



Epping 048 Service Pty Limited  
Suite 4102 Level 41  
264 George Street  
SYDNEY NSW 2000

## NOTICE OF DETERMINATION

### APPROVAL

Development Application No: DA/681/2015

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 1 DP 1205413 No. 20-28 Cambridge Street, EPPING NSW 2121

**Development:** Demolition of existing structures and construction of two x 22 storey buildings and one x 7storey building, each comprising ground floor retail/business tenancies totalling 966m<sup>2</sup> and the upper levels containing a total of 501 residential units, with combined basement car parking for 519 cars.

**Effective date of this determination:** 24 February 2016

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.*

**Part A – Deferred Commencement**

**Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent does not operate until the following information is submitted to Council:**

**1. Detailed Geotechnical Investigation, Structural Report and Survey Report**

A detailed geotechnical investigation and structural report are required to be prepared by a suitably qualified professional and submitted to the satisfaction of Sydney Trains prior to issue of a Construction Certificate for earthworks. The reports are to address, as a minimum, the following:

- (a) Actual borehole testing conducted on the site closest to the rail corridor;
- (b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit rock anchors/bolts (whether temporary or permanent) within its land or easement;
- (c) Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Register Surveyor.
- (d) Detailed Survey Plan showing the relationship of the proposed development with respect to Sydney Trains easement and tunnel location;
- (e) If required by Sydney Trains, a numeric analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Such information shall be submitted within twelve (12) months of the date of this notice.

**Upon Council's written satisfaction of the above information, the following conditions of development consent will apply:**

**Part B – General Conditions****1. Approved Plans and Supporting Documentation**

The development must be carried out in accordance with the plans and documentation listed below (including recommendation therein) 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>
DA-003 Rev F Basement B3 Floor Plan	PTW Architects	23/10/2015
DA-004 Rev F Basement B2 Floor Plan	PTW Architects	23/10/2015
DA-005 Rev F Lower Ground / Basement B1 Floor Plan	PTW Architects	23/10/2015
DA-006 Rev G Podium Ground Floor Plan	PTW Architects	23/10/2015
DA-007 Rev F Level 1 Floor Plan	PTW Architects	07/09/2015
DA-008 Rev F Typical Floor Plan Tower A/ Tower B/ Tower C L2-L6	PTW Architects	07/09/2015
DA-009 Rev G Typical Mid Zone Floor Plan Tower A L7-L14 / Tower B L7-L15	PTW Architects	23/10/2015
DA-010 Rev G High Zone Floor Plan Tower A L15-L19 / Tower B L16-L20	PTW Architects	23/10/2015
DA-011 Rev H Penthouse Floor Plan Tower A L20 / Tower B L21	PTW Architects	29/10/2015
DA-012 Rev G Roof Plan	PTW Architects	29/10/2015
DA-013 Rev B Adaptable Apartments	PTW Architects	07/09/2015
DA-021 Rev B Elevations – North (Chester Street – Building A&B)	PTW Architects	05/06/2015
DA-022 Rev E Elevations – North (Buildings B&C)	PTW Architects	19/01/2016
DA-023 Rev E Elevations – South	PTW Architects	19/01/2016
DA-024 Rev E Elevations East	PTW Architects	19/01/2016
DA-025 Rev F Elevations West (Cambridge Street)	PTW Architects	08/02/2016
DA-026 Rev F Elevations South (Building A) & West (Building B)	PTW Architects	08/02/2016
DA-031 Rev C Section A-A	PTW Architects	07/09/2015
DA-032 Rev F Section B-B	PTW Architects	19/01/2016

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
DA-061 Proposed External Finishes	PTW Architects	05/06/2015
General Notes and Legend Sheet C0-02 Issue A	Calibre Consulting	05/06/2015
Erosion and Sediment Control Plan Sheet C1-10 Issue A	Calibre Consulting	05/06/2015
Erosion and Sediment Control Notes and Detail Sheet C1-15 Issue A	Calibre Consulting	05/06/2015
General Arrangement Plan Sheet C2-00 Issue A	Calibre Consulting	05/06/2015
Civil Works Details Sheet C3-80 Issue A	Calibre Consulting	05/06/2015
Stormwater Drainage Details Sheet C4-20 Issue A	Calibre Consulting	05/06/2015
Onsite Detention Tank Details Sheet C4-30 Issue A	Calibre Consulting	05/06/2015
Stormwater Drainage Catchment Plan Sheet C4-60 Issue A	Calibre Consulting	05/06/2015
Landscape Plans Ref. SS15-3068 Sheets 000, 001, 101, 201 and 202 Issue A (as modified by later amendments)	Site Image	04/09/2015
Landscape Sketch Ref. SS15-3068 Sheet 101 Issue E	Site Image	09/10/2015

<b>Document No.</b>	<b>Prepared by</b>	<b>Dated</b>
Design Verification Statement	PTW Architects	5 June 2015
BASIX Certificate No. 632699M_02	Eco Certificates Pty Ltd	8 February 2016
BASIX Assessor Certificate and Stamped Plans – Certificate No. 14620199	Manuel Basiri	06/02/2016
Traffic Impact Assessment	GTA Consultants	04/06/2015
Acoustic Report Ref. 215 037 R01 v1-4	PKA Acoustic Consulting	04/06/2015
BCA Capability Statement	Blackett Maguire + Goldsmith	9 June 2015
Arboricultural Impact Assessment	Jacki Brown	1 June 2015
Waste Management Plan Rev D (as modified by later amendments)	Elephants Foot	June 2015
Waste Management letter	Elephants Foot	10 September

<b>Document No.</b>	<b>Prepared by</b>	<b>Dated</b>
		2015
Waste Management letter	Elephants Foot	22 October 2015
Access Review Final v5	MGAC	9 June 2015
Crime Risk Report Revision 2	City Plan Services	5 June 2015
Electrolysis Testing Advice	Corrosion Control Engineering	5 May 2015
Preliminary Site Investigation Report No. 14/0769	SMEC Testing Services	April 2014
Report on Geotechnical Assessment Ref: 28342SBprt	JK Geotechnics	8 May 2015
Flood Report	Calibre Consulting	2 June 2015
Stormwater Management Report	Calibre Consulting	9 June 2015
Construction Traffic Management Plan	GTA Consultants	16/12/15

## 2. Amendment of Plans

The approved plans are to be amended as follows:

- (a) The existing substation in the south-western corner of the site is to be removed and a contiguous through-site pedestrian pathway and stairs along the southern boundary is to be incorporated in accordance with the correspondence to Council prepared by City Plan Services dated 23 October 2015 and Attachment 5 to that correspondence being an amended landscape plan Ref. SS15-3068 101 Issue E prepared by Site Image and dated 9 October 2015;
- (b) The chute service room and e-diverter chute system for Building B must be amended so that the chute system includes volume handling equipment (linear tracks and/or carousels that automatically change the bin under the chute when it becomes full, with no compaction) fitted with no less than a total of 7 of 1100 L garbage bins and 3 of 1100 L recycling bins;
- (c) The four (4) *Magnolia alta*, proposed in association with the decks adjoining the central lawn space, are to be substituted with a larger evergreen canopy tree species to improved shading on lawns, seating walls and paving;
- (d) One or more of the proposed deciduous *Lagerstroemia Natchez* are to be substituted for a single larger tree specimen in association with the playground to provide for improved shade cover; and
- (e) The proposed *Angophora hispida* (Dwarf Apple Gum) on the eastern boundary adjacent to Tower B is to be substituted with a minimum of five (5) trees capable of exceeding 6 metres at maturity.

### 3. Height of Buildings

The proposed development is not to exceed the building heights specified on the stamped approved plans specified herein and no consent is granted to additional or ancillary roof structures such as plant rooms, railings, stair wells or the like or for use of the roof top for recreational purposes.

### 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 2014-2024*, 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	\$0
Open Space and Recreation	\$4,494,310.50
Community Facilities	\$1,731,783.95
Plan Preparation and Administration	\$14,751.40
<b>TOTAL</b>	<b>\$6,240,845.85</b>

being for 46 studio, 233 x 1 bed, 172 x 2 bed and 50 x 3 bed units including a credit for 12,700m<sup>2</sup> of existing business premises floor space and 1 lot.

- b) The value of this contribution is current as at 9 February 2016. 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:

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

Where:

$\text{\$C}_{PY}$  is the amount of the contribution at the date of Payment

$\text{\$C}_{DC}$  is the amount of the contribution as set out in this Development Consent

$\text{CPI}_{PY}$  is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

$\text{CPI}_{DC}$  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](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

#### REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

##### 6. Building Code of Australia

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

##### 7. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

##### 8. 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) *Telstra* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

*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.*

##### 9. Accessible Units

The development is required to provide 76 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan. In this regard, 37 car parking spaces are to be designed for people with a disability and allocated to 37 adaptable units. The details of all adaptable units must be provided with the Construction Certificate plans.

**10. Storage**

Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) of 6m<sup>3</sup> for one bedroom units, 8m<sup>3</sup> for two bedroom units and 10m<sup>3</sup> for three bedroom units, where at least 50% is required to be located within the apartment and accessible from either the hall or living area. Details must be submitted with the Construction Certificate plans.

**11. Reflectivity**

All facades of buildings within the development are to have a maximum reflectivity of 20%. An analysis demonstrating compliance with this condition must be provided with the Construction Certificate plans.

**12. Sydney Water – Quick Check**

This application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

*Note: Refer to [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*

**13. Noise – Rail Corridor**

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Acoustic Report Ref. 215 037 R01 v1-4 prepared by PKA Acoustic Consulting and dated 04/06/2015 and the requirements of the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and RailCorp's *Interim Guidelines for Applicants*.

*Note: The Department of Planning's document is available at [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) (development assessments). The RailCorp document is available at [www.railcorp.nsw.gov.au/publications](http://www.railcorp.nsw.gov.au/publications).*

**14. Dilapidation Report**

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of all adjoining properties.

- a) To record the structural condition of all properties adjoining the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate.

**15. Identification of Survey Marks**

A registered surveyor must 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**".



**16. Internal Driveway/Vehicular Areas**

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards 2890.1, 2890.2*, and the following requirements:

- a) Design levels at the Cambridge Street front boundary shall be obtained from Council via a separate application to Council's Infrastructure and Recreation Division for Crossing Levels;
- b) Ramp grades in the crossing, truck manoeuvring and service bay areas shall be designed and constructed in accordance with AS2890.2;

**17. Footpath Verge and 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:

- b) Council's standard 80 mm thick 1.2m wide concrete footpath to be removed from across the Chester Street and Cambridge Street frontages of the development;
- c) All redundant vehicular crossings and laybacks are to be removed and restored to the landscape works as per the below listed requirements;
- d) All public utility assets, services and street furniture shall be adjusted in accordance with the requirement of the relevant utility at the Applicant's cost
- e) Replacement footpath verge and roadworks design plans are to be designed in accordance with the street typology (Village Street) in Council's *Epping Town Centre Public Domain Guidelines*, and applied to the Cambridge and Chester street frontages as follows:
  - (i) a 6.0 metre wide fully paved verge with granite pavement works including:
    - Paver: Granite Flagstone Pavers;
    - Colour: Adelaide Black, as supplied by Sam the Paving Man or equivalent;
    - Size 600 x 450 x 50mm;
    - Setout: Lay commencing from perpendicular to the kerb;
    - Installation: laid with mortar bedding on reinforced slab, 10-12mm separation joints against kerb and site building / boundaries with expansion joint and sealant bead to match stone colour, jointing between pavers to be 3mm, raked to a depth of 4mm;
    - Bollards: Stainless steel removable. Bollards must be able to be relocated to accommodate outdoor dining or vehicle parking;
  - (ii) Removal of existing concrete kerb and install a concrete dish drain to define edge of asphaltic seal road pavement along frontages of Cambridge Street and Chester Street;
  - (iii) Construction of transition kerb at frontage extremities on Cambridge Street and Chester Street frontages, including a transition treatment of kerb realignment to link adjoining kerb;

- (iv) Construction of a Council standard vehicular crossing, using levels available from Council, with the Granite flagstone pavers laid over a reinforced concrete slab, from the concrete dish drain to the property boundary;
- (v) Street tree plantings in 2.5 m x 2.5 m open beds with groundcover plantings sought as follows:
  - Chester Street: 6 x Angophora Costata, 100 litre pot size (evenly spaced; approx. 10m spacings);
  - Cambridge Street ; 9 x Angophora Costata, (evenly spaced; approx. 10m spacings, 5 metres either side of driveway entry);
  - Groundcovers, to be a single selection of indigenous species for each street, 12 x no. planted in each tree garden;

*Note: Recommended tree species above related to nearby endemic Peppermint-Angophora Forest Community.*

- (vi) Tree Pit to include subsoil drainage connected to the existing stormwater drainage system, topsoil volume minimum 7 m<sup>3</sup> utilising Stratacell or approved equivalent structural support pavement above the tree pit area.
- f) Council's Road shall be sawcut a minimum of 600 mm from the edge of the above verge treatment work to match the existing asphaltic seal;
- g) Pursuant to Section 138 of the *Roads Act 1993*, an Application shall be made to Hornsby Shire Council for consideration and approval of the proposed works within the Road and footpath verge, prior to the release of the Construction Certificate for the verge and road works. Application requires payment of Council's fee for assessment, approval and inspection.

## 18. Construction & Traffic Management Plan

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:

- (a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate;
- (b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages;
- (c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions;
- (d) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council;
- (e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:

- i) Public notification of proposed works;
  - ii) Long term signage requirements;
  - iii) Short term (during actual works) signage;
  - iv) Vehicle Movement Plans, where applicable;
  - v) Traffic Management Plans; and
  - vi) 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 Cambridge and Chester Streets. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction;
- (f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times;
- (g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors;
- (h) The plan shall provide that during excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
- (i) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above; and
- (j) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate.

## 19. 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. The Traffic Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. 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; and
- f) Pedestrian and cyclist access/safety.

**20. Stormwater Drainage**

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

- a) Connected to the proposed water quality treatment system, and subsequently to the internal water harvesting and on-site detention system;
- b) The internal drainage system shall generally have design capacity to suit the 20 year average recurrence interval storm flow;
- c) The internal stormwater drainage design shall make provision for flows higher than the 5 year average recurrence interval storm flow to bypass the water quality treatment system and flow directly to harvesting and on-site detention systems; and
- d) Details of the internal drainage system shall be prepared by the Engineer and submitted on Construction plans. The submission must include the MUSIC Report and a software copy of the .sqz design file, pursuant to Council's HDCP2013 Section 1C.1.2.i;
- e) The water quality treatment system designer shall prepare documentation on system maintenance and submit same with the Construction Certificate.

**21. On-Site Stormwater Detention**

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

- a) Have a capacity of not less than 145 cubic metres, and a maximum discharge (when full) of 170 litres per second;
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system must 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) The OSD tank shall provide a drainage system to convey tank overflows to an internal piped drainage system and disposed to either the Cambridge Street pipeline or kerb drainage system;
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

**22. Waste Management Details**

The following waste management requirements must be complied with:

- (a) The approved on-going waste management system must not be amended without the written consent of Council;
- (b) A bulky waste storage area of at least 8 square metres must be provided at the basement level of each building;

- (c) Support columns within the chute service rooms must be positioned such that they do not interfere with the installation and operation of the volume handling equipment (linears) required for each e-diverter chute system;
- (d) The commercial/retail units and levels must not have access to the residential chute system;
- (e) Sufficient space must be provided to store motorised bin carting equipment (such as a ride-on cart) used to safely transport the 1100 L bins around the site;
- (f) All waste and bin carting routes must be no less than 1.5 m wide. All bin carting routes must not include any steps;

*Note: waste and bin carting routes include, but are not limited to, from each chute service room to the residential bin collection/storage room, from the residential paper/cardboard storage areas to the residential bin collection/storage room, from the bulky waste storage rooms to the loading bay, from each commercial/retail unit to the commercial bin storage room.*

- (g) The waste carting route from each commercial and retail unit to the commercial bin storage room next to the loading dock, must be wholly within the site. The use of the public footpath and/or vehicular access to cart waste or bins is not permitted;

*Note: Rear doors to the car park have been provided for retail units 1, 2, 3 and 4 for this purpose*

- (h) 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.

### **23. Certification of Traffic Engineer**

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS 2890.1, AS 2890.2 and the approved Development Consent plans and conditions.

## **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

### **24. Erection of Construction Sign**

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:

- (i) Showing the name, address and telephone number of the principal certifying authority for the work;
  - (ii) 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
  - (iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

## **25. 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.*

## **26. Toilet Facilities**

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed 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.
- b) Each toilet must:
  - i) be a standard flushing toilet connected to a public sewer; or
  - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
  - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

## **27. Erosion and Sediment Control**

To protect the water quality of the downstream environment, 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 may be issued for any non-compliance with this requirement without any further notification or warning.*

## **28. 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.

**29. Tree Protection Requirements**

All works are to be undertaken in accordance with the recommendations of the Arboricultural Impact Assessment prepared by Jacki Brown dated 1 June 2015.

**REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION****30. Construction Traffic Management Plan Compliance**

The development must be carried out in accordance with the submitted and approved Construction Traffic Management Plan.

**31. Construction Work Hours**

- (a) All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances).
- (b) No Excavation or rock sawing/breaking is to occur on Saturdays or between the hours of 12 pm and 1 pm weekdays.
- (c) No work is to be undertaken on Sundays or public holidays.
- (d) Wherever practicable and in order to prevent conflicts with local school drop-off and pickup periods, no heavy vehicle movements servicing the site are to be made between 8:00am and 9:30am or between 2:30pm and 4:00pm weekdays.

**32. Construction Vehicles**

All construction vehicles associated with the proposed development are to be contained on site or in an approved "Work Zone" in Cambridge Street.

**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 Cambridge Street and Chester Street, Epping during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

**36. Council Property**

To ensure the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

**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. Excavation Work**

All excavation work is to be undertaken in accordance with the recommendations of the detailed geotechnical investigation required by Condition A1 of this consent.

**39. 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.

**40. 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.



**41. 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 record of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works;

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

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

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

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

**42. Decommissioning of Substation**

Prior to the issue of any occupation certificate for Building B and/or Building C, the existing electricity substation in the south-western corner of the site is to be decommissioned and removed and construction of the contiguous through-site pedestrian pathway and stairs required by Condition 20 of this consent is to be completed.

**43. Fulfilment of BASIX Commitments**

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

**44. Sydney Water – s73 Certificate**

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

**45. Planter Boxes / On Slab Planting**

On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum

1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

#### **46. Completion of Landscaping**

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

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

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

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

#### **48. External Lighting**

- a) 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.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

#### **49. Waste Management Details**

The following waste management requirements must be complied with:

- a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic waste collection by Council;

*Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the garbage chute system, volume handling equipment, bin lifter, motorised bin trolley or similar, recycling bin storage on each residential level, bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, etc.*

- b) The chute service rooms and the commercial bin storage room at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The residential bin storage/collection room must include sealed and impervious surface, adequate lighting and ventilation, a robust door, and must be lockable;
- c) 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.
- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 20 litre containers, one each for general waste and recyclable materials;
- e) Space must be provided for either individual compost containers for each unit or a communal compost container;

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

- f) The bin carting routes must be devoid of any steps and must be no less than 1.5 m wide;

*Note: Ramps between different levels are acceptable*

- g) "No Parking" signs must be installed to prevent cars parking in the loading bay.
- h) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles of 9.7 m length with 5.85 m wheelbase;

*Note: encroachments of the heavy rigid vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces etc cannot be tolerated.*

- i) the 4.5 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or anything else;
- j) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point by waste removal services;
- k) Signage with illustrated instructions on how residents are to use the e-diverter chute system for separate disposal of recycling and garbage are to be installed above or next to each chute entry hopper on each residential level. These signs are to be in English, Chinese and Korean;
- l) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the 1100 L bins around the site. This equipment must be suitable for the ramp grades along the bin carting route and should be capable of transporting two or more full 1100 L bins at the same time;

- m) The volume handling equipment on the residential chute systems must not include compaction.

#### 50. 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.

*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.*

#### 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 / water quality treatment 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; and
- c) The water quality treatment system must be certified by a suitably qualified person as being constructed in accordance with the approved water quality treatment system plans.

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

#### 52. Cooling Towers

- a) All cooling towers must be designed and installed in accordance with the Public Health Act 1991, the Public Health (Microbial Control) Regulation 2000 and Australian/New Zealand Standard AS/NZS 3666 – "Air-Handling and Water Systems of Buildings".
- b) Certification of compliance with the Standard must be obtained from a suitably qualified person and submitted to the PCA prior to the issue of an occupation Certificate.

Note: Under clause 15 of the Public Health (Microbial Control) Regulation 2000, the occupier of the part of premises where a regulated system is installed, must notify the Council of the following particulars:

- f) Type of system.
- g) The address of the premises on which the system is installed.
- h) The name, and the residential and business addresses, of the owner of the premises.
- i) If the operation area on the premises is occupied otherwise than by the owner, those particulars in relation to the occupier the telephone numbers at which, during business hours and after business hours, the person or persons referred to in the above point may be contacted.

**53. Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system.

**54. Preservation of Survey Marks**

A certificate by a Registered Surveyor must 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"**.

**55. Construction of Engineering Works**

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate or Subdivision Certificate.

**56. Damage to Council Assets**

To protect public property and infrastructure any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications.

**57. 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.

**58. Unit Numbering**

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

**59. Safety, Security and CCTV**

The proposed development must be in accordance with the recommended measures of the Crime and Risk Report Revision 2 prepared by City Plan Services and dated 5 June 2015 and must include the following elements:

- 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 and a boom gate at the entry to the main residential section of Basement B2. 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) 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;
- h) Resident security key card or similar required to access basement residential lifts;
- i) The entry doors to pedestrian foyers are to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments;
- j) Driveways and basement car parking must be illuminated with low luminance at all times;
- k) Security deadlocks are to be provided to each apartment door;
- l) Peep holes are to be provided to individual apartment doors to promote resident safety;
- m) 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;
- n) 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;

- o) 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;
- p) If requested by police or any regulatory officer, the applicant is to archive any recording until such time as they are no longer required;
- q) 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;
- r) The CCTV control system should be located within a secured area of the premises and only accessible by authorised personnel;
- s) 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; and
- t) CCTV to be installed throughout the basement car park area including the entry and exit points to the car park.

#### **59A Plan of Management for the Communal Open Space Areas**

A Plan of Management (POM) is required to be prepared and submitted to the satisfaction of Council prior to the issue of the occupation certificate. The POM is to address the management of the communal open space areas and, at a minimum, the following:

- a) Accessibility by the community and residents of the development;
- b) Security and crime prevention;
- c) Safety;
- d) Maintenance and fencing; and
- e) Delineation of the public and private domain.

### **OPERATIONAL CONDITIONS**

#### **60. Landscape Establishment**

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

#### **61. Sight Lines**

Minimum sight lines for pedestrian safety are to be provided at the driveway. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

**62. Car Parking**

All car parking must be constructed and operated in accordance with Australian Standard AS/NZS 2890.1:2004 – Off-street car parking and Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities and:

- 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) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- e) Visitors are to have access to the parking area at all times. Visitors are to be able to access the basement car park by an audio/visual intercom system located at the top of the ramped driveway.
- f) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

**63. Allocation of Car Parking**

A minimum of 50 visitor (including one (1) space signed as "Visitor or Car Share" space), 16 retail and 453 resident car parking spaces are to be provided in the basement.  
Each pair of Tandem Car Spaces are to be allocated to an individual unit.

**64. Disabled Parking**

All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*

**65. Bicycle Parking**

- a) All bicycle parking spaces are to be designed in accordance with *Australian Standard 2890.3-1993 – Bicycle parking facilities*.
- b) A minimum of 50 visitor and 150 resident bicycle parking spaces are to be provided in the basement.

**66. Motorcycle Parking Spaces**

Eighty-three (83) motorcycle parking spaces are to be provided in the basement in accordance with AS 2890.5-1993.

**67. Maximum Vehicle Size**

Vehicle access to the site shall be limited to Medium Rigid Vehicle (MRV) 8.8m long with Council's waste collection vehicles excepted.

**68. 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(s), managing the bulky item storage areas, arranging the prompt removal of dumped rubbish and bulky waste, ensuring the loading bay is kept clear of parked cars, and ensuring all residents and commercial tenants are informed of the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard;
- b) The approved on-going waste management practise for the site must not be amended without consent from Council;
- c) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa;
- d) The commercial tenants must cart their waste and recycling to the commercial bin storage room along routes that are wholly within the site. Use of the public footpath and vehicular entry to cart waste and recycling is not permitted;
- e) 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;
- f) All commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.

#### **69. Maintenance of Wastewater Device**

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

#### **70. Noise – Plant and Machinery**

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.

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

**71. 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.

**CONDITIONS OF CONCURRENCE – SYDNEY TRAINS**

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.

**72. Acoustic Assessment**

An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled *Development Near Rail Corridors and Busy Roads – Interim Guidelines*. The acoustic assessment shall also take into account the impact of ground borne noise resulting from the operation of the North West Rail Link.

**73. Electrolysis Risk**

Prior to the issue of a construction certificate, the Applicant is to engage an electrolysis expert to prepare a report of Electrolysis Risk to the development from stray currents. The electrolysis report shall also take into account the impact of electrolysis resulting from the operation of the North West Rail Link. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a construction certificate.

**74. Lights and Reflective Materials**

The design, installation and use of lights, sign and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**75. Risk Assessment/Management Plan**

If required by Sydney Trains, prior to the issue of a construction certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**76. Craneage and Aerial Operations**

Prior to the issue of a construction certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all

Sydney Trains requirements. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

#### **77. Monitoring Plan**

If required by Sydney Trains, a track monitoring plan (including instrumentation and the monitoring regime during excavation and construction phases) is to be submitted to Sydney Trains for review and endorsement prior to the issuing of a construction certificate. The Principal Certifying Authority is not to issue the construction certificate until written confirmation has been received from Sydney Trains advising of the need to undertake the track monitoring plan, and if required, that it has been endorsed.

#### **78. Inspection of Rail Infrastructure**

If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

**- 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.

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.

### **Tenancy Fit-Out – Separate DA Required**

This consent does not permit the fit-out of individual retail/business tenancies. A separate development application is required for the fit-out of individual tenancies prior to the occupation of the building.

### **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.