

Captain Developments Pty Ltd
22 Alice Street
MACQUARIE FIELDS NSW 2564

NOTICE OF DETERMINATION

APPROVAL

Development Application No. DA/1180/2010

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 3 DP 4023, Lot 4 DP 4023, Lot 2 DP 4023, Lot 1 DP 4023 No. Church Baptist, 2 and 4 College Crescent and 1 and 3 Pretoria Parade, Hornsby.

Development: Demolition of existing structures, closure of a Council road and construction of a church, an early childhood centre and a ten storey residential flat building comprising eighty units with basement car parking, community title and Strata title subdivision.

Effective date of this determination: 25 August 2011

Per:
Manager, Assessments
Planning Division

Contact: Aditi Coomar (9847 6760 – 8.30 am to 5.00pm)

CONDITIONS OF APPROVAL

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:

- A.** The land, subject to this application, is to be consolidated into one allotment. Evidence of the consolidation is to be submitted to Hornsby Shire Council.

Such information shall be submitted within 24 months of the date of this notice.

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

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 planning instrument affecting the land.

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:

<i>Plan name</i>	<i>Plan and Rev No.</i>	<i>Drawn by</i>	<i>Dated</i>
Survey and Locations Plan	DA01-B	Nelson Architecture	2/12/2010
Site Analysis Plan	DA02-A	Nelson Architecture	17/09/2010
Level B2 Plan	DA03-C	Nelson Architecture	27/05/2011
Level B1 Plan	DA04-C	Nelson Architecture	27/05/2011
Level 1 Floor Plan	DA05-J	Nelson Architecture	1/07/2011
Level 2 Floor Plan	DA06-D	Nelson Architecture	1/07/2011

Level 3 (Typical) Floor Plan	DA07-D	Nelson Architecture	1/07/2011
Levels 8 and 9 Floor Plans	DA08-E	Nelson Architecture	1/07/2011
Level 10 and 11 Floor Plans	DA09-D	Nelson Architecture	1/07/2011
Roof Plan	DA10-C	Nelson Architecture	27/05/2011
Church Elevations and Section	DA11-C	Nelson Architecture	27/05/2011
Residential Elevations	DA12-C	Nelson Architecture	27/05/2011
Residential Sections	DA13-C	Nelson Architecture	27/05/2011
Site 3D Views	DA14-C	Nelson Architecture	27/05/2011
Residential 3D Views	DA15-B	Nelson Architecture	27/05/2011
Montage Views	DA19-B	Nelson Architecture	27/05/2011
Indicative Land Title information	DA20-A	Nelson Architecture	17/09/2010
Hydraulic Services existing site plan and legend and erosion and sediment control assessment	HD01/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B2 Drainage	HD02/P4	Whipps-Wood Consulting	18/01/2010
Carpark Floor Plan B1 Drainage	HD03/P4	Whipps-Wood Consulting	18/01/2010
Roof Plans and Details of Drainage	HD04/P4	Whipps-Wood Consulting	18/01/2010
Erosion and Sediment Control Plan	HD05/P1	Whipps-Wood Consulting	18/01/2010
Landscape Details	DA5-D	Isthmus Pty Ltd	May 2011

<i>Document No.</i>	<i>Prepared by</i>	<i>Dated</i>
Shadow Diagrams-16B	Nelson Architecture	27/05/2011
Shadow Diagrams-17B	Nelson Architecture	27/05/2011
Shadow Diagrams-18B	Nelson Architecture	27/05/2011
Information on Solar access to units	NBRS + Partners	19/11/2010
BASIX Certificate No. 335862M	David Cooper	22/12/2010
Assessor Certificate Multiple dwellings	David Cooper	11/10/2010
Noise and Vibration Intrusion Report	Day Design Pty Ltd	23/12/2010
Noise Assessment Report	Day Design Pty Ltd	11/02/2010
Internal Acoustic	Day Design Pty Ltd	11/02/2010

Report for the Church		
Geotechnical Investigation Report + Assessment of Impact on Rail Corridor (Ref 23055Z Hrpt)	Jeffery and Katauskas Pty Ltd	28/07/2009 and 20/06/2011
Addendum to Geotechnical Report and dwg SK1 and Sk2	Simpson Design Associates	
Preliminary Environmental Site Assessment	ASBOS	January 2011
Hazardous Material Survey Report	ASBOS	November 2010
Asbestos Clearance Certificate	ASBOS	19/08/2008
Letter on Soil Contamination	ASBOS	11/04/2011
Information on Substation	ABBA Consulting Engineers	12/10/2010
Traffic Report (10017) + Supplementary Traffic Advice + Traffic Modelling	Transport and Traffic Planning Associates	August 2010, 8/03/2011 and 7/01/2011
Preliminary Building Access Review	NBRS + Partners	22/10/2010
Waste Management Plan (Construction and Demolition only)	NBRS + Partners	14/09/2010
Design Verification Statement	NBRS + Partners	September 2010
Design Issues, Information on On-going Waste management for the site and Storage areas	NBRS + Partners	30/05/2011
Statement of Environmental Effects	Planning Strategies	September 2010
Landscape Statement	Mathew Wood	September 2010

2. Amendment of Plans

- a. The following plans are to amended to incorporate the approved Ground Floor Plan prepared by Nelson Architecture dated 1/07/2011

<i>Plan name</i>	<i>Plan and Rev No.</i>	<i>Drawn by</i>	<i>Dated</i>
Landscape Plan	DA1-D	Isthmus Pty Ltd	May 2011
Landscape Details A and B	DA2-D	Isthmus Pty Ltd	May 2011
Landscape Details C	DA3-D	Isthmus Pty Ltd	May 2011
Landscape Details D	DA4-D	Isthmus Pty Ltd	May 2011

- b. The height of the proposed steel cross as marked in DA-11C be reduced to be no higher than 15 metres from the ground level of the entry forecourt area of the church.
- c. The BASIX Certificate must be amended to incorporate the details of the approved residential units (90 units to be replaced by 80 units).
- d. The approved Northern Elevation, DA12-C prepared by Nelson Architecture dated 27/05/2011 is to be amended so that the vertical clearance under the entry feature of the forecourt area is a minimum of 4.5 metres.
- e. The approved Western Elevation, DA12-C prepared by Nelson Architecture dated 27/05/2011 is to be amended so that the upper level balconies/ terraces, external fire escapes, roof terraces and ground level terraces located within 20 metres of the rail corridor incorporate the following design requirements:
 - (i) A 2 metre high glass wall/balustrade along the western elevation of all balconies at ground level;
 - (ii) Enclosure of the western elevation of the upper level balconies and roof terraces on the western façade of the building by providing 1 metre high glass louver screening (maximum 80 mm opening) on top of 1 metre high balustrade.
- f. The approved Ground Floor Plan prepared by Nelson Architecture dated 1/07/2011 must be amended as follows:
 - (i) Relocate the doorway to the garbage room as marked in red
 - (ii) A bin cupboard of sufficient size to accommodate three garbage bins (each with a capacity of 240 litres) is to be located adjoining the cleaner's room as marked in red. The bin room must be accessible to residents from the passage way and have a lockable back door opening directly into the garbage room.
- g. The following details must be incorporated in the approved plans in accordance with the Preliminary Building Access Review prepared by NBRS + Partners dated 22/10/2010:

- (i) The auditorium seating to include at least three wheel chair accessible spaces
 - (ii) The doors to the church premises must have 850 mm clear opening dimensions
 - (iii) The adaptable units A101 and A808 must comply with the requirements of AS1428.1 (2009)
 - (iv) Increase the clear dimension of all accessible toilets within the church building to comply with AS1428.1
- h. The Noise and Vibration intrusion report prepared by Day Design Pty Ltd dated 23/12/2010 must be amended to include the modified unit numbers approved under this development consent.

3. Removal of Existing Trees

The two existing Jacaranda Trees within the road reserve of Pretoria Parade in front of the site must be retained.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a 'Construction Certificate' by either Hornsby Shire Council or an accredited certifier. All necessary information to demonstrate compliance with the following conditions of consent must be submitted with the application for a construction certificate.

4. Building Code of Australia

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

5. 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.

Note: This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.

6. Water/Electricity Utility Services

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

- a. *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.

7. Dilapidation Report

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

8. Acoustic Details

The Construction certificate plans must demonstrate compliance with the following:

- a. Recommendations in Section 7 of the “Noise and Vibration Intrusion Report” prepared by Day design Pty Ltd dated 23/12/2010 and as amended by Condition 2(h) of this development consent.
- b. Recommendations in Section 6 of the “Environmental Noise Impact Statement” prepared by Day Design Pty Ltd dated 11/02/2010.
- c. Recommendations in Section 4 and 5 of the “Internal Acoustics Report” prepared by Day Design Pty Ltd dated 11/02/2010.

9. Waste Management Plan

A Waste Management Plan must be submitted in accordance with the requirements of “Section 2 – Design Stage” of Council’s Waste Minimisation and Management Development Control Plan.

10. Cycleway Approval

A detailed design for the 2.5m cycleway adjacent to the rail corridor must be provided to Council and approved by the Hornsby Local Traffic Committee. The design of the facility shall be in accordance with RTA guidelines, Hornsby Shire Council design requirements and Austroads standards. The cycleway design must incorporate the requirements specified in Condition 34 of this development consent.

11. Window opening requirements

Details of mechanisms that limit the opening of windows or provision of awning windows and enclosures to the balconies as per condition 2(e) of this development consent, along the western elevation of the residential flat building or any opening on other elevations of this building directly facing the rail corridor, must be incorporated in the Construction Certificate Plans.

Reason: This condition ensures that the likelihood of objects being dropped or thrown from the windows, balconies and any other external feature that are within 20 metres of or face the rail corridor is limited.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent must be complied with prior to the commencement of any works on the site. The conditions have been imposed to ensure that the works are carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

12. Site Remediation Verification

- a. The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor.
- b. A validation report must be prepared by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines validating that the proposed development has been remediated and is suitable for its intended use. The validation report is to be submitted to Council for approval.

13. 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.
- 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.

14. 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.

15. 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. have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
- c. be a temporary chemical closet approved under the *Local Government Act 1993*.

16. 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 on-compliance with this requirement without any further notification or warning.

REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent must be complied with during the construction of the development. The conditions have been imposed to ensure that the works are carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

17. Construction Work Hours

All work on site (including demolition and earth works) must only occur between the following hours:

Monday to Saturday	7 am to 5 pm
Sunday & Public Holidays	No work

18. 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 is to 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*.
- 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.

19. 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.

20. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

21. Excavated Material

All excavated material removed from the site must be classified in accordance with the *NSW Environment Protection Authority's Environmental Guidelines – Assessment, Classification and Management of Liquid and Non-Liquid Wastes* prior to disposal to an approved waste management facility and reported to the principal certifying authority.

22. 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.

23. Survey Report – Finished Floor Level

Reports 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.

- b. The finished floor levels are in accordance with the approved plans.

24. Contamination during construction works

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during demolition, the applicant must immediately notify the Principal Certifying Authority and Council.

25. 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

The following conditions of consent must be complied with prior to the '*Principal Certifying Authority*' issuing an '*Occupation Certificate*'

Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.

26. Fulfilment of BASIX Commitments

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

27. Sydney Water – s73 Certificate

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

28. Stormwater Drainage

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

- a. Connected to the existing Council piped drainage system.

Note: A construction certificate is to be issued prior to the commencement of any works.

29. On Site Stormwater Detention

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

- a. Have a capacity of not less than 40.8m³ cubic metres, and a maximum discharge (when full) of 73.5 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. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: A construction certificate is to be issued prior to the commencement of any works.

30. Internal Driveway/Vehicular Areas

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

- a. Design levels at the front boundary be obtained from Council.
- b. The driveway be a rigid pavement.
- c. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
- d. The driveway servicing the garbage collection area must have a minimum width at the kerb and at the boundary line of 5.5 metres. A 2.0 metre splay is to be provided on each side of the driveway at the boundary for safety purposes in accordance with *Figure 3.3 of AS 2890.2 – 2004*.
- e. The common driveway servicing the residential and church component of the development area must have a minimum width at the kerb and at the boundary line of 6.0 metres.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

31. Footpath

A concrete footpath must be constructed along the full frontage of the subject site in accordance Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a. The existing footpath being removed and a new footpath constructed.
- b. The land adjoining the footpath to be fully turfed.
- c. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

Note: Prior to the issue of a Construction Certificate for these works a separate application under the Local Government Act, 1993 and the Roads Act, 1993 must be submitted to Council for the construction of footpaths within the road reserve.

32. 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. The vehicle crossing for the garbage collection area must have a minimum width of 5.5 metre and be constructed of 200mm thick concrete and reinforced with 2 layers of F72.
- b. The vehicle crossing for the driveway to the basement must have a minimum width of 6.0 metres and be constructed of 150mm thick concrete and reinforced with F72.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

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.

33. 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 a separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council. The engineering plans must address the following requirements:

- a. The existing kerb and gutter across the frontage of the site in College Crescent and Pretoria Parade is to be removed and reconstructed.
- b. The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

Note: A separate construction certificate is required to be issued prior to the commencement of any work.

Note: Prior to the issue of a Construction Certificate for these works a separate application under the Local Government Act, 1993 and the Roads Act, 1993 must be submitted to Council for the construction of footpaths within the road reserve.

34. Cycleway

A 2.5m wide cycleway must be constructed from Pretoria Parade to the existing cycleway located on the western boundary (adjoining the rail corridor). The cycleway is to be constructed in accordance with Councils Civil Works Specification, Part 6A of Austroads Pedestrian and Cyclist Paths Guide and the following requirements:

- a. A pram ramp to be constructed at the Pretoria Parade entrance of the cycleway.
- b. The cycleway to be constructed so as not create a drainage nuisance.
- c. The shared cycleway is to be appropriately line marked and signposted in accordance with the NSW Bicycle Guidelines.
- d. A “U Rail” is to be constructed at the Pretoria Parade frontage in accordance with the requirements of Austroads.
- e. The cycleway to be appropriately lighted.

Note: The approved pathway is concept only and must be built in accordance with design specifications prescribed by Hornsby Council prior to the issue of the construction certificate.

35. 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.

36. Traffic Control Plan

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

- a. Arrangements for public notification of the works.
- b. Temporary construction signage.
- c. Permanent post-construction signage.
- d. Vehicle movement plans.
- e. Traffic management plans.

- f. Pedestrian and cyclist access/safety.
- g. Details of pedestrian and vehicular access to the property at No. 10 Edgeworth David Avenue, in accordance with the construction management plan.

37. 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. The creation of an easement for a minimum 3 metre wide pedestrian pathway and cycleway benefitting Hornsby Shire Council.

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

38. 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. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

39. 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 Landscape plans, amended as per Condition 2(a) of this development consent, the minimum construction standards identified in the Hornsby Shire Council

Landscape Code for development applications and the following additional requirements for works on the street frontages:

- a. Street tree planting to include two (2) *Jacaranda mimosifolia* (jacaranda) trees planted at a minimum pot size of 75 litres within the Pretoria Parade frontage as marked on the approved Landscape Plan.
- b. Street tree planting to include two (2) *Sapium sebiferum* (Chinese tallow wood) trees minimum 75 litre pot size at a minimum pot size of 75 litres on the College Crescent frontage as marked on the approved Landscape Plan.
- c. On slab planter boxes to include automatic drip irrigation, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric), and waterproofing.
- d. 500 mm soil depth and 75mm mulch be provided for shrubs.
- e. 1000 mm soil depth and 75 mm mulch be provided for trees and palms.

Note: Any proposed landscaping or fencing must not obstruct the clear sightlines of pedestrians or cyclists travelling along the footpath of College Crescent and Pretoria Parade.

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.

40. 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.

41. 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.

42. Cooling Towers

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. Certification of compliance with the Standard must be obtained from a suitably qualified person.

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:

- a. Type of system.*
- b. The address of the premises on which the system is installed.*
- c. The name, and the residential and business addresses, of the owner of the premises.*
- d. 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.*

43. Car Park Management Plan

A Car Park Management Plan must be submitted to Council for approval to ensure that long term parking by motorists, not occupying or using the development for any purpose, is prevented during operation of the site.

44. s94 Infrastructure Contributions

The payment to Council of a contribution of \$968150.00 for seventy-nine additional dwellings (15 x one bedroom units, 46 x two bedroom units and 19 x three bedroom units) towards the cost of infrastructure identified in Council's Development Contributions Plan 2007-2011.

*Note: * The value of contribution is current as at 8 August 2011. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

It is recommended that you contact Council to confirm the value of the contribution prior to payment

45. Accessibility Requirements

- a. Handrails must be provided on both sides of the stairways required to access the church and the associated facilities.
- b. Tactile ground surface indicators are to be positioned at the top and bottom of all stairs and ramps
- c. Kitchen cupboards and equipments must not obstruct wheelchair access around doors
- d. Braille and tactile signage must be provided to all sanitary facilities and directional signage to the facilities must be provided from the main foyer

46. Kitchen Exhaust Installation

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

47. Construction for a safe environment

The site must include the following elements:

- a. An intercom system be installed at gate locations to ensure screening of persons entering the units.
- b. The entryway to the site be illuminated in high luminance at all times
- c. The communal open space at the rear of the site be illuminated with high luminance by motion sensor lighting
- d. The service areas of the ground floor including the garbage room be illuminated with high luminance by motion sensor lighting
- e. The forecourt area and the pathway to the rear communal open space be illuminated during night time with low luminance.
- f. The plaza in front of the church must be illuminated during night time with low luminance.
- g. A small inspection window be installed in the stairwell door to allow viewing from inside prior to exiting the building.

- h. The driveway and the basement carpark is to be illuminated with low luminance at all times.
- i. Anti-graffiti paint be used for the walls adjacent to College crescent and Pretoria Parade.
- j. Robust materials which cannot be forced or breached with minimised maintenance requirements are to be used for construction work in the common areas.

48. Waste Management Details

The following waste management requirements must be complied with:

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

- 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.

- 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.
- d. 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.

- e. The bin carting route must be devoid of any steps.

Note: Ramps between different levels are acceptable

OPERATIONAL CONDITIONS

The following conditions have been applied to ensure that the ongoing use of the land is carried out in such a manner that complies with relevant legislation and Council's policies and does not disrupt the amenity of the neighbourhood or impact upon the environment.

49. Use of Premises

The proposed non-residential building approved under this consent must only be used for "a place of worship" and ancillary activities generally as identified in Statement of Environmental Effects –Schedule of Church Operations prepared by Planning Strategies dated September 2010 and not for any other purpose without Council's separate written consent.

50. Maximum Capacity of Premises

The total number of patrons to be accommodated within the "Place of worship" at any one time must not exceed 350.

51. Hours of Operation

The hours of operation of the premise are restricted between the following hours each day unless otherwise specified in the schedule approved in Condition 49 of this development consent:

Sunday: 9am – 8pm

Monday-Friday: 7am – 10pm

Saturday: 8:30am - 8pm

To maintain amenity of the adjoining properties, the section carpark associated with the church building must be closed at the conclusion of activities every day.

52. 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*, the submitted Delivery Management Plan and the following requirements:

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

53. Noise

The level of total continuous noise emanating from operation of the premises including all the plants and air conditioning units (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.

54. 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.

55. Waste Storage area and waste management

The waste management on site must be in accordance with the following requirements:

- a. Each unit be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's segregated garbage and recycling generation.
- b. Site security measures be implemented to prevent access to the waste storage rooms by waste removal services.
- c. No steps be located along any of the bin carting routes.
- d. A site manager or caretaker must be employed and be responsible for moving bins from the bin storage area to the waste collection point, washing bins and maintaining storage areas, managing the communal composting area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the waste management system.

- e. All non-residential users (church and the early learning centre) must keep written evidence 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 the site.

Note: The evidence must be kept on site at all times.

56. 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*.

57. Landscape Establishment

The landscape works must be maintained to ensure the establishment and successful growth of plant material including (but not be limited to) watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

58. Substation operation

- a. The construction, operation and maintenance of the proposed substation is to comply with the *National Health and Medical Research Council (NHMRC) Interim Guidelines on Limits of Exposure to 50/60Hz Electric and Magnetic Fields* (1989) and the Australian Radiation Protection and Nuclear Safety Agency's (ARPANSA) *EMF Radiation Protection Standards*.
- b. A Site Compliance Certificate issued by a NATA accredited service is to be submitted to Council for the proposed substation confirming the operating EMF levels within 60 days of operation. The substation is to be assessed and found to comply with the ARPANSA's *Radiation Protection Standards* and the NHMRC's *Interim Guidelines on Limits of Exposure to 50/60Hz Electric and Magnetic Fields* (1989).

CONDITIONS OF CONCURRENCE – STATE RAIL

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.

59. Construction Certificate Plans

The following requirements must be complied with prior to the issue of a Construction Certificate:

- a. All methods to be followed for excavation and construction works be detailed in the construction certificate plans and specifications, in accordance with the methodology/recommendations detailed in the Geotechnical Investigation Report prepared by Jeffery Katauskas Pty Ltd dated 20/07/2009, additional Geotechnical Analysis Report prepared by Jeffery Katauskas Pty Ltd dated 26/06/2011, Report and dwg SK1 and SK2 prepared by Simpson Design and Associated Consulting Engineers dated May 2011 and be endorsed by RailCorp.
- b. No rock anchors/bolts are to be placed within RailCorp's property or easements.
- c. A registered surveyor must prepare a survey plan locating the development with respect to the rail boundary and rail infrastructure and the plan be endorsed by RailCorp.
- d. A report be prepared by a qualified Electrolysis expert on the Electrolysis Risk of the development from stray currents and the measures to be incorporated to control that risk.
- e. The recommended measures to control the electrolysis risks be included in the construction certificate plans.
- f. Plans and documentation must be submitted to RailCorp incorporating details of all craneage and other aerial operations prior to works commencing on site.

Note: No loads are to be carried over RailCorp's land.

- g. A Risk Assessment/Management Plan and detailed Safe Work Method Statement (SWMS) for the proposed demolition, excavation and construction works are to be submitted to RailCorp for endorsement.

Note: RailCorp's representatives may require further conditions to be complied with regard to the above and require the provision of on-site Safe Working supervision for certain aspects of the works.

- h. A report be prepared by a qualified structural engineer demonstrating that the development satisfies the requirements of AS5100 and this report be endorsed by RailCorp.
- i. Written confirmation from RailCorp is required for any works to be undertaken or access within the rail corridor or its easements.

Note: The principal certifying authority must not issue the Construction Certificate or Occupation Certificate prior to written confirmation from RailCorp, should a condition of consent require endorsement by RailCorp.

60. Rail Services

- a. Identification and location of all rail services within the development site or in the near vicinity of the site must be established prior to the issue of the Construction Certificate. The persons performing the search must use equipments that do not impact on the rail services or signalling.

Note: The applicant must obtain advice from RailCorp regarding the need to undertake such a search for the site.

Should rail services be identified within the development site, the applicant must discuss with the RailCorp regarding relocation of the services or incorporation within the proposed development.

- b. A joint inspection of all rail infrastructure and rail property in the near vicinity of the development (dilapidation survey) is to be conducted jointly by a RailCorp representative and the applicant prior to the issue of the Occupation Certificate. The dilapidation survey is to establish the extent of an existing damage (if any) and identify the extent of deterioration of that damage during construction works on the site.

61. Dilapidation Report

Unless otherwise notified by RailCorp, a dilapidation report is required to be submitted prior to the issue of the Occupation Certificate.

62. Vibration Monitoring System

A Monitoring Plan for vibration and deformation of the adjoining rail corridor during the construction works must be submitted to and be endorsed by RailCorp prior to commencement of works on site.

63. Reflective materials

Prior to the installation of any light, sign or reflective material, whether temporary or permanent, in the proximity of the rail corridor or in a location which is visible from the rail corridor, approval must be obtained from RailCorp.

Note: The glare and reflectivity must be limited to the satisfaction of RailCorp.

64. Placing of machinery

- a. No ladders, tapes and plant/machinery or conductive material are to be used within 6 metres (measured horizontally) of any live equipment.

Note: This condition applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks and to any high voltage aerial supplies within or adjacent to the rail corridor.

- b. Details of all scaffoldings to be installed on RailCorp land/easements or within 6 metres of the rail corridor, including materials, type of screening to be installed to prevent objects falling onto the rail corridor and means of erection is to be submitted to RailCorp for approval prior to commencement of works.

65. Environmental Harm

- a. The construction/demolition works must not result in any environmental harm to the rail corridor at any stage of the development
- b. The construction /demolition works and the on-going use on the site must not result in any pollutant entry to the rail corridor.
- c. The stormwater from the development site must be adequately disposed off and managed. This development consent does not allow any disposal of stormwater on to the rail corridor without prior approval from RailCorp.

66. Access to Rail corridor

Fencing must be installed along the rail corridor frontage to prevent unauthorised entry to RailCorp land. Details of the fencing and methods of erection must be endorsed by RailCorp prior to installation.

Note: RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.

67. Maintenance

A Maintenance plan must be submitted to RailCorp for approval prior to the issue of the Occupation Certificate. The plan must demonstrate methods of maintenance of that component of the development which fronts the rail corridor.

CONDITIONS OF CONCURRENCE – ROADS AND TRAFFIC AUTHORITY

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.

68. Design of the Access driveways

- a. The layout of the access driveway to the site must be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
- b. Any redundant driveways must be removed and replaced by kerb and gutter to match the existing.

69. Stormwater discharge

The post development Stormwater discharge from the subject site onto the RTA drainage system (if any) must not exceed the pre-development discharge.

Note: All detailed design plans and hydraulic calculations of any changes to the Stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details should be forwarded to:

*The Sydney Asset Management
Roads and Traffic Authority
PO BOX 973 Parramatta CBD 2124*

A plan checking fee is payable and a performance bond may be required prior to the issue of RTA approval. With regard to Civil Works please contact RTA's Project Engineer, External Works Ph: 8849 2114.

70. Road Occupancy License

A Road Occupancy License must be obtained from the RTA for any works that may impact on traffic flows on Pacific Highway during construction activities.

71. Construction works

- a. All demolition and construction vehicles are to be contained within the site and vehicles must enter the site before stopping.
- b. A construction zone is not permitted on College Crescent.
- c. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.

Note: All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

- 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:
- A construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate 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 issued before occupying any building or commencing the use of the land.

Long Service Levy

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

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

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

Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, it is an offence to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree outside three metres of the approved building envelope without prior written consent from Council. Fines may be imposed for non-compliance with Council's *Tree Preservation Order*.

Note: A tree is defined as a single or multi-trunked wood perennial plant having a height of not less than three (3) metres, and which develops many branches, usually from a distance of not less than one (1) metre from the ground, but excluding any plant which, in its particular location, is a noxious plant declared as such pursuant to the Noxious Weeds Act 1993. This definition of 'tree' includes any and all types of Palm trees.

All distances are determined British Standard BS 5837: 2005, "Trees in Relation to Construction – Recommendations".

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, 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.

Advertising Signage – Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

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.

Asbestos Warning

Should asbestos or asbestos products be encountered during construction or demolition works you are advised to seek advice and information should be prior to disturbing the material. It is recommended that a contractor holding an asbestos-handling permit (issued by *Work Cover NSW*), be engaged to manage the proper disposal and handling of the 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 *Work Cover* Asbestos and Demolition Team on 8260 5885.

Rain Water Tank

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

Council Notification – Food Premises

Prior to the commencement of the operation, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.