



Gat & Associates
PO Box 96
HABERFIELD NSW 2045

NOTICE OF DETERMINATION

APPROVAL

Development Application No: DA/1006/2014

This development consent is issued pursuant to Section 80(1)(a) of the *Environmental Planning and Assessment Act 1979*. This consent is subject to the conditions specified in this notice and will lapse unless the development is physically commenced within five years of the date of this notice.

Section 82A of the Act allows an applicant who is dissatisfied with the determination of an application, a right to request Council review its determination subject to Council being in a position to finalise the review within 6 months from the date of this notice.

Section 97 of the Act allows an applicant who is dissatisfied with the determination of an application, a right of appeal to the Land and Environment Court within 6 months from the date of this notice.

Property: Lot 11 DP 601185, Lot B DP 177495, Lot 1 DP 1096815, Lot 1 DP 900898, Lot B DP 4367, Lot 12 DP 601185, Lot 1 DP 211441 Nos. 87-91 & No. 95 Beecroft Road & Nos. 16-24 Hannah Street, BEECROFT NSW 2119

Development: Demolition of existing Beecroft Module Shopping Centre and adjoining corner commercial building and construction of a mixed use commercial and residential development comprising a supermarket, specialty shops, commercial premises and 122 dwellings

Effective date of this determination: 17 December 2014

Per:
Manager, Assessments
Planning Division

Contact: Garry Mahony (9847 6868 – 8.30 am to 5.00 pm)

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

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

Plan No.	Drawn by	Dated
10733/DA/2001 – Site Plan	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2002 – Basement 3 Revision A	DKO Architecture Pty Ltd	31/10/2014
10733/DA/2003 – Basement 2 Revision B	DKO Architecture Pty Ltd	31/10/2014
10733/DA/2004 – Basement 1	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2005 – Ground Level	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2006 – Level 1	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2007 – Level 2	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2008 – Level 3	DKO Architecture Pty Ltd	30/09/2014
10733/DA/2009 – Level 4	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2010 – Level 5	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2011 – Level 6	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2012 – Roof Plan	DKO Architecture Pty Ltd	31/08/2014
10733/DA/2013 – Adaptable Apartment Layouts	DKO Architecture Pty Ltd	31/08/2014
10733/DA/3001 – North Elevation	DKO Architecture Pty Ltd	31/08/2014
10733/DA/3002 – Hannah Street Elevation	DKO Architecture Pty Ltd	29/08/2014
10733/DA/3003 – East Elevation	DKO Architecture Pty Ltd	31/08/2014
10733/DA/3004 – Beecroft Road Elevation	DKO Architecture Pty Ltd	29/08/2014
10733/DA/3005 – External Finishes Board	DKO Architecture Pty Ltd	31/08/2014
10733/DA/4001 – Sections 1	DKO Architecture Pty Ltd	31/08/2014
10733/DA/4002 – Sections 2	DKO Architecture Pty Ltd	31/08/2014

10733/DA/9001 - B1 Hannah Street	DKO Architecture Pty Ltd	19.11.14
10733/DA/9002 – Level 1 Hannah Street	DKO Architecture Pty Ltd	19.11.14
10733/DA/9003 – Hannah Street Elevation Finishes	DKO Architecture Pty Ltd	19.11.14
10733/DA/10001 – Façade Section 1	DKO Architecture Pty Ltd	21.11.14
10733/DA/10002 - Façade Section 2	DKO Architecture Pty Ltd	21.11.14
10733/DA/10003 – Façade Section 3	DKO Architecture Pty Ltd	21.11.14
Landscape Concept - Level 1 + Level 2 Rev C	Oculus	November 2014
Landscape Concept – Hannah Street Ground Level + Level 2 Rev C	Oculus	November 2014
Landscape Concept – Plaza Detail Plan Rev C	Oculus	November 2014
Landscape Concept – Planting Layout Rev C	Oculus	November 2014
Landscape Concept – Soil Depth Profile Rev C	Oculus	November 2014
Landscape Concept – Planting And Materials Palette Rev C	Oculus	November 2014

Document	Prepared by	Dated
Traffic Report	Colston Budd Hunt & Kafes Pty Ltd	August 2014
Heritage Impact Statement	Paul Davies Pty Ltd	August 2014
Waste Management Plan	GAT & Associates	Undated
Waste Management Plan	Leigh Design	28 August 2014
Environmental Noise Impact assessment	Acoustic Logic	26/08/2014
Building Code of Australia Report	McKenzie Group	24.08.14
Accessibility Review	McKenzie Group	01/09/14
SEPP 65 Design Verification Statement	DKO Architecture Pty Ltd	31 August 2014
Development Impact Assessment Report	Earthscape Horticultural Services	August 2014
Geotechnical Investigation Report	Aargus Australia	19 August 2011
Site Audit Report	Environ Australia Pty Ltd	September 2009
Variation Made Under Cl. 4.6 HLEP	GAT & Associates	September 2014

2. Amendment of Plans

The approved plans are to be amended as follows:

- a) The vehicle access ramp for the resident basement car park to be designed to prevent public pedestrian access to the residential basement car park (such measures may include key card roller door access with intercom).
- b) The section of windows of Units A104 and B106 fronting the commercial plaza are to be replaced with masonry wall.
- c) The supermarket wall adjoining the northern boundary to be designed with landscape planters and include stairs for adjoining residents access to the site, generally in accordance with plans prepared by DKO Architecture Pty Ltd numbered 10733/DA/8003, 10733/DA/8004, 10733/DA/8005 and 10733/DA/8006 dated 19.11.14.
- d) Each dwelling within the development must have a minimum area for storage (not including built-in storage) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units.
- e) The existing ornamental pear tree on the eastern side of the vehicle access in Hannah Street shall be retained.

3. Construction Certificate

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

4. 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	\$433,216.90
Open Space and Recreation	\$1,349,897.00
Community Facilities	\$188,244.60
Plan Preparation and Administration	\$7322.75
TOTAL	\$1,978,681.20

being for 70 x 1 bedroom units, 33 x 2 bedroom units, 19 x 3 bedroom units, 856m² new commercial floor space and 2,729m² new retail floor space.

- b) The value of this contribution is current as at 5 December 2014. If the contributions are not paid within the financial quarter that this condition was generated, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

CPI_{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 applicable in this Development Consent Condition.

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

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

Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

5. Building Code of Australia

All building work must be carried out in accordance with the relevant requirements of the Building Code of Australia. In particular Sections C,D,E,F and J of the BCA.

6. 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.

7. 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) The building is to comply with the Environmental Planning and Assessment Regulation 2000 clause 144 and 144A;
- b) A list of existing and proposed fire safety measures is to be submitted to the PCA with any Construction certificate in accordance with the EP&A Regulation 2000 –Schedule 1; and

- 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.

8. Migration Soil Contamination

- a) The applicant is to engage a NSW Environment Protection Authority (EPA) accredited Site Auditor to oversee all stages of the site's soil contamination investigation and remediation.
- b) The applicant is to engage a suitably qualified Environmental Consultant to undertake a Detailed Environmental Site Assessment of the development in accordance with the NSW EPA's Contaminated Sites Guidelines. A copy of the Detailed Environmental Site Assessment is to be submitted to Council.
- c) Should the Detailed Environmental Site Assessment indicate soil contamination exceeding the criteria prescribed by the NSW EPA's Contaminated Sites – Guidelines for the NSW Site Auditor Scheme, a Remediation Action Plan is required to be prepared by a suitably qualified Environmental Consultant and submitted to Council.
- d) The site is to be remediated in accordance with the Remediation Action Plan reviewed by the NSW EPA Accredited Site Auditor.

9. Water/Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Sydney Water* – the submission of a 'Notice of Requirements' under s73 of the *Sydney Water Act 1994*.

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

10. Geotechnical Investigation Report

The submitted Geotechnical Investigation Report dated 19 August 2011 is to be revised for the approved development to include the excavation methodology for solid sandstone bedrock footings, the necessary limitation of vibration to prevent damage to adjoining buildings in particular the heritage item at No. 83 Beecroft Road and the excavation method to be used, groundwater management, and retaining structures.

The excavation works to be carried out in accordance with the findings of the revised Geotechnical Investigation Report.

11. Dilapidation Report

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

- 83 Beecroft Road
- 93 Beecroft Road
- 14B Hannah Street
- 14A Hannah Street
- 12-14 Hannah Street
- 10 Hannah Street
- 8 Hannah Street

12. 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; and
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

13. 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 directly to Council's street drainage system at Hannah Street;
- b) A construction certificate application is to be submitted to Council for connection of stormwater from the premises to Council's drainage system in Hannah Street.

14. On Site Stormwater Detention

An on-site stormwater detention system shall be generally in accordance with the submitted engineering plan, prepared by Van Der Meer Consultant and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 90 cubic metres, and a maximum discharge (when full) of 21 litres per second.

- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) 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.

15. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary must be obtained from Council;
- b) The driveway must be a rigid pavement; and
- c) The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.

16. Vehicular Crossing

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

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

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

17. 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) The existing kerb and gutter along the frontages 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 and reconstructed.
- b) Footpath from the kerb to the property boundary along the frontages is to be constructed of brick paving comprising Claypave 'Monarch Tan' 230 x 110 x 60mm unit paving laid in herringbone pattern, on sand base over a concrete base slab min 100mm depth.

- c) A construction certificate is to be submitted to Council for approval of the road works. Roads and Maritime Services approval is to be obtained prior to issue of Construction Certificate by Council for the road works.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.
- e) A Road Occupancy Permit is to be obtained from Roads and Maritime Services for construction works along Beecroft Road.

18. Traffic Control Plan

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

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

19. Construction Traffic Management Plan

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

20. Pedestrian Access Management

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths on Beecroft Road and Hannah Street.

21. 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**". .

22. Adaptable Units

The floor plan dimension details of the adaptable units Nos A205, A306, A406, A506, A508, B104, B105, B202, B204, B205, B206, B304, B305, B306, B404, B405, B406, C101, C102, C203, C302,

C402, C403, C404, D201, D202, D203, D301, D302, D303, D307, D401, D402, D403, D407 and D505 must be provided with the Construction Certificate Plans.

23. Noise

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Environmental Noise Impact Assessment, prepared by Acoustic Logic and dated 26/08/2014.

24. Waste Management

The following waste management requirements must be complied with:

- a) An additional lockable door (with width no less than 920 mm) to Chute Service Room C is to be provided on the southern wall.
- b) A lockable door (with width no less than 1300 mm) at the northern end of the wall between the residential bin room and the specialty shop loading dock.
- c) The specialty shops loading dock and the bin storage areas for the specialty shops and residential bins must be at the same level as the truck parking bay.

Note: The specialty shops platform lift must not have to be used to transfer the bins to the truck parking bay level.

25. Northern Boundary

The development shall be setback from the northern boundary to provide 1.2 metre wide landscaping clear of any structures or retaining works. Details are to be provided to the Group Manager, Planning Division prior to the lodgement of any construction certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

26. 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.

27. 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.

28. 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*.

29. 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.

30. Tree Protection Measures

Tree protection measures must be implemented in accordance with Appendix 2 of the Development Impact Assessment Report prepared by Earthscape Horticultural Services dated August 2014.

REQUIREMENTS DURING CONSTRUCTION

31. Construction Work Hours

All work on site (excluding earthworks and excavation) 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*.

All earthworks and excavation must only occur between 7.00am and 5.00pm Monday to Friday.

No work is to be undertaken on Sundays or public holidays.

32. Construction Vehicles

All construction vehicles associated with the development are to be contained on site as no construction zones will be permitted on Beecroft Road or Hannah Street in the vicinity of the site.

33. 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.

34. 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.

35. Street Sweeping

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

36. 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.

37. 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.

38. 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.

39. 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.

40. 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.

41. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.

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.

42. Fulfilment of BASIX Commitments

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

43. Safety and Security

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.
- c) 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 resident basement 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 and to include intercom facility to enable residents to communicate and identify with people prior to admitting them to the building.
- i) Walls and ceilings of car park areas to be painted a light colour.
- j) Resident security key card or similar required to access basement residential lifts.
- k) The access control of the pedestrian access at the northern boundary is to be shared with the adjoining residential flat development.

44. Security Cameras

- a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the buildings. The cameras should include the foyer area to the buildings including the area around the mail boxes. The cameras should also monitor the 50 metre vicinity outside the building including, but not limited to, the footpath in front of the premises. All areas within the commercial and retail premises should be monitored by CCTV. CCTV cameras should also cover any communal areas, lifts, public

spaces and the basement car parks. Recordings should be made twenty four hours a day seven days a week.

- b) As a minimum, CCTV cameras at entry and exit points to the premises must record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras must record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
- c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of thirty days before they can be destroyed.
- d) If requested by police or any regulatory officer, the applicant is to archive any recording until such time as they are no longer required.
- e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
- f) The CCTV control system should be located within a secured area of the premises and only accessible by authorised personnel.
- g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.
- h) CCTV to be installed throughout the basement car park area including the entry and exit points to the car park.

45. Sydney Water – s73 Certificate

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

46. Installation of Privacy Devices

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

- 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.
- c) Outdoor clothes drying area must be screened from view of publicly accessible areas.

47. Parking Provision

- a) The basement car park B3 must include a minimum of 115 resident car parking spaces including 12 disabled spaces, 17 visitor car parking spaces, 3 residential motor cycle parking spaces and 37 resident bicycle spaces including 12 bicycle spaces for visitors.

- b) The basement car park B2 and B1 must include a minimum of 166 commercial car parking spaces including 4 disabled spaces, 3 commercial motor cycle spaces and 9 commercial bicycle spaces.
- c) All parking spaces for people with a disability must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.
- d) All bicycle parking spaces must be designed in accordance with *Australian Standard 2890.3-1993 – Bicycle parking facilities*.
- e) A “GIVE WAY TO PEDESTRIANS” sign and a speed hump is to be installed on the Hannah Street boundary line at the exit driveway.
- f) The existing kerb blister on the north side of Hannah Street adjacent to the west side of the driveway is to be relocated about 5m to the west.
- g) The kerb on the east side of the exit driveway is to extend to the boundary line to ensure sight triangle is maintained.
- h) Residential visitors are to have access to the residential visitor parking spaces at all times. Residential visitors are to be able to access the Basement B3 car park by an audio/visual intercom system. The residential basement to include ticket validating machine for visitors to open the egress gate on Hannah Street. The Hannah Street egress to be designed for egress of visitor vehicles after hours.

48. Boundary Fencing

Tubular steel fencing to a height of 1.8 metres must be erected along the top of the wall/planters at the eastern and northern elevations of Level 1.

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. Works as Executed Plan

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

51. Creation of Easements

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

- a) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of

Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.

- b) To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.
- c) A right of pedestrian access benefiting the adjoining land on the northern boundary subject of DA/81/2014.
- d) 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 purpose of garbage collection.

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

Note: The waste collection 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.

52. Survey Information

A registered surveyor shall certify that there is no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development and/or the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Directions No.11 – "**Preservation of Survey Infrastructure**".

53. 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.

54. Streetscape Paving

Streetscape pavement works should be provided within the Beecroft and Hannah Street road verges. It shall include a fully paved verge with Claypave 'Monarch Tan' 230 x 110 x 60mm unit paving laid in herringbone pattern, on a sand base over a concrete base slab min 100mm depth.

55. Planter Boxes / On Slab Planting

Planters Boxes and structural slabs are to be designed and amended to ensure that the following minimum soil depths are provided within the planters to ensure trees can be established, maintained and survive:

- a) minimum 200mm planting soil for turf;
- b) minimum 400mm planting soil shrubs; and
- c) minimum 600mm planting soil for trees.

Along with this depth of slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation and 75mm mulch to ensure sustainable landscape is achieved.

56. Boundary Planting (Northern and Western Boundary)

Due to the amount of space available, the indigenous canopy trees nominated for the northern and western boundaries are to be changed. *Eucalyptus sligna* and *Syncarpia glomulifera* are to be substituted by *Backhousia citrodora*. Trees shall be installed at minimum 45 litre pot size.

The supermarket wall at the northern boundary is to be clad with steel lattice or high tension steel wire cables for the provision of climbing plants:

- a) *An additional 25 Clematis glycinoides* are to be planted in the lower mulched planter areas.

57. 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: 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.

58. Acoustic Environment

A certificate must be provided by a qualified acoustic consultant certifying that all required noise mitigation measures have been satisfactorily implemented in accordance with the conditions of this consent.

59. Excavation

A certificate must be provided by a qualified geotechnical consultant certifying that all required measures to protect adjoining properties during excavation and construction of the development have been satisfactorily implemented in accordance with the conditions of this consent.

60. Waste Management

The following waste management requirements must be complied with:

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

- c) Space must be provided for either individual compost containers for each unit or a communal compost container.

Note: The location of the compost containers should have regard for potential amenity impacts.

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

Note: Ramps between different levels are acceptable.

61. Site Audit Statement

A Site Audit Statement prepared by the NSW EPA accredited Site Auditor is to be submitted to the Principal Certifying Authority and Council prior to the issue of an Occupation Certificate, certifying that the site is suitable for the proposed use.

Advisory Note: In accordance with s60 of the Contaminated Land Management Act 1997, a person whose activities have contaminated land or an owner of land that has been contaminated (whether before or during the owner's ownership of the land) must notify the EPA (appropriate regulatory authority for underground petroleum storage systems) in writing that the land has been so contaminated.

62. Food Premises

- a) 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*, *Food Regulation 2010* 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.

- b) Written permission must be obtained from Sydney Water before discharging trade wastewater to the sewer. Food outlets and food services are required to install and maintain an adequately sized grease trap. A dry basket arrestor or bucket trap is necessary if there are floor wastes in the food preparation and handling areas. Floor wastes must drain to the grease trap servicing the kitchen. Refer to the Sydney Water publication '*Managing trade wastewater in the food service industry*'. An application must be submitted to *Sydney Water*, refer to sydneywater.com.au or phone 13 20 92.
- c) 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*.

63. Car Park Sign

An electronic sign displaying parking availability by number of spaces shall be installed prominently at the entry to the car park to provide advice to drivers approaching in Hannah Street.

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.

64. The redundant driveways must be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Beecroft Road must be in accordance with Roads and Maritime Services. Details of these requirements to be obtained from Roads and Maritime Services Project Manager, Traffic Projects Section, Parramatta (telephone 8849 2138).

Detailed design plans of the proposed kerb and gutter for Beecroft Road are to be submitted to Roads and Maritime Services for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime Services.

Reason: All vehicular access to the site will be from Hannah Street.

65. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and maritime for assessment, in accordance with Technical direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime Services.

The report and any enquiries to be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and maritime Services
PO Box 973 Parramatta CBD 2124
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

66. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to roads and maritime services for approval, prior to the commencement of any works.

Details to be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime Services approval is issued. With regard to the Civil Works requirement please contact the Roads and maritime Services Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

67. The proposed development is to be designed such that traffic noise from Beecroft Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of *State Environmental Planning Policy (Infrastructure) 2007*.
68. All works associated with the proposed development to be at no cost to Roads and Maritime Services.

OPERATIONAL CONDITIONS

69. Landscape Establishment

- a) The landscape works including landscaping within private courtyards along the eastern boundary 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.

- b) The landscaping of the vehicle access must not restrict sight distance to pedestrians and cyclists travelling along the Hannah Street footpath.

70. Waste Management

The operational use of the development's waste management system is to be conducted in accordance with the Waste Management Plan prepared by Leigh Design dated 28 August 2014 and the following requirements.

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the use of the waste management system.
- b) 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.
- c) The site must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- d) Waste collection vehicles are to be given priority in the operation of the specialty shops loading dock.

71. Service Vehicle Management Plan

The development is to operate in accordance with the Service Vehicle Management Plan recommended by Colston Budd Hunt & Kafes Pty Ltd in the Traffic Report dated August 2014. The plan is to include the following additional requirements:

- a) Access to the site for Heavy Rigid Vehicles HRV 12.5m and longer is prohibited during school zone times (8.00am-9.30am and 2.30pm-4.00pm, school days).
- b) A vertical clearance of 4.5 metres is to be maintained from Hannah Street to the loading dock level.
- c) Residential services and removalists vehicles are to use the loading dock on basement Level 2 to load/unload goods and use the goods lift to access the residential basement levels.

- 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.

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.

Food Premises

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.

Prior to the commencement of the business, the operator is requested to contact Council's Compliance & Certification Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval. *Contact Council's Administration Officer on 9847 6784.*

Asbestos Warning

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

www.environment.nsw.gov.au

www.nsw.gov.au/fibro

www.adfa.org.au

www.workcover.nsw.gov.au

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

House Numbering

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