

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney West Region)**

<b>JRPP No</b>	<b>2014SYW029</b>
<b>DA Number</b>	<b>DA/81/2014 (Lodged 7 February 2014)</b>
<b>Local Government Area</b>	<b>Hornsby Shire Council</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and construction of four x 5 storey residential flat buildings containing 92 units and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision.</b>
<b>Street Address</b>	<b>Lots 1 - 5 DP 508531 and Lot 12 Dec 6 DP 758074, Nos. 7, 7A, 7B, 7C Chapman Avenue and Nos. 81 and 83 Beecroft Road, Beecroft</b>
<b>Applicant/Owner</b>	<b>Krikis Tayler Architects / Zivena Pty Ltd, Mr R W Neal and Mrs J Neal, CGU Pty Limited</b>
<b>Number of Submissions</b>	<b>31</b>
<b>Regional Development Criteria (Sched 4A of the Act)</b>	<b>General Development Over \$20 Million</b>
<b>List of All Relevant s79C(1)(a) Matters</b>	<b>Hornsby Local Environmental Plan 2013</b>  <b>Water Management Act 2000</b>  <b>State Environmental Planning Policy No. 55 – Remediation of Land</b>  <b>State Environmental Planning Policy No. 65 – Design Quality Residential Flat Development</b>  <b>State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004</b>  <b>State Environmental Planning Policy (Infrastructure) 2007</b>  <b>State Environmental Planning Policy - Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</b>  <b>Hornsby Development Control Plan 2013</b>
<b>List all documents submitted with this report for the Panel's consideration</b>	<b>Panel Meeting Minutes, Planning Ingenuity letter dated 1 September 2014, Planning Ingenuity dated 3 September 2014, Planning Report 14 August 2014</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>
<b>Report by</b>	<b>Garry Mahony, Senior Town Planner</b>

## **EXECUTIVE SUMMARY**

1. The application proposes demolition of existing structures and construction of four, five storey residential flat buildings and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision.
2. The development application was considered by the Joint Regional Planning Panel on 14 August 2014 when the Panel resolved to defer consideration of the application to allow the applicant to submit additional information concerning the White Mahogany tree proposed to be removed.
3. The additional information submitted by the applicant addresses the value of the tree in respect to heritage, ecological and landscape values and the comparative loss of dwelling yield necessary to retain the tree.
4. The late submissions received by the Panel in respect to the proposed demolition of No. 81 Beecroft Road, Beecroft are addressed in the additional information submitted by the applicant.
5. It is recommended that the application be approved.

## **RECOMMENDATION**

THAT Council assume the concurrence of the Director-General of the Department of Planning and Environment and approve Development Application No. 81/2014 for demolition of existing structures and construction of four, five storey residential flat buildings and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision, at lot 1 DP 508531, lot 2 DP 508531, lot 3 DP 508531, lot 4 DP 508531, lot 5 DP 508531, lot 12 Sec 6 DP 758074, Nos. 7, 7A, 7B, 7C Chapman Avenue and Nos. 81 and 83 Beecroft Road, Beecroft subject to the conditions of consent detailed in Schedule 1 of this report.

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### **1. BACKGROUND**

At its meeting at Hornsby Shire Council on 14 August 2014, the Joint Regional Planning Panel (JRPP) considered Council's Planning Report and public submissions concerning DA/81/2014 for demolition of existing structures and construction of four x five storey residential flat buildings containing 92 units and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision. The report recommended approval of the application and forms an attachment to this report.

Following deliberation at the meeting, the Joint Regional Planning Panel made the following resolution to defer the application:

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*The Panel requests further information on the heritage, ecological and landscape values of the White Mahogany tree located on No. 83 Beecroft Road in order to better inform it on the merits of retaining that tree and defers determination of the application to allow that to be provided.*

*The Panel also requests the applicant to consider development of design alternatives that involve retention of the White Mahogany tree.*

On 1 September 2014 the applicant submitted additional information prepared by Planning Ingenuity in response to the Panel's resolution. The submitted information includes the heritage opinion of Robert Stass, Heritage Consultant together with schematic plans prepared by the applicant detailing Block D setback from the tree and a comparative analysis of the resulting dwelling yield.

On 3 September 2014 the applicant submitted further heritage advice from Robert Stass regarding the late submissions made to the Panel concerning the demolition of the house at No. 81 Beecroft Road.

The additional information is attached to this report.

## **2. WHITE MAHOGANY TREE – HERITAGE, ECOLOGICAL & LANDSCAPE VALUES**

The White Mahogany, *Eucalyptus acmenoides* is identified as Tree No. 116 and would require removal for Block D as proposed. The heritage, ecological and landscape values of the tree are discussed as follows.

### **2.1 Heritage Value**

The applicant's heritage consultant submits that the removal of the tree would 'not have a significant impact on the established character of the area or any substantial adverse impact on the identified significance of the heritage listed item at 83 Beecroft Road'.

The heritage consultant's submission is supported with regard to the following:

- a. The Statement of Significance of the Heritage Register for the item at 83 Beecroft Road does not identify the garden as contributing to heritage significance, i.e.

*Rare example in the area of a late Victorian house in traditional 'Georgian' Style, good quality original detail, including iron lace. Generally in good condition. Integrity compromised by new steel roofing. Local significance.*

- b. The tree does not form part of the curtilage of the house.
- c. The tree is not a prominent tree in the surrounding heritage conservation area.

### **2.2 Ecological Value**

The additional information reiterates the findings of the submitted Flora & Fauna Impact Assessment dated 11 June 2014 prepared by Keystone Ecological Pty Ltd. The assessment includes the following description of Tree No. 116:

*Tree number 116 – Eucalyptus acmenoides, White Mahogany – is a locally native species and is clearly a mature tree in 1943 with a canopy width of 15 metres. Its canopy is now 22 metres across and the current size of its trunk (1.1 metres DBH) indicates that it is a remnant old growth tree as it is relatively slow-growing species (Curtin 1970). This species is characteristic of the State-listed Sydney Turpentine Ironbark Forest Endangered Ecological Community (NSW Scientific Committee 1998).*

Sydney Turpentine Ironbark Forest is an endangered ecological community listed under the *Threatened Species Conservation Act 1995*. Tree No. 116 is an isolated specimen of this community and does not meet criteria for consideration under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*.

The assessment of the impact of the proposed development on the Sydney Turpentine Ironbark Forest as an endangered ecological community was undertaken in accordance with Section 5A of the *Environmental Planning and Assessment Act 1979* (7 Part Test). The assessment included the following statement:

*This community is represented on and adjacent to the site by a single remnant tree and other regrowth trees and understorey plants of 7 species in total. The trees of the subject site are fragmented urban trees with limited connectivity to other urban remnant trees. There are few components of the understorey of this community and little capacity to accommodate natural regeneration of the canopy trees.*

*The proposal will require the removal of the remnant tree and regrowth on site but will be ameliorated by the implementation of the landscape plan where over 1,000 plants of the 11 Sydney Turpentine Ironbark Forest species will be installed. Importantly, this will include planting of all structural elements.*

*The degree of fragmentation will not be significantly exacerbated as it already exists principally as canopy trees in urban gardens. The proposal provides the opportunity to replace some understorey components in the landscaped areas, with its concomitant improvement in the composition of this community. The proposal also provides the opportunity to plant young trees on or near the site, a cohort needed to eventually replace the mature trees that will inevitably senesce and die.*

*The proposal is unlikely to have a significant impact on this endangered ecological community.*

Council concurs with this assessment and considers the proposed landscaping plan would adequately provide on-site biodiversity offsets in the form of compensatory plantings.

The additional information is supported in this regard.

### **2.3 Landscape Value**

The additional information includes an assessment of the landscape significance of Tree No. 116 and notes that the tree is not visually prominent in the surrounding area being readily visible only in line with the existing driveway of No. 83 Beecroft Road.

The additional information is supported in this regard.

### **3. DESIGN ALTERNATIVES – DWELLING YIELD**

The additional information includes schematic plans for an alternative design of Block D setback from Tree No. 116 in accordance with the requirements of *AS 4970 – 2009 Protection of trees on development sites*.

The schematic design of Block D is for a six level building containing 23 units comprising 8 x 1 br, 13 x 2br and 2 x 3 br units. The setback would result in the loss of nine dwellings from Block D. The potential for redistribution of the nine dwellings elsewhere within the development is restricted by the 17.5m maximum building height development standard under the *Hornsby Local Environmental Plan*

2013 and the five storey height limit development control under the *Hornsby Development Control Plan*. The development as proposed contravenes the 17.5m building height and exceeds the five storey height limit as discussed in Sections 2.1.2, 2.1.3 and 2.12.4 of the attached Planning Report considered by the JRPP on 14 August 2014. The redistribution of dwellings would result in further non-compliance with height controls with unacceptable streetscape impacts at the interface with low density residential development.

The redistribution of dwellings elsewhere in the development could not be integrated without increasing the scale of the development in relation to Beecroft Road and Chapman Avenue or alternatively, the redesign of Block D to retain Tree No. 116 would result in a reduction in yield of nine units. A reduction of this proportion would be inconsistent with the proposed development and the dwelling potential of the R4 High Density Residential zoning of the site.

The proposed development is of comparable dwelling density as the approved five storey residential flat development on the adjoining site at 1-5 Chapman Avenue, Beecroft (DA/1432/2013). The proposed development has a slightly higher density @ 1 dwelling per 60m<sup>2</sup> of site area than the adjoining site @ 1 dwelling per 70m<sup>2</sup>, due to the higher proportion of one bedroom units.

The additional information is supported in this regard.

#### **4. LATE SUBMISSIONS – 81 BEECROFT ROAD**

In response to late submissions to the Panel, the additional information includes further heritage advice from Robert Stass, Heritage consultant, concerning the proposed demolition of the two storey Federation house at No. 81 Beecroft Road, Beecroft.

The advice reiterates the heritage impact assessment process undertaken concerning the house and provides comment in response to the submissions, as follows:

- **Lack of due process for a formal heritage assessment**

The consultant has undertaken an evaluation of the demolition of 81 Beecroft Road on the conservation area.

- **The dwelling contributes to the heritage significance of the conservation area**

The contribution of the house to the conservation area would inevitably be lost due to the future character of surrounding 5 storey development.

The additional information is supported in respect to Council's assessment of the development application concerning No. 81 Beecroft Road.

#### **5. CONCLUSION**

The development application is for demolition of existing structures and construction of four x five storey residential flat buildings containing 92 units and basement car park, subdivision of two lots into two (Heritage Item) and strata title subdivision.

On 14 August 2014, the Joint Regional Planning Panel considered the application and resolved to defer consideration of the application to allow the applicant to submit additional information to address the loss of a White Mahogany tree and to consider design alternatives.

The additional information submitted by the applicant concerning the value of the tree in respect to heritage, ecological and landscape values and the comparative loss of dwelling yield necessary to

retain the tree, would give precedence to the removal of the tree in carrying out the orderly and economic use of the land in accordance with the objectives of the R4 High Density Residential zone.

The additional information also includes additional heritage advice in response to late submissions concerning the proposed demolition of No. 81 Beecroft Road which is acknowledged in respect to Council's assessment of the application.

The deferred application is recommended for approval. The previous recommended conditions are revised accordingly.

#### ATTACHMENTS

1. Panel Meeting Minutes
2. Planning Ingenuity letter dated 1 September 2014
3. Planning Ingenuity letter dated 3 September 2014
4. Planning Report 14 August 2014

## 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:

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
DP Draft Issue D – Plan of Subdivision	Gary Edwards	11/07/2014
2413 T01 Issue 03 – Subdivision Heritage Property Showing Carpark Layout	Krikis Taylor Architects Pty Ltd	15/07/2014
2413 Drawing A00 Issue 04 Title Sheet, Demolition Plan & Site Plan	Krikis Tayler Architects	07/04/2014
2413 Drawing A01 Issue 04 Site Analysis	Krikis Tayler Architects	07/04/2014
2413 Drawing A02 Issue 06 Basement Level 1	Krikis Tayler Architects	25/06/2014
2413 Drawing A03 Issue 06 Level 1	Krikis Tayler Architects	25/06/2014
2413 Drawing A04 Issue 08 Level 2	Krikis Tayler Architects	25/06/2014
2413 Drawing A05 Issue 08 Level 3	Krikis Tayler Architects	25/06/2014
2413 Drawing A06 Issue 04 Level 4	Krikis Tayler Architects	07/04/2014
2413 Drawing A07 Issue 04 Level 5	Krikis Tayler Architects	07/04/2014
2413 Drawing A08 Issue 04 Level 6	Krikis Tayler Architects	07/04/2014
2413 Drawing A09 Issue 03 Level 7	Krikis Tayler Architects	07/04/2014
2413 Drawing A10 Issue 03 Roof Plan	Krikis Tayler Architects	07/04/2014
2413 Drawing A19 Issue 06 North & South	Krikis Tayler Architects	18/07/2014

Elevations		
2413 Drawing A20 Issue 06 East & West Elevations	Krikis Tayler Architects	18/07/2014
2413 Drawing A21 Issue 05 Internal North & South Elevations	Krikis Tayler Architects	18/07/2014
2413 Drawing A22 Issue 05 Internal East & West Elevations	Krikis Tayler Architects	18/07/2014
2413 Drawing A23 Issue 02 Section A	Krikis Tayler Architects	27/11/2013
2413 Drawing A24 Issue 02 Section B	Krikis Tayler Architects	25/03/2014
2413 Drawing A25 Issue 01 Section C	Krikis Tayler Architects	15/05/2014
2413 Drawing A26 Issue 01 Section D	Krikis Tayler Architects	15/05/2014
2413 Drawing A50 Issue 04 Material Sheet 1	Krikis Tayler Architects	30/06/2014
2413 Drawing A51 Issue 04 Material Sheet 2	Krikis Tayler Architects	30/06/2014
2413 Drawing A52 Issue 04 Material Sheet 3	Krikis Tayler Architects	30/06/2014
LA01 Revision D Tree Retention And Removal Plan	Taylor Brammer Landscape Architects	30.06.2014
LA02 Revision D Landscape Plan	Taylor Brammer Landscape Architects	30.06.2014
LA03 Revision B Landscape Plan Level 6 Level 7	Taylor Brammer Landscape Architects	30.06.2014
LA04 Revision D Landscape Elevations	Taylor Brammer Landscape Architects	30.06.2014
LA05 Revision B Landscape Details	Taylor Brammer Landscape Architects	30.06.2014

Document	Prepared by	Dated
Aboricultural Impact Assessment	Tree Wise Men	February 2014
Geotechnical Investigation	JK Geotechnics	6 December 2013
BASIX Certificate No. 524210M	Max Brightwell	5 February 2014
BCA Compliance Report No 1380 Rev B	James Alexander & Associates Pty Ltd	January 2014
Statement of Compliance Access For People With A Disability	Accessible Building Solutions	17.12.2013
Waste Management Plan	McGregor Environmental Services	December 2013
Traffic And Parking Assessment Report	Varga Traffic Planning Pty Ltd	27 January 2014
SEPP 65 Solar Access Compliance	Steve King	22 April 2014
Design Verification Statement	Nick Tayler	20 January 2014

## 2. Removal of Existing Trees



This development consent permits the removal of those tree(s) identified in Section 5.3 'Tree Removal' of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014. The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

### 3. Amendment of Plans

The approved plans are to be amended as follows:

- a) Provision for waste and recycling bins in accordance with Drawings SK140415-01 Block A – Level 2, SK140415-02 Block A – Levels 3, 4 & 5, SK140415-03 Block A – Level 6, SK140415-04 Block A Level 7, SK140415-05 Block B Levels 3, 4 & 5, SK140415-06 Block B Level 6, SK140415-07 Block B Level 7, SK140415-08 Block C Level 2, SK140415-09 Block C Levels 3, 4 & 5, SK140415-10 Block C Level 6, SK140415-11 Block D Levels 2, 3 & 4, SK140415-12 Block D Level 5, SK140415-13 Block D Level 6 and SK140415-14 Level 1 Basement Bins Holding Rooms.
- b) To ensure success of the canopy tree required within the deep soil courtyard planter between Block A and Block C the area is to be redesigned with the path located to the edge of the planter and only one tree installed at a pot size of 200 litres.

### 4. Construction Certificate

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

### 5. 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	\$62,051.30
Open Space and Recreation	\$980,785.30
Community Facilities	\$136,760.50
Plan Preparation and Administration	\$4,045.10
<b>TOTAL</b>	<b>\$1,183,642.20</b>

being for 38 x 1 bedroom units, 43 x 2 bedroom units, 11 x 3 bedroom units and includes credit for six existing allotments.

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

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

**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.

- b) The monetary contributions shall be paid to Council:
- i) prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - ii) prior to the issue of the first Construction Certificate where the development is for building work; or
  - iii) prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - iv) prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

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

**Council's Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.**

<b>REQUIREMENTS PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE FOR THE SUBDIVISION OF TWO LOTS INTO TWO</b>
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**6. Interallotment Stormwater Drainage of Heritage Property - 83 Beecroft Road**

The interallotment stormwater drainage system for the subdivision 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 the existing Council-controlled piped drainage system running through 5 Chapman Avenue, Beecroft, using fully accessible 900 mm x 900 mm square precast concrete pits, grated pit tops and stepirons;
- b. The works are to be designed by a qualified Engineer in accordance with Council's *Design and Construction Specification 2005*;
- c. The existing building at No. 83 Beecroft Road and attendant paved areas shall be connected to the proposed interallotment drainage system;

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- d. A Subdivisions Construction Certificate Application with the proposed interallotment drainage work shall be applied for, from either Hornsby Council or a B-Category Accredited Certifier. The amount for both the Construction Certificate assessment fee and Compliance Inspection fee are determined by prior quotation;
  - e. A Works-As-Executed plan must be prepared by either a Registered Surveyor or Engineer and submitted to the Principal Certifying Authority showing drainage details, and surface and invert levels of all drainage works;
  - f. A Subdivision Certificate Application shall be applied for from Hornsby Council, along with payment of the scheduled fee;
  - g. The deposited plan shall show the proposed consolidation of lots and the proposed interallotment drainage easement to service No. 83 Beecroft Road.
  - h. A Section 73 Certificate from Sydney Water shall be submitted with the Subdivision Certificate Application;
  - i. A copy of the Registered Consolidation Plan and interallotment drainage easement shall be submitted to the Principal Certifying Authority for the proposed building works, prior to the release of the Construction Certificate for those works.

## **7. Car Parking and Deliveries**

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

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

## **8. Completion of Landscaping**

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

*Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au).*

## **9. Boundary Fencing**

Hardwood timber paling fencing must be erected along the new common boundary to a height of 1.8 metres.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – RESIDENTIAL FLAT DEVELOPMENT</b>
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**10. Building Code of Australia**

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

**11. Fire Safety Upgrade**

To ensure the protection of persons using the building and to facilitate egress from the building in the event of a fire, the application for a construction certificate must demonstrate that it will comply with the following Category 1 fire safety provisions:

- a) Comply with Section C,D and E of the Building Code of Australia
- b) The basement car park is to comply with Part E2.2b and Part E1.5 of the Building Code of Australia
- c) 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.

**12. 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.

**13. 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.

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*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.*

**14. 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](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*

**15. Adaptable Units**

The details of the adaptable units Nos A201, A305, A405, A504, A605, A701, B301, B401, B501, B602, C202, C203, C204, C303, C403, C503, D101, D102, D103, D104, D203, D204, D205, D304, D305, D306, D404 and D405 must be provided with the Construction Certificate Plans.

**16. Dilapidation Report**

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

No. 83 Beecroft Road, Beecroft

**17. Noise**

Certification by a suitably qualified acoustic consultant is to be submitted that the development is of design to mitigate road noise in accordance Clause 102 of *State Environmental Planning Policy (Infrastructure) 2009* to achieve LAeq levels not exceeding 35 dB(A) in any bedroom in the development at any time between 10pm and 7am and not exceeding 40 dB(A) anywhere else in the built development (other than a garage, kitchen, bathroom or hallway) at any time.

**18. Excavation**

A detailed geotechnical assessment of the site by a chartered structural engineer is to be undertaken for the design of the basement excavation and support, groundwater drainage, basement and foundation design.

**19. Preservation of Survey Infrastructure**

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

## **20. Waste Management Details**

The following waste management requirements must be complied with:

- a) On each residential level, there must be a waste facility including a 240 L recycling bin plus either a garbage chute or a 240 L garbage bin.
- b) 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.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS – RESIDENTIAL FLAT DEVELOPMENT</b>
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## **21. Erection of Construction Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) Showing the name, address and telephone number of the principal certifying authority for the work;
- b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the work site is prohibited.

*Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.*

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**22. Protection of Adjoining Areas**

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic.
- b) Could cause damage to adjoining lands by falling objects.
- c) Involve the enclosure of a public place or part of a public place.

*Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.*

**23. Toilet Facilities**

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

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

**24. Erosion and Sediment Control**

Erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual '*Soils and Construction 2004 (Bluebook)*', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

*Note: On the spot penalties up to \$1,500 may be issued for any non-compliance with this requirement without any further notification or warning.*

**25. Tree Protection Barriers**

Tree protection fencing must be erected around trees to be retained in accordance with the Tree Protection Plan (Appendix E) and Section 5.2 of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014.

*Note: A certificate from the Project Arborist 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.*

**26. Project Arborist**

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

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**27. Tree Protection Barriers**

Tree protection fencing must be erected around trees to be retained in accordance with the Tree Protection Plan (Appendix E) and Section 5.2 of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014.

*Note: A certificate from the Project Arborist 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.*

**28. Heritage Conservation**

A photographic and measured drawing record of the dwelling-house, outbuildings and garden at No. 81 Beecroft Road, Beecroft shall be taken by a suitable qualified professional prior to the demolition of any structures or garden features on the site. The photographic record should be undertaken in accordance with the Office of Environment and Heritage, Heritage Branch guidelines and two (2) complete copies submitted to Hornsby Council. The photographic and measured drawing record shall include (but not be limited to) an accurate record of the exterior and interior of the dwelling-house, all physical features that contribute to their cultural significance, original and significant elements of the garden, and the context of the site. Any boarding over window and door openings shall be removed for the duration of the archival recording to provide a clear recording of the built form and materials. Satisfaction of this condition shall be confirmed by written advice by a qualified heritage consultant in accordance with the abovementioned Office of Environment and Heritage guidelines.

<b>REQUIREMENTS DURING CONSTRUCTION – RESIDENTIAL FLAT DEVELOPMENT</b>
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**29. 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.

**30. 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.

**31. 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.

**32. Street Sweeping**

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

**33. 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.*

**34. Landfill**

Landfill must be constructed in accordance with Council's *'Construction Specification 2005'* and the following requirements:

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b) A compaction certificate is to be obtained from a geotechnical engineer verifying that the specified compaction requirements have been met.

**35. Excavated Material**

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

**36. Survey Report – Finished Floor Level**

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

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

### **37. Works Near Trees**

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

All works (including driveways and retaining walls) within the Tree Protection Zone (as per AS 4970-2009) of any tree must be in accordance with Section 5.2 'Tree Retention' of the Arboricultural Impact Assessment, prepared by Tree Wise Men Australia Pty Ltd dated February 2014.

*Note: Except as provided above the applicant is 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 Root Zone as prescribed in the HDCP Section 1B.6.1(i) of any tree to be retained.*

### **38. 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.

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE  
– RESIDENTIAL FLAT DEVELOPMENT**

*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.*

**39. Fulfilment of BASIX Commitments**

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

**40. Safety and Security**

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

**41. Sydney Water – s73 Certificate**

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

**41A Storage Areas**

Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m<sup>2</sup> for one bedroom units, 8m<sup>2</sup> for two bedroom units and 10m<sup>2</sup> for three bedroom units.

**41B Installation of Privacy Devices**

The following device(s) must be installed to maintain an element of privacy.

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- a) All privacy screens must be sliding stackable louvered metal screens extendable to the full width of the balconies;
  - b) All glass balustrades must be translucent glass.

#### **41C Parking Provision**

The basement car park must include a minimum of 94 resident car parking spaces, 13 visitor car parking spaces, 3 motor cycle parking spaces and 28 bicycle spaces including 9 bicycle spaces for visitors.

#### **42. Stormwater Drainage**

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 via an on site detention system for the unit development.
- b) Connected to Council pit via an inter allotment easement for the subdivision in accordance with Council's Civil Works Specifications 2005.
- c) For connection to Council pit, a construction certificate application is to be submitted to Council (as council is the authority to approve a plan for connection to Council system
- d) Be designed by a Chartered Professional Engineer of the Institution of Engineers, Australia.

#### **43. On-site Stormwater Detention**

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

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

- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- f) Detail calculations are to be shown in construction certificate plan.

#### **44. Water Quality**

Stormwater leaving the premises is to be treated to achieve the quality specified in Council's Development Control Plan 2013 (Table 1C.1.2(b) Urban Stormwater Quality Targets).

#### **45. Overland Flowpath, Floor Level and Drainage Easement**

- a) An overland flowpath is to be constructed for a 1 in 100 ARI storm event shall be constructed generally in accordance with drawing number 1722-DASW03, Issue C, dated 21<sup>st</sup> July, 2014, prepared by HKMA Engineers, assuming that the Council pipe of 450mm diameter will be fully blocked during the storm event. The velocity depth product of the overland flow shall not exceed 0.4m<sup>2</sup>/sec.
- b) No structure is to be erected across the flowpath to impede the flow. Any structural wall abutting the overland flow shall be flood proofed in accordance with Floodplain Development Manual of New South Wales Government.
- c) Floor levels of habitable rooms of the development abutting the 100 year ARI overland flowpath shall be 0.5m above the 100 year ARI overland flow level.
- d) After completion of works a works as executed plan is to be submitted to Council.
- e) Fences across overland flowpath shall be hinged at a height of 0.5m above the 100 year ARI overland flow level
- f) No trees whose roots can impact on Council stormwater pipe is to be planted within Council's drainage easement.

*Note: Council is the only authority to approve works related to infrastructure maintained by Council.*

#### **46. 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 to be replaced with integral kerb and gutter.
- b) The footway area to be restored by turfing.
- c) Approval obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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*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.*

**47. 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 be obtained from Council.
- b) The driveway be a rigid pavement.

**48. Road Works**

All road 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) Concrete footpath is to be constructed along Chapman Road frontage of the development. The nature strip on both sides of the footpath shall be repaired, top soiled and turfed.
- b) The existing kerb and gutter along Chapman Avenue frontage of the development are to be replaced. The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the gutter reconstructed.
- c) The redundant layback and driveway crossover to No. 81 Beecroft Road shall be replaced with kerb and gutter in accordance with Roads and Maritime Services (RMS) specifications. Stamped plans by RMS are to be submitted for issue of a construction certificate by Council. A Road Occupancy Permit is to be obtained from RMS for carrying out the works.
- d) A construction certificate application is to be submitted to Council for approval.

*Note: Council is the only authority to approve works within Council roads.*

**49. 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.
- g) The plan for carrying out works on Beecroft Road is to be approved by RMS.

**50. Works as Executed Plan**

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

**51. Foundation of Structure within Council's Stormwater Pipe Zone of Influence**

The foundation of any structure in the proximity of Council stormwater pipe shall be carried out by a Chartered Structural Engineer of the Institution of Engineers, Australia ensuring that the Council pipes are not impacted.

After completion of works, a certificate from a Chartered Professional Structural Engineer of the Institution of Engineers, Australia confirming that works have been carried out in a manner that no impact has been created on Council drainage system.

**52. Ground Water Treatment**

The ground water is to be treated in accordance with the requirements of NSW Department of Primary Industries, Office of Water and approval obtained from the department prior to commencement of construction works.

**53. Creation of Easements**

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

- a) A restriction as to user over the flow path for a 100 year average recurrence interval storm. The "Restriction on the Use of Land" over the affected lots is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council.
- b) The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- c) To register the OSD easement, 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.

- d) An inter-allotment drainage easement(s) over each of the burdened lots.

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

**54. Retaining Walls**

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

**55. 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.

**56. Pedestrian Access**

- a) The pedestrian access at the southern boundary through the adjoining car park of No. 16-24 Hannah Street is subject to an easement being obtained for the right of access.

**57. Unit Numbering**

The allocation of unit numbering must be authorised by Council prior to the numbering of each unit in the development.

**58. 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.*

**59. Damage to Council Assets**

Any damage caused to Council's assets, including 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 Supervision must be notified for a formwork inspection prior to pouring concrete.

**60. Certificate of Preservation of Survey Marks**

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

**61. Planter Boxes / On slab planting**



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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.

**62. Planting changes**

- a) The location of the *Eucalyptus saligna* (Sydney Blue Gum) in the Chapman Avenue landscape setback is to be relocated to the north eastern turf area
- b) The northern *Syncarpia glomulifera* (Turpentine) close to the driveway nominated in the Chapman Avenue landscape setback is to be relocated within the front setback area due to conflicts with stormwater works.
- c) The four Turpentine located along the eastern side of the driveway are to be removed due to conflicts with stormwater works. Two of these Turpentine are to be relocated into the Chapman Avenue landscape setback area.

**63. Street Tree Plantings**

Planting to the public verge on the Chapman Avenue frontage to include a minimum of six (6) *Pyrus ussuriensis* (Manchurian Pear) installed at minimum 45 litre pot size. These are to be located between proposed footpath and kerb.

**64. Completion of Landscaping**

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

*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.*

**65. Light Spill**

To mitigate light spill from the operation of the driveway landscaping of the property opposite at No. 16 Chapman Avenue is to be implemented in accordance with the approved landscape plan prepared by Jane Britt Design dated May 2014, unless the works have been completed prior.

**66. Garbage Collection Easement**

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of garbage collection must be granted to Council by the owner of the land.

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*Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.*

**67. Waste Management Details**

The following waste management requirements must be complied with:

- a) The bin storage room(s) on level 1 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 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;
- f) *Note: The location of the compost containers should have regard for potential amenity impacts.*
- g) The bin carting routes must be devoid of any steps.

*Note: Ramps between different levels are acceptable*

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

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

### **OPERATIONAL CONDITIONS – RESIDENTIAL FLAT DEVELOPMENT**

#### **69. Maintain Canopy Cover**

Replacement planting shall be in accordance with the approved landscape plan LA-02 provided by Taylor Brammer dated 30.06.2014.

- a) Tree plantings must be appropriately spaced and placed outside the drip-line of retained trees and located at a distance greater than four metres (4m) from the foundation walls of a dwelling or in-ground pool.
- 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 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.*

#### **70. 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.

#### **71. 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, ensuring cars do not park in the loading bay and that all residents are informed of the use of the waste management system.

- b) "No Parking" signs must be installed to prevent cars parking in the loading bay.

**GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING – NSW OFFICE OF WATER**

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the Environmental Planning and Assessment Act 1979 and must be complied with to the satisfaction of that Agency. These terms do not represent any form of authorisation for the extraction of groundwater.

**72. General**

- a) An authorisation shall be obtained for the take of groundwater as part of the activity. Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.
- b) The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
- c) Construction methods and material used in and for construction shall not cause pollution of the groundwater.

**73. Prior to excavation**

- a) Measurements of groundwater levels beneath the site from a minimum of three monitoring bores shall be taken and a report provided to the NSW Office of Water. A schedule and indicative plans of the proposed ongoing water level monitoring from the date of consent until at least two months after the cessation of pumping shall be included in the report.
- b) A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and a report provided to the NSW Office of Water. Details of the calculation method shall be included in the report.
- c) A copy of a valid development consent for the project shall be provided to the NSW Office of Water.

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- d) Groundwater quality testing shall be conducted and a report supplied to the NSW Office of Water. Samples must be taken prior to the commencement of pumping, and a schedule of the ongoing testing throughout the dewatering activity shall be included in the report. Collection and testing and interpretation of results must be done by suitably qualified persons and NATA certified laboratory identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria.
  - e) The method of disposal of pumped water shall be nominated (i.e. street drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided to the NSW Office of Water. The disposal of any contaminated pumped groundwater (tailwater) must comply with the provisions of the *Protection of the Environment Operations Act 1997* and any requirement of the relevant controlling authority.
  - f) Contaminated groundwater shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and a report provided to the NSW Office of Water. The quality of any pumped water (tailwater) that is to be reinjected must be compatible with, or improve the intrinsic or ambient groundwater in the vicinity of the reinjection site.

**74. During excavation**

- a) Piping or other structures used in the management of pumped groundwater (tailwater) shall not create a flooding hazard. Control of pumped groundwater (tailwater) is to be maintained at all times during dewatering to prevent unregulated off-site discharge.
- b) Measurement and monitoring arrangements to the satisfaction of the NSW Office of Water are to be implemented. Monthly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a report provided to the NSW Office of Water after dewatering has ceased. Daily records of groundwater levels are to be kept and a report provided to the NSW Office of Water after dewatering has ceased.
- c) Pumped groundwater (tailwater) shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authorities approval and/or owners consent. The PH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater (tailwater) shall be complied with.
- d) Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulphate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

- e) The location and construction of groundwater extraction works that are abandoned are to be recorded and a report provided to the NSW Office of Water after dewatering has ceased. The method of abandonment is to be identified in the documentation.
- f) Access to groundwater management works used in the activity is to be provided to permit inspection when required by the NSW Office of Water under appropriate safety precautions.

**75. Following excavation**

- a) All monitoring records must be provided to the NSW Office of Water after the required monitoring period has ended together with a detailed interpreted hydrogeological report identifying all actual resource and third party impacts.

**END OF GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING**

**CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES**

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

**76. Construction Zone**

All demolition and construction vehicles must be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Beecroft Road.

**77. Site Excavation**

For general site excavation associated with the development, the Applicant is to comply with the requirements of the Technical Direction (GTD 2012/001) – Excavation Adjacent to RMS Infrastructure. This will require the Applicant to submit detailed design drawings and geotechnical reports to the RMS for assessment. The Applicant is to meet the full cost of this assessment by the RMS. A copy of the Technical Direction can be downloaded via the following link:

<http://www.rta.nsw.gov.au/doingbusinesswithus/engineeringpolicies/technicaldirections.html>

**- 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). (HDGP 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**

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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.

### **Subdivision Certificate Requirements**

A subdivision certificate application is required to be lodged with Council containing the following information:

- A surveyor's certificate certifying that all structures within the subject land comply with the development consent in regard to the setbacks from the new boundaries.
- A surveyor's certificate certifying that all services, drainage lines or access are located wholly within the property boundaries. Where services encroach over the new boundaries, easements are to be created.
- Certification that the requirements of relevant utility authorities have been met.
- A surveyor's certificate certifying finished ground levels are in accordance with the approved plans.

*Note: Council will not issue a subdivision certificate until all conditions of the development consent have been completed.*

### **Fees and Charges – Subdivision**

All fees payable to Council as part of any construction, compliance or subdivision certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the subdivision certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

### **Dial Before You Dig**

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

### **Telecommunications Act 1997 (Commonwealth)**

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

### **Asbestos Warning**

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



the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

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

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

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

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

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