

## SCHEDULE 1

### GENERAL CONDITIONS

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

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

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

### 1. Approved Plans and Supporting Documentation

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

<b><i>Plan No.</i></b>	<b><i>Drawn by</i></b>	<b><i>Dated</i></b>
Survey Plan	RGM Property Surveys	15/04/2011
Ground Floor Plan DA02-Rev C	Urbanlink Pty Ltd	18/10/2011
Basement Plan-D03 Rev B	Urbanlink Pty Ltd	24/09/2011
First Floor Plan DA04-Rev C	Urbanlink Pty Ltd	18/10/2011
Attic Floor Plan DA05-Rev B	Urbanlink Pty Ltd	24/09/2011
Roof Plan-DA06 Rev B	Urbanlink Pty Ltd	24/09/2011
Sections and Elevations DA07-RevC	Urbanlink Pty Ltd	18/10/2011
Elevations DA08-RevB	Urbanlink Pty Ltd	24/09/2011
Landscape Concept Plans – sheet1/2 Rev A	Vision Dynamics	28/04/2011
Landscape Concept Plans – sheet2/2 Rev A	Vision Dynamics	28/04/2011
Stormwater Concept and calculations – D1 Rev A	Eze Hydraulic Engineers	22/04/2011
Stormwater Management Plan – D2 Rev A	Eze Hydraulic Engineers	22/04/2011
Soil and Water Management Plan – D3 Rev A	Eze Hydraulic Engineers	22/04/2011
Soil and Water Management	Eze Hydraulic	22/04/2011

Details – D4 Rev A	Engineers	
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<b><i>Document No.</i></b>	<b><i>Prepared By</i></b>	<b><i>Dated</i></b>
Coloured Perspectives	Urban Link Pty Ltd	Received by Council on 1/07/2011
Shadow Diagrams DA09-Rev B	Urban Link Pty Ltd	24/09/2011
Shadow Diagrams DA10-Rev B	Urban Link Pty Ltd	24/09/2011
Environmental Site Assessment Report	Argus Australia	June 2011
Results of Qualitative Identification of Asbestos	Argus Australia	2/06/2011
BASIX Certificate 373338M_04	Planning Principles	5/07/2011
Bus timetable and route map	Metrobus	Received by Council on 5/07/2011
Design Character Statement	Planning Principles	8/07/2011
Tree Assessment Report	Arboreport	28/04/2011
Acoustic Report	Acoustic Solutions Pty Ltd	27/04/2011
Addendum to Acoustic Report	Acoustic Solutions Pty Ltd	15/09/2011
Statement of Environmental Effects	Planning Principles	27/04/2011
Addendum to Statement of Environmental Effects	Planning Principles	4/07/2011
Traffic and Parking report	Traffic Solutions	27/04/2011
Waste Management Plan	Urbanlink Pty Ltd	28/04/2011

## **2. Removal of Existing Trees**

This development consent only permits the removal of trees numbered 3, 6, 7, 17 marked in the Tree Location Plan prepared by Arboreport dated 28/04/2011. 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. The Ground Floor Plan DA02-Rev C dated 18/10/2011 is to be amended by incorporating a bedroom for TH 24 as marked in red on the approved plans.
- b. First Floor Plan DA04-Rev C dated 18/10/2011 is to be amended by deleting the first floor component for TH 24.
- c. The townhouse numberings are to be corrected as marked in red on the approved plans.
- d. The Ground Floor Plan DA02-Rev C dated 18/10/2011 is to be amended by incorporating highlight windows for TH 18 and TH 19 at the locations marked in red on the approved plans with a minimum sill height of 1.6 metres.
- e. The following plans need to be amended to incorporate the amended site layout in Ground Floor Plan DA02-Rev C dated 18/10/2011 and Basement Plan-D03 Rev B dated 24/09/2011

Landscape Concept Plans – sheet1/2 Rev A	Vision Dynamics	28/04/2011
Landscape Concept Plans – sheet2/2 Rev A	Vision Dynamics	28/04/2011
Stormwater Concept and calculations – D1 Rev A	Eze Hydraulic Engineers	22/04/2011
Stormwater Management Plan – D2 Rev A	Eze Hydraulic Engineers	22/04/2011
Soil and Water Management Plan – D3 Rev A	Eze Hydraulic Engineers	22/04/2011
Soil and Water Management Details – D4 Rev A	Eze Hydraulic Engineers	22/04/2011

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

### **4. Building Code of Australia**

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

### **5. Contract of Insurance (Residential Building Work)**

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

*Note: This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.*

### **6. Notification of Home Building Act 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a. In the case of work for which a principal contractor is required to be appointed:
  - i. The name and licence number of the principal contractor.
  - ii. The name of the insurer by which the work is insured under Part 6 of that Act.
- b. In the case of work to be done by an owner-builder:
  - i. The name of the owner-builder.
  - ii. If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

*Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.*

## **7. 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.
- 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](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*

## **8. Tree Root Mapping**

Tree Root Mapping for tree no. 1 marked on the Tree Location Plan prepared by Arboreport dated 28/04/2011 must be completed under the supervision of a ‘*AQF Level 5 Arborist*’ and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s) and the extent of encroachment of the building works within the Tree Protection Zones of these trees.

## **9. Acoustic Details**

The Construction certificate plans must demonstrate compliance with the recommendations in Section 5 of the Acoustic Report prepared by Acoustic Solutions Pty Ltd dated 27/04/2011.

## **10. Preservation of Survey Infrastructure**

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 must 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”.

## **11. Pedestrian Refuge**

The Construction Certificate Plans must include the following:

A detailed design for a pedestrian refuge island in Nelson Street at the intersection with Pennant Hills Road must be prepared. The design of the facilities is to be in accordance with RTA guidelines, technical directions and Austroads standards. The design and documentation is to be submitted to

Hornsby Shire Council and approved by the Hornsby Local Traffic Committee.

## **12. Registered Housing Provider**

Evidence must be provided to the Principal Certifying Authority, that at least twelve townhouses would be managed by a *registered community housing provider* as defined in the Housing Act 2001.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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## **13. Site Remediation Verification**

- a. The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the recommendations of the “Environmental Site Assessment Report” prepared by Argus Australia dated June 2011, 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.
- b. A validation report must be prepared by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority’s Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines validating that the proposed development has been remediated and is suitable for its intended use. The validation report is to be submitted to Council for approval.

## **14. 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.*

## **15. 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.*

## **16. Dilapidation Report**

A 'Dilapidation Report' is to be prepared by a chartered engineer detailing the condition of all adjoining private properties which have common boundaries with the subject site and assets in the public road and be submitted to Hornsby Shire Council.

## **17. 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*

## **18. Tree Protection Barriers**

Tree protection fencing must be erected around all trees to be retained as per the recommendations of the Tree Assessment Report prepared by Arboreport dated 28/04/2011 unless otherwise prescribed in Condition 2 of this development consent. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' or star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

# **REQUIREMENTS DURING CONSTRUCTION**

## **19. 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.

**20. Construction Noise Management**

The construction works must be undertaken in accordance with the “Interim Construction Noise Guidelines – 2009” published by DECCW.

**21. 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.

**22. Council Property**

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

**23. Disturbance of Existing Site**

During construction works, the existing ground levels of open space areas and natural landscape features must not be altered unless otherwise nominated on the approved plans.

**24. 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 5 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).

*Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within 4 metres of any tree to be retained.*

**25. 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.



## **26. Landfill**

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 geotechnical engineer verifying that the specified compaction requirements have been met.

## **27. Survey Report – Finished Floor Level**

Reports must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a. The building, retaining walls and the like have been correctly positioned on the site.
- b. The finished floor levels are in accordance with the approved plans.

## **28. Contamination during construction works**

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during demolition, the applicant must immediately notify the Principal Certifying Authority and Council.

## **29. Waste Management**

Waste management during the construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written record of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

- a. The identity of the person removing the waste.
- b. The waste carrier vehicle registration.
- c. Date and time of waste collection.
- d. A description of the waste (type of waste and estimated quantity).

- e. Details of the site to which the waste is to be taken.
- f. The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g. Whether the waste is expected to be reused, recycled or go to landfill.

*Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.*

## **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.*

### **30. Fulfilment of BASIX Commitments**

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

### **31. Sydney Water – s73 Certificate**

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

### **32. 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.

### **33. Vehicular Crossing**

Separate applications 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 replaced with integral kerb and gutter.
- b. The footway area to be restored by turfing.
- c. 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.*

*Note: A construction certificate must be obtained for these works*

#### **34. On Site Stormwater Detention**

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

- a. The drainage system to control all collected roof and surface stormwater shall be designed with an on-site-detention system (rain water tanks/above or below ground facility). Stormwater discharge from the development site shall be limited to 5 year pre development ARI discharge level. On site detention storage shall be provided for up to 50 year ARI storm events. Detail calculations are to be submitted with a construction certificate application.
- b. Have a surcharge/inspection grate located directly above the outlet.
- 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.
- d. Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- f. A construction certificate application is to be submitted and approval obtained prior to commencement of works.

*Note: A construction certificate must be obtained for these works*

#### **35. Stormwater Drainage**

The stormwater drainage system for the dwellings (gutters and pipes) must be designed and constructed for an average recurrence interval of 20 years and be gravity drained. Connection to Council's piped system must be in accordance with Council's *Civil Works-Design and Construction Specifications 2005* and the following requirements:

- a. The drainage system shall be connected to an existing Council pit in Nelson Street via an on-site detention system.

- b. A Road Opening Permit is to be obtained from Council's Work Division for works within the nature strip to connect stormwater from the development to the Council pit.
- c. Obtain a compliance certificate from Council for proper connection to the pit in Nelson Street, to which stormwater from the development is to be discharged. Councils' Development Engineer is to be contacted for an inspection(s).

*Note: A construction certificate must be obtained for these works.*

*Note: Inspection fees are to be paid to Council to demonstrate the satisfaction of this condition.*

### **36. 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.

### **37. Internal Driveway/Vehicular Areas**

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 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 pavement be 0.15 metres thick reinforced concrete with F72 steel reinforcing fabric and a 0.15 metre sub-base
- d. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.

*Note: A construction certificate must be obtained for these works*

### **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. Maintain Canopy Cover**

To maintain canopy cover, three medium to large trees selected from Council's booklet '*Indigenous Plants for the Bushland Shire*' are to be planted on the subject site in accordance with the recommendations of the Tree Assessment Report prepared by Arboreport dated 28/04/2011. The planting location must not be within 4 metres of the foundation walls of a dwelling. The pot size is to be a minimum 25 litres and the trees 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 10 metres.

### **40. 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.

*Note: Advice on suitable species for landscaping can be obtained from Council's planting guide '*Indigenous Plants for the Bushland Shire*', available at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au).*

### **41. Boundary Fencing**

Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

*Note: Alternative fencing may be erected subject to the written consent of the adjoining property owners.*

**42. 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.*

**43. Pedestrian Refuge Island**

The pedestrian refuge island with connecting footways and ramps and in accordance with the requirements of Condition 11 must be constructed in Nelson Street at the intersection with Pennant Hills Road

**44. Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed drainage system and on-site detention system.

**45. Survey Infrastructure**

A registered surveyor shall certify that there is no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development and/or the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Directions No.11 – "Preservation of Survey Infrastructure".

**46. s94 Infrastructure Contributions**

The payment to Council of a contribution of \$213,669.80\* for eighteen additional townhouses towards the cost of infrastructure identified in Council's Development Contributions Plan 2007-2011.

*Note: \* The value of contribution is current as at 20 October 2011. 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.*

#### **47. Restriction as to User – Affordable Rental Housing**

To inform current and future owners that the townhouse development on the site is for affordable rental housing, a Restriction as to User must be created under Section 88B of the *Conveyancing Act 1919* identifying the following:

- (a) The development is for affordable rental housing pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 for a period of 10 years from the date of the issue of the occupation certificate.
- (b) Twelve townhouses must be used for the purpose of affordable housing pursuant to Clause 6 of State Environmental Planning Policy (Affordable Rental Housing) 2009.
- (c) A minimum twelve townhouses must be managed by a *registered community housing provider* as defined in the Housing Act 2001.

*Note: The wording of the Restriction as to User must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.*

#### **48. Waste Management Details**

The following waste management requirements must be complied with:

- a. The bin room for the individual dwellings must be screened from public view.
- b. Each townhouse must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.
- c. Space must be provided for either individual compost containers for each unit or a communal compost container;

*Note: The location of the compost containers should have regard for potential amenity impacts.*

- d. The bin carting route must be devoid of any steps.

*Note: Ramps between different levels are acceptable*

#### **49. 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.

## **50. Construction for a safe environment**

The site must include the following elements to provide a safer environment for the residents:

- a. An intercom system be installed at gate locations to ensure screening of persons entering dwellings.
- b. The entryway to the site be illuminated in high luminance at all times.
- c. The Nelson Street footpath be illuminated with high luminance by motion sensor lighting.
- d. Front and rear yard spaces of each dwelling be illuminated with high luminance by motion sensor lighting.
- e. The pathway along the western boundary adjacent to the illuminated in high luminance by motion sensor lighting.
- f. The pathway along the southern boundary of the site is to be illuminated during night time with low luminance.
- g. The common driveways and basement areas are to be illuminated with low luminance at all times.
- h. Anti-graffiti paint be used for the walls adjacent to Pennant Hills Road and the eastern boundary.
- i. Vandal proof locking mechanisms to be installed in all gates to individual townhouses.
- j. Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas.

## **51. Installation of Air Conditioner**

To protect the amenity of adjacent properties, the condenser unit for any air conditioner must be sited a minimum of 3 metres from the property boundary of any adjoining residential premises unless a certificate has been prepared by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above background noise levels when tested at the property boundary between 8 am and 10 pm. The noise should be inaudible between 10 pm and 8 am.

## **52. Boundary fence – southern boundary**

A 1.8 metre high lapped and capped pailing fence must be erected along the entire southern boundary of the subject site with 200 mm high lattice screen on top to assist with privacy for the adjoining southern properties.



## OPERATIONAL CONDITIONS

### 53. Landscaping Maintenance

All of the approved landscaping for the development must be continually maintained to ensure screening for privacy and the presentation of the development.

### 54. 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. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

### 55. Noise

The level of total continuous noise emanating from operation of the premises including all plant and air conditioning units ( $LA_{eq}$ ) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.

### 56. 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.

### 57. 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*.

**- 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.

### **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*.

### **Dial Before You Dig**

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

### **Covenants**

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

### **Rain Water Tank**

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. *NSW Health* recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

### **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.

### **Asbestos**

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](http://www.environment.nsw.gov.au)  
[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)  
[www.adfa.org.au](http://www.adfa.org.au)  
[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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