

## 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 McCullum Ashby Architects*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Rev</b>	<b>Dated</b>
DA 03	Basement Plan	E	28 March 2014
DA 04	Ground Floor Plan	E	28 March 2014
DA 05	First Floor Plan	D	4 February 2014
DA 06	Elevations	E	28 March 2014
DA 07	Sections	D	4 February 2014
DA 08	Demolition and Waste Management Plan	E	28 March 2014

*Landscape Plan prepared by Site Design Studios*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Rev</b>	<b>Dated</b>
LP 01	Landscape Plan	C	31 March 2014

*Stormwater Management & Drainage Channel Realignment plans prepared by ACOR Consultants (CC) Pty Ltd*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Issue</b>	<b>Dated</b>
C1	Cover Sheet and Notes	3	7 February 2014
C2	Stormwater Management Ground Floor Plan	3	7 February 2014
C3	Detail Plan - Stormwater and Flood Mitigation	3	7 February 2014
C4	Stormwater Management Basement Floor Plan	3	7 February 2014
C5	Watercourse Long Section	3	7 February 2014
C6	Watercourse Cross Section Sheet No. 1	3	7 February 2014
C7	Watercourse Cross Section Sheet No. 2	3	7 February 2014
C8	Stormwater Management Details Sheet 1	3	7 February 2014
C9	Stormwater Management Details Sheet 2	3	7 February 2014
C10	Erosion and Sediment Control Plan	3	7 February 2014
C11	Erosion and Sediment Control Notes	3	7 February 2014
C12	Erosion and Sediment Control Details	3	7 February 2014
C1.01	Cover sheet, notes and Legends	1	7 February 2014
C2.01	Drainage Channel Realignment Plan	1	7 February 2014
C3.01	Drainage Channel Realignment Longitudinal Section and Cross-Sections	1	7 February 2014

*Supporting Documents*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
BASIX Certificate No. 504613M_02	Taylor Smith Consulting	4 February 2014
NatHERS Certificate No. 14720108	Taylor Smith Consulting	4 February 2014

Survey Job No. 91355	John Lowe & Assoc.	13 September 2013
Arboricultural Impact Assessment	Footprint Green Pty Ltd	16 September 2013
Calculations and Finishes Schedule Dwg DA 01 Rev D	McCullum Ashby Architects	4 February 2014
Disability Access Report Ref: 1368	Linsday Perry	23 January 2014
Statement of Heritage Impact	NBRS+Partners	January 2014
Traffic and Parking Assessment Report Ref: 13487	Varga Traffic Planning Pty Ltd	18 September 2013

## 2. Amendment of Plans

The approved plans are to be amended as follows:

- a) The 8m<sup>2</sup> grassed bulky waste storage area is to be relocated to adjoin both the driveway and the bin bay.
- b) Landscape planting to the Werona Street frontage landscape areas must include:
  - i) 1 additional *Syncarpia glomulifera* (Turpentine) installed at minimum 75 litre pot size.
  - ii) 10 additional *Elaeocarpus reticulatus* (Blueberry Ash) installed at minimum 75 litre pot size, adjacent to the front property boundary.
  - iii) 15 additional *Syzigium resilience* (Lilly Pilli) installed at minimum 75 litre pot size, to be located at the top of the embankment on the northern side of the watercourse.
  - iv) 1 deciduous tree with a minimum height of 13m at maturity installed at minimum 75 litre pot size.
- c) A continuous screen of *Viburnum* is to be planted along the eastern rear boundary adjacent to Units 13, 14, 17 and 18.
- d) The sill heights of the windows to Bed 1 in Units 15, 16, 19 and 20 and Bed 1 and Bed 2 in Unit 12 are to be increased to a minimum height of 1.5 metres above finished floor.

## 3. Project Arborist

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

#### 4. Removal of Existing Trees

This development consent only permits the removal of trees numbered 3, 4, 7, 8-15, 21-26, 28, 29, 32, 33 and 35-46 as identified on the Existing Site - Tree Location Plan (tstn 2.01 Revision 0.1 Sheet 2 of 10) in the Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd dated 16 September 2013. The removal of any other trees requires separate approval under Council's Tree Preservation Order.

The removal of tree numbered 4 located on the nature strip shall be undertaken in accordance with the following:

- a) A suitably qualified and experienced Arborist (Australian Qualification Level 3 or higher) shall be employed to undertake the works.
- b) A copy of the Arborists (Tree Contractors) Public Liability Insurance Certificate and qualifications shall be provided to Council prior to the works date.
- c) Notification of the date of works is to be provided one week in advance.

#### 5. Pruning of Branches

All pruning works shall be in accordance with Australian Standard 4373-2007. Any pruning on trees must not exceed 10% of the foliage area.

#### 6. 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	\$ 11,972.20
Open Space and Recreation	\$227,535.60
Community Facilities	\$ 31,908.60
Plan Preparation and Administration	\$ 934.00
<b>TOTAL</b>	<b>\$272,350.80</b>

being for 20 units and 2 credits.

- 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:

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

## **CPI<sub>DC</sub>**

### **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<sub>PY</sub> is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.
- CPI<sub>DC</sub> 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:
  - i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - ii) 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](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

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

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

### **8. 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.

### **9. 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.*

#### **10. 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.

#### **11. Dilapidation Report**

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjacent dwelling a No. 14 Werona Street (Lot 1 DP 533036) and submitted to the Certifier prior to issue of the Construction Certificate.

#### **12. Car Parking and Deliveries**

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

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing 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) Sight triangles in accordance with *AS/NZS 2890.1:2004* are to be provided for the driveway at the boundary line.
- f) All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

### **13. Construction Traffic Management Plan**

A Construction Traffic Management Plan (CTMP) is to be prepared by a suitable qualified traffic engineer and is to be submitted to Hornsby Shire Council for approval prior to the issue of a Construction Certificate. The CTMP is to be approved by Council prior to the issue a Construction Certificate. The following issues are to be addressed in the CTMP.

- a) Number of truck movements per day during the various construction stages.
- b) Vehicle movement plans for truck movements. It should be noted that load limits apply to streets in Hornsby Shire Council and the vehicle routes are to comply with these restrictions.
- c) Location of parking areas for construction workers.
- d) Traffic Control Plans for vehicles entering and leaving the site.
- e) Plans depicting unloading and loading areas.

### **14. Registered Housing Provider**

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

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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### **15. 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.*

## 16. 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.*

## 17. Toilet Facilities

Toilet facilities must be available or provided at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

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

## 18. 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.*

## 19. Tree Protection Barriers

Tree protection fencing must be erected around trees numbered 1, 2, 5, 6, 16, 17, 18, 19, 20, 27, 30, 31, 34, 47, 48 and 49 to be retained at the measured Tree Protection Zone. The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'.

To avoid injury or damage, trees numbered 2, 5, 6, 16, 17 and 49 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).

Once erected, tree protection fencing must not be removed or altered without approval by the project arborist.



## REQUIREMENTS DURING CONSTRUCTION

### 20. 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.

### 21. Demolition and Construction Vehicles

All demolition and construction vehicles shall be contained wholly within the site as a work zone permit will not be approved for Werona Street

### 22. Compliance with Construction Traffic Management Plan

The approved Construction Traffic Management Plan must be complied with during construction works.

### 23. 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.

### 24. 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.

### 25. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Werona Street, Pennant Hills during works and until the site is established.

### 26. Works Near Trees

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

All works (including driveways and retaining walls) within 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).

The driveway is to be laid above existing grade to avoid root severance with no excavation or fill within the TPZ or pier and beam construction of the driveway within the TPZ shall be used with piers being located no closer than 3 metres to the trunks of the trees. The driveway edge is to be located no closer than 1 metre to the edge of the trunk. The excavation for the piers within the measured TPZ must be carried out using hand tools. A qualified and experienced arborist is to be on site overseeing the work to ensure that roots are not injured or severed that would adversely affect the longevity of the tree(s).

No tree roots of 30mm or greater in diameter located within the measured TPZs of trees to be retained, 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.

The waste enclosure, accessible path and letter boxes are to be constructed using sensitive construction techniques within the TPZ of any tree to be retained in accordance with specific tree protection measures as stated in the Arboricultural Impact Assessment prepared by Footprint Green Pty Ltd, dated 16 September 2013 and under the supervision of the project arborist.

Excavation for the installation of underground services within the specified TPZ of trees to be retained shall be carried out by hand or by using the thrust boring method. Tunnel boring shall be carried out at least 1 metre beneath natural ground surface at the tree/s to minimise damage to tree/s root systems.

*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.*

**27. Setback from Prescribed Stream**

A buffer setback of 5 metres must be provided from the crest of the watercourse to any construction works. The setback area must be suitably vegetated with native grasses to facilitate the filtration of surface runoff.

**28. 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.

**29. Disturbance of Existing Site**

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

**30. 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.

**31. 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.

**32. 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.

**33. Waste Management During Demolition and Construction**

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.*

#### **34. Fulfilment of BASIX Commitments**

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

#### **35. 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 directly to the watercourse via the On Site Detention system.
- b) The existing depression/watercourse be reconstructed to contain the 1 in 100 year Average Recurrence Interval storm event. The overland flow path is to be kept a minimum of 0.5m clear of any building foundation.

*Note: A certificate from a chartered civil engineer together with a works as executed design plan must be submitted to the principal certifying authority to demonstrate that the overland flow path contains the in 100 year ARI storm event and is clear of all structures.*

#### **36. Stormwater Drainage - Land Adjoining a Watercourse**

In addition to other stormwater drainage requirements under this consent, all headwall outlets must incorporate flow velocity reduction controls (i.e. bedded boulders and small stones) to minimise erosive and scouring impacts to the watercourse. Energy dissipater controls must be landscaped to accommodate outlet sheet flow (forced jump). No engineering works are permitted within the bed of the watercourse.

#### **37. 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 capacity of not less than 30 cubic metres, and a maximum discharge (when full) of 110 litres per second.
- 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) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

### **38. 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;
- d) The driveway pavement must be a minimum 3 metres wide, 0.15 metres thick reinforced concrete with F72 steel reinforcing fabric and a 0.15 metre sub-base. The access crossing shall have a minimum width of 5.5m from the kerb line to 6m inside the property boundary.
- e) The pavement must have a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a lintel and pit provided at the low point;
- f) Retaining walls required to support the carriageway and the compaction of all fill batters must be in accordance with the requirements of a chartered structural engineer;
- g) Safety rails and a kerb on each side of the bridge are to be provided.
- h) The soffit level of the bridge must be at or above 156.14m AHD. At the completion of the bridge a certificate from a registered surveyor is to be submitted to the PCA confirming that the minimum soffit level of 156.14m AHD has been achieved.

### **39. 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) The footway area 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.*

### **40. Footpath**

A concrete footpath must be constructed along the full frontage of the subject site in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The land adjoining the footpath to be fully turfed.
- b) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

*Note: The applicant must obtain written approval from Council prior to any works on the public road being undertaken.*

#### **41. 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 where required:

- 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.

#### **42. 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 Civil Works Specifications. Council's Restorations Supervision must be notified for a formwork inspection prior to pouring concrete.

#### **43. Creation of Easements**

The following matter(s) must be created on the title of the property in accordance with the *Conveyancing Act 1919*:

- a) A restriction over the overland flow path for the 100 year average recurrence interval storm event. The "Restriction on the Use of Land" over the affected area is 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) 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.

- c) To register the OSD easement and Restriction to User for overland flow, a “works-as-executed” details of the on-site-detention system and overland flow path 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.*

#### **44. Works as Executed Plan**

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

#### **45. Waste Management**

The following waste management requirements must be complied with:

- a) The bin bay at the ground level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door(s), sealed and impervious surface, adequate lighting and ventilation. The bin storage rooms at the basement 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*

#### **46. 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).*

#### **47. Retaining Walls**

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

#### **48. Installation of Air Conditioner**

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

#### **49. Boundary Fencing**

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

*Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).*

#### **50. 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.



#### **51. Construction for a Safe Environment**

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

- a) An intercom system be installed at gate locations to ensure screening of persons entering dwellings.
- b) The entryway to the site be illuminated in high luminance at all times.
- c) Front and rear yard spaces of each dwelling be illuminated in high luminance by motion sensor lighting.
- d) The common driveway and parking areas are to be illuminated with low luminance at all times.
- e) Vandal proof locking mechanisms to be installed in all gates to individual units.
- f) Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas.

#### **52. 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.*

#### **53. Provision for National Broadband Network (NBN)**

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

#### **54. Maintain Canopy Cover**

The submitted Landscape Plan prepared by Site design Studios drawing No LP 01 Revision A dated 16 September 2013 must be adhered to.

In accordance with Hornsby Shire Council Development Control Plan (HDCP), Chapter 1B.6.1 Tree Preservation any tree approved to be removed from a site should be replaced with a tree of like habit and indigenous to Hornsby Shire. The planting location shall not be within 4 metres of the foundation walls of a dwelling or in-ground pool. The trees are to be planted as near as practicable to the location of the removed tree, grown to maturity and replaced if the planting fails to survive and thrive.

*Note: A certificate from suitably qualified and experienced Horticulturalist is to be submitted to the Principal Certifying Authority stating that all plant stock meet the specifications outlined in Specifying Trees' (Ross Clark, NATSPEC Books) and that*

*the planting methods were current professional (best practice) industry standards at the time of planting.*

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

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

- a) The development is for affordable rental housing pursuant to *State Environmental Planning Policy (Affordable Rental Housing) 2009* for a period of 10 years from the date of the issue of the occupation certificate.
- b) Four dwelling units must be used for the purpose of affordable housing pursuant to Clause 6 of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.
- c) The four dwelling units identified in condition 55Ⓢ must be managed by a *registered community housing provider* as defined in the *Housing Act 2001*.

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

<b>OPERATIONAL CONDITIONS</b>
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#### **56. Resident and Visitor Car Park Access**

Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.

Visitors must be able to access the visitor parking spaces in the basement car park at all times. Visitor access to the basement car park shall be by an audio/visual intercom system located at the top of the ramped driveway.

#### **57. Ongoing 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, 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.

#### **58. Fire Safety Statement - Annual**

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

**- 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](http://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](http://www.environment.nsw.gov.au)

[www.nsw.gov.au/fibro](http://www.nsw.gov.au/fibro)

[www.adfa.org.au](http://www.adfa.org.au)

[www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

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

### **House Numbering**

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

### **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.