

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:

Plan No.	Drawn by	Dated
DA000 – DA Application	Brewster Murray Architects	April 2014
DA 002 - Photomontage	Brewster Murray Architects	August 2013
DA003/C – Calculations	Brewster Murray Architects	11 th April 2014
DA101/B – Site Analysis	Brewster Murray Architects	18 th March 2014
DA102/C – Site Plan	Brewster Murray Architects	4 th April 2014
DA103/C – Basement 1 Plan	Brewster Murray Architects	4 th April 2014
DA104/B – Basement 2 Plan	Brewster Murray Architects	18 th March 2014
DA105/C – Ground Floor Plan	Brewster Murray Architects	4 th April 2014
DA106/C – Level 1-3 Floor Plan	Brewster Murray Architects	4 th April 2014
DA107/D – Level 4 Floor Plan	Brewster Murray Architects	11 th April 2014
DA108/D – Mezzanine Level	Brewster Murray Architects	11 th April 2014
DA109/B – Roof Plan	Brewster Murray Architects	18 th March 2014
DA110/B – Post Adaptable Units	Brewster Murray Architects	18 th March 2014

DA201-202/B – Elevations	Brewster Murray Architects	18 th March 2014
DA203-204/B – Sections	Brewster Murray Architects	18 th March 2014
DA301/B – Images	Brewster Murray Architects	18 th March 2014
DA401/B – Area Calculations	Brewster Murray Architects	18 th March 2014
DA501-504/B – Shadow Diagrams	Brewster Murray Architects	18 th March 2014
DA601/B – Sunlight Access	Brewster Murray Architects	18 th March 2014
DA602/B – Natural Cross Ventilation	Brewster Murray Architects	18 th March 2014
DA701/A – Construction Management Plan	Brewster Murray Architects	12 th December 2013
DA702/C – Waste Collection Plan	Brewster Murray Architects	4 th April 2014
Proposed External Finishes	Brewster Murray Architects	August 2013
H5500/D – Coversheet, Legend and Notes	J&M Group Hydraulic & Fire Services Consultants	3 rd February 2014
H5501/C – Basement Level 2 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5502/C – Basement Level 1 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5503/D – Ground Level Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	3 rd February 2014
H5504/C – Level 1-3 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5505/C – Level 4 Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5506/C – Attic Level Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5507/C – Roof Level Stormwater Design	J&M Group Hydraulic & Fire Services Consultants	30 th August 2013
H5508/B – Sediment and Erosion Control Plan	J&M Group Hydraulic & Fire Services Consultants	31 st July 2013
DP01/F – Landscape Plan	Site Design Studios	7 th April 2014
TMP01 – Tree Management Plan	Naturally Trees	29 th August 2013

Document Title	Prepared by	Dated
Statement of Environmental Effects	JBA Urban Planning Consultants	October 2013
SEPP 65 Compliance Checklist and Statement (Verification)	Brewster Murray Architects	August 2013
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	29 th August 2013
Statement of Design Compliance for Mezzanine Design with NCC 2013	Dix Gardner Group	8 th April 2014
DA Environmental Noise Assessment	Acoustic Logic	18 th July 2013
Arboricultural Impact Appraisal and Method Statement	Naturally Trees	29 th August 2013
BASIX Certificate No. 490602M	Director-General Planning and Infrastructure	29 th August 2013
Building Code of Australia 2013 Assessment Report	Building Code Assistance	28 th August 2013
Geotechnical Investigation Report	Benviron Group	12 th June 2013
Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	August 2013
Waste Management Plan	McGregor Environmental Services	August 2013

2. Removal of Existing Trees

This development consent only permits the removal of the following trees numbered 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 33 and 34 as identified on Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/2013. The removal of any other trees requires separate approval in accordance with the Tree & Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Pruning of Existing Trees

Pruning must be in accordance with the Australian Standard Pruning of Amenity Trees Section 7.2.1 (General Crown Maintenance, AS 4373-2007).

4. 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 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units.
- b) The approved Mezzanine Level Plan, Drawing No. DA108, Revision D dated 11.04.2014 shall be amended as follows:
 - i) The mezzanine levels within proposed units A4.06, A4.09, A4.12 and A4.13 shall not exceed 1/3 of the total floor area of the room in which they are situated.
- c) The approved Basement Level 1 Plan, Drawing No. DA103, Revision C dated 04.04.2014 shall be amended to show an additional 5 bicycle spaces.
- d) The approved Landscape Plan, Drawing No. LP01 dated 07.04.2014 by Site Design Studios shall be amended as follows:
 - i) Show that the botanical name of the replacement tree species in the planting schedule is *Eucalyptus paniculata* (Grey Iron Bark) not *Eucalyptus punctata*.
- e) The stormwater drainage design Project No. 1321 Drawing No. H5500 & H5503 Revision D dated 03.02.2014 by J & M Group shall be amended as follows:
 - i) The discharge control pit shall be relocated within the on-site detention basin storage area.
 - ii) All courtyard areas of units fronting Edgeworth David Road shall be drained to the relocated discharge control pit.
- f) The approved Level 1-3 Floor Plan, Drawing No. DA106, Revision C dated 4.04.2014 shall be amended to incorporate the installation of a 1.5 metre high louvered/solid screen on the northern side of the balcony serving Units A1.12, A2.12, A3.12, on the southern side of the balcony serving Units A1.04, A2.04 and A3.04 and on the eastern side of the balcony serving Units A1.08, A2.08 and A3.08.

5. 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

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. 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.

11. Dilapidation Report

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

- a) Nos. 38 and 46 Edgeworth David Avenue
- b) No. 53A Balmoral Street
- c) No. 42A Park Avenue

12. Adaptable Units

The details of the adaptable units Nos. G1.02, G1.03, G1.05, G1.06, G1.09, G1.11, G1.15, A1.03, A1.05, A1.09, A1.10, A1.11, A1.17, A2.03, A2.05, A2.09, A2.10, A2.11, A2.17, A3.03, A3.05, A3.09, A3.10, A3.11, and A3.17 must be provided with the Construction Certificate Plans.

13. Stormwater Drainage – Dwellings

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained in accordance with the following requirements:

- a) Connected to an existing Council piped drainage system.

Note: A construction certificate shall be obtained prior to the commencement of these works and is to be completed prior to the issue of an occupation certificate.

14. On Site Stormwater Detention

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

- a) The amendments required in condition 1 shall be made.
- b) Have a capacity of not less than 37 cubic metres, and a maximum discharge (when full) of 56 litres per second.
- c) Have a surcharge/inspection grate located directly above the outlet.
- d) 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.

- e) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- f) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate

15. Public Road and Drainage Works

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for all public road and drainage works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a) The existing concrete footpath shall be removed and reconstructed along the full frontage of the development site in Edgeworth David Road.
- b) The existing traffic calming device in Balmoral Street shall be removed and kerb and gutter and road pavement reconstructed with the existing kerb alignment to the south.
- c) Construction details of all necessary adjustments to the existing grated gully pits in Balmoral Street shall be provided.
- d) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate.

16. 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;
- c) 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.

17. 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 per plan metre;

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate.

18. 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.

19. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

20. Waste Management Details

The following waste management requirements must be complied with:

- a) Vehicle turning paths demonstrating that a small rigid vehicle is able to forward in, turn around and forward out of the site (in accordance with AS 2890.2) as a three-point turn.
- b) There must be sufficient space to place 7 of 660 L garbage bins, 17 of 240 L recycling bins and one 1100 L cardboard/paper bin for servicing, plus aisle space to access and manoeuvre the bins.

Note: bins on the volume handling equipment will not be serviced.

- c) 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.

21. 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	\$89,637.25
Open Space and Recreation	\$786,069.45
Community Facilities	\$110,181.25
Plan Preparation and Administration	\$3,223.05
TOTAL	\$989,111.00

being for 46 x 1 bedroom units, 27 x 2 bedroom units, 8 x 3 bedroom units and including a credit for 4 existing allotments.

- b) 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:

$$\frac{\$C_{PY}}{CPI_{DC}} = \frac{\$C_{DC}}{CPI_{PY}}$$

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.

- c) 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 or a copy may be inspected at Council's Administration Centre during normal business hours.

22. Excavation

The structural plans for basement and above ground areas must be prepared by a Chartered Structural Engineer and carried out in accordance with the recommendations of the Geotechnical Investigation Report prepared by Benviron Group dated 12 June 2013 and submitted with the Construction Certificate Application.

22a. Noise – Edgeworth David Avenue

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

23. 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.

24. 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.

25. 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*.

26. 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.

27. Project Arborist

A Project Arborist is to be appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification in accordance with Section 4.5 of the Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13 throughout the development process.

28. Tree Protection

Tree protection fencing must be erected around trees numbered 5, 10, 11, 12, 20, 21, 31, 32 & 36 in accordance with the stamped Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13.

The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'.

29. Tree Ground Protection

Prior to works commencing and throughout construction, the area of the Tree Protection Zone of trees 10, 11, 31 & 32 nominated for ground protection in the Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13 must be protected by the use of temporary wood-chip mulch, gravel mulch or bridges to prevent soil compaction around tree roots. Wood-chip or gravel mulch is to be installed at 150mm – 300mm depth on top of a geotextile landscape fabric and will be placed

The area of the nominated Tree Protection Zone of tree 36 not protected by fencing onsite is to be protected in accordance with the above ground protection

Note: The Project Arborist (AQF 5) is to submit a certificate to the Principal Certifying Authority stating that all tree protection measures are in accordance with the above and consistent with the intentions of the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009) prior to commencement of works.

REQUIREMENTS DURING CONSTRUCTION

30. 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.

31. 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.

32. 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.

33. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Edgeworth David Avenue and Balmoral Street during works and until the site is established.

34. Works Near Trees

All required tree protection measures are to be maintained in good condition and positioned in accordance with the Tree Management Plan, Drawing TMP01, Arboricultural Impact Appraisal & Method Statement, prepared by Naturally Trees dated 29/08/13 for the duration of the construction period.

Existing soil grades within the fenced Tree Protection Zone of trees to be retained must be maintained.

Consent is granted to undertake works within the Tree Protection Zone of tree/s 5, 21 & 32 only, with the following conditions:

35. Project Arborist

Works must not reduce the useful life expectancy of the tree and be carried out under the supervision of the Project Arborist.

36. Drilling / Boring

The installation of any underground services within the Tree Protection Zone (TPZ) of any tree to be retained shall utilise the thrust boring method. Thrust boring shall be

carried out so that 'top of pipe' is a minimum 700mm depth beneath existing ground level.

37. Excavation

Excavation for the installation of stormwater pits shall be carried out by hand excavation ONLY in such a manner that is non-injurious to any roots revealed. Machinery, other than hand held must remain outside any fenced Tree Protection Zone.

38. Root Pruning

No tree root greater than 30mm diameter located within the nominated TPZ of any tree to be retained on or off-site shall be severed or injured in the process of any works during the entirety of the consent.

Tree roots less than 30mm diameter required to be severed for the purposes of this consent shall be cut cleanly by hand, by a qualified and experienced Arborist or Horticulturalist with minimum qualifications of Horticultural Certificate or Tree Surgery Certificate (AQF 3). All pruning shall be undertaken as specified in the Australian Standard 'Pruning of Amenity Trees' (AS 4373-2007).

Note: Except as provided above all personnel (the applicant, contractors, service providers, principal certifying authority) involved with this development are to ensure that no excavation, including sub-surface trenching for stormwater or other services or the filling or stockpiling of building materials, parking of vehicles or plant, the use of machinery other than hand held, disposal of cement slurry, waste water or other contaminants is to occur within the Tree Protection Zone of any tree to be retained.

39. 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.

40. 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.

41. 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.

42. 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.

43. Work Zone

All demolition and construction vehicles must be contained wholly within the site as a work zone permit will not be approved for Edgeworth David Avenue or Balmoral Street.

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.

44. 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.

45. Fulfilment of BASIX Commitments

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

46. 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) The basement car park entry must be secured by security gates/roller shutters. The access control to include an audio/visual intercom system to allow visitor access to the parking area.
- d) Lighting of pedestrian pathways throughout the development must comply with Australia and New Zealand Lighting Standard 1158.1 – Pedestrian.
- e) Sign posting and way finding signage to be clear and legible so that emergency services are able to clearly identify location of a unit and location of the unit block entry.
- f) Front fencing to be designed to allow casual surveillance at the frontage.
- g) Lobby access to be controlled by security card or similar.

47. Sydney Water – s73 Certificate

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

48. Damage to Council Assets

Any damage caused to Council's assets including the removal, damage, destruction, displacement or defacing of the existing survey marks as a result of the construction of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervisor must be notified for a formwork inspection prior to pouring concrete.

49. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B or s88E 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.

- c) An easement for garbage collection shall be created in favour of Council in accordance with Council’s prescribed wording.
- d) A suitable easement for right of vehicular access shall be created in favour of No. 46 Edgeworth David Avenue. The easement must enable the driveway to Balmoral Street to be extended / widened so as to enable consolidated access by occupants of No. 46 Edgeworth David Avenue.

Note: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant identified in a) to c) above.

50. 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 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.

51. Tree Planting

Tree planting along the Edgeworth David boundary landscape setback area must include:

- a) Four (4) additional *Pyrus calleryana* (Callery Pear) shall be installed at minimum 75 litre pot size.

Tree planting along the western boundary landscape setback area must include:

- a) Four (4) additional *Tristaniopsis laurina* (Water gum) shall be installed at minimum 100 litre pot size.

52. Street Tree Plantings

Planting to the front verge must include One (1) *Lophostemon confertus* (Brush Box). Trees shall be installed at minimum 75 litre pot size.

53. 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.

54. 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.

55. 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 waste facility rooms 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) 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, 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.
- d) 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.

- e) 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.

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

Note: Ramps between different levels are acceptable

- g) Access to the waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented.

Note: Caging of the volume handling equipment is acceptable.

OPERATIONAL CONDITIONS

56. 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.

An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the Environment NSW Industrial Noise Policy (2000), Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000) and the DECC's Noise Guide for Local Government (2004). The assessment must be submitted to Council for review. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.

57. 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.

58. Maintain Canopy Cover

- a) Planting shall be in accordance with the approved Landscape Plan
- b) Trees that fail to survive or do not exhibit normal health and vigour growth characteristics for their species prior to reaching a height greater than three metres (3m), must be replaced at the expense of the property owner.

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.

59. 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.

60. 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.

61. 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.

62. Car Parking

All car parking must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off Street Car Parking* and *Australian Standard AS 2890.2:2002 – Off Street Commercial Vehicle Facilities* and the following requirements:

- 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 solely for nominated purposes;
- c) Tandem/stacked parking spaces are not acceptable unless both spaces are allocated to the one unit.

- d) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- e) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- f) Visitors must be able to access the visitor parking spaces in the basement car park at all times;
- g) All parking for people with disabilities is to comply with *Australian Standard AS/NZS 2890.6:2009 – Off Street Parking for People with Disabilities*;
- h) Bicycle parking spaces are to be designed in accordance with *Australian Standard AS 2890.3:1993 – Bicycle Parking Facilities*;
- i) Motorcycle parking spaces are to be designed in accordance with *Australian Standard AS 2890.5:1993*.

63. Additional Operational Conditions

- a) All vehicular entry on to the site and egress from the site shall be made in a forward direction;
- b) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- c) The traffic calming device at 55 Balmoral Street is to be removed and reinstated with kerb and gutter to match the existing alignment to the south of the site;
- d) The new vehicular crossing is to be provided perpendicular to the kerb alignment south of the 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 Preservation Order

In accordance with Clause 5.9 Hornsby Local Environment Plan (HLEP) a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

Fines may be imposed for non-compliance with both the HLEP and the HDCP.

Note: 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".

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.

House Numbering

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