

# JOINT REGIONAL PLANNING PANEL

## (Sydney West Region)

JRPP No	<b>2016SYW002</b>
DA Number	<b>DA/1613/2015</b>
Local Government Area	<b>Hornsby Shire Council</b>
Proposed Development	<b>Stage 2 Construction Seniors Living Development</b>
Street Address	<b>40-50 Pennant Hills Road &amp; 1-17 Frith Avenue, Normanhurst</b>
Applicant/Owner	<b>The Uniting Church In Australia Property Trust</b>
Number of Submissions	<b>One</b>
Regional Development Criteria (Schedule 4A of the Act)	<b>General Development over \$20 Million</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <b>Hornsby LEP 2013, SEPP Seniors Living, SEPP 65 – Design Quality Apartment Development, SEPP BASIX, SEPP Infrastructure 2007, SREP 20 – Hawkesbury-Nepean Rivers</b></li> <li>• <b>Hornsby DCP, Hornsby Section 94 Contributions Plan</b></li> </ul>
List all documents submitted with this report for the panel's consideration	<b>Locality Plan, Demolition Plan, Staging Plans, Floor Plans, Roof Plan, Elevations, Shadow Impact Diagrams, Materials &amp; Finishes, SEPP 65 Statement, ADG Table</b>
Recommendation	<b>Approval</b>
Report by	<b>Garry Mahony</b>
Report date	<b>30 June 2016</b>

## ASSESSMENT REPORT AND RECOMMENDATION

### EXECUTIVE SUMMARY

- The application is for the Stage 2 Construction of the approved Stage 1 concept for a Seniors Living development comprising four multi-storey buildings containing 137 independent living units and support facilities and integrated with an existing residential care facility.
- The proposal is in accordance with the approved concept plans and is satisfactory in respect to the provisions of *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*, *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide*. The proposal is satisfactory in respect to the relevant provisions of *Hornsby Local Environmental Plan 2013* and the *Hornsby Development Control Plan 2013*.
- The proposed construction is in three stages with completion of Stage 1 in September 2017, Stage 2 October 2020 and Stage 3 January 2023. The proposed staging will enable decanting of the existing residents to new accommodation. Appropriate conditions are recommended for staged completion.
- One submission has been received in respect of the application.
- It is recommended that the application be approved.

### RECOMMENDATION

THAT the Sydney West Joint Regional Planning Panel assume the concurrence of the Secretary of the Department of Planning and Environment pursuant to Clause 4.6 of the *Hornsby Local Environmental Plan 2013* and approve Development Application No. DA/1613/2015 for the Stage 2 Construction of the approved Stage 1 concept (DA/544/2012/A) for a Seniors Living development comprising four multi-storey buildings containing 137 independent living units, support facilities and integrated with existing residential care facility, at Lot 4 DP 1077836, Lot 3 DP 1077836, Lot 14 DP 27914, Lot 13 DP 27914, Lot 12 DP 27914 and Lot 11 DP 27914, Nos. 40-50 Pennant Hills Road and Nos. 9, 11, 15 and 17 Frith Avenue, Normanhurst subject to the conditions of consent detailed in Schedule 1 of this report.

---

## CONDITIONS OF APPROVAL

### GENERAL CONDITIONS

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

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

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

### 1. Approved Plans and Supporting Documentation

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

Plan No.	Plan Title	Drawn by	Dated
A-DA-000 Rev 01	Title Page & Drawing List	PTW Architects	25/11/15
A-DA-004 Rev 01	Demolition Plan	PTW Architects	25.11.2015
A-DA-005 Rev 01	Staging To decanting Existing Buildings	PTW Architects	25.11.2015
A-DA-006 Rev 01	Staging Of Building Works Plan	PTW Architects	25.11.2015
A-DA-011 Rev 02	Area Schedule	PTW Architects	22.06.2016
A-DA-100 Rev W	Site Plan	PTW Architects	25/11/15
A-DA-101 Rev 02	Building A Level 1 Floor Plan	PTW Architects	18/04/16
A-DA-102 Rev 02	Building A Level 2 Floor Plan	PTW Architects	22/06/16
A-DA-103 Rev 01	Building A & B Level 2 Floor Plan	PTW Architects	25/11/15
A-DA-104 Rev 02	Building A Level 3 Floor Plan	PTW Architects	22/06/16
A-DA-105 Rev 02	Building B & C & D Level	PTW Architects	18/04/16

	3 Floor Plan		
A-DA-106 Rev 02	Building A Level 4 Floor Plan	PTW Architects	22/06/16
A-DA-107 Rev 02	Building B & C & D Floor Plan	PTW Architects	22/06/2016
A-DA-108 Rev 02	Building A Level 5 Floor Plan	PTW Architects	18/04/16
A-DA-109 Rev 02	Building B & C & D Level 5 Floor Plan	PTW Architects	22/06/16
A-DA-110 Rev 01	Building A Level 6 floor Plan	PTW Architects	25/11/15
A-DA-111 Rev 02	Building B & C & D Level 6 Floor Plan	PTW Architects	14/06/16
A-DA-112 Rev 01	Building A Level 7 Floor Plan	PTW Architects	25/11/15
A-DA-113 Rev 01	Building B & C & D Level 7 Floor Plan	PTW Architects	25/11/15
A-DA-114 Rev 02	Building A Level 8 Floor Plan	PTW Architects	18/04/14
A-DA-115 Rev 02	Building B & C & D Level 8 Floor Plan	PTW Architects	18/04/16
A-DA-116 Rev 02	Building B & C & D Level 9 Floor Plan	PTW Architects	18/04/16
A-DA-117 Rev 02	Building C & D Level 10 Floor Plan	PTW Architects	18/04/16
A-DA-118 Rev 02	Building C & D Level 11 Floor Plan	PTW Architects	18/04/16
A-DA-119 Rev 02	Building C Level 12 Floor Plan	PTW Architects	18/04/16
A-DA-120 Rev 02	Building A & B & C & D Roof Plan	PTW Architects	18/04/16
A-DA-200 Rev 02	Street Elevations Sheet 1	PTW Architects	18/04/16
A-DA-201 Rev 03	Street Elevations Sheet 2	PTW Architects	22/06/2016
A-DA-202 Rev 02	Building Section Elevations Sheet 1	PTW Architects	18.04.2016

A-DA-203 Rev 03	Building Section Elevations Sheet 2	PTW Architects	22/06/2016
A-DA-204 Rev 02	Building Section Elevations Sheet 3	PTW Architects	18.04.201
A-DA-205 Rev 03	Building Section Elevations Sheet 4	PTW Architects	22.06.16
A-DA-206 Rev 03	Building Section Elevations Sheet 5	PTW Architects	22.06.16
A-DA-305 Rev 01	Materials Board	PTW Architects	25.11.2015
LA00 Rev B	Cover Sheet	Taylor Brammer Landscape Architects	16.10.2015
LA01 Rev B	Tree Retention & Removal Plan	Taylor Brammer Landscape Architects	16.10.2015
LA02 Rev B	Landscape Masterplan	Taylor Brammer Landscape Architects	16.10.2015
LA03 Rev B	Landscape Planting Plan Area 1	Taylor Brammer Landscape Architects	16.10.2015
LA04 Rev B	Landscape Planting Plan Part 2	Taylor Brammer Landscape Architects	16.10.2015
LA05 Rev B	Roof Top gardens & private Terraces Plan Buildings A, B & D	Taylor Brammer Landscape Architects	16.10.2015
LA06 Rev B	Private Terraces Plan Building C	Taylor Brammer Landscape Architects	16.10.2015
LA07 Rev B	Indicative Landscape Section/Elevation	Taylor Brammer Landscape Architects	16.10.2015
LA08 Rev B	Indicative Landscape Section/Elevation BB	Taylor Brammer Landscape Architects	16.10.2015
LA09 Rev B	Level 4 Buildings C & D Landscape and Architecture Interaction Plan	Taylor Brammer Landscape Architects	16.10.2015

Document Title	Prepared by	Dated
Access Report for Development Application	Funktion	02/12/2015
Arboricultural Impact Assessment Report	Tree IQ	8 Dec 2015
Updated Ecological Impact Assessment	Keystone Ecological	December 2015

Traffic and Parking Assessment Report	Varga Traffic Planning	1 Dec 2015
Construction Traffic Management Plan	Varga Traffic Planning	26 Oct 2015
DA Assessment	Acoustic Logic	23/10/2015
Construction Noise & Vibration Management	Acoustic Logic	15/10/2015
Air Quality Assessment Report	Benbow Environmental	October 2015
Dust Management Plan	Benbow Environmental	October 2015
Construction and Demolition Waste Management	Waste Audit	October 2015
Operational Waste Management Plan (Revised)	Waste Audit	October 2015
BASIX Certificate No. 662640M	JHA Consulting Engineers	9 Dec 2015
BASIX Certificate No. 662744M	JHA Consulting Engineers	9 Dec 2015
BASIX Certificate No. 648612M	JHA Consulting Engineers	9 Dec 2015
Report on Geotechnical Investigation	Douglas Partners	Sept 2015
Building Code of Australia Assessment Report	Vic Lilli & Partners	29 Oct 2015
Fire Engineering Statement	MCD Fire Engineering	5 Dec 2015

## 2. Removal of Existing Trees

- a) This development consent permits the removal of 68 trees as identified for removal in the Arboricultural Impact Assessment Report Tree Protection Specification prepared by Tree IQ dated 8 December 2015.
- b) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

## 3. Pruning Works

- a) This development consent only permits the pruning of trees numbered 8, 10, 26, 46, 69 and 143 as identified on Page 8 of the Arboricultural Impact Assessment (AIA) prepared by Tree IQ dated 8 December 2015.
- b) Crown maintenance works must not exceed 15% of the total crown volume.
- c) The pruning works must be undertaken by a qualified Arborist (minimum AQF3) and certification must be supplied to the PCA within 7 days of the works being undertaken confirming compliance with AS4373-2007.

*Note: The pruning of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2013 (HDCP).*

#### 4. Amendment of Plans

- a) To comply with Councils requirement in terms of residential amenity, the approved plans are to be amended as follows:
  - i) The Building D respite centre roof top garden balustrade is to be in translucent glass.
  - ii) The breezeways of Building A and Building C to include design for fitting of awnings/screens/louvres or similar for protection of the breezeways (as required).
- b) To comply with Councils requirement in terms of waste management, the approved plans are to be amended as follows:
  - i) The bin cupboard on Level 3 of building B must have internal dimensions of no less than 1400 mm width by 900 mm deep.  
*Note: internal dimensions do not include wall thickness, door thickness, ventilation shafts etc., which must be added.*
  - ii) The waste collection area on Jasmine Road must be increased from 4.1x7.4m to 4.1x8.4m (internal dimensions – wall thickness to be added).
- c) The approved floor plans, elevation plans and landscaping plans are to detail the Stage 1, Stage 2 and Stage 3 Construction Stages.
- d) The title of Drawing A-DA-103 to be corrected to read 'Building A & B Level 2 Floor Plan RL 179.1'.
- e) These amended plans must be submitted with the application(s) for the Construction Certificate(s).

#### 5. Construction Certificate

- a) 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.
- b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

#### 6. Section 94 Development Contributions

The applicant is a social housing provider as defined by *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, being a not for profit organisation that is a direct provider of rental housing to tenants, and is therefore exempt from the requirement

to make a monetary contribution in accordance with the Ministerial Direction dated 14 September 2007 issued under 94E of the *Environmental Planning and Assessment Act, 1979*.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – Stages 1, 2 &amp; 3 and as Noted</b>
---

**7. Building Code of Australia**

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

**8. Accessibility**

The construction certificate plans must be certified by an accredited access consultant in accordance with the recommendations and the requirements for ongoing design detailed in the Access Report for Development Application prepared by Funktion dated 02/12/15.

**9. Contract of Insurance (Residential Building Work)**

Where 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, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.

**10. Notification of Home Building Act, 1989 Requirements**

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a) In the case of work for which a principal contractor is required to be appointed:
  - i) The name and licence number of the principal contractor; and
  - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
  - i) The name of the owner-builder; and
  - ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

*Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.*

**11. 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.

## **12. Dilapidation Report (Stages 1 & 2)**

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining property at No. 19 Frith Avenue, Normanhurst. The dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application(s) of the Construction Certificate(s).

## **13. Excavation**

A detailed geotechnical assessment of the site by a chartered structural engineer is to be undertaken for the design of the excavation, ground vibration, excavation support, design parameters for support systems and anchor design, groundwater, foundation design and earthquake design.

## **14. Noise – Pennant Hills Road**

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled 'DA Assessment', prepared by Acoustic Logic and dated 23/10/2015 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).*

## **15. 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.

**16. 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**".

**17. On Site Stormwater Detention (Stage 1)**

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

- a) The on-site detention system is to be constructed generally in accordance with the plans prepared NORTHROP Consulting Engineers Job No WOO11257 Rev 2
- 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) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

**18. 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, 3727* and the following requirements:

- a) Design levels at the front boundary shall be obtained from Council if a private accredited certifier is engaged to obtain a construction certificate for these works. These levels are to be used to determine final car park floor levels.
- b) The driveway be a rigid pavement.

**19. Footpath (Stage 1)**

A concrete footpath must be designed across the full frontage of 9-19 Firth Av and Jasmin Av in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- 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.

**20. Footpath (Stage 2)**

A concrete footpath must be designed across the full frontage of the Stage 2 portion in Jasmin Road in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- b) Pouring of the concrete footpath to the full frontage of the subject site.
- c) The land adjoining the footpath to be fully turfed.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

**21. Footpath (Stage 3)**

A concrete footpath must be designed across the full frontage of the subject site in Pennant Hills Rd and the remainder of Jasmin Road (end of Stage 2) in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing footpath being removed.
- b) Pouring of the concrete footpath to the full frontage of the subject site.
- c) The land adjoining the footpath to be fully turfed.
- d) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

**22. Water Saving Urban Design (Stage 1)**

A Water Saving Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans prepared NORTHROP Consulting Engineers Job No WOO11257. The Water Quality Targets as detailed within the report and Hornsby Shire Councils DCP are to be achieved in the design and supported by a MUSIC model.

**23. Stormwater Drainage (Stage 2)**

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 directly to the existing stormwater drainage system as built in Stage 1.

**24. Stormwater Drainage (Stage 3)**

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 directly to the existing drainage system in Stage 1.

**25. Road Works (Stage 1)**

All road works approved under this consent must be designed in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing kerb and gutter and redundant crossings across the full frontage of 9-19 Firth Av and Jasmin Av are to be removed and reconstructed.
- b) A concrete footpath to be constructed within the road verge with the remaining area turfed.
- c) Provision of pram ramps where required.
- d) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

**26. Road Works (Stage 2)**

All road works approved under this consent must be designed in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing kerb and gutter and redundant access crossings in Jasmin Road are to be removed and reconstructed.
- b) Provision of pram ramps as required.
- c) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.

**27. 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;
- vi) Pedestrian and Cyclist access and safety;
- 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 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.
- i) 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.
- j) A Pedestrian Access Management Plan (PAMP) is to be included detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.

## **28. Waste Management**

- 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 (A, B and C/D).
- c) The waste facilities (a small room housing the garbage chute and 240L recycling bin) on each residential level must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin.
- d) Rest seating must be provided along the travel path between the independent living units in Building A and the waste facilities on each residential level.
- e) For the waste collection areas at the ground level:
  - i) There must be no step, raised kerb, wall, retaining wall or any other obstacle between the waste collection/bin holding area and the driveway; and

- ii) The side adjoining the driveway must be fully open to the driveway. Screening to a height of no less than 1.5 m should be provided on the other three sides of the waste collection area.
  - iii) The waste collection area must be at the same level as the driveway; and
  - iv) The gradient of the driveway must not exceed 1:20 for the first 6 m of the driveway; and
  - v) If necessary, the edge of the driveway can be marked by paint (or similar means) for the length of the temporary bin standing area.
- f) The bin carting routes from each bin storage room (residential and commercial) to the relevant bin collection/holding area must be wholly within the site. The use of the public footpath to cart waste or bins is not permitted.
- g) 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.

## **29. 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 Construction Certificate plans.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS – Stages 1, 2 &amp; 3</b>
--

## **30. 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.

### **31. 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; and/or
- 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.*

### **32. 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*.

### **33. 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.*

### **34. Tree Protection Barriers**

- a) All trees retained on site must have tree protection measures for the ground, trunk and canopy installed in accordance with the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009).
- b) Tree protection measures must erected around retained trees as specified in Appendix 5 of the supplied Arboricultural Impact Assessment provided by tree iQ – Revision D dated 8 December 2015 Document Number – D06848438.

### **35. Tree Protection Certification**

A certificate from the project arborist must be submitted to the Principal Certifying Authority and Council stating compliance with the relevant tree protection conditions of this consent.

<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION – Stages 1, 2 &amp; 3</b>
--

### **36. Construction Work Hours**

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

### **37. Demolition**

To protect the surrounding environment, 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 any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

### **38. Environmental Management**

- a) 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.



- b) The following is to manage dust, noise and vibration emanating from the site during the construction of the development:
  - i) The site is to be managed in accordance with the Construction Noise and Vibration Management Plan prepared by Acoustic Logic dated 15/10/2015.
  - ii) The site is to be managed in accordance with the Dust Management Plan prepared by Benbow Environmental dated October 2015.

**39. Street Sweeping**

To protect the surrounding environment, street sweeping must be undertaken following sediment tracking from the site along Frith Avenue and Jasmine Road during Staged Construction 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.

**40. Works Near Trees**

- a) To maintain tree health the project arborist must monitor and record any necessary remedial actions for maintaining tree health and condition.
- b) For maintenance and monitoring of tree protection the appointed project arborist must monitor and record all changes or modifications to required tree protection measures for the period of construction.

**41. Works Within Tree Protection Zones**

During the relevant construction stage, trees Numbered 8, 10, 26, 35, 41, 46, 47, 49, 62, 69, 71, 73, 74, 76, 86, 103 and 143 are to be protected as follows:

- a) Root Pruning

All Root pruning must be recorded and undertaken as specified in Australian Standard AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5. Add Project Arborist.
- b) Pavements/Concrete Slabs
  - i) Pavement(s) construction must be built on existing grade excavation limited to 150mm.
  - ii) All imported material must be distributed by hand.
- c) Excavation

Any necessary excavation must be undertaken by sensitive methods such as pneumatic or by hand as prescribe in AS 4970-2007 Sections 4.5.5.
- d) Changing of Grade

Existing grade must be retained within the TPZ of all trees being retained.
- e) Installing Services

- i) The installation of all services which enter or transects a designated TPZ must utilise sensitive methods of installation such as directional drilling or in manually excavated trenches.
  - ii) The process must be monitored by the project arborist to assess the likely impacts of boring and bore pits on retained trees.
  - iii) For manual excavation of trenches the project arborist must advise on roots to be retained and must monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.
- f) Installation of Scaffolding
- Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 section 4.5.6.

**42. Building Materials and Site Waste**

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

**43. Works Near Trees Certification**

The project arborist must submit to the principal certifying authority on a monthly a certificate that the works have been carried out in compliance with the approved plans and specifications for tree protection. Certification should include a statement of site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees. Copies of monitoring documentation may be required.

**44. Council Property**

To ensure that 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.

*Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.*

**45. Landfill**

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

- a) Prior to fill material being imported to the site, a certificate shall be obtained from a suitable qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the*

*Environment Operations Act, 1997* or 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 suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) These certificates must be included with the application for an occupation certificate.

#### **46. Excavated Material**

All excavated material removed from the site must be classified by a suitably qualified person 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 be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

#### **47. Survey Report**

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
  - i) The building, retaining walls and the like have been correctly positioned on the site; and
  - ii) The finished floor level(s) are in accordance with the approved plans.
- b) Confirming that the waste collection vehicle turning area complies with AS2890.1 – 2004 and AS20890.2 – 2002 for small rigid vehicles (SRV).

#### **48. Waste Management**

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

- a) The identity of the person removing the waste.
- b) The waste carrier vehicle registration.
- c) Date and time of waste collection.
- d) A description of the waste (type of waste and estimated quantity).
- e) Details of the site to which the waste is to be taken.

- f) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- g) Whether the waste is expected to be reused, recycled or go to landfill.

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

**49. Traffic Control Plan Compliance**

The development must be carried out in accordance with the submitted Traffic Control Plan (TCP).

**50. Maintenance of public footpaths**

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

**51. Construction Vehicles**

All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Work Zone".

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE – Stages 1, 2 & 3 and as Noted**

*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.*

**52. Fulfilment of BASIX Commitments**

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

**53. Sydney Water – s73 Certificate**

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA..

*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.*

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

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

- a) Seniors (55+ age) or people with a disability;
- b) People who live within the same household as seniors or people with a disability; and
- c) Staff employed to assist the administration and provision of services to housing provided under *SEPP (Housing for Seniors or People with a Disability) 2004*.

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

#### **55. External Lighting**

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- 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 Occupation Certificate.

#### **56. Unit Numbering**

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

#### **57. Maintain Canopy Cover**

- a) An additional ten (10) trees to offset the loss of trees removed under this consent must be undertaken. The replacement planting must be species characteristic of Blue Gum High Forest (BGHF) such as *Syncarpia glomulifera* (Turpentine), *Allocasuarina torulosa* (Forest Oak), *Backhousia myrtifolia* (Grey Myrtle) or *Glochidion ferdinandi* var. *ferdinandi* (Cheese Tree).
- b) The planting details submitted in the supplied landscape planting plan (LA03 – Revision B) prepared by Taylor Brammer dated 16/10/15 (Document Number – D06848435) must be complied with.
- c) Location and Size of Plantings
  - i) Replacement trees must be located to the south of Building B (Jasmine Road frontage) and setback 4 metres or greater from the approved development.
  - ii) The pot size of the replacement tree(s) must be a minimum 25 litres and replacement tree(s) must be maintained until they reach the height of 3 metres.
  - iii) The replacement trees must reach a mature height greater than 15 metre.

- iv) All tree stock must meet the specifications outlined in 'Specifying Trees' (Ross Clark, NATSPEC Books).
- v) Planting methods must meet professional (best practice) industry standards
- d) The suitably qualified person holding a Certificate III in Horticulture must submit to the principal certifying authority a statement confirming all landscaping requirements has been completed in accordance with approved landscape plans and conditions of consent.

**58. Final Certification Arborist**

- a) The Project Supervisor must submit to the principal certifying authority all relevant certificates with the application for the occupation certificate stating compliance with all the conditions of this consent.
- b) The Project Arborist must submit to the principal certifying authority a certificate that all the completed works have been carried out in compliance with the approved plans and specifications for tree protection. Certification must include a statement of overall site attendance, the condition of the retained trees, details of any deviations from the approved tree protection measures and their impacts on trees. Copies of monitoring documentation may be required.

**59. 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.*

**60. Waste Management**

- 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. as applicable to the development.*

- b) A report must be prepared by an appropriately qualified person, certifying the following:
- i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.  
*Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report*
  - ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.  
*Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.*
  - iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- c) The residential component (independent living units) and non-residential components of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial (non-residential) tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.
- d) The residential chute service rooms at levels 1 and 3 and the commercial bin storage room on level 4 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 waste facilities on each residential level (small room housing garbage chute and recycling bin) must include sealed and impervious surface, adequate lighting and ventilation, and a robust door.
- e) Each independent living 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.
- f) 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.*

- g) 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*

- h) Access to the automatic waste volume handling equipment (the 3 x 660L bin linear for buildings A and C/D, and the 2 x 660 L bin linear for building B) by unauthorised persons (including residents and waste collectors) must be prevented.

*Note: Caging of the automatic volume handling equipment is acceptable.*

- i) The volume handling equipment on the residential chute systems must not include compaction.
- j) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the 660 L bins around the site. This equipment must be suitable for the ramp grades along the bin carting route.

#### **61. 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.

#### **62. Completion of Landscaping**

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

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

#### **63. Project Arborist Certification**

A certificate from the Project Arborist must be submitted to the Principal Certifying Authority stating compliance with the tree protection conditions of this consent.

#### **64. Water Sensitive Urban Design**

A Water Sensitive Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans prepared NORTHROP Consulting Engineers Job No WOO11257. The Water Quality Targets as detailed within the report and the Hornsby Development Control Plan 2013 are to be achieved in the design and supported by a MUSIC model.



**65. Certification of WSUD Facilities**

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP.

**66. 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. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

**67. Consolidation of Allotments**

All allotments the subject of this consent must be consolidated into one allotment.

*Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.*

**68. Boundary Fencing**

Lapped and capped timber fencing must be erected along the property boundaries with No. 19 Frith Avenue to a height of 1.8 metres.

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

**69. Creation of Easements**

The following easements are to be created on the title of the property in accordance with 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 WSUD facilities and outlet works, within the property in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system and WSUD facilities are to be clearly indicated on the documents;
- b) To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations;

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

**70. 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.

**71. 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"**.

**72. 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(s).

**73. Safety and Security**

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.
- c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.
- d) The basement car park entry must be secured by security gates/roller shutters and controlled by secure access located at the top of the driveway.
- e) Lighting of pedestrian pathways throughout the development must comply with *Australia and New Zealand Lighting Standard 1158.1 – Pedestrian*.
- f) The entry foyer door Building A & Building B is to be a security door with access being restricted to an intercom, code or card lock system.
- g) The street numbers of the buildings are to be readily identifiable from the street frontage.
- h) Quality mail box doors and non-tamper proof locks must be fitted to mail boxes.
- i) Storage cages are to be constructed of quality steel mesh, welded to a sturdy metal frame and provided with a total of 3 hinges and 3 locking points. A secure locking loop bolted into the concrete floor is also required to be provided to enable use of padlocks.
- j) The internal portions of the basement(s) are to be illuminated in accordance with the AS1158.1, AS1680 and AS2890.1.

- k) Landscape vegetation located within the common circulation areas and at the street frontage is to be routinely maintained to ensure that vegetation does not obstruct sight lines from the street frontage.
- l) Each pedestrian entry and associated common areas are to be sufficiently illuminated during the evenings to facilitate lines of sight from common areas and private open space areas to the secured entry door.
- m) For resident safety exclusive staff access swipe card to service areas and plant rooms is to be provided.

#### **74. Acoustic Environment**

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

#### **75. 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.

<b>OPERATIONAL CONDITIONS – Stages 1, 2 &amp; 3</b>
---

#### **76. 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, decanting 240L garbage bins into the 660L garbage bins, managing the communal composting area(s), managing the bulky item storage areas, arranging the prompt removal of dumped rubbish and bulky waste, 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) All bins must be carted from the residential and commercial bin storage rooms to the collection holding areas along routes that are wholly within the site. Use of the public footpath to cart waste and recycling is not permitted.

- d) All commercial (non-residential) 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.  
*Note: commercial tenants include, but are not limited to, the chapel, men's shed, library, wellness centre, dementia day care centre, pool, café, gym, administration.*
- e) 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.

**77. Affordable Housing**

Units B3.01, B3.02, B3.03, B3.04, C5.06, C6.06 C7.06, C7.07, C8.06, C8.07, C9.06, C9.07, C10.06 and C10.07. are to be affordable housing units pursuant to Clause 45 of *State Environmental Planning Policy (Housing for Seniors Living) 2004*.

**78. Noise**

All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).

**79. 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 Buildings A, B, C & D.

**80. Car Parking and Road Safety**

- a) 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.
  - i) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
  - ii) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;
  - iii) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- b) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- c) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad.
- d) Visitors must be able to access the visitor parking spaces at all times.
- e) All parking for people with disabilities is to comply with *AS/NZS 2890.6:2009 Off-street parking for people with disabilities*.

---

**81. Landscape Establishment**

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

<b>CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES (RMS)</b>
--

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.

**82. Excavation Works**

The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment and concurrence prior to the Stage 3 works for Buildings C and D. The developer is to meet the full cost of the assessment by the RMS.

This report would need to address the following key issues:

- a. The impact of excavation /rock anchors on the stability of Pennant Hills Road and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of Pennant Hills Road.

**- END OF CONDITIONS -**

<b>ADVISORY NOTES</b>
-----------------------

<p>The following information is provided for your assistance to ensure compliance with the <i>Environmental Planning and Assessment Act, 1979, Environmental Planning and Assessment Regulation 2000</i>, 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.</p>
--

### **Environmental Planning and Assessment Act 1979 Requirements**

The Environmental Planning and Assessment Act 1979 requires:

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

### **Long Service Levy**

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

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

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

### **Tree and Vegetation Preservation**

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

*Notes: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than 3 metres.*

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

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

### **Disability Discrimination Act**

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

### **Dial Before You Dig**

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

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

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

#### **Asbestos Warning**

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

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

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

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

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

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

#### **Food Authority Notification**

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

*Note: NSW Food Authority can be contacted at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).*

#### **Council Notification – Food Premises**

Prior to the commencement of the business, 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.*