



Anglican Retirement Villages - Castle Hill  
C/- Neustein Urban  
PO Box 636  
BONDI JUNCTION NSW 1355

## **NOTICE OF DETERMINATION**

### **APPROVAL**

#### **Development Application No. DA/58/2012**

This development consent is issued pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979. This consent is subject to the conditions specified in this notice and will lapse unless the development is physically commenced within five years of the date of this notice.

Section 82A of the Act allows an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination subject to Council being in a position to finalise the review within 6 months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of an application, a right of appeal to the Land and Environment Court within 6 months from the date of this notice.

**Property:**


Lot 1 DP 177433, Lot 2005 DP 1088072, Lot 74 DP 1067989 No.  
284 Castle Hill Road & 146-200 David Road, CASTLE HILL  
NSW 2154

**Development:**

DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION  
OF A SENIORS LIVING DEVELOPMENT COMPRISING 115  
INDEPENDENT LIVING UNITS, HEALTH CENTRE,  
COMMUNITY BUILDING, CAFE, BOWLING GREEN AND  
ALTERATIONS AND ADDITIONS TO EXISTING HERITAGE  
BUILDINGS

**Effective date of this  
determination:**

26 July 2012

  
Per:  
Manager, Assessments  
Planning Division

Contact: Caroline Maeshian (9847 6732 – 8.30 am to 5.00pm)

## CONDITIONS OF APPROVAL

### 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:

*Architectural plans prepared by Jackson Teece Architecture*

<b>Plan No.</b>	<b>Issue</b>	<b>Title</b>	<b>Dated</b>
DA004	B	Demolition Plan	01-06-2012
DA099	B	Masterplan – Lower Ground Floor Plan	01-06-2012
DA100	B	Masterplan – Ground Floor Plan	01-06-2012
DA101	B	Masterplan – Level 1 Plan	01-06-2012
DA102	B	Masterplan – Level 2 Plan	01-06-2012
DA103	B	Masterplan – Roof Plan	01-06-2012
DA110	A	Site Elevations	20.12.2011
DA115	A	Site Sections	20.12.2011
DA199	B	ILU Block 1 – Lower Ground Floor Plan	23.03.2012
DA200	B	ILU Block 1 – Ground Floor Plan	23.03.2012
DA201	A	ILU Block 1 – Level 1 Plan	20.12.2011
DA202	A	ILU Block 1 – Level 2 Plan	20.12.2011
DA203	A	ILU Block 1 – Roof Plan	20.12.2011
DA210	A	ILU Block 1 – Elevations	20.12.2011
DA211	A	ILU Block 1 – Elevations & Section	20.12.2011
DA299	B	ILU Block 2 – Lower Ground Floor Plan	23.03.2012
DA300	B	ILU Block 2 – Ground Floor Plan	23.03.2012

DA301	A	ILU Block 2 – Level 1 Plan	20.12.2011
DA302	A	ILU Block 2 – Level 2 Plan	20.12.2011
DA303	A	ILU Block 2 – Roof Plan	20.12.2011
DA310	A	ILU Block 2 – Elevations	20.12.2011
DA311	A	ILU Block 2 – Elevation & Section	20.12.2011
DA399	B	ILU Block 3 – Lower Ground Floor Plan	23.03.2012
DA400	B	ILU Block 3 – Ground Floor Plan	23.03.2012
DA401	A	ILU Block 3 – Level 1 Plan	20.12.2011
DA402	A	ILU Block 3 – Level 2 Plan	20.12.2011
DA403	A	ILU Block 3 – Roof Plan	20.12.2011
DA410	A	ILU Block 3 – Elevations	20.12.2011
DA411	A	ILU Block 3 – Elevation & Section	20.12.2011
DA500	A	Villa Site Plan	20.12.2011
DA501	A	Villa Roof Plan	20.12.2011
DA502	A	Villa Types 2, 3A & 3B Plan/Elevations/Sections	20.12.2011
DA600	A	ARV Health Centre – Lower Ground and Ground Floor Plan	20.12.2011
DA601	A	ARV Health Centre – Level 1 & Roof Plan	20.12.2011
DA610	A	ARV Health Centre – Elevations & Sections	20.12.2011
DA700	A	Community Building – Plans, Elevations & Section	20.12.2011
DA799	A	Community Carpark Plan	20.12.2011
DA800	A	Café and Bowling Green, Ground, Lower Ground and Roof Plan	20.12.2011
DA810	A	Café & Bowling Green Elevations & Sections	20.12.2011
DA900	B	Lober House Ground Floor Plan Conservation Works	01.06.2012
DA901	A	Lober House First Floor Plan Conservation Works	20.12.2011
DA905	A	Lober House Conservation Works Elevations	20.12.2011
DA910	A	Pine Lodge Chaplaincy Plan Conservation Works	20.12.2011
DA915	A	Pine Lodge Chaplaincy Elevations & Conservation Works	20.12.2011
DA920	A	Tower House Respite Area Plan & Conservation Works	20.12.2011
DA925	A	Tower House Respite Conservation Works Elevations	20.12.2011

*Landscape Plans prepared by Taylor Brammer*

<b><i>Plan No.</i></b>	<b><i>Issue</i></b>	<b><i>Title</i></b>	<b><i>Dated</i></b>
LA01	B	Landscape Masterplan	07.03.2012
LA02	A	Existing Conditions and Landscape Masterplan Overlay	15.03.2012

*Supporting Documents*

<b><i>Document Title.</i></b>	<b><i>Prepared by</i></b>	<b><i>Dated</i></b>
External Finishes ILU Blocks 1-3 (Reference No. DA1000 Issue A)	Jackson Teece	20.12.2011
External Finishes – ARV Health Centre (Reference No. DA1001 Issue A)	Jackson Teece	20.12.2011
External Finishes Café & Community (Reference No. DA1002 Issue A)	Jackson Teece	20.12.2011
External Finishes Schedule (Reference No. DA1003 Issue A)	Jackson Teece	20.12.2011
FSR Calculations (Reference No. DA1100 Issue B)	Jackson Teece	01.06.2012
Landscape & Open Space Calculations – Units (Reference No. DA1105 Issue C)	Jackson Teece	01.06.2012
Private Open Space Calculations – Villas (Reference No. DA1106 Issue B)	Jackson Teece	23.03.2012
Shadow Diagram – Winter Solstice June 22 (Reference No. DA1200 Issue A)	Jackson Teece	20.12.2011
Shadow Diagrams – Equinox March 21 (Reference No. DA1201 Issue A)	Jackson Teece	20.12.2011
Photomontage 01 – South-East View (Reference No. DA1300 Issue A)	Jackson Teece	20.12.2011
Photomontage 02 – North-East View (Reference No. DA1301 Issue A)	Jackson Teece	20.12.2011
Building Depth and Separation (Reference No. DA1400 Issue B)	Jackson Teece	23.03.2012
Building Separation – Detail (Reference No. DA1500 Issue B)	Jackson Teece	23.03.2012

Typical Apartment Layouts ILU 1A, 2A, 3A, 3B (Furniture & Storage) (Reference No. DA1600 Issue B)	Jackson Teece	23.03.2012
Typical Apartment Layouts ILU 1B & 2B (Reference No. DA1601 Issue B)	Jackson Teece	23.03.2012
Kitchen Depth Calculations (Reference No. DA1602 Issue B)	Jackson Teece	23.03.2012
Natural Ventilation – ILU Block 1 Typical Floor Plan (Reference No. DA1700 Issue B)	Jackson Teece	23.03.2012
Natural Ventilation – ILU Block 2 Typical Floor Plan (Reference No. DA1701 Issue B)	Jackson Teece	23.03.2012
Natural Ventilation – ILU Block 3 Typical Floor Plan (Reference No. DA1702 Issue B)	Jackson Teece	23.03.2012
Natural Ventilation Calculations (Reference No. DA1703 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1A – Lower Ground Winter Solstice June 22 (Reference No. DA1800 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1A – Ground Floor Winter Solstice June 22 (Reference No. DA1801 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1A – Level 1 Winter Solstice June 22 (Reference No. DA1802 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1A – Level 2 Winter Solstice June 22 (Reference No. DA1803 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1B – Lower Ground Winter Solstice June 22 (Reference No. DA1805 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1B – Ground Floor Winter Solstice June 22 (Reference No. DA1806 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1B – Level 1 Winter Solstice June 22 (Reference No. DA1807 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 1B – Level 2 Winter Solstice June 22 (Reference No. DA1808 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 2A – Ground	Jackson Teece	23.03.2012

Floor Winter Solstice June 22 (Reference No. DA1810 Issue B)		
Solar Access – ILU 2A – Level 1 Winter Solstice June 22 (Reference No. DA1811 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 2A – Level 2 Winter Solstice June 22 (Reference No. DA1812 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 2B – Lower Ground Winter Solstice June 22 (Reference No. DA1815 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 2B – Ground Floor Winter Solstice June 22 (Reference No. DA1816 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 2B – Level 1 Winter Solstice June 22 (Reference No. DA1817 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 2B – Level 2 Winter Solstice June 22 (Reference No. DA1818 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3A – Lower Ground Winter Solstice June 22 (Reference No. DA1820 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3A – Ground Floor Winter Solstice June 22 (Reference No. DA1821 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3A – Level 1 Winter Solstice June 22 (Reference No. DA1822 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3A – Level 2 Winter Solstice June 22 (Reference No. DA1823 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3B – Ground Floor Winter Solstice June 22 (Reference No. DA1825 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3B – Level 1 Winter Solstice June 22 (Reference No. DA1826 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3B – Level 2 Winter Solstice June 22 (Reference No. DA1827 Issue B)	Jackson Teece	23.03.2012
Solar Access – ILU 3B – Level 2 Winter Solstice June 22 (Reference No. DA1827 Issue B)	Jackson Teece	23.03.2012
Solar Access – Villa Winter	Jackson Teece	23.03.2012

Solstice June 22 (Reference No. DA1830 Issue B)		
Solar Access – Calculations Winter Solstice June 22 (Reference No. DA1835 Issue B)	Jackson Teece	23.03.2012
Site Reference Plan & Staging Diagram (Reference DA003 Issue B)	Jackson Teece	01.06.2012
Site Analysis & Lot/DP Diagram (Reference DA002 Issue A)	Jackson Teece	20.12.2011
Drawing List Location Plan ILU Yield and Mix (Reference DA001 Issue C)	Jackson Teece	01.06.2012
BCA Compliance Statement	Blackett Maguire and Goldsmith	15 December 2011
Waste Management Plan	Anglican Retirement Village	Received by Council on 23 January 2012 and 27 March 2012
Stormwater Concept Plan (Drawing No. 296785CDA01 – Revision B)	Mott MacDonald Hughes Trueman Pty Ltd	15.12.2011
Stormwater Management Report	Mott MacDonald Hughes Trueman Pty Ltd	December 2011
Road Longitudinal Section (Drawing No. 296785CDA02 – Revision B)	Mott MacDonald Hughes Trueman Pty Ltd	15.12.2011
Erosion and Sediment Control Plan (Drawing No. 296785CDA03 – Revision B)	Mott MacDonald Hughes Trueman Pty Ltd	15.12.2011
Erosion and Sediment Control Concept Notes and Details (Drawing No. 296785CDA04 – Revision B)	Mott MacDonald Hughes Trueman Pty Ltd	15.12.2011
ABSA Assessor Certificate (No. 63297515)	Basix Certificate Centre	22.12.2011
BASIX Certificate (No. 409711M)	Basix Certificate Centre	22.12.2011
Design Verification Statement	Jackson Teece	4 January 2012
Statement of Environmental Effects	Neustein Urban	January 2012
Statement of Heritage Impact	Jackson Teece	January 2012
Addendum to Statement of	Jackson Teece	June 2012

Heritage Impact		
Tree Report	Stuart Pittendrigh	December 2011
Addendum to Tree Report	Stuart Pittendrigh	June 2012
Proposed Development and Tree Removals (Reference No. LE03-2 Revision A)	Taylor Brammer	27.06.2012
Non-Destructive Ground Penetrating Radar Investigation to Map Tree Roots at the Anglican Retirement Village Castle Hill	GBG Australia	6 November 2011
Proposed Development and Tree Removal (Drawing No. LE03-2 Revision A)	Taylor Brammer	27.06.2012
Seven Part Test of Significance, Blue Gum High Forest, Sydney Turpentine Ironbark Forest and Gang-Gang Cockatoo	Ambrose Ecological Service Pty Ltd	23 December 2011
Access Statement of Compliance	Accessible Building Solutions	15.12.2011
Assessment of Traffic and Parking Impacts (Reference No. 11054r)	Transport and Urban Planning	14 December 2011
Supplementary Parking Advice	Transport and Urban Planning	29.06.2012
Quantity Surveyor Certificate of Cost	Rider Levett Bucknall	15 December 2011
Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 1)	Lockley Land Title Solutions	13.12.2011
Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 2)	Lockley Land Title Solutions	2.11.2011
Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 3)	Lockley Land Title Solutions	13.12.2011
Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 4)	Lockley Land Title Solutions	18.10.2011
Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 5)	Lockley Land Title Solutions	2.11.2011
Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 5)	Lockley Land Title Solutions	18.10.2011



Sheet 6)		
Plan of Detail and Level of Survey (Reference No. 33880DT Sheet 15)	Lockley Land Title Solutions	13.12.2011

## 2. Amendment of Plans

The approved plans are to be amended as follows:

- a. Provision of fixed privacy louvers to the main bedroom windows of Unit Nos. 22, 28, 34, 47, 53, 59, 82, 88, 94, 98, 102 and 106.
- b. Deletion of car parking along Western Road and Clarke Road.
- c. Deletion of the existing buildings shown to be demolished along the western side of Western Road.
- d. Deletion of the car parking provided along the accessway to Lober House, to maintain the heritage values of the historical garden setting.

## 3. Interpretation Strategy

The recommendations of the Interpretation Strategy provided in the Addendum to Statement of Heritage Impact prepared by *Jackson Teece* dated June 2012 must be implemented as part of the development, unless amended by way of condition of consent.

## 4. Removal of Existing Trees

This development consent only permits the removal of tree(s) as identified in Tree Report prepared by *Stuart Pittendrigh* dated December 2011, plan No. LA02 Issue A titled Existing Conditions and Landscape Masterplan Overlay prepared by *Taylor Brammer* dated 15 March 2012 and plan No. LE03-2 Revision A titled Proposed Development and Tree Removals prepared by *Taylor Brammer* dated 27 June 2012. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

*Note: No trees will be permitted to be removed along the western side of Western Road as part of this application.*

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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**5. Building Code of Australia**

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

**6. 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.*

**7. 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.*

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**8. 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.*

**9. Bin Storage Room**

The bin storage room must be designed in accordance with the *Waste Minimisation and Management Development Control Plan* with regards to water/hose for cleansing, graded floors with drainage to sewer, robust door(s), sealed/impervious surfaces, adequate lighting and ventilation.

**10. Location of Bin Storage Room**

Each Bin storage room must be located less than 60m walking distance from the entry of each individual independent living unit/dwelling allocated that bin storage room for use.

**11. Car Parking and Deliveries**

All car parking must be constructed 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. All parking spaces for people with disabilities must be constructed in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

In accordance with Schedule 3 part 5 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, 5% of the total number of car parking spaces must be designed to enable the width of the spaces to be increased to 3.8 metres

**12. Access and Mobility**

The Construction Certificate drawings for each stage of the development must demonstrate compliance with the standards concerning accessibility and useability for self contained dwellings in Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* and the Access report prepared by *Accessible Building Solutions* dated 15 December 2011.

**13. Stormwater Drainage**

The stormwater drainage system for the development must be designed and constructed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a. The drainage and stormwater plan must be generally accordance with Stormwater Management Report by *Mott MacDonald Hughes Trueman* dated December 2011.
- b. The detention systems must be designed and constructed in accordance with the Stormwater Management Report abovementioned and Council's On-Site Detention Specification 1991.
- c. The roof and stormwater drainage system from the existing buildings to remain to be connected to the proposed drainage system.

**14. Road and Pathway Works**

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

- a. All pavements to be designed and constructed by a suitably qualified engineer, noting incorporating requirements of *Australian Standards 2890.1, 2890.2* for internal roadway and parking module design and *AS 3727* for concrete pavements.
- b. All pavements, parking and pathway areas must be drained to the internal drainage system.

**15. Easement To Drain Water**

The registration and creation of additional easements to drain water from Lot 74 DP1067989 and Lot 2005 DP 1088072 covering the site of the development over the downstream property Lot 1370 DP 1063007 to provide interallotment drainage of internal drainage systems to the natural watercourse. Copies of the registered Transfers Granting Easement and compiled plans must be submitted with Construction Certificate plans.

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**16. Parking Spaces**

All parking spaces for people with disabilities must be constructed in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

**17. 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 public and internal roads 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.

**18. Concrete Median Island**

A detailed design for the triangular concrete median island, in Broughton Avenue at Castle Hill Road must be provided to Council and Roads and Maritime Service (RMS) for approval by RMS. The design of the facilities must be in accordance with the RMS guidelines, technical directions and Austroads standards.

**19. Heritage Architect**

A heritage architect must be nominated for the construction project. An archaeologist must also be nominated for the construction project. The name and experience of these consultants must be submitted to Council prior to the application for the Construction Certificate.

**20. Archaeological Work**

The scope of archaeological work on the site must be further discussed with the Office of Environment and Heritage. An application under either Section 140 or Section 139(4) of the *Heritage Act* must be submitted and approved by the Office of Environment and Heritage before the construction certificate is issued.

**21. Project Arborist**

A Project Arborist must appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process.

**REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS****22. 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.*

**23. Protection of Adjoining Areas**

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a. Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b. Could cause damage to adjoining lands by falling objects.
- c. Involve the enclosure of a public place or part of a public place.

*Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.*

**24. 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*

**25. 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.*

**26. Tree Protection Barriers**

Tree protection fencing must be erected around trees to be retained in accordance with and as identified in plan No. LA02 Issue A titled Existing Conditions and Landscape Masterplan Overlay prepared by Taylor Brammer dated 15 March 2012, plan No. LE03-2 Revision A titled Proposed Development and Tree Removals prepared by *Taylor Brammer* dated 27 June 2012 and Appendix C of Tree Report prepared by *Stuart Pittendrigh* dated December 2011. 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.

To avoid injury or damage, trees to be retained must have trunks protected by 2 metre lengths of 75mm x 25mm hardwood timbers spaced at 80mm secured with galvanised wire (not fixed or nailed to the tree in any way).

**27. Nominated Heritage Architect**

- a. The building contract selected for the project must ensure that the nominated heritage architect has a contractual role as administrator of the contract for works, driveway and gardens, with the ability to issue instructions to the contractor.
- b. Suitable clauses, prepared in consultation with the nominated heritage consultants, must be included in all contractor and subcontractor contracts to ensure that on-site personnel are aware of their statutory obligations in relation to the relics provisions of the *NSW Heritage Act, 1977* and the

*National Parks and Wildlife Act, 1974* concerning Aboriginal archaeology in the event that any material is disturbed or exposed during site works.

## **28. Archaeological Remains**

Prior to the commencement of the proposed works, all contractors and relevant personnel involved must be made aware of the existence of potential and historical archaeological remains at the site by way of an induction process undertaken by the nominated archaeologist. The induction must also make the personnel aware of the possibility that more as yet unidentified archaeological remains may still exist and of the requirements of the *NSW Heritage Act, 1977* in relation to archaeological relics in the event that they are uncovered.

## **REQUIREMENTS DURING CONSTRUCTION**

## **29. 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.

## **30. 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 2005*.
- 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.

## **31. 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.

**32. Works near Trees**

All works (including driveways and retaining walls) within the nominated Tree Protection Zones identified in plan No. LA02 Issue A titled Existing Conditions and Landscape Masterplan Overlay prepared by Taylor Brammer dated 15 March 2012, plan No. LE03-2 Revision A titled Proposed Development and Tree Removals prepared by *Taylor Brammer* dated 27 June 2012, Appendix C of Tree Report prepared by *Stuart Pittendrigh* dated December 2011 and Addendum Tree Report prepared by *Stuart Pittendrigh* dated June 2012 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).

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

*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 the nominated tree protection zones of any tree to be retained.*

**33. 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.

**34. Disturbance of Existing Site**

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

**35. 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

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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.

**36. 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.

**37. Survey Report – Finished Floor Level**

A report(s) 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 buildings certifying that:

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

**38. Removal of Waste**

Written records 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. A description of the waste (type of waste and estimated quantity);
- d. The site to which the waste is to be taken;
- e. The corresponding tip docket/receipt from the site to which the waste was transferred (noting date and time of delivery, description (type and quantity) of waste);
- f. 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.*

**39. Archaeological Deposits and/or Relics**

The applicant must ensure that if substantial intact archaeological deposits and/or relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

**40. Monitoring Archaeologist**

The monitoring archaeologist must make periodic inspections as required of the ground disturbance associated with the proposed building and landscaping works or as directed by the Office of Environment and Heritage.

**41. Aboriginal Objects**

The applicant must ensure that should any Aboriginal 'objects' be uncovered by work, excavation or disturbance of the area is to stop immediately and the Office of Environment and Heritage is to be informed in accordance with Section 89A of the *National Parks and Wildlife Act, 1974* (as amended). Aboriginal 'objects' must be managed in accordance with an approved Aboriginal heritage impact permit under Section 90 of the *National Parks and Wildlife Act, 1974*.

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

*Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.*

**42. Fulfilment of BASIX Commitments**

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

**43. 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 shall 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.*

**44. Waste/recycling Cupboard**

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.

**45. Composting**

Space must be provided for either individual compost containers for each dwelling or a communal compost container; the siting of which will have regard for potential amenity impacts.

**46. Lighting of Service Areas**

Sufficient lighting must be provided to the service areas of the ground floor including the garbage room and the communal open space.

**47. 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).*

**48. Retaining Walls**

All required retaining walls must be constructed as part of the development.

**49. Installation of Air Conditioner**

To protect the amenity of adjacent properties, the condenser unit for the 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 pm and 10 pm.

**50. 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 dwellings approved under this consent to be solely used for the accommodation of:

- a. Seniors (55+ age) or people with a disability.
- b. People who live within the same household as seniors or people with a disability.
- c. 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.*

**51. 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.

**52. Cooling Towers**

All cooling towers must be designed and installed in accordance with the Public Health Act 1991, the Public Health (Microbial Control) Regulation 2000 and Australian/New Zealand Standard AS/NZS 3666 – Air-Handling and Water Systems of Buildings. Certification of compliance with the Standard must be obtained from a suitably qualified person.

*Note: Under clause 15 of the Public Health (Microbial Control) Regulation 2000 the occupier of the part of premises where a regulated system is installed must notify the Council of the following particulars:*

- a. *Type of system.*
- b. *The address of the premises on which the system is installed.*
- c. *The name, and the residential and business addresses, of the owner of the premises.*

- d. *If the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier the telephone numbers at which, during business hours and after business hours, the person or persons referred to in the above point may be contacted.*

**53. s94 Infrastructure Contributions**

The payment to Council of a contribution of \$360,835.10 for thirty-six additional dwellings towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*.

*Note: \* The contribution is calculated at the rate of \$10,023.20 x 36 Seniors Housing as calculated at the 9 July 2012. Council will apply the value of the contribution from the date of this consent, adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

*It is recommended that you contact Council to confirm the value of the contribution prior to payment.*

**54. 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'.*

**55. Grease Trap & 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 Discharges – Sydney Water (May 2004)*'.

**56. 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*.

**57. Sydney Water – s73 Certificate**

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

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**58. 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.

**59. Creation of Easements**

The following matter(s) must be nominated on the plan of subdivision under s88E of the *Conveyancing Act 1919*:-

- a. An inter-allotment drainage easement(s) over each burdened lot.
- b. 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.

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

**60. Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road assets, internal pavements, kerb & gutter, drainage systems, on-site detention systems, driveways, services and service conduits.

**61. Concrete Median Island**

A triangular concrete median island, in Broughton Avenue at Castle Hill Road, must be constructed, subject to detailed design and approval process by the Roads and Maritime Service and Council.

**62. Footpaths**

Footpaths must be in accordance with relevant Austroad Guidelines, and allow wheel chairs to pass.

**63. Pedestrian Crossings**

All pedestrian crossings on the subject site must be clearly sign posted and marked on the road to ensure safety for pedestrians.

**64. Sight Lines**

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

**65. Native landscaping of Site**

All landscaping must be undertaken in accordance with the approved *Landscape Masterplan* prepared by *Taylor Brammer Pty Ltd Drawing LA01*. This specifically includes the compensatory planting of Blue Gum High Forest canopy species including a minimum of eight (8) *Eucalyptus saligna* (Sydney Blue Gum). All native tree stock (minimum of 25L pot size) must be obtained from a recognised native nursery that propagates from locally collected seed. Planted trees must be a minimum of 4 metres from all building structures and protected with tree guards.

A copy of receipts for purchased plant stock must be provided to Council's Bushland and Biodiversity Team.

All other plants used for landscaping must comprise a minimum of 70% locally native species including Blue Gum High Forest that is known to occur on site.

*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).*

**66. Final Arborist Certification**

The project arborist must assess the condition of trees and their growing environment and make recommendations for, and if necessary carry out remedial actions.

Following the final inspection and the completion of any remedial works, the project arborist must submit to the Principal Certifying Authority documentation stating that the completed works have been carried out in compliance with the approved plans and specifications for tree protection and AS 4970-2009.

<b>OPERATIONAL CONDITIONS</b>
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**67. Site Caretaker**

A site caretaker must be employed and be responsible for moving bins to and from the bin storage area(s) and the waste collection point if required, washing bins and maintaining storage areas, managing the communal composting area, arranging the prompt removal of dumped rubbish, ensuring all residents are informed of the waste management system, and providing a service to transfer waste and recycling



from individual dwellings to the bins in the bin storage area should such a service be requested.

**68. Noise – Plant and Machinery**

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (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.

**69. Swimming Pool Requirements**

The construction and operation of the swimming pool must comply with the provisions of the *Swimming Pool Act 1992*, the *Swimming Pool Regulation, 1998*, *Australian Standards 1926.1-3 – Swimming Pool Safety* and the following requirements:

- a. All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not provided, a filtration system that does not require backwashing must be provided.
- b. The filtration motor and pump, or spa heater and blower unit must be housed in a soundproofed structure. Sound from the equipment must not exceed 5(dBA) above ambient noise levels at any residential property boundary.
- c. The swimming pool is to be located a minimum of 6 metres from any existing wastewater disposal area as outlined in the *Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998)*.
- d. The applicant must participate in the 'Static Water Supply Project' initiative of the NSW Fire Brigades and make available the water in the swimming pool for use as a static water supply for fire fighting purposes by the NSW Fire Brigades or the NSW Rural Fire Service.

*Note: On completion of the swimming pool, the applicant is to contact the local NSW Fire Brigade Station or NSW Rural Fire Service Station to arrange the installation of a static water supply identification plate.*

**70. Car Parking**

All car parking must be operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off-street car parking* and *Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities*.

- a. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- b. Vehicles awaiting loading, unloading or servicing must be parked on site and not on adjacent or nearby public roads.
- c. All vehicular entry on to the site and egress from the site must be made in a forward direction.

**71. 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.

**- 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.

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### **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.

### **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.

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**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.

**House Numbering**

House numbering can only be authorised by Council. Before proceeding to number each premises 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.

**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.*

**No cost to Roads and Maritime Service (RMS)**

All works and regulatory signage are to be at no cost to RMS.