



Boronia Estates
C/- Raymond Zeaiter
PO Box 360
PENNANT HILLS NSW 1715

NOTICE OF DETERMINATION

APPROVAL

Development Application No. DA/1370/2012

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 21 DP 11134, Lot 20 DP 11134, Lot 19 DP 11134, Lot 18 DP 11134, Lot B DP 311388, Lot A DP 311388, Lot B DP 357677, Lot A DP 357677 No. 7-15 Fisher Avenue & 2-6 Trebor Road, PENNANT HILLS NSW 2120

Development: Demolition of existing dwellings and construction of 4 x 5 storey residential flat buildings containing 110 units

Effective date of this determination: 19 December 2013

Per:
Manager, Assessments
Planning Division

Contact: Garry Mahony (9847 6868) – 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:

Plan No.	Drawn by	Dated
DA 04-27 Issue B Site Analysis BASIX & BDAV	Adriaan Winton Architects Pty Ltd	05.07.13
DA 05-27 Issue C Site Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 06-27 Issue C Lower Basement	Adriaan Winton Architects Pty Ltd	27.09.13
DA 07-27 Issue C Common Basement Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 08-27 Issue C Upper Basement	Adriaan Winton architects Pty Ltd	27.09.13
DA 09-27 Issue C Ground Floor Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 10-27 Issue C Level 1 Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 11-27 Issue C Level 2 Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 12-27 Issue C Level 3 Plan	Adriaan Winton Architects Pty Ltd	27.09.13
DA 13-27 Issue B Level 4 Plan	Adriaan Winton Architects Pty Lrd	05.07.13

DA 14-27 Issue B Roof Plan	Adriaan Winton Architects Pty Ltd	05.07.13
DA 15-27 Issue D Elevations Sheet 1	Adriaan Winton Architects Pty Ltd	16.10.13
DA 16-27 Issue D Elevations Sheet 2	Adriaan Winton Architects Pty Ltd	16.10.13
DA 17-27 Issue B Sections	Adriaan Winton Architects Pty Ltd	05.07.13
DA 18-27 Issue D Streetscape Elevations	Adriaan Winton Architects Pty Ltd	16.10.13
DA 19-27 Issue B Details Adaptable Units	Adriaan Winton Architects Pty Ltd	05.07.13
DA 20-27 Issue B Details – Fence & Entry	Adriaan Winton Architects Pty Ltd	05.07.13
DA 21-27 Issue B Details - Podium	Adriaan Winton Architects Pty Ltd	05.07.13
DA 22-27 Issue B Soil & Water Management Plan	Adriaan Winton Architects Pty Ltd	05.07.13
DA 23-27 Issue B Demolition Plan	Adriaan Winton Architects Pty Ltd	05.07.13
12215DA 1 Rev E Landscape Concept Plan	Vision Dynamics	25.9.13
12MB5282/D01 Issue D Sheet 1 of 5 Site And Roof Drainage Plan	United Consulting Engineers	28/8/13
17369 Plan Showing Selected Details & Levels	Norton Survey Partners	26-6-12

Document Title	Prepared by	Dated
Design Verification Statement	Adriaan Winton	December 2012 Revised July 2013
Building Code of Australia Compliance Assessment Report	Adriaan Winton Architects Pty Ltd	10 December 2012
BASIX Certificate No. 461893M	Energy Approvals	21 December 2012
Waste Management Plan	Planning For Less Waste	29/11/2012
Work Method Statement	IDRAFT Plans	December 2012

Construction Traffic Management Plan	Varga Traffic Planning Pty Ltd	8 July 2013
Arboricultural Impact Assessment	Urban Tree Management	17 December 2012 Revised August 2013
Access / Compliance Report	Peter Simpson	12 February 2013
Road Traffic Noise Impact Assessment	Global Environmental Solutions	10 December 2012

2. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 9, 10, 11, 17, 17a, 18, 19, 19a, 21, 22, 24, 26-29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 66, 69, 70-72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 83, 84, 87, 88, 90 & 96 as identified on Plan No. 17369 prepared by Norton Survey Partners dated 26-6-12. 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) Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m² for one bedroom units, 8m² for two bedroom units and 10m² for three bedroom units.
- b) The individual entries and pathways to the ground floor units at the Fisher Avenue frontage of Building A detailed on the Landscape Concept Plan 12215DA 1 Rev E must be deleted and the entries and pathways replaced with fencing and landscaping for common open space.
- c) The basement car park must include a minimum of 115 resident car parking spaces including 34 accessible car parking spaces, 22 visitor car parking spaces, 3 motorcycle parking spaces, 22 resident bike racks and 11 visitor bike racks.
- d) The pedestrian access to each building entry in the development is to include a continuous unobstructed path of travel from the public footpath designed in accordance with the *Disability (Access to Premises – Buildings) Standards 2010*.
- e) The pedestrian entry and accessways to include treatment for wayfinding to respective buildings by use of matching materials and durable finishes.
- f) Trees Nos. 17, 17a, 18, 19, 19a, 21, 22, 23, 24, 26, 27, 28, 29 and 57 in the Fisher Avenue frontage must be removed and the frontage landscaped with locally indigenous trees continuous with the proposed landscaping on the northern side of the accessway.
- f) A locally indigenous canopy tree (Minimum Pot Size 45 litres) must be planted in the deep soil area between Building A and Building D.

4. Construction Certificate

A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.

5. Relocation of the Council-controlled Drainage System

Prior to the release of a Construction Certificate for excavation of the proposed basement carpark, the existing Council-controlled drainage system through the site shall be reconstructed generally in accordance with Drawing 12MB5282/D01 Issue D Sheet 1 of 5 Site And Roof Drainage Plan, Hornsby Shire *Council's Civil Works - Design and Construction Specification 2005* and the following requirements:

- a) Pursuant to Sections 59A and 68 of the *Local Government Act 1993* and s138 *Roads Act 1993*, an Application shall be made to Hornsby Shire Council for consideration and approval of proposed Council-controlled drainage works, prior to the release of the Construction Certificate for those works. Application requires payment of Council's fee for assessment, approval and compliance inspections,
- b) The existing 750 mm diameter pipe in Fisher Avenue shall be removed, designed and reconstructed as a 1050 mm diameter rubber ring joint concrete pipe between Pit 3059 (Fisher Avenue, Pennant Hills) and Pit 20167 (4-10 Hillcrest Road, Pennant Hills) at least, with Council's standard cast in-situ kerb inlet pits on grade and in sag areas,
- c) Pipe runs parallel to streets shall provide for pipe alignment under the line of existing kerb, except where oversized junction pits are used on the 90 degree bend of Fisher Avenue. The pipe alignment should provide for a Council standard junction pit on grade on the kerblines adjacent 8 Fisher Avenue and adjustment and connection of all incoming systems,
- d) Decommissioned pipes must be removed and all affected utilities, services, assets and signage shall be adjusted at the Applicant's own cost,
- e) A Dilapidation Report is to be prepared by a Chartered Structural Engineer detailing the structural condition of all properties and pavements at or adjoining the Council-controlled drainage works.
- f) 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 along the route of the Council-controlled drainage. The TCP must detail the following:-
 - i) Arrangements for public notification of the works.
 - ii) Temporary construction signage.
 - iii) Permanent post-construction signage.
 - iv) Vehicle movement plans.
 - v) Traffic management plans.

- vi) Pedestrian and cyclist access/safety.
- g) The construction plans must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

- h) The Applicant must ensure registered proprietors of all property affected by drainage works are given reasonable notice prior to the carrying out of drainage works on their land, including advice regarding the day works are proposed, pursuant to Section 191 of the *Local Government Act 1993*. All land over which the drainage works are proposed shall be restored to the satisfaction of Hornsby Shire Council or registered proprietors,
- i) All drainage works must only occur between 7am and 5pm Monday to Saturday, except where agreed by Council they may be adjusted, for reasons such as to better suit the business use of a premises. No work is to be undertaken on Sundays or public holidays.
- j) 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.

- k) 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:
 - i) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
 - ii) Could cause damage to adjoining lands by falling objects.
 - iii) 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.

- l) During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The site of the works and the public reserve must be kept in a clean, tidy and safe condition at all times.
- m) The following matter(s) must be nominated and registered using appropriate dealing forms under s88E of the *Conveyancing Act 1919*:-
 - i) Disused Drainage Easements are to be removed.

- ii) Creation of a Drainage Easement 3 metres wide over burdened properties in favour of Council and in accordance with the terms set out in *Memorandum B5341305V* filed with the *NSW Department of Lands*.
- n) A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, and public drainage systems. 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.
- o) Compliance inspections shall be carried out by Hornsby Council's Planning Division. Council shall consider the Council controlled drainage system for approval and acceptance after completion of works and restoration of all land affected. All other Construction Certificates related to the Development Application must not be released until after release of Hornsby Council Planning Division's written approval of Council-controlled drainage works within this condition of this Consent,

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

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

7. 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.

8. 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; and
 - 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; and
 - 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.

9. Water/Electricity Utility Services

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

- a) *Ausgrid (formerly 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 or telephone 13 20 92 for assistance.

10. Dilapidation Report

A ‘Dilapidation Report’ is to be prepared by a ‘chartered structural engineer’ detailing the structural condition of the following properties:

- a) Nos. 5, 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28 Fisher Avenue, Pennant Hills
- b) No. 8 Trebor Road, Pennant Hills
- c) Nos. 378-382 Pennant Hills Road, Pennant Hills

11. Adaptable Units

- a) The details of the adaptable units Nos. 1, 5, 11, 12, 17, 18, 24, 29, 33, 34, 39, 40, 46, 52, 57, 61, 62, 63, 66, 67, 68, 69, 72, 74, 75, 78, 80, 87, 89, 90, 96, 102, 103 and 107 must be provided with the Construction Certificate Plans.

12. Noise – Pennant Hills Road

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled ‘Road Traffic Noise Impact Assessment’, prepared by Global Environmental Solutions and dated 10 December 2012 and the requirements of Clause 102 – (impact of road noise or vibration on non-road development) of *State Environmental Planning Policy (Infrastructure) 2007*.

13. Waste Management Details

The following waste management requirements must be complied with:

- a) The dimensions, geometry, gradients and vertical clearance of the travel path of the small rigid waste collection vehicle, must comply with AS 2890.2 – 2002.

- b. There must be an area of at least 8 m² provided in the basement for residents to place unwanted bulky items awaiting removal.

14. 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) Connected to the proposed Council-controlled piped drainage system in Fisher Avenue.

15. 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) Have a maximum Permissible Site Discharge of the 5 year average recurrence interval (ARI) predevelopment site area and have a storage capacity capable of storing the 20 year ARI runoff rate, using slow rise and fall in water level methodology,
- 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.

16. Road Works

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

- a) The existing kerb and gutter on the Trebor Road and Fisher Avenue frontages of the site and areas affected by Council-controlled drainage works shall be removed. The existing road pavement shall be saw cut a minimum of 300 mm from the existing edge of the bitumen to match new kerb and gutter work.
- b) Subsequent to drainage works outlined in Condition titled "Council Controlled Stormwater Drainage Works" being completed, Council's standard 150mm integral kerb and gutter shall be reconstructed on the previous kerb alignment. Road shoulder adjacent the kerb shall be designed and constructed as 300 mm thick flexible road pavement.

- c) Council's standard 1.2m wide 80 mm thick concrete footpath shall be designed and constructed on the standard alignment on similar frontages as kerb and gutter work described above.
- d) A new connecting 1.2m wide 80mm thick concrete foot path must be constructed along the western frontage of the site to Fisher Avenue to the corner Trebor Road.
- e) Council's standard perambulator ramps shall be designed and constructed adjacent all intersections.
- f) The Applicant shall relocate all public utilities and signage necessary through the construction of works in this condition, or the provision of access to the site, at their own cost.
- g) Compaction Certificates from a geotechnical Engineer shall be submitted for base layers constructed as part of flexible road construction within road reserves.
- h) Pursuant to s138 *Roads Act 1993*, an Application shall be made to Hornsby Shire Council for consideration and approval of proposed public road assets in this condition, prior to the release of the Construction Certificate for those works. Application requires payment of Council's fee for assessment, approval and compliance inspections.
- i) Compliance inspections shall be carried out by the Roads Authority. The Roads Authority shall consider the construction for approval and acceptance after completion of works and restoration of affected lands. A Compliance Certificate for Road Works shall be issued by the Roads Authority prior to the release of the final Occupation Certificate for the building works.
- j) A preliminary design for pedestrian refuge islands or kerb blisters on Fisher Avenue is to be provided to Council. The preliminary design will then be used for public consultation purposes, and pursuant to appropriate amendments will be considered by the Hornsby Local Traffic Committee.
- k) A preliminary design for the finger median in Trebor Road is to be provided to Council. The preliminary design will then be used for public consultation purposes, and pursuant to appropriate amendments, will be considered by the Hornsby Local Traffic Committee.

17. 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 any redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design, 2005* for two-way movements of vehicles and the following requirements:-

- a) The crossing levels required by Council shall be incorporated into the driveway design longsection.
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) Footway areas must be restored by turfing;

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.

18. 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 must be obtained from Council;
- b) The driveway must be a rigid pavement;
- c) The driveway grade must not exceed maximum grades for reversing, or maximum transitions for changes of grade, or service bay area grades as required by AS2890.2 – 2002 for the design large vehicle being accommodated;
- d) The pavement must have a one-way crossfall where it is used to direct major system design overland flows towards the proposed major system channel on the western and northern side of the buildings.

19. Overland Flow Path

To prevent nuisance flooding from the design major system overland flow in the Fisher Avenue sag upstream, the following shall be designed and constructed in accordance with Hornsby Shire Council's Design and Construction Specification 2005 (The Spec):-

- a) The footpath verge in Fisher Avenue and landscaping levels within the site shall be graded to accommodate the 100 year average recurrence interval (ARI) stormflow from upstream areas. The design flow rate is 3.03 m³/s if not discounted by pipe flows in the Council controlled drainage system (refer Spec Section D5),
- b) To prevent stormwater inundation of the developing areas, proposed buildings and landscaping features shall be located outside the extent of design flow,
- c) All habitable and lockable rooms shall be located 0.5 m above the design flow water profile,
- d) For safety, no courtyard or common use area shall be proposed within any part of the design storm flooded area where the velocity x depth product exceeds 0.4 m²/s;
- e) For safety, all driveway areas within the design flow area shall have a flow depth of not more than 200 mm and have velocity x depth product not exceeding 0.7 m²/s,
- f) Fences across overland flow paths are to be hinged or permeable to above the design flow flood level and designed to ensure that there is no impediment to flow,

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. 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.

22. 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*.

23. 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.

24. Tree Protection Barriers

Tree protection fencing must be erected around trees to be retained in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Urban Tree Management Australia Pty Ltd, dated 17 December 2012.

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, in accordance with *Interim Construction Noise Guidelines 2009 – NSW Department of Environment and Climate Change*.

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 must 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*; and
- 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 Fisher Avenue, Trebor Road and unnamed laneway during works and until the site is established.

29. 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) are to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Urban Tree Management Australia Pty Ltd, dated 17 December 2012, 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) to be retained.

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.

30. 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 must be kept in a clean, tidy and safe condition at all times.

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.

31. 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.

32. Excavated Material

All excavated material removed from the site must be classified in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

33. 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 building certifying that:

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

34. Waste Management Details

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally 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) 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.

35. Work Zone

All demolition and construction vehicles must be contained wholly within the site as a work zone permit will not be approved for Fisher Avenue or Trebor Road.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR STRATA SUBDIVISION 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.

36. Fulfilment of BASIX Commitments

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

37. Safety and Security

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.

- c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.
- d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway. The access control to include an audio/visual intercom system to allow visitor access to the parking area.
- e) Lighting of pedestrian pathways throughout the development must comply with *Australia and New Zealand Lighting Standard 1158.1 – Pedestrian*.
- f) Sign posting and way finding to be colour coded with the respective unit block in clear legible signage so that emergency services are able to clearly identify location of a unit and location of the unit block entry.
- g) Front fencing to be designed to allow casual surveillance at the frontage.
- h) Lobby access to be controlled by security card or similar.

38. Sydney Water – s73 Certificate

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

39. 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.

40. Creation of Easements

The following matter(s) must be nominated on the strata plan under s88 of the *Conveyancing Act 1919*:-

- a) A restriction over the flow path for a 100 year average recurrence interval storm. The "*Restriction on the Use of Land*" over the affected area to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council.
- b) A "*Restriction on the Use of Land*" requiring the finished floor level of any habitable or lockable room to be not less than 0.5 m above the 100 year average recurrence interval storm level. The levels must be related to *Australian Height Datum*.
- c) 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 lot 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.

- d) To register the on-site detention system, 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.

41. Damage to Council Assets

All 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. The restoration of public assets shall be completed prior to the release of the final Occupation Certificate.

42. Preservation of Survey Marks

Prior to the issue of a construction certificate, a registered surveyor shall identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the Surveying and Spatial Information Act 2002 and following the Surveyor General’s Directions No.11 – “**Preservation of Survey Infrastructure**”.

43. Waste Management Details

The following waste management requirements must be complied with:

- a) The bin storage room at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The bin cupboard at each residential level must include sealed and impervious surface, adequate lighting and ventilation.

- b) A report must be prepared by an appropriately qualified person, certifying the following:

- i. A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

- ii. That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as

tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii All waste was taken to site(s) that were lawfully permitted to accept that waste.
- c) Each unit 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.
- d) 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.

- e) The bin carting routes must be devoid of any steps.

Note: Ramps between different levels are acceptable

- f) "No parking" signs must be erected to prohibit parking in the waste collection vehicle turning area and loading area.
- g) A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the issue of the Subdivision/Occupation Certificate, certifying that: The finished access way (including ramp, vehicle turning area, loading bay and site entry/exit) to be used by waste collection vehicles, complies with *Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities* for small rigid vehicles (with minimum design vehicle dimensions of 6.4 metres overall length, width of 2.3 metres), with regards to gradient (maximum gradient is 1:6.5), vertical clearance (minimum 3.5 metre clearance height), dimensions and geometry.
- h) The 3.5 metre clearance height within the truck travel path must not be reduced by ducting, pipes, speed humps or anything else.

44. Traffic Control Measures

- a) The pedestrian facility is to be constructed in Fisher Avenue subject to detailed design and approval process by RMS and Council.
- b) The finger median is to be constructed in Trebor Road, from the end of the existing finger median adjacent to the lane to Fisher Avenue, subject to detailed design and approval process by RMS and Council, at no cost to RMS or Council.

45. Planter Boxes / On Slab Planting

On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

46. Completion of Landscaping

A certificate must be provided by a practicing landscape architect or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

47. Section 94 Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2012-2021*, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$71,882.70
Open Space and Recreation	\$1,278,506.35
Community Facilities	\$179,244.00
Plan Preparation and Administration	\$5434.00
TOTAL	\$1,535,067.05

being for 15 x 1 bedroom units, 81 x 2 bedroom units, 14 x 3 bedroom units and including a credit for 7 existing allotments.

- a) If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

\\$C_{PY} is the amount of the contribution at the date of Payment.

\\$C_{DC} is the amount of the contribution as set out in this Development Consent.

CPI_{PY} is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

- b) The monetary contributions shall be paid to Council:
- prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - prior to the issue of the first Construction Certificate where the development is for building work; or

- iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
- iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes.

Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

OPERATIONAL CONDITIONS

48. Waste Management

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

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system.
- b) Site security measures implemented on the property, including electronic gates, must not prevent access to the bin room/collection point by waste removal services.

49. 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.

50. 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.

51. Furniture Removal

Provision is to be made for a Medium Rigid Vehicle to park on site. For this purpose a reverse in or reverse out manoeuvre from the development is acceptable.

CONDITIONS OF CONCURRENCE – ROADS & MARITIME SERVICES

The following conditions of consent are from the nominated State Agency pursuant to Section 79b of the Environmental Planning and Assessment Act 1979 and must be complied with to the satisfaction of that Agency.

52. Roads & Maritime Services (RMS)

- a) A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks. Hours of operation, access arrangements and traffic control should be submitted to RMS for determination prior to the issue of a construction certificate.
- b) The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- c) 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.
- d) The proposed development should be designed such that traffic noise from adjacent public roads is mitigated by durable material and comply with requirements of Clause 102 – (impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.
- e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- f) All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

- 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 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*.

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.

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.

Telecommunications Act 1997 (Commonwealth)

If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800810443.

Asbestos Warning

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