



“WITHOUT PREJUDICE CONDITIONS”

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Approved Architectural Plans prepared by Arc Architects

<i>Plan No.</i>	<i>Plan Title</i>	<i>Rev</i>	<i>Dated</i>
DA-02B	Site Plan	B	9 September 2010
DA-04A	Typical Cluster	A	23 August 2010
DA-05	Typical Roof Plan	-	12 July 2010
DA-10	Street Front Elevations	-	July 2010
DA-11	East Boundary Elevations	-	12 July 2010
DA-12	West Boundary Elevations	-	12 July 2010
DA-13	North Elevations The Avenue	-	12 July 2010
DA-14	Elevations South Boundary	-	12 July 2010
DA-15	Typical Elevations	-	12 July 2010
DA-16	Typical Elevations	-	12 July 2010
DA-17	Community Centre	-	12 July 2010
DA-18	Sections SA & SB	-	12 July 2010
DA-19	Section C & D	-	12 July 2010
DA-30	Dwelling A1	-	July 2010
DA-31	Dwelling A2	-	July 2010
DA-32	Dwelling B1	-	July 2010
DA-33	Dwelling B2	-	July 2010
DA-34	Dwelling C1	-	July 2010

DA-35	Dwelling C2	-	July 2010
DA-36	Dwelling D	-	July 2010
DA-37	Dwelling E	-	July 2010
DA-38	Dwelling F	-	July 2010
DA-39	Dwelling G	-	July 2010
DA-40	Dwelling H	-	July 2010
DA-41	Dwelling I	-	July 2010
DA-42	Dwelling J	-	July 2010

Approved Landscape Plans prepared by Taylor Brammer

Plan No.	Plan Title	Rev	Dated
LS01	DA Landscape Site Plan	E	27 August 2010
LA02	Planting Plan 1-3	D	27 August 2010
LA03	Planting Plan 2-3	D	27 August 2010
LA04	Planting Plan 3-3	D	27 August 2010

Approved Erosion & Sediment Control Plans prepared by Meinhardt Infrastructure & Environment Pty Ltd

Plan No.	Plan Title	Rev	Dated
IE02	Erosion & Sediment Control Plan	C	5 July 2010
E03	Erosion & Sediment Control Details	C	5 July 2010

Supporting Documentation

Document Title	Prepared by	Dated
Site Compatibility Certificate	Department of Planning	17 September 2010
Statement of Environmental Effects	Mecone	July 2010
Addendum Statement of Environmental Effects	Mecone	September 2010
Design Statement	Arc Architects	July 2010
BASIX Certificate No. 314992M	Assessor number 20852	9 July 2010
ABSA Assessor Certificate No. 85247118	Assessor number 20852	9 July 2010
Thermal Comfort Assessment Report No. 10-7747-R1, Rev 0	Heggies Pty Ltd	5 July 2010
Civil Engineering Concept Design Report (Project No: 103976)	Meinhardt Infrastructure & Environment Pty Ltd	2 July 2010
Plan No. IE00 Cover Sheet, Index & Legend Rev C	Meinhardt Infrastructure & Environment Pty Ltd	5 July 2010
Plan No. IE04 Detail Civil Plan and Pit & Pipe Schedule, Rev F	Meinhardt Infrastructure & Environment Pty Ltd	8 July 2010
Plan No. IE05 Site sections Rev E	Meinhardt Infrastructure & Environment Pty Ltd	8 July 2010
Plan No. IE06 Road Long-Section & Typical Road Cross- Sections Rev C	Meinhardt Infrastructure & Environment Pty Ltd	5 July 2010

Plan No. IE08 OSD Details - East Rev C	Meinhardt Infrastructure & Environment Pty Ltd	5 July 2010
Plan No. IE09 OSD Details - West Rev C	Meinhardt Infrastructure & Environment Pty Ltd	5 July 2010
Plan No. IE10 Miscellaneous Drainage Details Rev D	Meinhardt Infrastructure & Environment Pty Ltd	8 July 2010
Plan No. IE100 Catchment Plan - Post Development Rev B	Meinhardt Infrastructure & Environment Pty Ltd	5 July 2010
Plan No. IE101 Catchment Plan - Post Development Rev B	Meinhardt Infrastructure & Environment Pty Ltd	5 July 2010
Preliminary Environmental Site Assessment Ref: E23376KH-rpt	Environmental Investigations Services	September 2009
Flora And Fauna Assessment	Clarke Dowdle & Associates	May 2010
Landscape Design Statement Job No: 09-120s	Taylor Brammer	5 July 2010
Traffic and Parking Assessment Report Ref: 09020	Varga Traffic Planning Pty Ltd	13 July 2010
Addendum Traffic Report Letter Ref 09020	Varga Traffic Planning Pty Ltd	13 August 2010
Arboricultural Impact Assessment	Advanced Treescape Consulting	25 June 2010
Arboricultural Impact Assessment Addendum Letter	Advanced Treescape Consulting	27 August 2010
On-site Wastewater Management Report Ref: REP-20210-G	EnviroTech Pty Ltd	17 August 2010
Wastewater System Layout Plan DWG-20210-E	EnviroTech Pty Ltd	6 July 2010
Building Code Of Australia Report Ref: 04648-02BCA	McKenzie Group Consulting	25 May 2010
BCA 2010 Section J Report for the Community Centre Ref: Report No. 10-7747-R2	Heggies Pty Ltd	8 July 2010
Draft Construction Environmental Management Plan	Treysten Pty Ltd	undated
Waste Management Plan	unknown	undated
Survey Plan No. 14514 Rev A, - Showing Spot Levels, Contours & Detail	Clarke Dowdle & Associates	23 April 2010
Sample Board	Arc Architects	12 July 2010
Letter of Concurrence (Ref: ID10M1519 SYD10/00575	Roads and Traffic Authority	15 October 2010

2. Removal of Existing Trees

This development consent only permits the removal of trees numbered T1, T2, T3, T4, T5, Group6, T7, T8, T10, Group12, T13, T14, T15, T16, T17, T18, T19, T20, T21, T24, as identified in Appendix 1a - Site Plan with Trees of the Arboricultural Impact Assessment prepared by Advanced Treescape Consulting dated 25 June 2010. The

removal of any other trees requires separate approval under Council's Tree Preservation Order.

3. Amendment of Plans

The approved plans are to be amended as follows:

- a. Deletion of the proposed orchard, walking paths and open pavilion areas located within the wastewater irrigation area from the approved landscape plans - Plan Nos. LS01 Rev E, LA02 Rev D, LA03 Rev D and LA04 Rev D, prepared by Taylor Brammer, dated 27 August 2010.
- b. To ensure trees of appropriate mature height and size are located close to dwellings all Eucalyptus trees proposed within four metres of dwellings must be substituted with one of the following - *Buckinghamia celsissima*, *Backhousia citiodora* or *Elaeocarpus reticulatus*. The approved landscape plans - Plan Nos. LS01 Rev E, LA02 Rev D, LA03 Rev D and LA04 Rev D, prepared by Taylor Brammer, dated 27 August 2010 are to be amended accordingly and all trees must be installed at minimum 25 litre pot size.
- c. The approved landscape plan LA03 Rev D prepared by Taylor Brammer, dated 27 August 2010 must be amended as follows:
 - i. The following native species indicated should be included on the plan as STIF species within the planting schedule table to ensure these are also planted within the STIF area: *Ceratopetalum gummiferum*, *Eucalyptus resinifera*, *Elaeocarpus reticulatus*, *Poa affinis*, *Dianella caerulea*, *Lomandra longifolia*, *Microlaena stipoides* and *Hardenbergia violacea*.
 - ii. Plants that should be added to the STIF list include *Allocasuarina torulosa*, *Bursaria spinosa*, *Ozothamnus diosmifolius* and *Eustrephus latifolius* to increase species diversity of the remnant.
 - iii. The following text must be included in the notes section below the planting schedule table:

All plant stock must be of local provenance purchase from a recognised native nursery. Receipts must be obtained as proof of purchase and provided to Council's Bushland and Biodiversity Team. All planting within the STIF area must be planted by a qualified and experienced bush regeneration company prior to the release of the Occupation Certificate. Areas of greater resilience must be encouraged to allow natural regeneration by the engaged bush regeneration company. No lawn, mulch or decorative gravel is to be placed within the STIF planting area. Plantings within the STIF remnant must be maintained for a minimum of 18 months, with a letter supplied to Council by the horticultural maintenance contractor at the end of this period post DA approval.
- d. The approved landscape plans - Plan Nos. LS01 Rev E, LA02 Rev D, LA03 Rev D and LA04 Rev D, prepared by Taylor Brammer, dated 27 August 2010

must be amended to ensure that tree and shrub plantings along the main internal road do not impinge on the area required to place bins for servicing, being two bins per dwelling and allowing 1 metre road frontage per bin.

- e. The pedestrian pathway linking the internal paths to the bus stop on Mid Dural Road is to be relocated as marked in red on Plan No. DA-02B Site Plan, Rev B prepared by Arc Architects, dated 9 September 2010 to ensure the ongoing protection of the STIF forest located within the front setback area of the Mid Dural Road frontage of the site. The approved landscape plans - Plan Nos. LS01 Rev E and LA04 Rev D, prepared by Taylor Brammer, dated 27 August 2010 must also be amended to show the relocated path to the bus stop on Mid Dural Road.
- f. Bus shelters for weather protection are to be provided on the eastern and western side of Galston Road adjacent to the site. The bus shelter located on the western side of Galston Road is to be located wholly within the subject site and future ongoing maintenance of the shelter is to be provided by the operator of the seniors living development. The bus shelters and bus stops must comply with the requirements of the *Disability Discrimination Act 1992*, the *Building Code of Australia* and the Roads and Traffic Authority. Details are to be provided with the Construction Certificate.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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4. Building Code of Australia

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

5. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a. *Energy Australia* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development. If a new substation is required this is to be located wholly within the subject site on the Galston Road frontage and is to be shown on the Construction Certificate Plans.
- b. *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the *Sydney Water Act 1994*.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

6. Retaining Wall and Earthworks

A plan of all retaining walls and earthworks must be prepared by a chartered geotechnical and structural Engineer.

7. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a. Design levels at the front boundary be obtained from Council.
- b. The driveway be a rigid pavement.
- c. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent per plan metre.
- d. The driveway pavement be a minimum 3 metres wide, 0.15 metres thick reinforced concrete with F72 steel reinforcing fabric and a 0.15 metre sub-base.
- e. The pavement have a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and kerb inlet pits provided on grade and in low points.
- f. Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- g. The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter can not be achieved.
- h. To permit adequate manoeuvring for vehicles, non-through road driveways at least must incorporate roll top kerbs and kerb inlet drainage control.
- i. Conduit for utility services including electricity, water, gas and telephone be provided.

8. Stormwater Drainage

The stormwater drainage system for impervious areas at least within the development must be designed and constructed for an average recurrence interval of at least 20 years and be gravity drained in accordance with the following requirements:

- a. Connected to the existing internal drainage system and the proposed on-site detention system, draining to a Mid Dural Road Council controlled piped drainage system.
- b. All pits are to be benched off to their outlet inverts. Sumps are not required anywhere in the drainage system.

- c. All pits are to be cast in-situ, with integral extended kerb inlets designed and constructed on grade and in sag points.

9. On Site Stormwater Detention

Two on-site stormwater detention systems must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a. Have capacities and a maximum discharge rates (when full) as set out in Appendix 12 of the Civil Engineering Concept Design Report (Project No: 103976) prepared by Meinhardt Infrastructure & Environment Pty Ltd, dated 2 July 2010.
- b. Have a surcharge/inspection grate located directly above the outlet, and include a grated overflow system for storm events greater than the 20 year average recurrence interval (ARI). Emergency overflow weir systems must also be designed and constructed for the 100 year ARI and disposed of to the public road.
- c. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system. All pits must be benched off to their outlet inverts.
- d. The OSD volumes are above ground and the average depth is greater than 0.3 metres, therefore 'pool type' safety fences and warning signs are to be installed.

10. Mid Dural Road Drainage

In order to dispose of stormwater safely from the site, the following works must be designed and constructed in accordance with Council's Design and Construction Specification 2005 at the Applicant's cost:

- a. The eastern side on-site detention system must be drained with a minimum 375 mm diameter reinforced concrete pipe to an extension of Council's drainage line in the road sag adjacent 390 Galston Road.
- b. The existing Council's drainage pit being connected must be removed and replaced with Council's standard extended kerb inlet pit and matched to finished surface levels.
- c. The western side on-site detention system must be drained to a piped drainage system in Mid-Dural Road draining to the west, using Council's standard kerb inlet pits and reinforced concrete pipe. The drainage line must be extended along the Mid-Dural Road shoulder zone so that access to neighbouring properties is unimpeded and there is adequate fall to allow pipe flows to be deposited safely with a headwall and graded table drain (refer Design and Construction Specification 2005 and Rural Road Design, Austroads Inc. 1997, Ch 5).

- d. Pursuant to the *Roads Act 1993*, the road drainage plans must be submitted to Hornsby Shire Council as Roads Authority for consideration and approval prior to release of any Construction Certificate.

11. Design of Road Works

- a. A detailed design for the pedestrian refuge island, bus stops, and access driveway on Mid Dural Road must be provided to Council and approved by the Hornsby Local Traffic Committee. The design of the facilities must be in accordance with RTA guidelines, technical directions and Austroads standards.
- b. A detailed design for the pedestrian refuge island, bus stops, access driveway and median island on Galston Road must be provided to Council and approved by the RTA. The design of the facilities must be in accordance with RTA requirements.

12. Road Works

All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. All centre medians, pedestrian refuges, left turn deceleration lanes, road pavement and resealing work, bus shelters and associated shoulder pavement and sealing works to be designed and constructed generally in accordance with the approved plans.
- b. To provide adequate mobility, Council's standard 80mm thick concrete footpaths are to be constructed within the road verge across the Mid-Dural and Galston Road frontages of the site and connected with the site's internal pathways.
- c. For safety, the Galston and Mid-Dural Road frontages of the site must be adequately illuminated with Council's standard luminaires in accordance with AS1158.
- d. Signage, linemarking and services relocation must be shown on the construction plans.
- e. Pursuant to the *Roads Act 1993*, the roads works plans must be submitted to NSW RTA's Sydney Project Services, Parramatta Branch, for consideration and approval prior to release of any Construction Certificate. Lodgement of construction plans with the RTA may incur additional fees for inspections, processing costs and performance bonds.
- f. The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

13. 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 a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* and the following requirements:

- a. Any redundant crossings to be removed and matched to finished ground levels.
- b. The footway area to be restored by turfing.
- c. The road shoulder adjacent to the crossing to be constructed to match the carriageway, splayed at 45 degrees with a minimum standard shoulder pavement and sealed with 40mm AC10, as required.
- d. Approval 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.

14. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads & Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road and be submitted to Council. The TCP must detail the following:

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans.
- f. Pedestrian and cyclist access/safety.

15. Noise - Busy Roads

The development must be carried out in accordance with the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and RailCorp's *Interim Guidelines for Applicants*.

Note: The Department of Planning's document is available at www.planning.nsw.gov.au (development assessments). The RailCorp document is available at www.railcorp.nsw.gov.au/publications.

16. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 – 2002 – Off Street Commercial* and the following requirement:

- a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c. Vehicles awaiting loading, unloading or servicing must be parked on site and not on adjacent or nearby public roads;
- d. All vehicular entry on to the site and egress from the site must be made in a forward direction.

17. Waste Management Plan

Prior to issue of the Construction Certificate, A *Waste Management Plan Section One – Demolition Stage, Section Two – Design Stage, Section Three – Construction Stage* and *Section Four – Use and On-going Management* as applicable, covering the scope of this project is required to be submitted to Council in accordance with the *Waste Minimisation and Management Development Control Plan*.

18. Design of Bin Carting Routes

There must be no steps along the bin carting route(s). Only ramps between different levels are acceptable.

19. On-site Sewage Management

Provide details of the proposed onsite sewage management system, including:

- a. Scaled site plan of the proposed system including irrigation disposal area with buffer distances shown from all proposed landscaping features, paths, driveways, public open space, children's playground areas and other features which would reduce available disposal area.
- b. Effluent irrigation area design plan. The effluent irrigation area is not to be incorporated into facility recreation areas.
- c. Capacity and design specifications of proposed pump out tanks and the proposed AWTs tanks.
- d. Council requires the preparation of a hydraulic report for the proposed septic tank pump-out system. The report must be prepared by a suitably qualified consultant and must provide details and specifications on the lift pump and pump-out line for the property and the pipe to be used in order to deliver 364 L/min of sullage at the outlets.

- e. Provide details of the proposed locations of the pump-out point and tanker standing location a minimum of 3 metres from the centre line of the road.
- f. Provide details of proposed tanker pump out frequency and procedures for emergency pump outs if required.
- g. The wastewater system must be designed in accordance with Environment & Health Protection Guidelines - Onsite Sewage Management for Single Households, Australian Standard 1547(2000) - On-site domestic wastewater management and Management of Private Recycled Water Schemes.

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

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a. Showing the name, address and telephone number of the principal certifying authority for the work,
- b. 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
- c. Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

21. Toilet Facilities

Toilet facilities must be available or provided 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. Each toilet must:

- a. be a standard flushing toilet connected to a public sewer; or
- b. be a temporary chemical closet approved under the *Local Government Act, 1993*; or
- c. have an on-site effluent disposal system approved under the *Local Government Act, 1993*

22. Erosion and Sediment Control

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 up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.

23. Tree Protection Barriers

- a. Tree protection fencing must be erected around trees numbered T9 and Tree Group11 to be retained at a five metre setback.
- b. Tree protection fencing must be erected around the trees and significant bushland located at the north of the site along the Mid Dural Road frontage to be retained at a minimum distance of six metres.

The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'

24. Waste Management Plan - Work Practices

Appropriate work practices must be employed to implement the *Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage* as applicable.

REQUIREMENTS DURING CONSTRUCTION

25. Construction Work Hours

All work 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.

26. Demolition

All demolition work must be carried out in accordance with *Australian Standard 2601-2001 – The Demolition of Structures* and the following requirements:

- a. Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 1996*.
- c. On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER

ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

27. Environmental Management

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* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

28. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Galston Road and Mid Dural Road, Galston during works and until the site is established.

29. 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.

30. Works near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

All works (including driveways and retaining walls) within 6 metres of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*), must be carried out under the supervision of an *'AQF Level 5 Arborist'* and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

31. Bushland Protection during Construction

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

- a. The installation of 1.8 metre high chain wire fencing (or similar) 6 metres from the significant bushland (Sydney Turpentine Ironbark Forest) located along the Mid Dural Road frontage (northern boundary) of the property;
- b. No access or egress is to occur through the Sydney Turpentine Ironbark Forest at the Mid Dural Road frontage.

Note: The site contains Sydney Turpentine Ironbark Forest (STIF) which is listed as an 'Endangered Ecological Community' under the 'Threatened Species Conservation Act 1995'. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Department of Environment and Climate Change' where such activities are not authorised by a development

consent under the 'Environmental Planning and Assessment Act 1979'.

*Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation would likely impact upon this endangered ecological community. Such action would qualify as illegally picking or disturbing the habitat and could render any person who carried out such action as **LIABLE FOR PROSECUTION**.*

32. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve is to be kept in a clean, tidy and safe condition at all times.

33. Landfill and Earthworks

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

- a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b. A compaction certificate is to be obtained from a suitably qualified chartered geotechnical engineer certifying the fill has been compacted in accordance with Council's Design and Construction Specification 2005.

34. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

35. Fulfilment of BASIX Commitments

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.

36. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from *Sydney Water*.

37. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

38. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B of the *Conveyancing Act 1919*:

- a. The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b. To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

39. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

40. Completion of Road Works

The following works must be completed prior to issue of an Occupation Certificate:

- a. Pedestrian Refuge Island with connecting footways must be constructed in Galston Road as indicated on plan No DA-02B Site Plan, Rev B, prepared by Arc Architects, dated 9 September 2010, subject to detailed design and approval process by the RTA.
- b. Central Median Island must be constructed in Galston Road as indicated on plan No DA-02B Site Plan, Rev B, prepared by Arc Architects, dated 9 September 2010, subject to detailed design and approval process by the RTA.
- c. Two bus stops with bus shelters and connecting footway be constructed in Galston Road as indicated on plan No DA-02B Site Plan, Rev B, prepared by

Arc Architects, dated 9 September 2010, subject to detailed design and approval process by the RTA and Council.

- d. Pedestrian Refuge Island with connecting footways must be constructed in Mid Dural Road as indicated on plan No DA-02B Site Plan, Rev B, prepared by Arc Architects, dated 9 September 2010, subject to detailed design and approval process by the Hornsby Local Traffic Committee and Council.
- e. Two bus stops with bus shelters and connecting footway must be constructed in Mid Dural Road as indicated on plan No DA-02B Site Plan, Rev B, prepared by Arc Architects, dated 9 September 2010, subject to detailed design and approval process Hornsby Local Traffic Committee and Council.

41. Maintain Canopy Cover

To maintain canopy cover, 38 medium to large trees selected from Council's booklet '*Indigenous Plants for the Bushland Shire*' and consistent with species from Sydney Turpentine Ironbark Forest Community are to be planted on the subject site. The planning location must not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The pot size is to be a minimum 25 litres and the tree(s) must be maintained until they reach the height of 3 metres. Trees must be native to Hornsby Shire and reach a mature height greater than 12 metres.

42. Boundary Screen Planting (to all boundaries)

Screen planting to the on-grade landscape setback areas along all boundaries must have additional trees to create double rows outside of the underground wastewater treatment areas. Additional tree plantings are to comprise:

- a. 20 x *Eucalyptus paniculata*,
- b. 20 x *Angophora costata*, and
- c. 20 x *Eucalyptus resinifera*.

Trees must be installed at minimum 25 litre pot size.

43. Completion of Landscaping

A certificate must be provided 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.

44. Site Operations/ Management Plan

Prior to issue of the Occupation Certification, a Site Operations/ Management Plan is to be prepared detailing but not limited to the following:

- a. Compliance with the requirements for serviced self-care housing as detailed in *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*;

- b. Provision of bus capable of carrying at least 10 persons to be provided to the residents of the development in accordance with Clause 43 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- c. Provision and access to services and faculties including home delivered meals, personal car and home nursing and assistance with housework.
- d. Garbage collection and general maintenance requirements for the site.

45. Restriction on Occupation – Housing for Seniors or People with a Disability

A restriction as to user must be created under s88B of the *Conveyancing Act 1919* and registered, requiring the housing approved under this consent:

- a. To be provided as a retirement village within the meaning of the *Retirement Villages Act 1999*; and
- b. The dwellings to be solely used for the accommodation of:
 - i. Seniors (55+ age) or people with a disability.
 - ii. People who live within the same household as seniors or people with a disability.
 - iii. Staff employed to assist the administration and provision of services to housing provided under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Note: The restriction must nominate Council as the authority to release, vary or modify the restriction.

46. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*. Certification of compliance with the Standard must be obtained from a suitably qualified person.

47. Waste Management Plan Compliance

To confirm compliance with the Waste Management Plans lodged with this Development Application, a report(s) must be prepared by an appropriately qualified person and submitted to the principal certifying authority prior to the issue of the Occupation Certificate, certifying that either:

- a. The Waste Management Plan Section One - Demolition Stage and Section Three - Construction Stage were implemented and at least 60% waste generated was reused or recycled; or

- b. If the 60% diversion from landfill was not achieved in the Demolition Stage and/or Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed in the demolition and construction stages to implement the Waste Management Plan.

The Report(s) is based on documentary evidence (ie. tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc) which have been attached to the Report.

48. Garbage Collection Easement

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of garbage collection must be granted to Council by the owner of the land.

Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land must indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.

49. Site Remediation Verification

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the Preliminary Environmental Site Assessment (Ref: E23376KH-rpt) prepared by Environmental Investigations Services, dated September 2009.

50. Wastewater System Approval

An on-site sewage management system, separately approved under the Local Government Act 1993, must be installed, commissioned and certified by a licensed plumber in accordance with Australian Standard 1547 – Onsite Domestic Wastewater Management (2000) and Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998).

51. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment.

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.

52. s94 Infrastructure Contributions

The payment to Council of a contribution of \$787,994.80* for 76 additional dwellings towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*.

*Note: * The value of contribution is current as at 28 October 2010. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to ascertain the indexed value of the contribution prior to payment.

53. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2004*.

Note: Reference should also be made to the Food Safety Standards and the 'Safe Food Australia - A guide to the Food Safety Standards 2nd Edition January 2001'.

54. Grease Trap and Dry Basket Arrestor Installation

An application must be submitted to *Sydney Water* for the installation of a grease trap and dry basket arrestor (floor and sink), in accordance with the '*Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharge – Sydney Water (May 2004)*'.

55. Kitchen Exhaust Installation

A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

OPERATIONAL CONDITIONS

56. Use of Premises

The development approved under this consent shall be used for '*Housing for Seniors or People with a Disability*' and not for any other purpose without Council's separate written consent.

57. Noise

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

58. 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' to each essential service installed in the building.

59. Access for Waste Management

Site security measures implemented on the property, including electronic gates, must not prevent access to the bin collection points by waste removal services.

60. Maintenance of Wastewater Device

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

61. Landscape establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

62. On-Going Waste Management

The waste management on the site must be in accordance with the following requirements:

- a. Each dwelling/kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste/recycling generation with separate containers for general waste and recyclable materials.
- b. Space must be provided for either individual compost containers for each dwelling or a communal compost container; the siting of which must have regard for potential amenity impacts.

GENERAL TERMS OF APPROVAL - ROADS AND TRAFFIC AUTHORITY

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

63. GTA 1

In accordance with Austroads 'Guide to Traffic Management Part 6: Intersections, Interchanges and Crossings', 'Guide to Road Design Part 4: Intersections and Crossings and Part 4A: Unsignalised and Signalised Intersections', the proposed entries/exits on Galston Road and Mid-Dural Road shall be constructed as Type

‘AUL’ intersection treatments (with deceleration lanes constructed as part of the entry treatment).

64. GTA 2

To prevent right turn movements out of the development, the proposed entry/exit to Mid-Dural Road shall be restricted to left in/left out vehicular movements by the construction of a minimum 900mm wide median along the centre line of Mid-Dural Road.

65. GTA 3

To prevent right turn movements out of the development, the proposed entry/exist to Galston Road shall be restricted to left in/left out vehicular movements by the construction of a minimum 900mm wide median along the centre line of Galston Road.

66. GTA 4

The proposed median along the centreline of Galston Road shall be extended to the proposed pedestrian refuge island.

67. GTA 5

All proposed bus stops and indented bus bays shall be designed in accordance with Austroads ‘Guide to Road Design Part 4: Intersections and Crossings – General’.

68. GTA 6

The proposed bus stop and indented bus bay on the western side of Galston Road is to be located between the proposed entry/exit and the proposed pedestrian refuge.

69. GTA 7

The proposed bus stop and indented bus bay on the eastern side of Galston Road is to be located north-east of the proposed pedestrian refuge island.

70. GTA 8

The proposed bus stop and indented bus bay on the northern side of Mid-Dural Road is to be located east of the proposed pedestrian refuge island.

71. GTA 9

The proposed bus stop and indented bus bay on the southern side of Mid-Dural Road is to be located west of the proposed pedestrian refuge island.

72. GTA 10

All works along Galston Road and Mid-Dural Road shall be designed to meet the RTA’s requirements, and endorsed by a suitably qualified and chartered Engineer (i.e. who is registered with the Institute of Engineers, Australia). The design requirements shall be in accordance with the RTA’s Road Design Guide and other Australian

Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of a Construction Certificate by the Principal Certifying Authority and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.

73. GTA 11

Sight distances on Galston Road and Mid-Dural Road are to be in accordance with Austroads 'Guide to Road Design Part 4: Intersections and Crossings – General and Part 4A: Unsignalised and Signalised Intersections'.

74. GTA 12

Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the entries and exits to motorists, pedestrians and cyclists.

75. GTA 13

All pedestrian facilities, line marking and sign posting are to be to the RTA's and Council's satisfaction.

76. GTA 14

In accordance with Austroads 'Guide to Road Design Part 6A: Pedestrians and Cyclist Paths', an obstacle free footpath of minimum width 1.8 metres shall be provided between the development and, the proposed bus stops and pedestrian refuges to cater for aged persons, wheelchairs or motorised scooters.

77. GTA 15

Any realignment boundary to facilitate these footways where they are located near the proposed deceleration lanes and indented bus bays must be dedicated as public road at no cost to the RTA.

78. GTA 16

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Galston Road or Mid-Dural Road.

79. GTA 17

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

80. GTA 18

Council should ensure that the post-development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.

Should the post-development stormwater discharge exceed the pre-development discharge, detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Road and Traffic Authority
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regards to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

81. GTA 19

A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on Galston Road and Mid-Dural Road during construction activities.

82. GTA 20

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate by the Principal Certifying Authority.

83. GTA 21

The swept path of the longest vehicle (including garbage trucks and coaches) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with Austroads 'Guide to Road Design Part 4: Intersections and Crossings'. A plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

84. GTA 22

The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1 – 2004 Part 1: Off-street car parking and AS2890.2 – 2002 Part 2: Off street commercial vehicle facilities.

85. GTA 23

The proposed dwellings should be designed such that road traffic noise from Galston Road and Mid-Dural Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 2 of State Environmental Planning Policy (Infrastructure) 2007.

86. GTA 24

All works/regulatory signposting associated with the proposed development are to be at no cost to the RT.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act, 1979 Requirements

The Environmental Planning and Assessment Act, 1979 requires:

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

Fees and Charges – Civil Works in Public Roads

All fees payable to Council as part of any construction, or compliance certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the occupation certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

Long Service Levy

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

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

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

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside 3 metres of the approved building envelope without the prior written consent from Council.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined under Australian Standard AS4970-2009 "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Disability Discrimination Act

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

Advertising Signage – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Dial Before You Dig

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

Asbestos Warning

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

www.environment.nsw.gov.au
www.nsw.gov.au/fibro
www.adfa.org.au
www.workcover.nsw.gov.au

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

House Numbering

House numbering can only be authorised by Council. Before proceeding to number each premise in the development, the allocation of numbers is required to be obtained from Council's Planning Division. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.

Food Authority Notification

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

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

Council Notification – Food Premises

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

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.