

SCHEDULE 1

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Architectural Plans prepared by Geoffrey Martin + Associates Pty Ltd

Plan No.	Plan Title	Rev	Dated
DA02	Site Analysis	C	10 February 2014
DA03	Western Boundary Sections	B	10 February 2014
DA04	Floor Plan - Basement	D	18 March 2014
DA05	Floor Plan - Level 1	C	10 February 2014
DA06	Floor Plan - Level 2	C	10 February 2014
DA07	Floor Plan - Level 3	B	10 February 2014
DA08	Elevations + Sections	B	30 August 2013
DA09	Elevations + Sections	B	30 August 2013
DA10	Roof Plan	B	10 February 2014
DA14	Heritage House Plans and Elevations	A	4 October 2013

Landscape Plans prepared by Jackie Amos Landscape Architect

Plan No.	Plan Title	Rev	Dated
1302-03	Basement Landscape Plan	A	undated
1302-04	Level 1 Landscape Plan	A	undated
1302-05	Level 2 Landscape Plan	A	undated

Supporting Documents

Document Title	Prepared by	Dated
Detail Survey Plan No. SY073117.00 Sheets 1 & 2	Land Partners	1 June 2012
Landscape Design Intent including cross-sections, elevations and plant species (Ref No. 1302-01 - 1302-02 and 1302-06 - 1302-12, Issue A	Jackie Amos Landscape Architect	undated
Arboricultural Impact Assessment Sheets 1-13	Footprint Green Pty Ltd	15 July 2013
Assessment of Traffic and Parking Implications Ref: 12174 Rev B	Transport and Traffic Planning Associates	November 2013
Stormwater Management Report Rev A	Mott MacDonald	8 May 2013
Civil Works Plans Project No. 321337 Dwg No. 0100 - 0102, 0105, 0110 - 0111, 0130 - 0132 and 0160 - 0161, Rev P1	Mott MacDonald	8 May 2013
Statement of Heritage Impact	NBRS + Partners	July 2013
Schedule of Conservation Works	NBRS + Partners	October 2013
Waste Management Plan	Northside Constructions Pty Ltd	11 November 2012

2. RMS Requirements

Prior to issue of the Construction Certificate, the applicant is to provide a plan to RMS acceptance for the changes to line marking and signage in relation to the S-lane along the Pacific Highway at the driveways and "No Stopping" restriction to be imposed along the Pacific Highway road frontage of the development.

3. Parking Management

A management plan shall be prepared and implemented to ensure that no staff parking shall occur on surrounding streets.

4. Qualified Heritage Consultant

The high priority and adaptive works outlined within the *Schedule of Conservation Works* prepared by NBRS + Partners, dated October 2013 (Sections 3.2 and 3.3 amended as detailed below) are carried out under the direction and supervision of a suitably qualified heritage consultant.

5. Amendment of Plans

The approved plan No. DA14 - Heritage House Plans and Elevations, Rev A, prepared by NBRS + Partners, dated 4 October 2013 and the *Schedule of Conservation Works* prepared by NBRS + Partners, dated October 2013 are to be amended as follows:

- a) Retention of original window and associated timber joinery to western wall in Room 6.
- b) Retention of wall nibs to the eastern and western ends of the north wall to be removed in Room 6.
- c) Retention of the original multi-panel top light and associated timber joinery located within Room 7 – East-West Hall.
- d) Retention of the original door, architraves and top light to southern wall in Room 8.
- e) Re-use original door and associated timber joinery to be removed from Room 4.
- f) Original timber floor boards to be exposed where possible.

6. Landscape Plan

- i. A fully detailed landscape plan shall be prepared and submitted to Council for the approval of Council's Manager Assessments that provides an itemised schedule of all plants to be used, and sufficient to ensure appropriate levels of beautification, enhancement and screening of adjoining properties consistent with the design principles outlined in the submitted Landscape Concept Plan
- ii. The landscape plan is to be prepared by a suitably qualified landscape architect who shall certify prior to the occupation certificate that landscaping has been undertaken consistent with the plan.
- iii. Landscaping shall be maintained during the life of the development.
- iv. In relation to number 4 Woolcott Avenue, landscaping adjacent to the common boundary is to be designed in consultation with the property owners at number 4.

7. Conservation Works

Any significant fabric that is removed and not re-used as part of the conservation works should be recorded and stored on site for reinstatement should future circumstances permit.

8. Removal of Existing Trees

This development consent only permits the removal of tree(s) numbered 9, 10, 11, 12, 13-25, 27-37, 43,43.1, 45, 47-53, 55-90 as identified on the tree locations & reference number plan sheet 2 of 13 contained within the Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd dated 15 July 2013. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

9. Project Arborist

A Project Arborist is to be appointed prior to commencement of any works in accordance with the AS 4970-2009 (Section 1 - 1.4.4) and to provide monitoring and certification throughout the development process.

10. Boundary Fencing

The rear fence on the western boundary shall be erected to a maximum of 2.1m wherever there is an agreement with the adjoining owner.

11. 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.

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

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

13. 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.

14. Sydney Water – Quick Check

This application 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.

15. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of all adjoining properties.

16. Car Parking and Deliveries

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

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e) All parking spaces for people with disabilities must be constructed and operated in accordance with *AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.
- f) Provision for an ambulance is to be made in accordance with the requirements of *ASNSW Ambulance Access*.

- g) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths

17. Traffic Management Plan

A construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control must be submitted to Council's Manager Assessments for determination prior to the issue of a Construction Certificate.

18. Waste Management Plan

The following waste management requirements must be complied with:

- a) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated;
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

19. Preservation of Survey Infrastructure

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".

20. Noise – Busy Roads

The development must be carried out in accordance with the requirements of the Clause 102(3) of *State Environmental Planning Policy (Infrastructure) 2007* to ensure that the following LAeq levels are not exceeded:

- a) in any bedroom in the building - 35 dB(A) at any time between 10pm and 7am,
- b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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21. 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.

22. 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.

23. 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*.

24. 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.

25. Tree Protection Barriers

- a) Tree protection fencing must be erected around trees numbered 1-6, 38, 39, 40, 41, 42, 44, 46, 54 and 91 to be retained at the measured TPZ setback. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'.
- b) To avoid injury or damage, tree numbered 46 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).
- c) Once erected, tree protection fencing must not be removed or altered without the approval of the Project Arborist.
 - i) A certificate from the Project Arborist (AQF 5) is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with AS 4970-2009 (Section 4) prior to the commencement of works.

REQUIREMENTS DURING CONSTRUCTION

26. 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.

27. Construction Vehicles

All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Pacific Highway or Woolcott Avenue in the vicinity of the site.

28. 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.

29. 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, or odour emanating from the site during the construction of the development. Noise should be controlled in accordance with the *Interim Construction Guidelines DEC (2009)*.

30. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Woolcott Avenue and the Pacific Highway during works and until the site is established.

31. Works Near Trees

- a) All required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) Tree sensitive construction techniques such as pier and beam construction and hand excavation are to be undertaken for all works within the TPZ of trees numbered 1- 6.
- c) To ensure any work undertaken will not adversely affect the longevity of the trees, the driveway is to be laid on existing grade with no excavation or fill within the TPZ of any tree to be retained, OR pier and beam construction of the driveway within the measured TPZ of trees numbered 1-6 shall be used with piers being located no closer than 3 metres to the trunks of the trees. The driveway edge shall not extend further than the northern boundary of the subject property. The excavation for the piers within the measured TPZ of these trees shall be hand dug to reveal the presence of any roots.
- d) No tree roots of 30mm or greater in diameter located within the measured TPZ, shall be severed or injured in the process of any site works during the construction period. Tree roots between 10mm and 30mm diameter, severed during excavation, shall be cut cleanly by hand. A qualified and experienced arborist is to be on-site overseeing the work to ensure that the roots are cut cleanly and that the works will not adversely affect the longevity of trees.
- e) All works (including driveways and retaining walls) within the measured TPZ 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).

- f) The excavation for the installation of underground services within the specified TPZ of any tree to be retained on the subject property or neighbouring property, shall be carried out using the thrust boring method. Tunnel boring shall be carried out at least 1 metre beneath natural ground surface at the trees to minimise damage to trees root systems.
- g) Should the excavation of any other works be approved within the specified TPZ of any tree to be retained on the subject property or neighbouring property, excavation by hand ONLY shall be undertaken and under the supervision of the project arborist.

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.

32. Council Property

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

33. Disturbance of Existing Site

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

34. Landfill

Landfill must be constructed in accordance with Council's 'Construction Specification, 2005' and 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.

35. 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.

36. 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.

37. Waste Management

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.

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.

38. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water.

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.

39. 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 system must be designed and constructed for an average recurrence interval of 20 years and be gravity drained.
- b) Connected to an existing Council piped drainage system.
- c) Be designed by a qualified Chartered Hydraulic/ Civil Engineer of the Institution of Engineers, Australia.
- d) The footpath within the pedestrian pathway through which stormwater pipe is proposed to be constructed shall be replaced with new one.
- e) A 100 year ARI overland flow path is to be constructed over the proposed stormwater pipe that is located within the Council pathway for full blockage of any pipes smaller than 750mm in diameter and 50% for bigger pipes. The design is to ensure that overland flow is contained within the path and does not overflow to adjoining properties. In the event any overland is proposed to be directed through private properties, necessary easements shall be created with the affected owner/s consent/s at developer's cost.
- f) A construction certificate application is to be submitted to Council for drainage works within Council's road/ lane/ pathway reserve.

Note: Council is the only authority who can issue a construction certificate for works within its road/ lane/ footway reserve.

40. 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) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) and a maximum discharge (when full) limited to 5 years pre development rate.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- f) Detailed calculations are to be shown in construction certificate plans.

41. Storm Water Quality from Site

Storm water leaving the site shall be treated to achieve performance targets as set out in Table 1C.1.2(b) Urban Stormwater Quality Targets, of Council's Hornsby Development Control Plan 2013.

42. Vehicular Crossing

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

- a) Any redundant crossings must be replaced with integral kerb and gutter;
- b) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.

43. 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 25 percent and changes in grade must not exceed 8 percent;

44. Footpath, Kerb and Gutter and Nature Strip

The following works are to be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a) The existing footpath along Pacific Highway and Woolcott Avenue fronting the development site are to be replaced.
- b) Replacement of kerb and gutter along Pacific Highway to the requirements of RMS (if not required by RMS, evidence be provided to Council).
- c) Damaged sections of nature strip (grass) shall be returfed.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.
- e) A road occupancy permit is to be obtained from RMS to carry out works along Pacific Highway frontage (If RMS does not require such permits, written evidence be provided to Council).

45. Traffic Control Plan

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

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

46. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, overland flowpath, drainage systems, driveways and on-site detention system.

47. Creation of Easements

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

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

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

48. Certificate of Preservation of Survey Marks

A certificate by a Registered Surveyor shall be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 "Preservation of Survey Infrastructure".

49. Waste Management Details

The following waste management requirements must be complied with:

- a) The garbage/recycling bin storage room must include a robust door, sealed and impervious surface, adequate lighting and ventilation, water or a hose for cleaning, graded floors with drainage to sewer.
- 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) The bin carting routes must be devoid of any steps.
Note: Ramps between different levels are acceptable
- d) "No Parking" signs are to be placed in the loading bay and turning area to discourage cars from being parked there.

50. Woolcott Avenue Barrier Line Relocation

Subject to Local Traffic Committee approval the barrier line on the bend in Woolcott Avenue is to be relocated so that parking can occur adjacent to the line.

51. Final 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 as above and AS 4970-2009.

52. 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 20010 and the Food Standards Code developed by Food*

Standards Australia New Zealand. Food Standards 3.3.1. 3.2.2 and 3.2.3 are mandatory for all food businesses.

Note: Walls are to be of solid construction.

53. 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)*'.

54. Kitchen Exhaust Installation

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

55. 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) 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.

56. Fire Sprinkler System

The residential care facility must have a fire sprinkler system installed and operational.

OPERATIONAL CONDITIONS

57. Loading Dock

Hours of delivery to the loading dock will only be between the hours of 9am and 5pm Monday to Friday

58. 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.

59. 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.

60. On-going Waste Management

- a) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- b) The site must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- c) Waste collection services must be carried out using waste collection vehicles that can enter the site in a forward direction, turn around and exit the site in a forward direction (that is, have a turning circle equivalent to or less than a small rigid vehicle). If the commercial tenant is not able to engage an affordable waste collection service provider to comply with this requirement, then a bin collection area is to be constructed on the site next to the driveway within 6 metres of the property boundary (and with appropriate screening), from which the bins can be serviced using a standard large waste collection vehicle parked on the Pacific Highway (which widens at the front of this site).

- 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 and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3M). (HDCP 1B.6.1.c).

Tree protection measures and distances are determined using the Australian Standard AS 4970:2009, "Protection of Trees on Development Sites".

Fines may be imposed for non-compliance with both the Hornsby Local Environmental Plan 2013 and the Hornsby Development Control Plan 2013.

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.

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.

Food Authority Notification

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

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

Rain Water Tank

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