

## Panel Briefing Meeting North District

Time & Date: 9.30pm, Wednesday 29 November 2017

Briefing Location: Christie Conference Centre  
100 Walker Street, North Sydney

Project & DA No: 2017SNH005 – DA/1540/2016 (Lodged 19 December 2016)

Construction Residential Care Facility Comprising Two-Three Storey Building & Including 153 Nursing Home Beds.

Panel Members: Deborah Dearing (Chair), John Roseth, Sue Francis, David White and Michael Smart

Council Staff: James Farrington (Group Manager Planning Division)  
Rod Pickles (Manager Development Assessment)  
Garry Mahony (Senior Town Planner)

Declarations of interest: None

Key Issues:

### 1.0 Recommendation for Refusal

The development application is recommended for refusal for the grounds stated in Schedule 1 of the Council Assessment Report.

### 2.0 Council Resolution

At the Council Meeting on 8 November 2017 the Council made the following resolution:

*THAT Council write to:*

1. *The Honourable Anthony Roberts, Minister for Planning:*
  - a) *Seeking an urgent meeting to discuss the inconsistency of State Government planning policy which promoted seniors housing development with the recommendations of the Greater Sydney Commission that the values of the rural areas should be maintained.*
  - b) *Requesting no further site compatibility certificates be issued by the State Government for seniors housing developments in the rural areas of Hornsby Shire until a clear vision for the region is prepared including an infrastructure and funding plan to cater for existing and future development.*
2. *Local State and Federal Members of Parliament advising them of Council's resolution and seeking their support and assistance in the implementation of the above action and facilitating discussions with the State Government.*

The subject application is one of a number of planning proposals under preparation for land within the South Dural rural area that adjoins an urban zone, including the lands east of the subject site on Old Northern Road. In this regard the recent proposed amendments to the SEPP SH to address incremental expansion of seniors living developments on rural subject to Site Compatibility Certificates, would not address the Council's concerns due to the extent of rural zoned land fronting roads with urban zoned land on the opposite side.



### **3.0 Without Prejudice Conditions**

Should the Panel resolve to approve the application the attached Without Prejudice Conditions are recommended.

**Without Prejudice Conditions**

**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. 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) Submission of a detailed engineering plan for the proposed stormwater drainage over No 719-729 Old Northern Road Dural (Lot Y DP 403409). The plans are to address tree removal, erosion and sedimentation control. The plans are to be in accordance with Council Civil Works Specification and are to be prepared by a suitably qualified civil engineer.
- b) Registration of an Interallotment Drainage Easement over No 719-729 Old Northern Road Dural (Lot Y DP 403409). The easement location and width is to be commensurate with the deferred commencement stormwater plans.
- c) An easement for sewerage is to be created over CP 534, 542-544 Old Northern Rd in accordance with the requirements of Sydney Water.
- d) The owners consent and requirements of the local government authority (The Hills Council) for accessible footpath upgrading works required for access to public transport for future residents of the residential care facility.

Such information must be submitted within 36 months of the date of this notice.

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

## 2. Approved Plans and Supporting Documentation

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

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
DA-01 Issue B – Site Plan	Geoffrey Martin + Associates	July 2016
DA-02 Issue B – Basement B2	Geoffrey Martin + Associates	July 2016
DA-03 Issue B – Lower Ground Floor / Basement B1	Geoffrey Martin + Associates	July 2016
DA-04 Issue B – Ground Floor	Geoffrey Martin + Associates	July 2016
DA-05 Issue B – First Floor	Geoffrey Martin + Associates	July 2016
DA-06 Issue B – Roof Plan	Geoffrey Martin + Associates	July 2016
DA-07 Issue B - Elevations	Geoffrey Martin + Associates	July 2016
DA-08 Issue B – Sections & Elevations	Geoffrey Martin + Associates	July 2016
External Finishes Schedule	Geoffrey Martin + Associates	Undated
1608-01 Issue C – Landscape Plan Ground Floor	Jackie Amos Landscape Architect	Undated
1608-02 Issue C - Landscape Plan Basement B2	Jackie Amos Landscape Architect	Undated
1608-03 Issue B – Typical Cross Sections	Jackie Amos Landscape Architect	Undated
1608-06 Issue B – Western Cross Sections	Jackie Amos Landscape Architect	Undated
SY150751 – Dural Nursing Home Prive Sewer Rising	ACOR Consulting Pty Ltd	21/02/17

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
Main		
SY150751 - Drainage Concept	ACOR Consultants Pty Ltd	Sept 2016
DA/1540/2016 - Tree Location Plan	Redgum Horticultural (Marked Up By HSC)	26/6/17
SY150751 Issue D - Easement Location	ACOR Consultants Pty Ltd	July 2017
DWGNCDU3 - Plan of Footpath Levels	Ian Linton Surveying Services	5.05.16
SY150751 Issue B - Cut & Fill Plan	ACOR Consultants Pty Ltd	17.07.17
SY150751 Issue A - Cut & Fill Sections	ACOR Consultants Pty Ltd	17.07.17
SY150751 Issue A - Flood Extents Plan	ACOR Consultants Pty Ltd	July 2017
SY150751 Issue A - Flood Extents Cross Section	ACOR Consultants Pty Ltd	July 2014

<b>Document title</b>	<b>Prepared by</b>	<b>Dated</b>
Assessment of Traffic and Parking Implications	Transport and Traffic Planning Associates	Feb 2016
Waste Management Plan	Andrew Elmslie	30.11.16
Statement of Compliance Access for People with a Disability - BCA Access	Accessible Building Solutions	02.12.2016
Statement of Compliance Access for People with a Disability - Clause 26	Accessible Building Solutions	09-05-2016
Flood Report	ACOR Consultants Pty Ltd	09/12/16
Stormwater Management	ACOR Consultants Pty Ltd	06/06/17

<b>Document title</b>	<b>Prepared by</b>	<b>Dated</b>
Report		
Preliminary Site Investigation	Consulting Earth Scientists	18 May 2017
Stage 2 – Environmental Site Investigation	Consulting Earth Scientists	14 July 2017
External Noise Emission Assessment	Acoustic Logic	5/06/2017
Arboricultural Impact Assessment	Redgum Horticultural	9 June 2017

### 3. Removal of Existing Trees

- a) This development consent permits the removal of trees numbered 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 47 and 48 as identified on plan number DA/1540/2016 updated by HSC and prepared by Redgum Horticultural, dated 28/6/17.
- 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).

### 4. 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.

### 5. Section 94A Development Contributions

- a) In accordance with Section 80A(1) of the *Environmental Planning and Assessment Act, 1979* and the *Hornsby Shire Council Section 94A Development Contributions Plan 2014-2024*, \$295,460.00 must be paid to Council to cater for the increased demand for community infrastructure resulting from the development, based on development costs of \$29,546,000.

- b) The value of this contribution is current as at 29 November 2017. If this contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 94 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

\$C<sub>PY</sub> is the amount of the contribution at the date of Payment

\$C<sub>DC</sub> is the amount of the contribution as set out in this Development Consent

CPI<sub>PY</sub> is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

CPI<sub>DC</sub> is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

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

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

Council's S94A Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.

## REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### 6. Building Code of Australia

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

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

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.

## 8. 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.*

## 9. 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.

## 10. Sydney Water – Approval

This application must be submitted to *Sydney Water* for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

*Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through [www.sydneywater.com.au](http://www.sydneywater.com.au) under the Building and Development tab.*

## 11. Dilapidation Report

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

- a) Lot 1 DP 120004, Nos. 683-685 Old Northern Road, Dural



- b) Lot 6 DP 404204, No. 687 Old Northern Road, Dural
- c) SP 53966, Nos. 691-693 Old Northern Road, Dural
- d) Lot 3 DP 210442, No. 695 Old Northern Road, Dural
- e) Lot 2 DP 210442, No. 697 Old Northern Road, Dural
- f) Lot 1 DP 210442, Nos. 699-703 Old Northern Road, Dural
- g) Lot Y DP 403409, No. 719-729 Old Northern Road, Dural

## 12. Excavation

A detailed geotechnical assessment of the site by a chartered structural engineer is to be undertaken for the design of the basement excavation, ground vibration, excavation support, design parameters for support systems and anchor design, groundwater and foundation design, to maintain the structural integrity of adjoining buildings and soil stability.

## 13. 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.

## 14. 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**".

## 15. Stormwater Drainage

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

- a) Connected directly to the proposed interallotment drainage easement swale via the On Site Detention system and Water Quality control systems.

- b) The system is to be designed to convey the 50 year *Average Recurrence Interval* storm event with an overland flow provided above it.

#### 16. On Site Stormwater Detention/Water Quality Control

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

- a) The OSD system have a capacity of not less than 38 cubic metres for tank 1 and 65 cubic meters for tank 2, and a maximum discharge (when full) of 92 litres per second for both tanks;
- b) Have a surcharge/inspection grate located directly above the outlet;
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;
- d) The water quality control system to be in accordance with council Development Control Plan and will be required to achieve the following targets.

Gross Pollutants – 90% Reduction

Total suspended Solids – 80% Reduction

Total Phosphorous – 60% Reduction

Total Nitrogen – 45% Reduction

#### 17. Certification of On Site detention System and Water Quality Control System

A certificate is to be obtained from a suitably qualified civil engineer certifying that the stormwater drainage design meets or exceeds the specified targets.

#### 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.
- b) The driveway be a rigid pavement.
- c) The driveway is to be in accordance with the requirements of the RMS.
- d) A Road Occupation License is to be issued by the RMS prior to any work within the road reserve of Old Northern Rd.

#### 19. Minimum floor Levels

The floor level of the buildings adjacent to the overland flowpath are to be a minimum of 500mm above the 1 in 100 year ARI flood event. Prior to the issue of a Construction

Certificate for the development an engineer's report detailing the 1 in 100 year is to be obtained calculating the actual flood level (AHD) and the required minimum floor level.

## 20. Footpath

A concrete footpath is to be designed to connect to the existing footpath adjacent to No 699-703 Old Northern Road Dural in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The footpath being 2.0m in width and located 300mm from the existing kerb line in Old Northern Road connecting with the existing signalised intersection and designed for access for people with a disability. A pedestrian fence is to be installed along the footpath kerb.
- 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.
- d) Accessible footpath upgrading works in accordance with the recommendations of the Accessible Building Solutions report dated 09-05-2016.

## 21. 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) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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

## 22. Road Works

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) A concrete kerb and gutter is to be constructed across the full frontage of the site in Old Northern Rd.
- b) The applicant shall seek and obtain the concurrence and approval of the work prior to and any work commencing within the road reserve of Old Northern Road.

- c) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.
- d) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

**23. Construction Management Plan (CMP)**

To assist in the protection of the public, the environment and Council's assets, a separate *Construction Management Plan* is to be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer, is to be submitted to Council's Compliance Team for approval to be used by workers and Council as on-site reference during demolition, excavation and construction works, according to the following requirements:-

- a) The CMP will detail the contact information for all development phases for developers, builder, site foremen, private certifier, environmental management consultant and any emergency details.
- b) The plan will include a Construction Traffic Management Plan (CTMP) which will include information detailing the following:-
  - i) Truck movements to and from the site, including the routes used, swept path diagrams entering and exiting the site and implemented traffic control;
  - ii) Site plan showing site sheds, concrete pump location and crane location;
  - iii) The requirement for Work Zones, Road Openings, Road Closures, Crane Permits and Road Occupancy licenses;
  - iv) Safe pedestrian management details including during local school and commuter hours where the footpath is heavily frequented.
- c) The plan will include Construction Waste Management information detailing the following:-
  - i) Details on the requirement for importation or excavation of soil and fill including the waste classification of the fill, disposal methods and locations of authorised disposal depots that will be used for the fill;
  - ii) Asbestos Information must be included on the requirement and procedures for removal and disposal from the site in accordance with Australian Standard: 2601-2001 – 'The Demolition of Structures', and the Protection of the Environment Operations (Waste) Regulation 2005;
  - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- d) Information to be prepared on the management of stormwater disposal from any detention basin or trapped within the site throughout all development phases in accordance with the ANZECC Guidelines trigger values for the area.
- e) Sediment and Erosion control details including the procedures during rainfall events and site plans included within the Appendices, all in accordance with the '*Soils and*

*Construction 2004 (Bluebook)* and consistent to other development application approved environmental plans.

- f) Information on air quality management on site, including but not limited to dust suppression measure throughout demolition and construction.
- g) Details on the general operating procedures to manage environmental risk throughout all stages of works on the site;
- h) To ensure the quality of Council's footpath is maintained throughout the development, mitigation measures and information is to be included on procedures that will be implemented to keep the footpath clear and free of trip hazards and obstructions.
- i) Information and details to be included on the requirement of a 'Hoarding Permit' for the use of Council's verge at any stage during the development period, a plan showing the location and details of the hoarding are to be included in the Appendices.
- j) Details on the requirement for any 'Out of Hours' permits during the development in cases such as concrete pours including the frequency and reasoning for the applications.
- k) Noise and vibration control information to address any noise nuisances such as rock sawing or breaking, the mitigation methods implemented and how complaints will be managed or prevented.

#### **24. Waste Management Details**

The following waste management requirements must be complied with:

- a) 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.

#### **25. Certification of Traffic Engineer**

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

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**26. 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.

**27. Protection of Adjoining Areas**

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; 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.*

**28. 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*.

#### 29. 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.*

#### 30. Tree Protection

- a) All tree protection fencing for the trees to be retained must have the protection measures for the ground, trunk and canopy installed in accordance with the relevant requirements of Australian Standard AS 4970-2009 - *"Protection of Trees on Development Sites"*.
- b) All tree protection fencing for the trees to be retained must be erected around trees numbered 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, 15, 19, 20 and 21 as specified on the marked up Tree Location Plan provided by Redgum Horticultural dated 28/6/17.
- c) All tree protection zones for the trees to be retained must have a layer of wood-chip mulch installed prior to works commencing.
- d) The wood-chip mulch must be maintained throughout the period of construction at a depth of between 150mm and 300mm, using material that complies with the relevant requirements of Australian Standard AS 4454 – *"Composts, Soil Conditioners and Mulches"*.

#### 31. Tree Protection Certification

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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#### 32. Construction Work Hours

All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.

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

#### 33. 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; and
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; 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.

#### **34. Environmental Management**

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, 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*.

#### **35. Works within Tree Protection Zones**

##### **a) Root Pruning**

All root pruning must be undertaken in accordance with the relevant requirements of Australian Standard AS 4970-2009 “*Protection of Trees on Development Sites*” - Sections 3.3.4, 4.5.4 and 4.5.5.

##### **b) Excavation**

Any and all necessary excavations within the Tree Protection Zone of trees to be retained numbered 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, 15, 19, 20 and 21 on the approved plans, must be undertaken using construction techniques as prescribed in the Australian Standard AS 4970-2009 – “*Protection of Trees on Development Sites*” Section 4.5.5.

##### **c) Installing Services**

To minimise the environmental impacts of the development within the Tree Protection Zone (TPZ) of trees to be retained, numbered 1, 2, 3, 4, 6, 8, 10, 11, 12, 13, 15, 19, 20 and 21 on the approved plans:

- i) The installation of general underground services which either enter or transect the designated TPZ must utilise sensitive methods such as boring/directional drilling or manual excavation.



- ii) The sewer which transects the designated TPZ for trees 8-13 must be installed as follows:
    - a. Installation must utilise sensitive methods such as boring/directional drilling (TRIM.
    - b. Set up must occur outside the TPZ.
    - c. The project arborist must monitor the process and record impacts to trees if they occur.
  - iii) The installation of any underground services must be inspected by the project arborist to monitor the likely impacts of the development on retained trees.
  - iv) 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.
- d) 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.

### **36. 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.

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

- a) To protect trees to be retained, all required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) A certificate must be submitted to the principal certifying authority detailing the method(s) used to preserve these tree(s) during the course of construction.

*Note: Except as provided above, the applicant is to ensure that no excavation, filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants occurs within 4 metres of any tree to be retained.*

### **38. 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.*

### **39. Disturbance of Existing Site**

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

#### **40. 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 suitably 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.

#### **41. 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.

#### **42. 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).

#### **43. Waste Management**

All work must be carried out in accordance with the approved waste management plan.

#### **44. Construction Traffic Management Plan Compliance**

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

#### **45. Waste Management Details**

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

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

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

#### **46. Street Sweeping**

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along adjacent streets during works and until the site is established.

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

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

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

#### **47. 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.*

#### **48. 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 Water Sensitive Urban Design (WSUD) facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP.

#### **49. 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.

#### **50. Creation of Easements**

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

- a) A restriction over flow path for a 100 year average recurrence interval storm. The *"Restriction on the Use of Land"* over the affected lots is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council;
- b) A *"Restriction on the Use of Land"* for any lot adjacent to the floodway, requiring the finished floor level of any habitable room to be not less than 500mm and the garage 300mm above the 100 year average recurrence interval storm level. The levels must be related to *Australian Height Datum*;
- c) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems, water quality control system 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;
- d) To register the OSD and water quality control easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system and water quality control must be submitted verifying that the required storage, discharge rates and water quality targets 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.*

#### **51. Retaining Walls**

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

#### **52. 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"**.

**53. Construction of engineering works.**

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

**54. 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.

**55. Maintain Canopy Cover**

- a) The trees approved for removal under this consent must be offset through replacement planting of a minimum 10 locally indigenous trees within a 10m wide corridor along the southern side of the proposed front fence.
- b) All replacement plantings must be species selected from the Council's Indigenous species listing located in the Hornsby Shire DCP 2013; Tree Preservation Measures 1B.6 Table 1B.6(b) such as *Glochidion fernandii*, *Syzygium paniculata*, *Eucalyptus acmenoides*
- c) Location and Size of Plantings
  - i) All replacement trees must be located in front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
  - ii) The pot size of the replacement tree(s) must be a minimum 25 litres
  - iii) All replacement tree(s) must be maintained until they reach the height of 3 metres.
  - iv) All replacement trees must have the potential to reach a mature height greater than 10 metre.
  - v) All tree stock must meet the specifications outlined in '*Specifying Trees*' by Ross Clark, Publisher NATSPEC Books).
  - vi) Planting methods must meet professional (best practice) industry standards

**56. Final Certification Arborist**

- a) The suitably qualified person holding a certificate III in Horticulture must submit to the principal certifying authority a Statement/or/Certification confirming all Tree Replacement Requirements have been completed in accordance with approved landscape plans and conditions of consent.

- b) 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.
- c) 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.
- d) 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.

*Note: Copies of monitoring documentation may be required.*

#### **57. Completion of Landscaping**

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

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

#### **58. 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 Construction Certificate.

#### **59. Wastewater Connection to Sydney Water**

All wastewater generated by the development must be connected to Sydney Water's sewerage system.

#### **60. 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, and must be lockable.
- b) A report must be prepared by an appropriately qualified person, certifying the following:
  - i) A comparison of the estimated quantities of each demolition and construction 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 demolition and construction waste was taken to site(s) that were lawfully permitted to accept that waste.

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

*Note: Ramps between different levels are acceptable*

- d) "No Parking" signs are to be erected in the loading bay and turning area to discourage cars from being parked there.

- e) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles no less than 10.2 m long with 5.5 m wheelbase.

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

## 61. Bushland Restoration

To ensure the regeneration of bushland, all environmental and noxious weeds including Asparagus fern (*Asparagus aethiopicus*), Large-leaf Privet (*Ligustrum lucidum*) and Moth Vine (*Araujia sericifera*) located in the road frontage are to be removed and suppressed using recognised bush regeneration methods in accordance with 'Recovering bushland on the Cumberland Plain: Best practice guidelines for the management and restoration of bushland – Department of Conservation 2005'.

## OPERATIONAL CONDITIONS



**62. Traffic and Road Safety**

- 62.1 Access to the site shall be limited to 'left in' and 'left out' movements. The existing median island along Old Northern Road is to be extended to cover the proposed driveways by at least 6m past the driveways.
- 62.2 The car park will be used by visitors and the layout is to be redesigned in accordance with the AS 2890.1:2004 to remove the dead end aisles.
- 62.3 The gradient of the driveways is to be 1:20 for the first 6 metres within the site
- 62.4 Provision for the ambulance is to be made in accordance with the requirements of ASNSW Ambulance Access.
- 62.5 All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.
- 62.6 Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths

**63. 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).

**64. Noise Management**

The use of the facility must be managed in accordance with the External Noise Emission Assessment prepared by Acoustic Logic document number 20170614.1/0506A/R0/GW dated 5<sup>th</sup> June 2017.

**65. 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.

**66. Waste Management**

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

- a) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- b) The commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.



**67. 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.

<b>CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES</b>
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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. Roads and Maritime Services**

- 68.1 The proposed widening of the consolidated driveway connecting to the Old Northern Road shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans.

Roads and Maritime fees for administration, plan checking, civil works inspections, and project management shall be paid by the developer prior to the commencement of works.

- 68.2 Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

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

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

- 68.3 Sight distances from the proposed consolidated driveway to vehicles on Old Northern Road are to be in accordance with the Austroads 'Guide to Traffic Engineering Practice, Part 5: Intersections at Grade, Section 6.2 – Sight Distance' and AS 2890.

Vegetation and proposed landscaping/fencing must not hinder sightlines to and from the vehicular crossings to motorists, pedestrians and cyclists.

- 68.4 A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- 68.5 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Old Northern Road.
- 68.6 A Road Occupancy Licence (ROL) should be obtained from the Transport Management Centre for any works that may impact on the traffic flows on Old Northern Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
- 68.7 The developer is to submit design drawings and documents relating to the excavation/boring of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

The report and any enquiries should be forwarded to:

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

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 68.8 Boring under Roads and Maritime control roads, the proponent should provide ground condition, diameter and depth of the proposed underbore.

The following information should also be submitted for review:

- The geotechnical investigation within the vicinity of the underbore location.
- Typical longitudinal and cross sections of the proposed underbore.
- Detail analysis and predicted surface settlement of the underbore works.



- Proposed monitoring plan that required before, during and after the underbore work.

Based on the information Roads and Maritime will determine whether a detailed review will be required. If detail review is required by Roads and Maritime then proponent should meet the cost for the review.