates on Rosemead Road are constructed in accordance with *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020, unless updated by the requirements of condition B5;
  - (b) the pergola type structure and entry structure have been constructed in accordance with the requirements of condition B4;
  - (c) all landscaping of the site (including outdoor play areas, pedestrian pathways, shade sail areas) has been completed in accordance with landscape plan *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020 as updated by the condition B5; and
  - (d) the following fencing is installed on site and the height, schedule of materials and finishes are in accordance with *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020, unless updated by the requirements of condition B5:
    - (i) a 1.8m high open metal fence between the carpark and outdoor play area;

- (ii) retention of existing fence on the eastern boundary;
- (iii) a 1m high timber paling fence on the Rosemead Road frontage;
- (iv) a 1.8m high internal metal fence on the eastern side to protect the outdoor open area;
- (v) a 1.8m high timber fence and gates on the William Street boundary with pedestrian gates (matching material and colour); and
- (vi) a 1.8m high lapped timber fencing on the boundary of 1A Rosemead Road raked down to 1.2m within the front setback.

#### **Evidence of certification**

- E6. Satisfactory evidence of certification by the Project Heritage Architect, complying with conditions E4 and E5, must be submitted to the Certifier for approval, prior to the issue of the occupation certificate.

#### **Landscape plan**

- E7. Prior to the issue of the occupation certificate, the Applicant must demonstrate to the satisfaction of the Certifier that:
- (a) three new trees and shrubs / plants, in accordance with *Drg No. 04219 Landscape Plan Issue D* prepared by Fiona Cole Design dated 26.11.2020 have been provided on the site;
  - (b) the proposed landscaping including planting works comply with the requirements of the Asset Protection Zones in the conditions of this consent; and
  - (c) the covered outdoor play area (amphitheatre) must be adequately shaded in accordance with *The Shade Handbook*, published by the New South Wales Cancer Council in 2008.

#### **Operational Community Communication Strategy**

- E8. Prior to the commencement of operation, an Operational Community Communication Strategy must be submitted to the Planning Secretary for approval. The Community Communication Strategy must provide mechanisms to facilitate communication between the Applicant, the relevant Council and the community (including adjoining affected landowners and businesses, and others directly impacted by the development), during the operation of the development. The Operational Community Communication Strategy must:
- (a) set out procedures and mechanisms for ongoing engagement with the community;
  - (b) set out procedures and mechanisms:
    - (i) through which the community can discuss or provide feedback to the Applicant, including the details of the relevant contacts;
    - (ii) through which the Applicant will respond to enquiries or feedback from the community;
    - (iii) to resolve any issues and mediate any disputes that may arise in relation to operation of the development, including disputes regarding rectification or compensation.
  - (c) identify how complaints will be considered, managed and escalated; and
  - (d) include any specific requirements around traffic, noise and amenity.

#### **Post-construction Dilapidation Report**

- E9. Prior to the issue of the occupation certificate, the Applicant must engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of construction. This report is:
- (a) to ascertain whether the construction created any structural damage to the adjoining building to the west;
  - (b) to be submitted to the Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings or infrastructure, the Certifier must:
    - (i) compare the post-construction dilapidation report with the pre-construction dilapidation report required by these conditions; and

- (ii) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.
- (c) to be forwarded to Council for information.

### **Protection of Public Infrastructure**

- E10. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

*Note: This condition does not apply to any damage to roads caused as a result of general road usage.*

### **Protection of Property**

- E11. Unless the Applicant and the applicable owner agree otherwise, the Applicant must repair, or pay the full costs associated with repairing any property that is damaged by carrying out the development.

### **Utilities and Services**

- E12. Prior to the issue of the occupation certificate, the Applicant must obtain a Compliance Certificate for water and sewerage infrastructure servicing of the site under section 73 of the *Sydney Water Act 1994*.

### **Works as Executed Plans**

- E13. Prior to the issue of the occupation certificate, works-as-executed drawings signed by a registered surveyor demonstrating that the carparking and driveway areas have been constructed as approved, must be submitted to the Certifier.

### **Operational Transport and Access Management Plan (OTAMP)**

- E14. Prior to the commencement of operation, an OTAMP must be prepared by a suitably qualified person, in consultation with Council, and submitted to the satisfaction of the Certifier. The OTAMP must address the following:
- (a) detailed pedestrian analysis including the identification of safe route options – to identify the need for management measures such as staggered school start and finish times to ensure students and staff are able to access and leave the site in a safe and efficient manner during school start and finish;
  - (b) the location of all car parking spaces on the school campus and their allocation (i.e. staff, visitor, accessible, emergency, etc.);
  - (c) the location and operational management procedures of the drop-off / pick-up zone located within the site, including staff management / traffic controller arrangements to ensure that no queuing occurs outside the site during the drop-off / pick-up times;
  - (d) the details to ensure that parents / guardians using the pre-school facility use the carpark (and not the drop-off / pick-up area);
  - (e) the details to ensure that no right turn is permitted in or out of the site from Rosemead Road;
  - (f) the location and operational management procedures for the pick-up and drop-off of students by buses and coaches for excursions and sporting activities, including staff management/traffic controller arrangements;
  - (g) delivery and services vehicle arrangements to be outside the peak school hours and restricted to weekdays only;
  - (h) management of approved access arrangements;
  - (i) potential traffic impacts on surrounding road networks and mitigation measures to minimise impacts, including measures to mitigate queuing impacts associated with vehicles accessing drop-off / pick-up parking;

- (j) car parking arrangements and management associated with any events within the school including any community events; and
- (k) a monitoring and review program.

### **Operational Management Plan**

E15. Prior to the commencement of operation, the Applicant must prepare an Operational Management Plan (OMP) for the school and submit it to the Certifier for approval. The plan must include:

- (a) measures to ensure all wayfinding signage, security measures (i.e. access control), and landscaping are managed to maintain their effectiveness;
- (b) measures to manage the operation and use of the development;
- (c) the operating hours of the school, the Out-of-hours care (OOSH) and the pre-school;
- (d) measures to manage the use and access to outdoor play areas, including any staggered play times for the years and age groups with details of the programme of use in accordance with the recommendations in the *Acoustic Assessment Report, Proposed Community School, 1 Rosemead Road Hornsby NSW*, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates;
- (e) details of times when any private waste collection vehicles would access the site so that there is no conflict with the peak drop-off / pick-up times for the pre-school (both AM and PM);
- (f) include an evacuation and Emergency Management Plan complying with Regulations 97 and 168 of the Education and Care Services National Regulations;
- (g) arrangements for the management of staff and students that includes measures to minimise noise impacts on any sensitive residential receivers to comply with the recommendations of *Acoustic Assessment Report, Proposed Community School, 1 Rosemead Road Hornsby NSW*, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates;
- (h) incorporate the recommendations of section 6.3.10 (Noise Management Plan) of the *Acoustic Assessment Report, Proposed Community School, 1 Rosemead Road Hornsby NSW*, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates in the OMP;
- (i) include details to demonstrate that no amplified music would be played in the external areas;
- (j) include details of any proposed community use of the site;
- (k) include a copy of the Bushfire Emergency Management and Evacuation Plan required by condition E23;
- (l) include a complaints management procedure to provide for the registration of, and response to, complaints; and
- (m) procedures for the annual monitoring and review of the OMP.

### **Pre-school Operational Plan**

Prior to the commencement of operation of the pre-school, an operational plan for the use of the pre-school must be submitted to the Certifier for approval and a copy submitted to the Planning Secretary for information. The operational plan must include:

- (a) details confirming that the operating hours of the premises would be between 8am – 6pm, Monday to Friday;
- (b) outdoor play times for the pre-school children are restricted between 9:30am and 5:45pm; a playtime programme with specific reference to management measures during the use of the outdoor play space that would be integrated with the outdoor play space of the school; and
- (c) supervision and control mechanisms to ensure that noise generated during the outdoor play times is reduced as recommended in *Acoustic Assessment Report, Proposed*

*Community School, 1 Rosemead Road Hornsby NSW, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates; and*

- (d) access control measures for the pre-school children and separation from the school use.

### **School Zones**

- E16. Prior to the commencement of operation, all required School Zone signage, speed management signage and associated pavement markings on the surrounding roads must be installed and inspected by TfNSW.

**Note:** Any required approvals for altering public road speed limits, design and signage are required to be obtained from the relevant consent authority.

- E17. The Applicant must maintain records of all dates in relation to installing, altering and removing traffic control devices related to speed.

### **Mechanical Ventilation**

- E18. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the satisfaction of the Certifier that only indoor air-conditioning units have been used for the building and that they comply with:

- (a) *AS 1668.2-2012 The use of air-conditioning in buildings – Mechanical ventilation in buildings* and other relevant codes; and  
(b) any dispensation granted by Fire and Rescue NSW.

### **Noise Assessment**

- E19. Prior to the issue of the occupation certificate, a report must be submitted to the satisfaction of the Certifier, and the Planning Secretary. The report must include the identification of external and internal noise levels that are representative of the typical maximum levels that may occur at this development and a conclusion as to whether the internal noise levels meet the required dB(A) levels as identified in the *Acoustic Assessment Report, Proposed Community School, 1 Rosemead Road Hornsby NSW, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates*. Where it is found that internal noise levels are greater than the required dB(A) level, corrective measures must be identified to ensure that internal noise levels are compliant with the requirements of the Guideline.

- E20. Prior to the issue of the occupation certificate an acoustic consultant must undertake an assessment of the noise emissions from all indoor mechanical plant / equipment and certify that that the noise from this equipment does not exceed the maximum allowable noise levels as identified in *Acoustic Assessment Report, Proposed Community School, 1 Rosemead Road Hornsby NSW, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates*. Where it is found that noise emission is greater than the required dB(A) level, corrective measures must be identified to ensure that internal noise levels are compliant with the requirements of the Guideline.

- E21. Prior to the issue of the occupation certificate, any corrective measures identified in condition E20 and condition E21 must be implemented to the satisfaction of the Certifier

### **Car Parking, Service Vehicles and Bicycle Parking Arrangements**

- E22. Prior to the issue of the occupation certificate or other timeframe agreed in writing by the Planning Secretary, evidence must be submitted to the satisfaction of the Planning Secretary that demonstrates that:
- (a) the car-parking, service vehicle areas comply with condition B7;
- (b) the bicycle parking complies with condition B9;
- (c) appropriate pedestrian and cyclist advisory signs are to be provided;
- (d) the pedestrian sight triangles are being provided;
- (e) all works / regulatory signposting associated with the proposed developments have been undertaken at no cost to the relevant roads authority; and
- (f) end-of-trip facilities for staff are provided.



### **Bushfire Emergency Management and Evacuation Plan**

- E23. Prior to the issue of the occupation certificate, the Applicant must prepare to the satisfaction of the Certifier, a Bushfire Emergency Management and Evacuation Plan for the site. The document must:
- (a) be consistent with:
    - (i) The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;
    - (ii) NSW RFS Schools Program Guide; and
    - (iii) Australian Standard AS 3745:2010 Planning for emergencies in facilities;
  - (b) include planning for the early relocation of occupants; and
  - (c) be provided to the Local Emergency Management Committee for information prior to the occupation of the premises.

### **Road Damage**

- E24. Prior to the issue of the occupation certificate, the cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the site as a result of construction works associated with the approved development must be met in full by the Applicant.

### **Fire Safety Certification**

- E25. Prior to commencement of occupation, a Fire Safety Certificate must be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and Council. The Fire Safety Certificate must be prominently displayed in the building.

### **Structural Inspection Certificate**

- E26. Prior to the commencement of occupation of the relevant parts of any new or refurbished buildings, a Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the Certifier. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) must be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **Stormwater Quality Management Plan**

- E27. Prior to the issue of the occupation certificate, an Operation and Maintenance Plan (OMP) is to be submitted to the satisfaction of the Certifier along with evidence of compliance with the OMP. The OMP must ensure the proposed stormwater quality measures remain effective and contain the following:
- (a) maintenance schedule of all stormwater quality treatment devices;
  - (b) record and reporting details;
  - (c) relevant contact information; and
  - (d) Work Health and Safety requirements.

### **Warm Water Systems and Cooling Systems**

- E28. The installation of warm water systems and water cooling systems (as defined under the *Public Health Act 2010*) must comply with the *Public Health Act 2010*, Public Health Regulation 2012 and Part 1 (or Part 3 if a Performance-based water cooling system) of *AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance* and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Outdoor Lighting**

- E29. Prior to the issue of the occupation certificate, the Applicant must submit evidence from a suitably qualified practitioner to the Certifier that demonstrates that installed lighting associated

with the development achieves the objective of minimising light spillage to any adjoining or adjacent sensitive receivers and:

- (a) complies with the latest version of AS 4282-2019 - *Control of the obtrusive effects of outdoor lighting* (Standards Australia, 1997); and
- (b) has been mounted, screened and directed in such a manner that it does not create a nuisance to surrounding properties or the public road network.

### **Signage**

- E30. Prior to the commencement of operation, way-finding signage and signage identifying the location of staff car parking must be installed.
- E31. Prior to the commencement of operation, bicycle way-finding signage must be installed within the site to direct cyclists from footpaths to designated bicycle parking areas.
- E32. Prior to the commencement of operation, signage with "Left in / Left out only" for both driveways must be installed and evidence provided to the Certifier along with any necessary approvals needed.

### **Operational Waste Management Plan**

- E33. Prior to the commencement of operation, the Applicant must prepare a Waste Management Plan for the development and submit it to the Certifier. The Waste Management Plan must:
  - (a) detail the type and quantity of waste to be generated during operation of the development;
  - (b) describe the handling, storage and disposal of all waste streams generated on site, consistent with the *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and the *Waste Classification Guideline* (Department of Environment, Climate Change and Water, 2009);
  - (c) detail the materials to be reused or recycled, either on or off site; and
  - (d) include any Management and Mitigation Measures included in EIS.

### **Landscape Management Plan**

- E34. Prior to the issue of the occupation certificate, the Applicant must prepare an Operational Landscape Management Plan to manage the revegetation and landscaping on-site, to the satisfaction of the Certifier. The plan must:
  - (a) describe the ongoing monitoring and maintenance measures to manage revegetation and landscaping; and
  - (b) be consistent with the Applicant's Management and Mitigation Measures in the EIS.
- E35. The Applicant must not commence operation until the Operational Landscape Management Plan is submitted to the Certifier.

### **Site contamination**

- E36. Prior to the issue of the occupation certificate, a consultant certified under either the Environment Institute of Australia and New Zealand's Certified Environmental Practitioner (Site Contamination) scheme (CEnvP(SC)) or the Soil Science Australia Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) scheme must certify that the site is suitable for the proposed landuse.

### **Accessibility Requirements**

- E37. Prior to the issue of the occupation certificate, a suitably qualified Access Consultant must certify that the existing building, pedestrian connections, car parking spaces and the landscaped areas of the development area complies with the relevant Accessibility requirements and standards.

### **Ecologically Sustainable Development**

- E38. Prior to the issue of the occupation certificate or any other timeframe agreed by the Planning Secretary, the Applicant must provide evidence to the Certifier that the ESD measures required by condition C18 have been implemented.

**Childcare guidelines**

E39. Prior to the issue of the occupation certificate, the Applicant must provide evidence to the Certifier that:

- (a) the requirements of condition B2 have been complied with; and
- (b) external laundry facilities have been provided for the pre-school.

**Water and Utility Services**

E40. The Applicant must provide satisfactory evidence to the Certifier that provision of water, electricity and gas comply with Table 7.4a of Planning for Bush Fire Protection 2019.

## **PART F POST OCCUPATION**

### **Hours of operation**

- F1. The operational hours of the premises are restricted as:
- (a) pre-school hours: Monday to Friday: 8am to 6pm;
  - (b) primary school hours: Monday to Friday: 9am to 3pm;
  - (c) OOSH: Monday to Friday: 8am to 9am and 3pm to 6pm; and
  - (d) vacation care (for up to 48 students): Monday to Friday: 8am to 6pm.

Use of the premises for ancillary purposes (teacher preparation and planning, administration, class room set up, cleaning, maintenance, gardening and the like) is permitted outside of the hours specified in conditions (a) to (d).

### **Road Safety Audit**

- F2. Within four months of commencement of operation, a Road Safety Audit (RSA) must be conducted on Rosemead Road at the existing entry driveway. The RSA must be undertaken in accordance with NSW Centre for Road Safety Guidelines for Road Safety Audit Practices and Austroads Guide to Road Safety Part 6: Road Safety Audit.
- F3. The results of the RSA and the relevant recommendations, including any measures to improve road safety must be submitted to the Certifier for information within one month of undertaking the audit.
- F4. Based on the recommendations of the RSA, appropriate road safety measures and/or traffic management measures must be implemented, in consultation with Council, within three months of the RSA and evidence submitted to the satisfaction of the Certifier.

### **Heritage Interpretation Plan**

- F5. Within six months of the commencement of operation, the Applicant must provide satisfactory evidence to the Planning Secretary that the heritage interpretation works have been completed in accordance with condition D2. The ongoing heritage interpretation strategies must be implemented on the site for the life of the development.

### **Green Travel Plan**

- F6. Within six months of commencement of operation, a Green Travel Plan (GTP), must be submitted to the satisfaction of the Planning Secretary to promote the use of active and sustainable transport modes. The plan must:
- (a) be prepared by a suitably qualified traffic consultant in consultation with Council and Transport for NSW;
  - (b) include objectives and mode share targets (i.e. site and land use specific, measurable and achievable and timeframes for implementation) to define the direction and purpose of the GTP;
  - (c) include specific tools and actions to help achieve the objectives and mode share targets;
  - (d) include measures to promote and support the implementation of the plan, including financial and human resource requirements, roles and responsibilities for relevant employees involved in the implementation of the GTP; and
  - (e) include details regarding the methodology and monitoring/review program to measure the effectiveness of the objectives and mode share targets of the GTP, including the frequency of monitoring and the requirement for travel surveys to identify travel behaviours of users of the development.

### **Operation of Plant and Equipment**

- F7. All plant and equipment used on site must be maintained in a proper and efficient condition operated in a proper and efficient manner.

### **Warm Water Systems and Cooling Systems**

- F8. The operation and maintenance of warm water systems and water cooling systems (as defined under the Public Health Act 2010) must comply with the Public Health Act 2010, Public Health

Regulation 2012 and Part 2 (or Part 3 if a Performance-based water cooling system) of AS/NZS 3666.2:2011 Air handling and water systems of buildings – Microbial control – Operation and maintenance and the NSW Health Code of Practice for the Control of Legionnaires' Disease.

### **Operational Transport and Access Management Plan (OTAMP)**

F9. The OTAMP approved under condition E14 (as revised from time to time) must be implemented by the Applicant for the life of the development.

### **Operational Community Communication Strategy**

F10. The Operational Community Communication Strategy approved under condition E8 as revised from time to time must be implemented by the Applicant for the life of the development.

### **Operational Management Plan**

F11. The OMP(s) approved under condition E15 as revised from time to time must be implemented by the Applicant for the life of the development.

F12. The operational plan must be reviewed every year after commencement of operation and updated with additional mitigation and management measures to respond to complaints received. A copy of the reviewed and updated OMP must be submitted to the Planning Secretary and Council for the first three years of operation.

### **Pre-school Operational Plan**

F13. The Pre-school Operational Plan approved under condition E16 as revised from time to time must be implemented by the Applicant for the life of the development.

### **Operational Noise Limits**

F14. The Applicant must ensure that noise generated by operation of the development does not exceed the noise limits in *“Acoustic Assessment Report, Proposed Community School, 1 Rosemead Road Hornsby NSW, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates.*

F15. The Applicant must undertake short term noise monitoring in accordance with the *Noise Policy for Industry* and the *Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment*, where valid data are collected within three months of commencement of operation of the development.

F16. The monitoring program must be carried out by an appropriately qualified person and a monitoring report must be submitted to the Planning Secretary within two months of completion of the monitoring, to verify that operational noise levels including noise generated during use of the outdoor play areas, internal areas and the mechanical plant / equipment do not exceed the maximum allowable noise levels identified in the *Acoustic Assessment Report, Proposed Community School, 1 Rosemead Road Hornsby NSW, dated 6 May 2020 and the addendum dated 6 November 2020 prepared by NG Child & Associates.*

F17. Should the noise monitoring program in condition F14 identify any exceedance of the allowable noise levels referred to above, the Applicant must implement appropriate noise attenuation measures within one month, so that operational noise levels do not exceed the recommended noise levels or provide attenuation measures at the affected noise sensitive receivers.

F18. The evidence of additional noise attenuation measures and the resultant operational noise levels must be submitted to the satisfaction of the Planning Secretary, within one month of the implementation of such measures. A copy of the evidence must be submitted to the Certifier for information.

### **Unobstructed Driveways and Parking Areas**

F19. All driveways, footways and parking areas must be unobstructed at all times. Driveways, footways and car spaces must not be used for the manufacture, storage or display of goods, materials, refuse, skips or any other equipment and must be used solely for vehicular and/or pedestrian access and for the parking of vehicles associated with the use of the premises.

### **Outdoor Lighting**

- F20. Notwithstanding condition E29, should outdoor lighting result in any residual impacts on the amenity of surrounding sensitive receivers, the Applicant must provide mitigation measures in consultation with affected landowners to reduce the impacts to an acceptable level.\
- F21. The Applicant must maintain the landscaping and vegetation on the site in accordance with the approved Landscape Management Plan required by condition E34 for the life of the development.

### **Signage**

- F22. The Applicant must ensure all signage at the site is non-illuminated.

### **Emergency Planning Committee**

- F23. The Applicant must establish an Emergency Planning Committee within three months of commencement of operation in consultation with the nearby residents and the families attending the school to develop an emergency procedures manual.
- F24. Detailed plans of all emergency assembly areas including on-site and off-site arrangements as stated in AS 3745:2010 are to be clearly displayed within the site.
- F25. An annual emergency evacuation exercise is to be conducted by the school.

### **Heritage Interpretation Plan**

- F26. Within three months of commencement of operation, the Applicant must submit a Heritage Interpretation Plan to acknowledge the heritage of the site to the satisfaction of the Planning Secretary. The plan must:
- (a) be prepared by the Project Heritage Architect in consultation with the Strategic Planning Branch of Council;
  - (b) include details of the heritage walk proposed along the pedestrian pathway from William street to the rear of the dwelling;
  - (c) include details of interpreting the tennis court;
  - (d) include details of relocating the existing timber gate and posts on Rosemead Road;
  - (e) include details of preserving the existing first-floor balustrade and timber handrails; and
  - (f) incorporate interpretive information into the site including naming of elements within the site.

## APPENDIX 1 ADVISORY NOTES

### General

- AN1. All licences, permits, approvals and consents as required by law must be obtained and maintained as required for the development. No condition of this consent removes any obligation to obtain, renew or comply with such licences, permits, approvals and consents.
- AN2. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development must occur entirely on the property.
- AN3. The applicant may apply for specific permits available from Council's Customer Service Centre for the activities on Council's property. In the event that a permit is granted by Council for the carrying out of works, processes, storage of materials, loading and unloading associated with the development on Council's property, the development must be carried out in accordance with the requirements of the permit. A minimum of 48 hours notice is required for any permit.

### Long Service Levy

- AN4. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation Helpline on 131 441.

### Legal Notices

- AN5. Any advice or notice to the consent authority must be served on the Planning Secretary.

### Access for People with Disabilities

- AN6. The works that are the subject of this application must be designed and constructed to provide access and facilities for people with a disability in accordance with the BCA. Prior to the commencement of construction, the Certifier must ensure that evidence of compliance with this condition from an appropriately qualified person is provided and that the requirements are referenced on any certified plans.

### Utilities and Services

- AN7. Prior to the construction of any utility works associated with the development, the Applicant must obtain relevant approvals from service providers.
- AN8. Prior to the commencement of above ground works written advice must be obtained from the electricity supply authority, an approved telecommunications carrier and an approved gas carrier (where relevant) stating that satisfactory arrangements have been made to ensure provisions of adequate services.

### Road Design and Traffic Facilities

- AN9. All roads and traffic facilities must be designed to meet the requirements of Council or TfNSW (whichever is applicable). The necessary permits and approvals from the relevant road authority must be obtained prior to the commencement of road or pavement construction works.

### Road Occupancy Licence

- AN10. A Road Occupancy Licence must be obtained from the relevant road authority for any works that impact on traffic flows during construction activities.

### SafeWork Requirements

- AN11. To protect the safety of work personnel and the public, the work site must be adequately secured to prevent access by unauthorised personnel, and work must be conducted at all times in accordance with relevant SafeWork requirements.

### Hoarding Requirements

- AN12. The Applicant must submit a hoarding application to Council for the installation of any hoardings over Council footways or road reserve.

### Handling of Asbestos

- AN13. The Applicant must consult with SafeWork NSW concerning the handling of any asbestos waste that may be encountered during construction. The requirements of the Protection of the

Environment Operations (Waste) Regulation 2014 with particular reference to Part 7 – ‘Transportation and management of asbestos waste’ must also be complied with.

### **Speed limit authorisation**

AN14. At least eight weeks prior to the commencement of operation, the Applicant must submit the following details to TfNSW and obtain authorisation to install School Zone signs and associated pavement markings, and / or removal / relocation of any existing Speed Limit signs:

- (a) a copy of the conditions of consent;
- (b) the proposed school commencement/opening date;
- (c) two sets of detailed design plans showing the following:
  - (i) accurate site boundaries;
  - (ii) details of all road reserves, adjacent to the site boundaries;
  - (iii) all proposed access points from the site to the public road network and any additional conditions imposed/proposed on their use;
  - (iv) all existing and proposed pedestrian crossing facilities on the adjacent road network;
  - (v) all existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings); and
  - (vi) all existing and proposed street furniture and street trees.

### **Fire Safety Certificate**

AN15. The owner must submit to Council an Annual Fire Safety Statement, each 12 months after the final Safety Certificate is issued. The certificate must be on, or to the effect of, Council’s Fire Safety Statement.



## **APPENDIX 2 WRITTEN INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS**

### **Written Incident Notification Requirements**

1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A20 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.