

JRPP Report Amendments

Amendment to Recommendation

RECOMMENDATION

THAT Council assume the concurrence of the Director-General of the Department of Planning pursuant to *State Environmental Planning Policy No. 1*, **agree to vary Clause 40(4) – Development Standards (Height) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004** and approve DA/1434/2013 for demolition of existing structures and construction of a residential care facility with 106 beds and basement car parking at Lot A DP 420924, 9-17 Hinemoa Avenue, Normanhurst subject to the conditions of consent detailed in Schedule 1 of this report.

Amendment to Conditions

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 Group GSA Pty Ltd

<i>Plan No.</i>	<i>Plan Title</i>	<i>Rev</i>	<i>Dated</i>
DA0001	Title Sheet/Location Plan	C	18/12/2013
DA0002	Survey Plan	C	18/12/2013
DA0003	Site Analysis Plans	C	18/12/2013
DA1001	Demolition Plan	C	18/12/2013
DA2001	Parking Level Plan	C	18/12/2013
DA2002	Lower Ground Floor Plan	C	18/12/2013
DA2003	Ground Floor Plan	C	18/12/2013
DA2004	Level 1 Plan	C	18/12/2013
DA2005	Roof Plan	C	18/12/2013

DA3001	Elevations – West and East	D	26/02/2014
DA3002	Elevations –North and South	C	18/12/2013
DA3003	Sections 1 and 2	C	18/12/2013
DA3004	Sections 3,4 and 5	A	26/02/2014
DA3010	Perspective – Hinemoa Avenue	C	18/12/2013
DA3011	Perspective – Havilah Avenue	C	18/12/2013
DA7001	Landscape Plan Illustrated	B	18/12/2013
DA7102	Landscape Plan Hinemoa Avenue	B	18/12/2013
DA7103	Landscape Plan Havilah Avenue	B	18/12/2013
DA7104	Landscape Plan Roof Garden	B	18/12/2013
DA7201	Landscape Sections	B	18/12/2013
DA7101	Landscape Details	B	18/12/2013
DA7401	Landscape Plant Schedule-	B	18/12/2013

Stormwater Plans prepared by Jones Nicholson Consulting Engineers

Plan No.	Plan Title	Rev	Dated
C01	Civil Design Notes Sheet	1	19/12/2013
C02	Civil Design Stormwater Drainage Lower Ground	1	19/12/2013
C03	Civil Design Stormwater Drainage Ground and Lower Ground	1	19/12/2013
C04	Civil Design Stormwater Drainage Basement Level	1	19/12/2013
C05	Civil Design Stormwater Drainage Details	1	19/12/2013
ESM1	Erosion Sediment Control Plan Ground Level	1	19/12/2013
ESM2	Erosion Sediment Control Plan Lower Ground and Basement	1	19/12/2013

ESM3	Erosion Sediment Control Details	1	19/12/2013
BE1	Bulk Earthworks Plan	1	19/12/2013
BE2	Bulk Earthworks Sections	1	19/12/2013

Supporting Documents

<i>Document Title</i>	<i>Prepared by</i>	<i>Dated</i>
Survey Plan 4740-DET Sheet1 - 10	Usher and Company	29/08/2013
SEPP LEP Height Diagram Elevations– DA0006-Issue D	Group GSA Pty Ltd	26/02/2014
SEPP LEP Diagram Plan – DA0007-Issue D	Group GSA Pty Ltd	26/02/2014
GFA Calculations and accommodation Diagrams DA0008- D	Group GSA Pty Ltd	18/12/2013
Comparison Diagram Street Frontages DA0011 – Issue A	Group GSA Pty Ltd	11/04/2014
Shadow Diagrams and Elevation Shadow Diagrams – DA0021-DA0028 – Issue A	Group GSA Pty Ltd	11/04/2014
Materials Board DA8300-Issue C	Group GSA Pty Ltd	18/12/2013
Statement of Environmental Effects	Smyth Planning	20/12/2013
SEPP 1 Objection	Smyth Planning	April 2014
Landscape Design Statement	Group GSA Pty Ltd	18/12/2013
Tree Report	Stuart Pittendrigh	March 2014
Traffic Impact Report – 13.381r01	Traffix	20/12/2013
Noise Impact Assessment	WSP Acoustics	29/11/2013
Stormwater Management Report Rev A	Mott MacDonald	8 May 2013
Access Report – Issue A	Accessible Building Solutions	25/11/2013

BCA Capability Report C13118	Bretnall Certification	16/12/2013
Allity Services Statement and Plan of Management	Allity	Dec 2013
Waste Management Plan	Midson Group	18/12/2013
Electrical Services Design Statement	JHA	16/12/2013
Mechanical Services Design Statement	JHA	16/12/2013
Architectural Design Statement	Group GSA Pty Ltd	18/12/2013
Landscape Design Statement	Group GSA Pty Ltd	18/12/2013
Stormwater Statement	EWFW`	13/12/2013
Contamination Report E27081Krpt	EIS	18/12/2013
Construction Management Plan	Midson Group	18/12/2013

2. Removal of Existing Trees

This development consent only permits the removal of trees numbered 1 - 20, 22, 27 - 34, 41 - 49, 52 – 74, 76 - 87 as identified on the *Site Tree Location Plan TP01* in the “*Tree Report*” prepared by *Stuart Pittendrigh* dated *March 2014*. The removal of any other trees requires separate approval in accordance with the Tree & Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Amendment of Plans

The approved Landscape plans DA7001, DA7102, DA7103, DA7104 - Issue B prepared by *Group GSA* dated *18/12/2013* are to be amended as follows:

- a) The landscape retaining wall on the eastern property boundary fronting Havilah Avenue is to be reduced to have a maximum height of 800mm above the existing ground level at that point;
- b) All proposed landscape elements within the Havilah Avenue street verge are to be replaced with turf only;
- c) A 2m wide footpath is to provided within the Hinemoa Avenue street verge fronting the site and turf proposed on both sides of this footpath;
- d) The six proposed *Eucalyptus saligna* (Sydney Blue Gum) street trees along Havilah Avenue must be substituted with three (3) *Syncarpia glomulifera*

- (Turpentine) and three *Angophora floribunda* (Rough barked Apple) to be installed at minimum 75 litre pot size; and
- e) The five proposed *Magnolia Ashei* along the southern boundary are to be substituted by five *Waterhousia floribunda* (Weeping Lilly Pilly), to be installed at a minimum 100 litre pot size;
 - f) The proposed *Malus spp 'Royal Raindrops'* (Ornamental Apple trees) within the Dementia Garden are to be replaced by a locally indigenous species such as *Tristaniopsis laurina* (Water Gum), *Ceratopetalum gummiiferum* (N.S.W Christmas Bush) or *Acmena Smithii* (Lilly Pilly) that can reach a mature height greater than 5m. The plants are to be installed at a minimum 25 litre pot size; and
 - g) Additional screen planting, capable of reaching a mature height of 3m must be planted along the boundary separating the site and the property at No. 40 Havilah Avenue.

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.

4. Project Arborist

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

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.

6. Section 94A Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2012-2021*, \$224,600 shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$22,460,000.
- 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:

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

$$\text{CPI}_{DC}$$

Where:

- \$C_{PY}** is the amount of the contribution at the date of Payment.
- \$C_{DC}** is the amount of the contribution as set out in this Development Consent.
- CPI_{PY}** is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.
- CPI_{DC}** is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

- (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 S94A 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.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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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. 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.

9. 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.

10. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the existing dwelling houses on No. 19 Hinemoa Avenue and No. 40 Havilah Avenue Normanhurst. A copy of this report must be submitted to Hornsby Shire Council.

11. Deleted

12. Deleted

13. Waste Management Plan

The following waste management requirements must be complied with:

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

14. Noise

The design of the development must comply with the assessment criteria in Section 4 of the *Noise Impact Assessment Report* prepared by WSP dated 29/11/2013. All details must be submitted with the Construction Certificate plans.

15. Deleted

16. Deleted

17. Deleted

18. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) Design levels of crossings at the street alignments must be obtained from Council;
- b) The driveways must be rigid pavements;
- c) The driveway grades must not exceed 25 percent and transitions for changes in grade must not exceed 8 percent per plan metre;
- d) Driveway pavements must be designed by a suitably qualified chartered engineer;

- e) The gradient of the driveway in Hinemoa Avenue must be 1:20 for the first 6 metres within the site.
- 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 must be provided where there is a level difference more than 0.3 metres and a 1:4 batter can not be achieved;

Note: All works must be completed prior to the issue of the Occupation Certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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19. 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.

20. 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.

21. 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*.

22. 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.

23. Tree Protection Barriers

- a) Tree protection fencing must be erected around trees numbered 21, 23, 24, 25, 26, 35, 36, 37, 38, 39, 40, 50, 51, 75, 88, 89 and 90 to be retained at the specified Tree Protection Zones (TPZ) outlined within the submitted "*Tree Report*" prepared by *Stuart Pittendrigh* dated *March 2014* and in accordance with Section 4 in *AS4970-2009 'Protection of Trees on Development Sites*.
- b) The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'.
- c) To avoid injury or damage, trees numbered 21, 23, 50, 51 and 75 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).
- d) Prior to works commencing and throughout construction, the area of TPZ of trees 21, 23 and 75 is to be protected by the use of wood-chip mulch to prevent soil compaction around tree roots. The mulch is to be maintained at a depth of 150mm using material that complies with AS 4454 on top of a geotextile landscape fabric and placed over the root zone of the trees to be protected.

Note: A certificate from a qualified Arborist (AQF 5) is to be submitted 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.

24. 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.

REQUIREMENTS DURING CONSTRUCTION

25. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday. No work is to be undertaken on Sundays or public holidays.

26. Demolition

All demolition work must be carried out in accordance with “*Australian Standard 2601-2001 – The Demolition of Structures*” and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and
- c) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

27. Environmental Management

The site must be managed in accordance with the publication ‘*Managing Urban Stormwater – Landcom (March 2004)*’ and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction of the development.

28. Street Sweeping

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

29. Works Near Trees

- a) All required tree protection measures are to be maintained in good condition for the duration of the construction period. Existing soil grades within the Tree Root Zone, of trees to be retained must be maintained.
- b) All approved works within the Tree Root Zone of trees 21, 23 and 75 must be conducted in accordance with the following requirements:
 - Works must be carried out under the supervision of the Project Arborist and not reduce the useful life expectancy;
 - A certificate must be submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s);
 - Any installation of services must be conducted by hand excavation only;
 - No tree root greater than 30mm diameter located within the nominated Tree Root Zones 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 that are required to be severed for the purposes of this consent must be cut by hand in an appropriate manner, by a qualified and experienced Arborist or Horticulturalist with minimum qualifications of Horticultural Certificate or Tree Surgery Certificate (AQF 3); and
 - All pruning must be undertaken as specified in the Australian Standard 'Pruning of Amenity Trees' (AS 4373-2007).

Note 1: Except as provided above, the applicant is to ensure that no excavation, including sub-surface trenching for stormwater or other services, 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 Root Zone of any tree to be retained.

Note 2: A copy of the conditions of consent and the Tree Protection Plan must remain onsite at all times during demolition and construction works and be readily available to any Council officer or the Principal Certifying Authority.

30. Council Property

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

31. 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.

32. 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.

33. 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.

34. Survey Report – Finished Floor Level

A report 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 levels are in accordance with the approved plans.

35. Waste Management

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:

- a) The identity of the person removing the waste.
- b) The waste carrier vehicle registration.
- c) Date and time of waste collection.
- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.
- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) Whether the waste is expected to be reused, recycled or go to landfill.

Note: In accordance with the Protection of the Environment Operations Act 1997, the definition of waste includes any unwanted substance, regardless of whether it is reused, recycled or disposed to landfill.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

36. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

37. Creation of Easements

The following matters must be nominated on the plan of subdivision under s88B and 88E of the *Conveyancing Act 1919*:

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

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

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

38. Waste Management Details

The following waste management requirements must be complied with:

- a) The garbage/recycling bin storage room must include a robust door, sealed and impervious surface, adequate lighting and ventilation, water or a hose for cleaning, graded floors with drainage to sewer.
- b) A report must be prepared by an appropriately qualified person, certifying the following:

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

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

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

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

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

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

Note: Ramps between different levels are acceptable

- d) "No Parking" signs are to be placed in the loading bay and turning area to discourage cars from being parked there.

39. Maintain Canopy Cover

All planting must be completed in accordance with the approved Landscape Plans DA7001, DA7102, DA7103, DA7104, DA7201, DA7101 and DA7401 (Issue B) prepared by Group GSA dated 18/12/2013 as amended by Condition 3 of this development consent.

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.

40. Landscape Specifications

To ensure that sustainable landscape is achieved, the on slab planter boxes must include the following:

- Waterproofing;
- Subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric);
- Automatic irrigation;
- Minimum 500mm planting soil for shrubs;
- Minimum 1000mm planting soil for trees and palms; and
- 75mm mulch.

Note: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure Nurseries have stock available at the time of install.

41. Completion of Landscaping

- a) The Project Arborist must assess the condition of trees and their growing environment and make recommendations for, and if necessary carry out remedial actions.
- b) 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, the conditions of development consent and AS 4970-2009.
- c) 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.

42. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 20010 and the Food Standards Code developed by Food Standards Australia New Zealand*. *Food Standards 3.3.1. 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

43. Grease Trap & Dry Basket Arrestor Installation

An application must be submitted to *Sydney Water* for the installation of a grease trap and dry basket arrestor (floor and sink) in accordance with the '*Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharges – Sydney Water (May 2004)*'.

44. Kitchen Exhaust Installation

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

45. Restriction on Occupation – Housing for Seniors or People with a Disability

A restriction as to user must be created under s88B of the *Conveyancing Act 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

- a) Seniors (55+ age) or people with a disability.

- b) Staff employed to assist the administration and provision of services to housing provided under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Note: The restriction must nominate Council as the authority to release, vary or modify the restriction.

46. Fire Sprinkler System

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

47. Beauty Salon Fit Out

The fit of the premises and all procedures must be in accordance with the Public Health Act 2010 and the Section 124 of the *Local Government Act 1993* and *Reg 85 of the Local Government (General) Regulation 2005*.

48. Boundary Fencing

Fencing must be erected along the northern and southern property boundaries behind the front building alignment to a height of 1.8 metres.

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

49. 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.

50. Car Parking and Deliveries

All car parking must be **designed prior to the issue of the Construction Certificate** constructed in accordance with *Australian Standard AS 2890.1- 2004 Off Street Car Parking* and *Australian Standard 2890.2 - 2002 Off Street Commercial vehicle facilities* and the following requirement:

- a) All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
- b) All parking spaces for people with disabilities must be constructed in accordance with *AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.
- c) Provision for an ambulance is to be made in accordance with the requirements of *ASNSW Ambulance Access*.
- d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths.
- e) **The driveway must be constructed in accordance with the conditions of this development consent and the approved plans.**

51. Footpath

A 2.0m wide 125 mm thick reinforced concrete footpath must be designed **prior to the issue of the Construction Certificate** and constructed along the eastern side of Hinemoa Avenue between the southern boundary of the site and the existing pavements in Pennant Hills Road in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) A detailed plan of the work being submitted with the Construction Certificate, and all existing foot paving being removed;
- b) Pouring of the concrete footpath to the extent mentioned above;
- c) The land adjoining the footpath to be fully turfed; and
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Note: Council is the only Roads Authority who can issue a Construction Certificate for works within its roadway.

52. Stormwater Drainage

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

- a) Stormwater runoff must be treated to achieve performance targets as set out in Table 1C.1.2 (b) *Urban Stormwater Quality Targets* in Hornsby Council's Development Control Plan 2013, prior to disposal from the site. Details of the stormwater treatment system is to be prepared by an Engineer and submitted with the Construction Certificate application; and
- b) Stormwater from the site must be connected to the water quality treatment facility and on-site detention system, prior to disposal to the existing Council piped drainage system in Havilah Avenue.

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

Note: All works must be completed prior to the issue of the Occupation Certificate.

53. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer **prior to the issue of the Construction Certificate** and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 165 cubic metres, and a maximum discharge (when full) of 132 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 piped drainage system.

- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: All works must be completed prior to the issue of the Occupation Certificate.

54. 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 designed **prior to the issue of the Construction Certificate** and 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) All footpath verge areas 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 crossings.
- d) Crossing pavements are to be flush with finished ground levels.
- e) No Kerbs are to be provided on the footpath verge area;
- f) The crossing proposed between the Havilah Avenue kerb line and the proposed basement must not conflict with existing street drainage infrastructure. The crossing must be located 1m to the south of the currently proposed location on approved plans;

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.

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.

Note: All works must be completed prior to the issue of the Occupation Certificate.

OPERATIONAL CONDITIONS

55. Heavy Vehicle Access

The hours of heavy vehicle access to the site such as a garbage collection vehicle would be restricted to the following:

Monday to Saturday – 7am – 6pm

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.

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. On-going Waste Management

- a) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- b) The site must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.

59. Landscape Establishment

- a) The trees must be maintained until they reach a height of 3m.
- b) Plantings that fail to survive or do not exhibit normal health and vigour growth characteristics for their species prior to reaching a height greater than 3m, must be replaced.
- c) 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.

60. Car Parking Operation

The car parking areas must be operated in the following way:

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

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

Note: Hornsby Council requires the payment of the Long Service Levy prior to the issue of a construction certificate.

Tree and Vegetation Preservation

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

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

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

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

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

Food Authority Notification

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

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

Rain Water Tank

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

