

9 July 2020

John Doubleday  
Department of Planning, Industry and Environment  
Via Major Projects Portal

Dear Sir

Development Application No.: SSD-10-444  
Description of Development: Blue Gum Community School  
Property: Lot A DP 327582  
1 Rosemead Road, Hornsby

---

Thank you for the opportunity to comment on the Environmental Impact Statement for the proposed Blue Gum Community School State Significant Development (SSD-10-444). Council officers have reviewed the submitted documentation available on the Major Projects web portal and the following comments are provided for consideration by the Department.

### **Background**

As you may be aware, Council has previously reviewed a similar proposal under incorrectly submitted development application DA/1119/2019 for a childcare centre and school on the subject site. As a part of this previous development application, Council conveyed numerous concerns regarding the proposal to the applicant. These issues generally included heritage impact, environmental impact (including tree and vegetation removal), acoustics, traffic and parking and bushfire requirements. These areas of concern are inherent to the nature of the site and proposed use and remain relevant for this newly submitted proposal.

### **Planning Assessment**

The following is divided into separate sections addressing each area of concern for further consideration. Recommended Conditions of Consent, should consent be granted to the proposal, are included at the end of this document.

### ***Heritage Assessment***

The house and garden at property No. 1 Rosemead Road, Hornsby is listed as a heritage item of local significance No. 545 "Mount Errington" in Schedule 5 (Environmental Heritage) of the *Hornsby Local Environmental Plan 2013 (HLEP)*. The inventory sheet for the item states that it is an outstanding example of a Federation Arts and Crafts style mansion and garden in excellent condition with original interior and landscape elements intact.

The property is located within the Mt Errington precinct of the Hornsby Westside Heritage Conservation Area (HCA) identified in Schedule 5 (Environmental Heritage) of the HLEP. The site is the namesake of this heritage area, being one of the first allotments in Hornsby to be subdivided and developed. The subject site is also located within the vicinity of 10 individually heritage listed houses and one garden tree of local significance.

The application has been assessed against the *Hornsby Development Control Plan 2013* (HDCP), Statement of Heritage Impact (SOHI) prepared by Heritage 21 (dated May 2020) and the plans submitted under the subject State Significant Development and Exhibition (EXH-2893).

#### General

The proposed works are substantially the same as DA/1119/2019 submitted to Council. Minor amendments have been incorporated into the SSD-10444 plans, which have been considered in the heritage assessment and comments below.

#### Change of Use

Adaptive re-use of the site to facilitate a childcare centre and small primary school has the potential to be a positive solution to ensure the long-term conservation of the heritage listed site. The proposed new use permits multiple opportunities for preservation and interpretation in, and around, the site including its setting, curtilage and significant elements within the garden and dwelling.

However, the proposal in its current form would result in an unreasonable and adverse impact on several significant heritage elements. Revised detailing to some design aspects and alternative solutions are recommended to meet the Desired Outcomes and Prescriptive Measures under *Part 9 Heritage* of the *HDCP*. Individual comments on the proposed works are provided in the tables below.

#### New Work

##### **Driveway & Carpark**

| <b>Proposed Works</b>    | <b>Impact</b>   | <b>Comment</b>  |
|--------------------------|---|---|
| 1. New Permeable carpark | Minor Impact<br>Amendments required<br>(see recommendation a) | <p>The SOHI fails to identify the heritage significance and impact of removing the tennis court. The tennis court is an original or early garden element remnant and representative of the historic use of the site. The date and significance of the remnant fencing in situ around the tennis court is unknown.</p> <p>Converting the area to a carpark may be a reasonable and acceptable adaptive reuse to service the new use of the site. The permeable pebble surface is complementary to the existing hard services on site. No heritage concerns are raised to the vegetation to be cleared over the former tennis court as they are modern additions to the site (post 1940s) and would be permissible for removal on heritage grounds should a refurbished tennis court be proposed.</p> |

| <b>Proposed Works</b>                    | <b>Impact</b>   | <b>Comment</b>   |
|--|---|--|
|  |   | <p>However, the original dimensions of the tennis court should be retained and interpreted through the placement and style of perimeter planting and fencing. The existing stone edging to the tennis court is possibly original and should be retained and used within the landscape plan. Any new fencing within the site should be based on historic evidence or be historically accurate to the period of the dwelling.</p> <p>Amendments to the Landscape Plan should be submitted to show retention of the tennis court dimensions, interpretation of the significant elements and appropriate fencing to meet heritage and regulatory requirements with a revised heritage impact assessment and justification for the alternative design.</p> <p>An alternative solution should also be investigated for the proposed concrete accessible path to meet heritage and regulatory requirements.</p> <p><b><i>The proposal complies with Section 9.2.3 Desired Outcome (a); Prescriptive Measure (a) and (d).</i></b></p> <p><b><i>The proposal does not comply with Section 9.2.3 Desired Outcome (b); Prescriptive Measures (b) and (c).</i></b></p> |
| 2. Realignment of existing driveway kerb | <p>Unsympathetic Impact</p> <p>Amendments required<br/>(see recommendation b)</p> | <p>Removal of the Cabbage Tree Palm (T111) and Giant White Bird of Paradise (T112) would have a detrimental heritage impact to the integrity of the heritage listed garden, significant views to, and from the site, the setting of the heritage listed dwelling and its contribution to the HCA. They are highly significant early garden plantings and landmark features which should be retained on site.</p> <p>An alternate driveway design should be investigated and reasonably justified which retains the identified significant plantings to meet heritage and regulatory requirements.</p> <p><b><i>The proposed removal of T111 and T112 does not comply with Section 9.2.3 Desired</i></b></p>  |

| <b>Proposed Works</b>                   | <b>Impact</b>  | <b>Comment</b>  |
|---|--|---|
|   |  | <b>Outcomes (a) and (b); Prescriptive Measures (a), (b), (d) and (c).</b>   |
| 3. New Driveway exit onto Rosemead Road | Unsympathetic Impact<br>Amendments required (see recommendation c) | <p>Concern is raised about the new driveway placement. It would removal 10 contributory trees and have an unsympathetic impact on the landscape aesthetics of the site and contribution to the streetscape. An alternative solution should be investigated to provide the second driveway off William Street and a supporting heritage impact assessment with justification of the alternative design to provide the least impact to the significant trees on site.</p> <p>No concerns are raised to the proposed driveway materials to match the existing hard surfaces on site with a brick edging and pebble surface.</p> <p><b>The proposed tree removal does not comply with Section 9.2.3 Desired Outcomes (a) and (b); Prescriptive Measures (a), (b), (d) and (c).</b></p> <p><b>The new driveway materials comply with Section 9.2.1 Desired Outcomes (a) and (c); Prescriptive Measure (c).</b></p> |

### **Fencing & Gates**

| <b>Proposed Works</b>  | <b>Impact</b>  | <b>Comment</b>   |
|--|--|--|
| 4. Existing Mount Errington gates and posts                                      | Adverse Impact<br>Amendments required (see recommendation d) | <p>The existing gates and posts are original, highly significant and a landmark feature of the site and HCA with views to, and from, the public domain. Removal, relocation and repurposing of elements would have a detrimental impact on the integrity of the site, the interpretation of the property and its landmark status within the HCA.</p> <p>The existing entry gates and posts should remain insitu. An alternative design solution should be investigated to meet heritage requirements.</p> <p><b>The proposal does not comply with Section 9.2.4 Desired Outcomes (a); Prescriptive Measures (a) and (b).</b></p> |
| 5. Existing low timber fence to be removed and replaced – Rosemead Road Frontage | Adverse Impact<br>Amendments required (see recommendation e) | No objections are raised to the removal of the low timber fence. It is a modern addition and is of no heritage significance. However,  |

### **Hornsby Shire Council**

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

Phone 02 9847 6666

Fax 02 9847 6999

Email [hsc@hornsby.nsw.gov.au](mailto:hsc@hornsby.nsw.gov.au)

Web [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au)

| <b><i>Proposed Works</i></b>  | <b><i>Impact</i></b>  | <b><i>Comment</i></b>  |
|---|---|--|
|   |   | <p>replacement with metal black fencing does not complement the heritage significance of the property, the architectural style of the dwelling or the streetscape character of the HCA. It would be obtrusive and unsympathetic to the heritage values of the site and HCA.</p> <p>Any new fencing design and materials should be based on historic evidence, historically accurate to the period and style of the dwelling, and reflect the materials used within the site. An alternative solution should be investigated to meet heritage and regulatory requirements.</p> <p><b><i>The proposal does not comply with Section 9.2.4 Desired Outcome (b); Prescriptive Measures (c), and (d); Section 9.3.3 Desired Outcomes (a) and (c); Prescriptive Measures (j), and (k).</i></b></p>  |
| 6. New powder coated metal fencing and egress/access gates to William Street, Rosemead Road, to separate the carpark and sliding gates to driveway entries. | Adverse impact<br>Amendments required<br>(see recommendation f) | <p>The powder coated metal fencing and gates do not complement the heritage significance of the property, the architectural style of the dwelling or the streetscape character of the HCA. They would be obtrusive, modern and unsympathetic elements to the Rosemond Avenue and William Street boundaries, as well as visually obstructive to the garden placed within the site.</p> <p>Any new fencing within the setting and around the curtilage of the item should be based on historic evidence, historically accurate to the period and reflect the materials used within the main dwelling. Alternative fencing and gates should be proposed to meet heritage and regulatory requirements.</p> <p><b><i>The proposal does not comply with Section 9.2.4 Desired Outcome (b); Prescriptive Measures (c), and (d); Section 9.3.3 Desired Outcomes (a) and (c); Prescriptive Measures (j), and (k).</i></b></p> |

### **Access**

| <b><i>Proposed Works</i></b>    | <b><i>Impact</i></b>  | <b><i>Comment</i></b>  |
|---------------------------------|---|--|
| 7. New accessible path and ramp | Minor impact<br>Amendments required<br>(see recommendation g) | A minor reversible addition to support the BCA requirements and facilitate the proposed new use. The design and location would not |

### **Hornsby Shire Council**

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

**Phone** 02 9847 6666

**Fax** 02 9847 6999

**Email** hsc@hornsby.nsw.gov.au

**Web** hornsby.nsw.gov.au

| <b>Proposed Works</b>                    | <b>Impact</b>   | <b>Comment</b>  |
|--|---|---|
|  |   | <p>unreasonably impact the heritage significance of the place. The proposed stained timber material and finish detailed to the ramp is complementary to the Arts and Crafts style of the dwelling and would minimise any adverse visual impact.</p> <p>However, the metal handrail is an obtrusive visual addition that does not complement the period or style of the dwelling. An alternative handrail should be proposed with selected finishes and materials to minimise visual impacts and complement the heritage item to meet heritage and regulatory requirements.</p> <p><b><i>The accessibility ramp and new steps comply with Section 9.2.1 Desired Outcomes (a), (b), (c) and (d); Prescriptive Measures (a), (c), (d) and (g).</i></b></p> <p><b><i>The metal handrail does not comply with Section 9.2.1 Prescriptive Measure (p)</i></b></p> |
| 8. One accessible car space              | Adverse impact<br>Amendments required<br>(see recommendation h) | <p>Any new hard surface material should complement the period and style of heritage listed garden and dwelling. Use of modern concrete would have a detrimental visual impact on the item and visual setting. An alternative material and finish should be investigated to meet heritage and regulatory requirements.</p> <p><b><i>The proposal does not comply with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measure (p).</i></b></p>  |
| 9. New BCA compliant external fire stair | Adverse impact<br>Amendments required<br>(see recommendation i) | <p>The fire stair would pose an unsightly bulky service addition which would have an impact on significant fabric and an adverse effect on the item's integrity, visual setting and distant views.</p> <p>However, it is acknowledged that the new fire stair is required to meet BCA requirements. An alternative BCA solution is not suitable for this site in accordance with Council's Building Surveyor Assessment.</p> <p>Whilst it substantial in size, the new fire stair is technically reversible. It can be removed and penetrations restored for any future use and/or</p>  |

| <b><i>Proposed Works</i></b>                | <b><i>Impact</i></b>  | <b><i>Comment</i></b>  |
|---|---|--|
|   |   | <p>conservation project. It would facilitate the new use of the item and preserve the ongoing viability of the site and prevent undesirable development proposals such as subdivision that would have an irreversible and substantial detrimental impact on the garden, curtilage and setting.</p> <p>The amended palisade balustrade design is an acceptable solution to meet the heritage and regulatory requirements. The vertical alignment of the balustrade is more sympathetic to the period features of the house. Metal is acceptable in this location due to the use for a fire egress stair. The colour should however be amended to match the existing exterior colour scheme of the dwelling.</p> <p>A detailed drawing of the new fire egress door (ND5) should be included on the Architectural Plans (East Elevation) to meet the heritage requirements, designed to complement the heritage item in design and materials.</p> <p><b><i>The proposal does not comply with Section 9.2.1 Prescriptive Measure (p).</i></b><br/> <b><i>The new door does not comply with Section 9.2.1 Prescriptive Measure (i).</i></b></p> |
| 10.New drop off and pick up footpath        | Adverse impact<br>Amendments required<br>(see recommendation j) | <p>Any new pathway material should complement the period and style of heritage listed garden and dwelling. Use of modern concrete would have a detrimental visual impact on the item and visual setting. An alternative material and finish should be investigated to meet heritage and regulatory requirements.</p> <p><b><i>The proposal does not comply with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measure (p).</i></b></p>  |
| 11.Raised balustrade on first floor balcony | Adverse impact<br>Amendments required<br>(see recommendation k) | <p>The first floor balcony and it's architectural detail is highly significant and distinctive to the Arts and Crafts features of the building. The balustrade amendment is not historically accurate, would remove original fabric from the primary façade, and would have an irreversible detrimental effect on the integrity of the item and</p>  |

| <b>Proposed Works</b> | <b>Impact</b> | <b>Comment</b>  |
|-----------------------|---------------|---|
|                       |               | <p>views from the streetscape. The original balustrade should be retained. An alternative solution should be investigated to meet heritage and regulatory requirements.</p> <p><b><i>The proposal does not comply with Section 9.2.1 Desired Outcomes (a) and (d); Prescriptive Measures (a), (c), and (g).</i></b></p> |

### **Landscaping**

| <b>Proposed Works</b>             | <b>Impact</b>   | <b>Comment</b>  |
|-----------------------------------|---|---|
| 12.New Community Vegetable Garden | Negligible impact   | A vegetable garden is a complimentary domestic garden element. It is suitably located in the rear garden, within the private open space.  |
| 13.Tree and Vegetation removal    | <p>Unsympathetic Impact</p> <p>Amendments required (see recommendation I)</p> | <p>Removal of the Cabbage Tree Palm (T111), (83), the Bungalow Palm (T27) and Giant White Bird of Paradise (T112) would have a detrimental heritage impact to the integrity of the heritage listed garden, significant views to and from the site, the setting of the heritage listed dwelling and its contribution to the HCA. They are highly significant early garden plantings and landmark features which should be retained on site.</p> <p>An alternate driveway design should be investigated and reasonably justified which retains the identified significant plantings to meet heritage and regulatory requirements.</p> <p>Relocation rather than removal of T27 should be investigated should the proposed new stair be approved.</p> <p>No concern is raised over the removal of trees located within the former tennis court on heritage grounds. Whilst ecologically significant, they are modern additions to the site and would be approved for removal on heritage grounds should a tennis court refurbishment be proposed.</p> <p>Concern is raised over the removal of over 10 contributory trees for the new driveway access off Rosemead Road. Whilst the selected trees are smaller species and are of less significance to the heritage values of the site, an alternative</p> |

### **Hornsby Shire Council**

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

**Phone** 02 9847 6666

**Fax** 02 9847 6999

**Email** hsc@hornsby.nsw.gov.au

**Web** hornsby.nsw.gov.au



| <b>Proposed Works</b>                   | <b>Impact</b>     | <b>Comment</b>   |
|---|-------------------|--|
|   |                   | <p>solution for a new driveway access with a supporting heritage impact assessment should be investigated and submitted to Council for consideration.</p> <p>Concern is raised over the removal of the Juniper (T19). The significant lean of T19 towards the dwelling would aid to obscure views of the new fire stair addition from Rosemead Road.</p> <p><b><i>The proposed removal of T19, T27, T83, T111 and T112 does not comply with Section 9.2.3 Desired Outcomes (a) and (b); Prescriptive Measures (a), (b), (d) and (c).</i></b></p> <p><b><i>The proposed tree removal excluding the above potentially complies with Section 9.2.3 Desired Outcomes (a) and (b); Prescriptive Measures (a), (b), (d) and (c).</i></b></p> |
| 14.New plantings and vegetation         | Negligible impact | The proposal includes a mixture of native and cultural species that would complement the heritage listed garden.   |
| 15.New paved area and shade sail        | Minimal Impact    | <p>The proposed paving detailed on the Landscape Plan is a traditional material and layout pattern, complementary to the Arts and Crafts architectural and garden style.</p> <p>The shade sail is a small addition adjacent the rear elevation designed to be serviceable and discrete. It is minor and reversible. It would have a minimal impact on the structure and views of the rear façade and no long term adverse effect on the heritage significance of the place.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measures (c) and (p).</i></b></p>   |
| 16.New stepping stones and pavers       | Negligible impact | Minor landscape additions to match existing elements.  |
| 17.New iron bar garden bed edging       | Negligible impact | Minor landscape addition with no adverse impact.   |
| 18.Angophora branch climbing structures | Negligible impact | Re-use of natural material onsite.   |
| 19.Dry stone creek bed                  | Negligible impact | Minor landscape addition with no permanent adverse impact.   |
| 20.New timber amphitheatre              | Minor Impact      | A minor reversible addition to facilitate the  |

| <b>Proposed Works</b>            | <b>Impact</b>  | <b>Comment</b>   |
|----------------------------------|----------------|--|
| steps                            |                | proposed new use. The design and location would not unreasonably impact the heritage significance of the place   |
| 21.New outdoor storage enclosure | Minimal Impact | <p>This is a small skillion addition to the rear elevation. It is minor and reversible to service the needs of the new occupants of the site.</p> <p>No objections are raised to the modern cladding, double door or colorbond roof as specified on the additional detail plan. The walls are a contemporary interpretation of traditional timber cladding, the dark paint finish is a recessive background colour and the metal sheeting complements the dark slate roof.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measure (c).</i></b></p> |

#### **Waste**

| <b>Proposed Works</b>                     | <b>Impact</b>  | <b>Comment</b>   |
|---|----------------|--|
| 22.New open to air screened bin enclosure | Minimal Impact | <p>This is a small addition to the side elevation designed to be serviceable and discrete. It is minor, reversable and an addition to a modern ancillary structure. The modern cladding is a contemporary interpretation of traditional timber cladding and would have no adverse effect on the heritage significance of the place.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measures (c) and (p).</i></b></p> |

## Signage

| <b>Proposed Works</b>          | <b>Impact</b> | <b>Comment</b>   |
|--------------------------------|---------------|--|
| 23. Sign on the front boundary | No Impact     | <p>The signage proposed is limited to one sign on the front boundary and the specified regulatory signage requirements. The size, position and type of fixing will be guided in accordance with the BCA and Heritage Consultant requirements.</p> <p><b><i>The proposal complies with Section 9.2.1 Desired Outcomes (a), (c) and (d); Prescriptive Measure (g).</i></b></p> |

## Internal Works

| <b>Proposed Works</b> | <b>Impact</b>   | <b>Comment</b>   |
|-----------------------|---|--|
| 24. Flooring          | No Impact   | <p>Removal of the carpet and refurbishment of original floorboards would improve the heritage outcome by removal of modern fabric.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcome (b); Prescriptive Measure (a).</i></b></p>  |
| 25. New Wet Areas     | <p>Minor Impact</p> <p>Amendments required (see recommendation m)</p> | <p>The wet areas have previously been modified. Therefore, upgrading the existing wet areas WC2 and WC3 would have no heritage impact.</p> <p>Construction of the new wet areas (WC1) and (DDA WC) are not desirable, however they are a minor and a reasonable modification to facilitate the new adaptive use. They are sensitively located in less embellished rooms and the SOHI identifies appropriate mitigation measures to preserve the original fabric.</p> <p>Objections are raised to enclosure of W18. Removal of the original intact window is unnecessary as privacy can be achieved by frosting to match W19. Amended plans should be submitted to reflect the requested change.</p> <p>A condition of consent should be included in any future development consent identifying that all the original features, including air vents, architraves and skirtings and window joinery are all to be retained beneath the fibre cement sheeting.</p> <p><b><i>The new work complies with Section 9.2.1</i></b></p> |

| <b>Proposed Works</b>   | <b>Impact</b>  | <b>Comment</b>   |
|---|----------------|--|
|   |                | <p><b><i>Desired Outcomes (a) and (b); Prescriptive Measures (c) and (g).</i></b></p> <p><b><i>Removal of W18 does not comply with Section 9.2.1 Desired Outcome (d); Prescriptive Measure (a) and (c).</i></b></p>  |
| 26.Admin – Existing covered porch enclosed to create new administration space       | Minor Impact   | <p>This is a small addition to the rear elevation designed to match an adjacent modified area on site. Whilst it is not desirable, it is a minor modification that is reversible and would retain the existing verandah form and architectural detail.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measure (c).</i></b></p>   |
| 27.Reception – Existing window removed and new entry door and side window installed | Minor Impact   | <p>Removal of any original fabric would have an adverse impact. However, the new main entry door is located on the rear elevation, required to facilitate the new use and can be potentially designed to complement existing door and window fabric.</p> <p>No other large modifications to external window or door openings are proposed. As such, the new door will have an acceptable impact to the integrity of the dwelling to facilitate the ongoing viability of the property without adversely affecting the heritage significance.</p> <p>The new door and side window are to be made of timber and to match the adjacent door and window frames which meet the relevant heritage design and material requirements.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcomes (a), (b) and (c); Prescriptive Measure (c), (i) and (p).</i></b></p> |
| 28.Existing Stair – new handrail, non-slip paint finish and nosing detailing        | Adverse Impact | <p>The existing stair and handrail are significant to the distinctive Arts and Crafts features of the dwelling. Whilst the new handrail addition would impact the historical accuracy of the design, visual proportions and integrity of the internal stair, it is a reasonably small and reversible addition required for BCA compliance.</p> <p>The new internal timber handrail is a slimline</p>   |

| <b>Proposed Works</b>                                     | <b>Impact</b>   | <b>Comment</b>   |
|---|---|--|
|   |   | <p>utilitarian addition that would be easily recognisable as a contemporary regulatory requirement. The handrail extension has also eliminated the need to significantly impact the original fabric and proportions of the existing staircase.</p> <p>No concerns are raised with the proposed non-slip paint finish and nosing detailing to match existing to meet the BCA Performance Solution requirements.</p> <p><b><i>The proposal complies with Section 9.2.1 Desired Outcomes (a) and (d); Prescriptive Measures (a) and (g).</i></b></p>  |
| 29. School Room 4 and Common Room – existing wall removed | Minor Impact<br>Amendments required<br>(see recommendation n) | <p>This is a negligible modification to the floor plan to facilitate the adaptive new use. It is minor, located in a less important area and would not adversely affect the heritage significance of the place. Nibs of the original wall should be retained to permit interpretation of the original floor plan. Amended plans should be submitted to reflect the requested change.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measure (c).</i></b></p> <p><b><i>The new work does not comply with Section 9.2.1 Desired Outcome (d); Prescriptive Measure (n).</i></b></p> |

#### **Additional Notes**

| <b>Proposed Works</b>  | <b>Impact</b> | <b>Comment</b>  |
|--|---------------|---|
| 1. Existing wallpaper to be enclosed under clear polycarbonate to heritage requirements. | Preservation  | <p>This is a reasonable preservation measure to protect the original wall paper from the occupants of the proposed childcare center and primary school. The wallpaper is at direct risk due to the location in a common hallway and height. The Protective Polycarbonate Screen Detailing includes further assurance that the work will be completed to the Heritage Consultants requirements.</p> <p><b><i>The new work complies with Section 9.2.1 Desired Outcome (d); Prescriptive Measure (a).</i></b></p> |

#### **Hornsby Shire Council**

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

**Phone** 02 9847 6666

**Fax** 02 9847 6999

**Email** [hsc@hornsby.nsw.gov.au](mailto:hsc@hornsby.nsw.gov.au)

**Web** [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au)

| <b>Proposed Works</b>   | <b>Impact</b>   | <b>Comment</b>  |
|---|---|---|
| 2. Leadlight window features to be enclosed under clear polycarbonate to heritage requirements. | Adverse Impact<br>Amendments required<br>(see recommendation o) | <p>Whilst the polycarbonate is proposed as a preservation method, the leadlight windows are not at direct risk with the proposed new use. The lead lights are at a raised height and not likely damaged from general use.</p> <p>The impact of the fixtures in the original timber door leaves would have an irreversibly, adverse and unnecessary impact on the original fabric.</p> <p><b><i>The new work does not comply with Section 9.2.1 Desired Outcome (d); Prescriptive Measure (c).</i></b></p> |

#### Heritage items in the vicinity

The proposed works to the garden, front balcony, exterior boundary (such as gates and fencing) and the new Fire Stair will be highly visible from surrounding properties and the streetscape. Refer to the detailed comments above which account for any potential impact on significant values of heritage within the vicinity.

#### Summary

In summary, the proposal has merit to potentially be a sympathetic development with reasonable changes to facilitate a new use and the ongoing viability of the heritage item without adversely affecting the heritage significance. The intention of the proposal appears to maximise retention of the significant features and heritage values of the site. However, the proposal in its current form presents several non-compliances with the objectives of *Clause 5.10 Heritage Conservation* under the *HLEP* and desired outcomes and prescriptive measures within *Section 9.2* and *9.3* of the *HDGP*.

As the proposal would alter some aspects of the heritage listed dwelling and garden, should the application be supported, a photographic recording of the areas being altered (internal and external), is recommended to be undertaken prior to works commencing to ensure cumulative changes can be appropriately considered during any further development considerations for the site. The proposed works would also be required to be administered by an architect or consultant suitably experienced in heritage conservation work to ensure that all work is carried out in accordance with the approved documentation and conditions of consent and that any effect on the heritage significance of the building is minimised.

#### **Recommendation**

Council recommends the following amendments and alternative design solutions to facilitate a more sympathetic heritage outcome:

#### **Driveway & Carpark**

|                          |   |
|--------------------------|---|
| a) New permeable carpark | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.3 Desired Outcome (b); Prescriptive Measures (b) and (c).</i></b></li> <li>• Amendments to the Landscape Plan to show retention of the tennis court dimensions, interpretation of the significant elements and appropriate fencing to meet heritage and regulatory requirements</li> <li>• Alternative material and finish for the new concrete accessible path to meet heritage and regulatory requirements.</li> </ul> |
|--------------------------|---|

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• A revised heritage impact assessment and justification for the alternative design adjustments</li> </ul>   |
| b) Realignment of existing driveway kerb | <ul style="list-style-type: none"> <li>• <b><i>The proposed removal of T111 and T112 does not comply with Section 9.2.3 Desired Outcomes (a) and (b); Prescriptive Measures (a), (b), (d) and (c).</i></b></li> <li>• Alternate driveway design to retain T111, T112 and other significant plantings to meet heritage and regulatory requirements;</li> <li>• A revised heritage impact assessment and justification for the alternative design.</li> </ul> |
| c) New Driveway exit onto Rosemead Road  | <ul style="list-style-type: none"> <li>• <b><i>The proposed tree removal does not comply with Section 9.2.3 Desired Outcomes (a) and (b); Prescriptive Measures (a), (b), (d) and (c).</i></b></li> <li>• Alternative solution investigated to provide the second driveway off William Street to minimise impact of significant trees on site.</li> <li>• A revised heritage impact assessment and justification for the alternative design</li> </ul>      |

### **Fencing & Gates**

|  |  |
|--|--|
| d) Existing Mount Errington gates and posts                | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.4 Desired Outcomes (a); Prescriptive Measures (a) and (b).</i></b></li> <li>• The original gates and posts should be retained in-situ;</li> <li>• Alternative solution to meet heritage requirements.</li> </ul>  |
| e) Existing timber fence replacement                       | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.4 Desired Outcome (b); Prescriptive Measures (c), and (d); Section 9.3.3 Desired Outcomes (a) and (c); Prescriptive Measures (j), and (k).</i></b></li> <li>• Alternative design, materials and finish to meet heritage and regulatory requirements.</li> </ul>   |
| f) New powder coated metal fencing and egress/access gates | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.4 Desired Outcome (b); Prescriptive Measures (c), and (d); Section 9.3.3 Desired Outcomes (a) and (c); Prescriptive Measures (j), and (k).</i></b></li> <li>• Alternative design, finishes and materials to meet heritage and regulatory requirements.</li> </ul> |

### **Access**

|  |  |
|--|--|
| g) New accessible path and ramp          | <ul style="list-style-type: none"> <li>• <b><i>The metal handrail does not comply with Section 9.2.1 Prescriptive Measure (p).</i></b></li> <li>• Alternative handrail design, finishes and materials to minimise visual impacts and complement the heritage item to meet heritage and regulatory requirements.</li> </ul> |
| h) One accessible carspace               | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measure (p).</i></b></li> <li>• Alternative material and finish to meet heritage and regulatory requirements.</li> </ul>   |
| i) New BCA compliant external fire stair | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.1 Prescriptive Measure (p).</i></b></li> <li>• <b><i>The new door does not comply with Section 9.2.1 Prescriptive Measure (i).</i></b></li> </ul>   |

---

### **Hornsby Shire Council**

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

Phone 02 9847 6666

Fax 02 9847 6999

Email [hsc@hornsby.nsw.gov.au](mailto:hsc@hornsby.nsw.gov.au)

Web [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au)

|   |   |
|---|---|
|   | <ul style="list-style-type: none"> <li>• The paint finish should match the existing exterior colour scheme of the house to minimise the visual impact and complement the heritage item to meet heritage and regulatory requirements</li> <li>• Architectural detail illustrating the new design of ND5 to meet heritage and regulatory requirements.</li> </ul> |
| j) New drop off and pick up footpath        | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.1 Desired Outcomes (a) and (b); Prescriptive Measure (p).</i></b></li> <li>• Alternative material and finish to meet heritage and regulatory requirements.</li> </ul>  |
| k) Raised balustrade on first floor balcony | <ul style="list-style-type: none"> <li>• <b><i>The proposal does not comply with Section 9.2.1 Desired Outcomes (a) and (d); Prescriptive Measures (a), (c), and (g).</i></b></li> <li>• The original balustrade should be retained.</li> <li>• An alternative solution and justification to meet heritage and regulatory requirements</li> </ul>               |

### **Landscaping**

|                                |   |
|--------------------------------|---|
| l) Tree and Vegetation removal | <ul style="list-style-type: none"> <li>• <b><i>The proposed removal of T19, T27, T83, T111 and T112 does not comply with Section 9.2.3 Desired Outcomes (a) and (b); Prescriptive Measures (a), (b), (d) and (c).</i></b></li> <li>• Alternate driveway design to retain T83, T111, T112 and other significant plantings to meet heritage and regulatory requirement;</li> <li>• Relocation rather than removal of T27;</li> <li>• Retention of T19;</li> <li>• A revised heritage impact assessment and justification for the alternative design.</li> </ul> |
|--------------------------------|---|

### **Internal Works**

|  |  |
|--|--|
| m) New wet areas                         | <ul style="list-style-type: none"> <li>• <b><i>Removal of W18 does not comply with Section 9.2.1 Desired Outcome (d); Prescriptive Measure (a) and (c).</i></b></li> <li>• Retention of W18 with frosting to match W19 to meet heritage and privacy requirements.</li> </ul> |
| n) School Room 4 – existing wall removed | <ul style="list-style-type: none"> <li>• <b><i>The new work does not comply with Section 9.2.1 Desired Outcome (d); Prescriptive Measure (n).</i></b></li> <li>• Retention of wall nibs</li> </ul>   |
| o) Leadlight window features             | <ul style="list-style-type: none"> <li>• <b><i>The new work does not comply with Section 9.2.1 Desired Outcome (d); Prescriptive Measure (c).</i></b></li> <li>• Removal of clear polycarbonate enclosure to leadlight window features</li> </ul>                            |



## **Tree and Vegetation Removal – Bushfire Protection**

The supplied bushfire assessment report, prepared by Australian Bushfire Consulting Services, recommends the following condition of development consent be applied to the development in Section 9.1 of the report:

*“That all grounds within the subject property are to be maintained as an Asset Protection Zone/ Inner Protection Area as detailed in Appendix 4 of Planning for Bushfire Protection 2019 and the NSW RFS document Standards for Asset Protection Zones.”*

The standards for an Asset Protection Zone / Inner Protection Area as listed in Section A4.1.1 of Planning for Bushfire Protection 2019 are as follows:

- canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m; and
- preference should be given to smooth barked and evergreen trees

Concern is raised that should the recommended condition contained within Section 9.1 of the bushfire report be applied to the development, there is a high likelihood that significant amounts of vegetation removal would be required on the site.

The supplied Arboricultural Impact Assessment report contains a detailed diagram in Appendix 6 (drawing No. T19-101602) which contains the location of all trees on the site and the immediate vicinity. As demonstrated by this diagram, there is a high level of canopy interconnectivity and separation distances between canopies do not comply with the 2m-5m separation requirement. Consequently, it is likely that significant tree removal would be required to achieve the required 15% canopy coverage and adequate separation distances. The removal of significant amounts of vegetation would substantially impact on the grounds of the Mount Errington Mansion and would have a detrimental impact on the conservation of the heritage item.

If an alternate solution cannot be found that avoids the need to create the entire site as an IPA for bushfire Protection Purposes, the site is unsuitable for the proposed development.

## **Acoustics**

The site is in close proximity to residential allotments, being primarily single dwelling house, with medium density aged care located adjacent to the eastern boundary. Due to the close number of residential receivers, demonstrated compliance with the recommended noise levels contained within the AAAC Guideline for Child Care Centre Acoustic Assessment should be provided to ensure preservation of neighbourhood amenity.

## **Traffic and Parking**

Prior to the COVID 19 restrictions, Dural Street and Rosemead Road were frequently at parking capacity in the immediate vicinity of the subject site. Roadside parking demand was a combination of general residential demand, as well as commuters parking in the vicinity of the site to utilise the Hornsby Train Station. The supplied Traffic Parking and Assessment Report has been reviewed and it is noted as follows.

The proposed “No Parking” Signage along the southern side of Rosemead Road is not a desirable outcome as the signage would remove car parking spaces that are currently utilised by the community. Due to the size of the proposed School and Childcare, it is considered possible to facilitate all child drop off within the school

grounds by establishing the recommended "Kiss and Drop" area internally, with all vehicles entering the site at a single-entry point and leaving via a single, separate exit.

The applicant should provide an operational Traffic Management Plan (TMP) to detail how pick up will be controlled to prevent queuing onto Dural Street. The Traffic Management Plan should limit drop off and pick up to left in and left out movements only. The TMP should also detail how Drop off/pick up is to be discouraged on the opposite side of the frontage road.

### Summary of Planning Assessment

In summary, if the adaptive reuse of the Mount Errington Heritage Item is to be supported, the proposed development should be undertaken in a manner which preserves the significant fabric of the item and allows for the protection of surrounding residential amenity. In its current form, the proposed Asset Protection Zone around the building would likely have a substantial detrimental impact on the heritage significance of the site. An alternative should be explored to prevent the significant removal of vegetation and destruction of external heritage fabric. Additionally, an operation Traffic Management Plan should be provided to ensure the local road system is not impacted by vehicles entering or exiting the site.

### Recommended Conditions of Development Consent

If consent is to be granted to the development, the following conditions should be applied to development.

#### GENERAL CONDITIONS

##### 1. Appointment of a Project Arborist

- a) A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.
- c) Proposed inspection schedule to assess tree health and provide certification for the various stages of development such as site establishment (includes demolition and installation of tree protection measures), construction work, hard and soft landscaping practical completion and occupancy certification.

#### REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

##### 2. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 "Preservation of Survey Infrastructure".

##### 3. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of new vehicular crossings and the removal of the redundant crossing on Mount Pleasant Avenue. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements:

---

#### Hornsby Shire Council

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

Phone 02 9847 6666

Fax 02 9847 6999

Email [hsc@hornsby.nsw.gov.au](mailto:hsc@hornsby.nsw.gov.au)

Web [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au)

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

*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.*

#### **4. Education and Care Services National Regulations**

Documentation must be prepared by a registered architect and submitted with the Construction Certificate to certify that the proposed development complies with the requirements of Part 4.3 Physical Environment of the Education and Care Services National Regulations.

#### **5. 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.

#### **6. Building Code of Australia**

All approved building work must be carried out in accordance with the relevant requirements of the Building Code of Australia.

#### **7. 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.*

#### **8. Construction Management Plan (CMP)**

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist, and submitted to Council's Compliance Team at [compliance@hornsby.nsw.gov.au](mailto:compliance@hornsby.nsw.gov.au) for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) A Construction Traffic Management Plan (CTMP) including the following:
  - i) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
  - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.

- iii) In order to prevent injury, accident and loss of property, a statement must be included within the Plan confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
  - a. Public notification of proposed works;
  - b. Long term signage requirements;
  - c. Short term (during actual works) signage;
  - d. Vehicle Movement Plans, where applicable;
  - e. Traffic Management Plans;
  - f. Pedestrian and Cyclist access and safety.
- v) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- vi) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- vii) The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development;
- viii) The plan shall include swept path analysis for ingress and egress of the site for all stages of works.
- ix) The plan shall include site plans for all stages of works including the location of site sheds, unloading and loading areas, waste and storage areas being used.
- x) The plan shall include the total volume of fill to be imported to the subject site throughout all stages to achieve approved levels.
- xi) The plan shall include the total volume of fill to be exported at the subject property throughout all stages.
- xii) The plan shall include the total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
- xiii) The plan shall include the number of total truck movements to and from the site for each stage of works.
- xiv) The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
- xv) The plan shall include the maximum number of trucks travelling to and from the site on any given day for each stage of works.
- xvi) The plan shall include the maximum number of truck movements on any given day during peak commuting periods for all stages of works.

- xvii) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
  - xviii) The plan must include the location details of the source site of any proposed fill to be imported for all stages of works.
  - xix) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
  - xx) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any Arboricultural Impact Assessment and tree location plans submitted as part of the Development Application, detailing the following:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
  - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
  - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
  - iv) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
- i) Existing noise and vibration levels within the proximity of the proposed development site.
  - ii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
  - iii) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
  - iv) Details of mitigation measures that will meet acoustic standards and guidelines at each stage of works.
  - v) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Sediment and erosion control measures in accordance with the *Soils and Construction 2004 (Bluebook)*.
- g) Air quality management on site, including dust suppression measures during demolition and construction.
- h) Details on the general operating procedures to manage environmental risk throughout all stages of works on the site.

- i) To ensure Council assets are maintained throughout the development, a detailed survey plan is to be included, detailing existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.

|  |
|--|
| <b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b> |
|--|

**9. Photographic Archival Record**

- a) A photographic record of the heritage listed property (house and garden) at No. 1 Rosemead Road, Hornsby must be undertaken prior to the commencement of works.
- b) The photographic record should be generally undertaken in accordance with Heritage NSW guidelines and 1 complete 'hard' copy submitted to Hornsby Council, plus an electronic copy.
- c) The photographic and measured drawing record shall include (but not limited to) an accurate record of the exterior and interior of the building and the main garden elements within its curtilage.
- d) Satisfaction of this condition shall be confirmed by written advice by Council's Strategic Planning Branch prior to the issue of the construction certificate.

**10. Nominated Heritage Consultant**

- a) An architect/consultant suitably experienced in heritage conservation work shall be appointed prior to the commencement of works.
- b) The appointed architect/consultant shall ensure that all work is carried out in accordance with the approved documentation and conditions of consent and that any effect on the heritage significance of the building is minimised.

**11. Consultation with Council – Minor Heritage Works**

- a) All original door and window are to be retained;
- b) All new door and window required locking fixtures to be discrete and reflect the design and materials of the original hardware and installed to the nominated Heritage Consultant's requirements;
- c) All original light cords and handles are to be retained;
- d) Any new lighting plan would require consultation with Council and to be installed to the nominated Heritage Consultant's requirements; and
- e) Any new signage would require consultation with Council and to be installed to the nominated Heritage consultant's requirements.

**12. Installation of Tree Protection Fencing**

- a) All tree protection measures for the ground, trunk and canopy installed by the project arborist must be in accordance with *Australian Standard AS 4970-2009 Protection of Trees on Development Sites* for all trees to be retained on the subject site and the Rosemead Road Frontage.
- b) The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids from entering the tree protection zone.

- c) Tree Protection fencing must have identifying signs attached, with the lettering complying with *Australian Standard AS 1319*.
- d) All installation of tree protection fencing must be supervised and certified by the project arborist.

### **13. Tree Protection Zone - Ground Protection**

- a) The tree protection zones of all trees to be retained on the subject site must have a layer of wood-chip mulch at a depth of between 150mm and 300mm in accordance with the relevant requirements of *Australian Standard AS 4454 Composts, Soil Conditioners and Mulches* installed prior to works commencing.
- b) Where fencing cannot be installed inside the TPZ, the wood-chip must be covered with a layer of geotextile fabric and rumble boards to allow for small plant movement and/or placement of storage of material.

### **14. Protection Certification**

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

### **15. 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.

### **16. 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.
- 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.*

### **17. 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*.

## **18. 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.*

## **REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**

## **19. Maintenance of Public Footpaths**

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

## **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.



- d) Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the PCA and Council.

## **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. 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.*

## **24. 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.

## **25. Landfill**

Landfill must be constructed in accordance with Council's *'Construction Specification 2005'* and the following requirements:

- a) As indicated in the approved Waste Management Plan, concrete obtained from the demolition of the existing buildings is to be reused as fill on-site.
- b) Prior to additional fill material being imported to the site, a certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- c) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- d) These certificates must be included with the application for an occupation certificate.

## **26. Excavated Material**

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

## **27. Prohibited Actions Within the Tree Protection Zone**

In accordance with *Australian Standard AS 4970-2009*, the following is prohibited within the fenced area of the TPZ for all trees to be retained:

- a) Stockpiling storage or mixing of materials,

- b) The parking, storing, washing and repairing of tools, equipment and machinery,
- c) The disposal of liquids and refuelling,
- d) The disposal of building materials,
- e) The siting of offices or sheds, and
- f) Any action leading to the impact on tree health or structure.

## **28. Works Near Trees**

- a) To maintain tree health and condition for trees to be retained on the subject site, the appointed project arborist must monitor and record any and all necessary remedial actions required.
- b) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the Occupation Certificate.

## **29. Maintaining Tree Protections Zones**

- a) The Tree Protection Zones must be maintained by the project arborist in accordance with section 4.6 requirements of *Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites"*

## **30. Works Within Tree Protection Zones**

- a) All root pruning must be undertaken in accordance with the relevant requirements of *Australian Standard AS 4970-2009 "Protection of Trees on Development Sites"* - Sections 3.3.4, 4.5.4 and 4.5.5.
- b) Any necessary excavations within the Tree Protection Zone of trees on the approved plans not associated with installation of services must be undertaken manually as prescribed in the *Australian Standard AS 4970-2009 – "Protection of Trees on Development Sites" Section 4.5.5.*
- c) To minimise impacts within the Tree Protection Zone (TPZ) of trees on the approved plans the installation of services must be undertaken as follows:
  - i) The project arborist must monitor the installation of any underground services which enter or transect the tree protection zone of any tree.
  - ii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as directional drilling.
  - OR
  - iii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as manual excavation.
  - iv) For manual excavation of trenches the project arborist must advise on roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.

## **31. Works Near Trees Certification**

- a) The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

*Note: Copies of monitoring documentation may be required by the PCA and/or Council.*

## **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **32. Completion of Landscaping**

A certificate must be submitted to the PCA by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans. Such a certificate must include the name, qualifications and contact details of the author of the certificate.

### **33. Damage to Council Assets**

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

### **34. Outdoor Play Area**

The outdoor play space must be adequately shaded in accordance with The Shade Handbook, published by the New South Wales Cancer Council in 2008.

### **35. 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.

### **36. Final Certification**

- a) The AQF 5 Project arborist must submit to the principal certifying authority a certificate that states the following:
  - i) All the tree protection requirements comply with the tree protection plan
  - ii) All completed works have been carried out in compliance with the conditions of consent and approved plans.
  - iii) Dates and times and reasons for site attendance.
  - iv) The post development condition of the health for the retained trees.
  - v) Details necessary work to maintain tree health.
  - vi) Details of tree protection zone maintenance.
  - vii) Tree replacements meet NATSPEC guidelines and the approved landscape plan.

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

## **OPERATIONAL CONDITIONS**

### **Hornsby Shire Council**

ABN 20 706 996 972

296 Pacific Highway, Hornsby 2077

PO Box 37, Hornsby NSW 1630

DX 9655 Hornsby

**Phone** 02 9847 6666

**Fax** 02 9847 6999

**Email** [hsc@hornsby.nsw.gov.au](mailto:hsc@hornsby.nsw.gov.au)

**Web** [hornsby.nsw.gov.au](http://hornsby.nsw.gov.au)

### **37. Vehicular Access – Operational Conditions**

- (a) The approved Traffic Management Plan must be adhered to at all times;
- (b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;
- (c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- (d) Access to the site must be via a left in, left out method only with a dedicated site entry and exit.
- (e) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

### **38. Operational Noise Requirements**

- a) The child care centre and school must be managed in accordance with the recommendations of the Acoustic Assessment Report and the following:
- b) Any complaints regarding the operation of the facility must be directed to the manager of the business and a log book of the date and time of the complaint, complainants must be advised within 48 hours of what, if any, actions have been undertaken as a result of reviewing the complaint, contact details of the person making the complaint and the nature of the complaint must be documented. This logbook must be readily available to Council and:
- c) Contact details must be provided on a website or alternatively all adjoining properties must be notified in writing of relevant contact details of the manager of the establishment.

### **39. Fire Safety Statement - Annual**

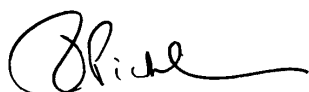
On at least one occasion in every 12-month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' certifying each essential service installed in the building.

### **40. Evacuation and Emergency Management**

Arrangements for emergency and evacuation are to comply with Regulations 97 and 168 of the Education and Care Services National Regulations.

If you have any questions regarding the contents of this document, please contact the undersigned on 9847 6731.

Regards



Rodney Pickles  
Manager Development Assessments  
Planning and Compliance Division