

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. / Rev	Plan Title	Drawn by	Dated	Council Reference
DA-110-002 K	Basement 4 Residential Carpark	Turner	29.08.2019	D07767928
DA-110-003 K	Basement 3 Residential Carpark	Turner	29.08.2019	D07767928
DA-110-005 J	Basement 2 Retail Carpark	Turner	17.07.2019	D07767928
DA-110-006 J	Basement 1 Retail Carpark	Turner	17.07.2019	D07767928
DA-110-007 J	Lower Ground – Loading/Supermarket/ Childcare	Turner	17.07.2019	D07767928
DA-110-008 J	Ground Level – Retail	Turner	17.07.2019	D07767928
DA-110-010 J	Level 1 – Mezzanine	Turner	17.07.2019	D07767928
DA-110-020 J	Level 2 – Commercial Level	Turner	17.07.2019	D07767928
DA-110-030 J	Level 3 - Podium / Communal Open Space	Turner	17.07.2019	D07767928
DA-110-040 J	Level 4 – Typical Lower Residential	Turner	17.07.2019	D07767928
DA-110-090 J	Level 8	Turner	17.07.2019	D07767928
DA-110-100 J	Level 9 Bldg A Upper Resi/Bldg B Typical lower	Turner	17.07.2019	D07767928
DA-110-120 J	Level 11 Bldg A_Roof Terrace/Bldg B Lower Resi	Turner	17.07.2019	D07767928

Plan No. / Rev	Plan Title	Drawn by	Dated	Council Reference
DA-110-130 J	Level 12-17 Bldg A_Roof Plan/Bldg B Lower Resi	Turner	17.07.2019	D07767928
DA-110-210 J	Level 18-21 – Bldg B_Upper Residential	Turner	17.07.2019	D07767928
DA-110-230 J	Level 22 – Bldg B_Roof Terrace	Turner	17.07.2019	D07767928
DA-250-010 J	North Elevation	Turner	17.07.2019	D07767928
DA-250-020 J	Peats Ferry Rd_East Elevation	Turner	17.07.2019	D07767928
DA-250-030 J	Bldg A South Elevation	Turner	17.07.2019	D07767928
DA-250-040 J	Dural Street_West Elevation	Turner	17.07.2019	D07767928
DA-250-050 J	Bldg B Western Elevation	Turner	17.07.2019	D07767928
DA-250-060 J	Bldg A East Elevation	Turner	17.07.2019	D07767928
DA-350-010 J	Long Section	Turner	17.07.2019	D07767928
DA-350-020 G	Western Boundary Section Detail	Turner	11.04.2019	D07767928
DA-740-010 J	Livable Apartments	Turner	17.07.2019	D07767928
DA-740-020 J	Adaptable Apartments - 1& 2 bed	Turner	17.07.2019	D07767928
DA-740-030 J	Adaptable Apartments – 3 bed	Turner	17.07.2019	D07767928
DA-900-130 G	Building B - Western Facade Updates	Turner	11.04.2019	D07767928
DA-950-010 A	Sample Board	Turner	17.07.2019	D07767928
DA-950-010 G	Sample Board	Turner	17.07.2019	D07767928
L01 Issue C	Cover Sheet & Planting Schedule	Turner	04.07.2019	D07716269
L02 Issue C	Key Plans	Turner	04.07.2019	D07716269
L03 Issue C	Landscape Plan - Lower Ground - Loading / Childcare/ Supermarket	Turner	04.07.2019	D07716269
L04 Issue C	Landscape Plan - Lower Ground - Loading / Childcare/ Supermarket - Upper Ledge	Turner	04.07.2019	D07716269
L05 Issue C	Landscape Plan -Ground Level - Retail 01	Turner	04.07.2019	D07716269
L06 Issue C	Landscape Plan -Ground Level - Retail 02	Turner	04.07.2019	D07716269

Plan No. / Rev	Plan Title	Drawn by	Dated	Council Reference
L07 Issue C	Landscape Plan - Level 3 Podium - Communal Open Space 01	Turner	04.07.2019	D07716269
L08 Issue C	Landscape Plan - Level 3 Podium - Communal Open Space 02	Turner	04.07.2019	D07716269
L09 Issue C	Landscape Plan - Level 22 Building A Roof Terrace	Turner	04.07.2019	D07716269
L10 Issue C	Landscape Plan - Level 11 Building B Roof Terrace	Turner	04.07.2019	D07716269
L11 Issue C	Landscape Plan - Level 9 & Typical Landscape Treatment	Turner	04.07.2019	D07716269
L12 Issue C	Landscape Details Sheet	Turner	04.07.2019	D07716269
L13 Issue C	Landscape materials palette/mood board	Turner	04.07.2019	D07716269
387369-C-CV01-DA-0002 P1	Notes and Legend	Mott Macdonald	01.03.2018	D07404089
387369-C-CV01-DA-0003 P1	General Arrangement Plan	Mott Macdonald	01.03.2018	D07404089
387369-C-CV01-DA-0004 P1	Concept Soil and Water Management Plan	Mott Macdonald	01.03.2018	D07404089
387369-C-CV01-DA-0005 P1	Concept Soil and Water Management Notes and Details	Mott Macdonald	01.03.2018	D07404089
387369-C-CV01-DA-0006 P1	Siteworks Layout Plan	Mott Macdonald	01.03.2018	D07404089
387369-C-CV01-DA-0007 P1	Untitled (Siteworks Details)	Mott Macdonald	01.03.2018	D07404089
387369-C-CV01-DA-0008 P1	O.S.D Plan and Details	Mott Macdonald	01.03.2018	D07404089
387369-C-CV01-DA-0009 P1	Driveway Longitudinal Sections	Mott Macdonald	01.03.2018	D07404089

Document Title	Prepared by	Dated	Council Reference
Access Review v4	Morris Goding	19.09.2018	D07548890
Arboricultural Impact Assessment Report	Urban Arbor	17.06.2019	D07716263
Tree Location Plan	Hornsby Council	No date	D07425478

Document Title	Prepared by	Dated	Council Reference
Assessment of Development Feasibility – Acoustics v3	Jacobs	23.09.2019	D07762518
BASIX Certificate 7D1W0HQQ1	Nicholas Johnson	23.10.2018	D07548894
Bushfire Hazard Assessment for child care centre	Bushfire Planning & Design	18.04.2018	D07431038
Bushfire Hazard Assessment for buildings	Bushfire Planning & Design	18.04.2018	D07431036
Construction Management Plan v3	Jacobs	July 2019	D07716270
Detailed Site Investigation Rev4	Jacobs	01.03.2018	D07404069
Development Application Sustainability Report	Wood & Grieve	23.10.2018	D07548894
Preliminary Construction Traffic Management Plan	Jacobs	13.11.2018	D07564727
Preliminary Geotechnical Site Investigation Report	Jacobs	21.07.2017	D07404073
Qualitative Wind Assessment	CPP	05.02.2018	D07404052
Remedial Action Plan	Jacobs	1.10.2019	D07767627
Statement of Heritage Impact	Heritage 21	09.10.2018	D07548896
Stormwater Management Report Rev C	Mott Macdonald	28.09.2018	D07404086
Traffic and Transport Impact Assessment	Jacobs	08.07.2019	D07716266
Waste & Recycling Management Plan	Jacobs	29.11.2018	D07571091
Preliminary Trolley Management Plan	Jacobs	31.01.2019	D07605978
Waste management plan	Jacobs	10.10.2019	D07548892

2. **Amendment of Plans**

- a) To comply with Councils requirements, the approved plans are to be amended as follows:
 - i) The acoustic fence along the western edge of the outdoor play space of the future child care facility shall be 2.2 metres high above the level of the outdoor play space;
 - ii) Accessible car spaces are to be located so that an accessible path of travel is provided directly between the spaces and the nearest lifts without having to use the traffic aisle and clear of storage cages as follows:

- a. At Basement 1, car spaces 33 and 34 are to be swapped with car spaces 67, 68 and 69;
 - b. At Basement 1, the Cold Rainwater/Pump Meter Room and the Fire Pump Room are to be reconfigured to enable an accessible path from car spaces 35-38 to the lift core;
 - c. At Basement 2, car spaces 27 and 28 are to be swapped with car spaces 66, 67 and 68;
 - d. At Basement 3, car spaces 24 and 42 are to be swapped with car spaces 36, 37 and 38 and the 48 bicycle parking spaces between car spaces 36 and 71 are to be relocated to Basement 4;
 - e. At Basement 3, car spaces 26 and 39 are to be swapped with car spaces 65, 66 and 67;
 - f. At Basement 3, car space 54 is to be swapped with car spaces 60 and 61;
 - g. At Basement 4, car space 24 is to be swapped with car spaces 60 and 61;
 - h. At Basement 4, car spaces 63 and 64 are to be converted to an accessible space with adjacent shared space
 - i. At Basement 4, car spaces 26 and 39 are to be swapped with car spaces 65, 66 and 67;
 - j. At Basement 4, car spaces 41 and 42 are to be swapped with car spaces 36, 37 and 38;
 - k. At Basements 3 and 4, the area south of Lift 2A is to be kept clear of obstruction to provide an accessible path from surrounding car spaces;
- b) These amended plans must be submitted with the application for the Construction Certificate.

3. **Separate Applications Required**

Separate application/s to Council will be required for approval for:

- (a) fit-out and use the proposed centre-based child care facility (including hours of operation);
- (b) any signage;
- (c) any works within or construction access required from the northern adjoining Crown Land.

4. **Building Materials**

No change to the approved materials and finishes specified on the approved Sample Board Sheet DA-950-010 A dated 17.07.19 and Sample Board Sheet DA-950-010 G dated 17.07.19 prepared Turner Architects without further consent of Council.

5. **Removal of Existing Trees**

- a) This development consent permits the removal of trees numbered 2, 3, 6, 7, 8, 13 and 14 as identified in the Tree Location Plan provided by Council's Tree Management Team dated 11/4/2018 D07425478.

Note: The removal 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.

6. Construction Certificate

- a) A construction certificate must be approved by either Council or an Accredited Building Certifier prior to the commencement of any works on the site approved under this development consent.
- b) The plans submitted with the application for the construction certificate must be consistent with the plans approved under this development consent.

7. Section 7.11 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 94 Development Contributions Plan 2014-2024*, the following monetary contributions must be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$832,899.25
Open Space and Recreation	\$2,465,372.65
Community Facilities	\$947,764.30
Plan Preparation and Administration	\$9,555.70
TOTAL	\$4,255,591.90

being for 70 x Studio/1 Bedroom units, 135 x 2 Bedroom units, 26 x 3 Bedroom units, 3,406m² of Retail Gross Floor Area (GFA), 2,127m² of Commercial GFA and a credit of 168m² of Retail GFA and 954m² of Commercial GFA.

- b) The value of this contribution is current as at 19 September 2019. If the 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:

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

Where:

$\$C_{PY}$ is the amount of the contribution at the date of Payment

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

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

CPI_{DC} is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

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

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF REMEDIATION WORKS

8. Construction & Environmental Management Plan (CEMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist including all stages of the development including remediation and demolition works. The CEMP is to be submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au for review and approval according to the following requirements:

- a) The CEMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) The CEMP must detail all environmental protection measures including;
 - i. Water and soil management, including but not limited to sediment and erosion control measures in accordance with the Soils and Construction 2004 (Bluebook), and a statement confirming that 'scrub and dry' street sweeping is to be undertaken following sediment tracking from the site the site is established.
 - ii. Air quality management on site, including asbestos fibre monitoring and dust suppression measures during demolition and construction;
 - a. A statement is included confirming that a Safework NSW Licensed Asbestos Assessor is required to undertake airborne asbestos fibre monitoring along the boundaries of the site and within the site prior to, during and upon completion of remediation works ensuing that no unacceptable risk from airborne asbestos is identified.
 - iii. Management of stormwater disposal from proposed detention basins and basements throughout all development phases in accordance with the ANZECC Guidelines trigger values for the area.
 - iv. Details on the general operating procedures to manage environmental risk throughout all stages of works on the site.
 - v. Details of temporary hoarding, fencing and/or awnings that are to be erected between the work site and the adjoining lands before any works begin, a

statement that an application to Hornsby Shire Council will be made to obtain a permit prior to the commencement of any works.

- vi. A statement advising that the existing childcare centre building will remain on the subject for the duration of the development.
- c) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used for all stages of the development.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development.
 - iii) In order to prevent injury, accident and loss of property, a statement must be included within the Plan confirming that no building materials, work sheds, vehicles, machines or the like to remain in the road reserve area without the written consent of Hornsby Shire Council.
 - iv) A Road Occupancy Licence shall be obtained from Transport Management Centre for any works that may impact on traffic flows at the signalised intersection of Coronation Street and Peats Ferry Road
 - v) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018*, The Roads & Traffic Authority's *Traffic Control at Worksites Manual 1998* and Australian Standard 1742.3 for all work on a public road and detail:
 - a. Public notification of proposed works; Arrangements for public notification of the works;
 - b. Temporary construction signage;
 - c. Permanent post-construction signage;
 - d. Vehicle movement plans using only Dural Street (between Peats Ferry Road and Frederick Street), Frederick Street (between Dural Street and William Street), William Street (between Frederick Street and Peats Ferry Road) and Peats Ferry Road south of William Street;
 - e. Traffic management plans; and
 - f. Pedestrian and cyclist access/safety.
 - vi) 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.
 - vii) Site plans showing site sheds, concrete pump and crane locations, loading and unloading area, waste and storage for all stages of works.
 - viii) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.

- ix) The plan shall include that no more than 4 truck movements is permitted per hour unless otherwise approved by Council in writing (*note: in and out of the site is counted as 1 movement*).
 - x) The plan shall include that the size of the vehicles attending the site should not exceed the length of a medium ridged vehicle unless otherwise approved by Council in writing.
 - xi) The plan shall include swept path analysis for ingress and egress of the site for all stages of works.
 - xii) The plan shall include the total volume of fill to be exported at the subject property throughout all stages.
 - xiii) The plan shall include the total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
 - xiv) The plan shall include the number of maximum truck movements per day to and from the site for each stage of works.
 - xv) The plan shall include the maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - xvi) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
 - xvii) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Principle Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - xviii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- d) A Construction Waste Management Plan detailing the following:
- i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS 2601–2001 – *‘The Demolition of Structures’*, and the *Protection of the Environment Operations (Waste) Regulation 2014*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers, a statement is to be included confirming:
 - a. That a garbage receptacle will be provided at the work site before works begin and must be maintained until all works are completed.
 - b. That the garbage receptacle will have a tight fitting lid and be suitable for the reception of food scraps and papers.
 - c. That the receptacle lid will be kept closed at all times, other than when garbage is being deposited.

- d. That food scraps will be placed in a garbage receptacle and not in demolition and construction waste bins.
- e) Installation of Tree Protection Measures, statements are to be included confirming the following will be installed and maintained throughout all stages of development:
 - i) That trees numbered 1, 4, 5, 9, 10, 11 and 12 on Council land and Crown land will have tree protection measures for the ground, trunk and canopy installed in by the project arborist.
 - ii) That tree protection measures for the ground, trunk and canopy will be installed by the project arborist must be set in accordance with Australian Standard AS 4970-2009 - "*Protection of Trees on Development Sites*".
 - iii) That tree crown protection measures are required and will be install by the project arborist.
 - iv) That tree trunk and branch protection will be applied in accordance with the relevant requirements section 3.3.6 Crown protection of Australian Standard AS 4970-2009 - "*Protection of Trees on Development Sites*"
 - v) That the circumference of the Trunk and/or branches will be wrapped in hessian or similar material to provide cushioning for the installation of timber planks (50 x100mm or similar).
 - vi) That timber planks must be spaced at 100mm intervals and will be attached using adjustable ratchet straps.
 - vii) That no works including vehicular access for construction vehicles (excluding footpath works) is permitted within the Structural Root Zone of trees 9 and 10 as identified on the tree protection plan prepared by Hornsby Council.
 - viii) That the appointed project arborist will monitor and record all necessary remedial actions required for trees numbered 1, 4, 5, 9, 10, 11 and 12 as identified on the tree protection plan prepared by Hornsby Council to maintain tree health and condition. This will be provided to Council upon request.
- f) A Construction Noise and Vibration Management Plan (CNMP) which includes:
 - i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
 - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
 - v) Details of mitigation measures that will meet acoustic standards and guidelines at each stage of works.
 - vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.

9. Compliance with Construction and Environmental Management Plan

Any required works prior to the commencement of remediation and demolition as detailed in the Council approved Construction and Environmental Management Plan must be complied with, unless otherwise approved by Council.

REQUIREMENTS DURING REMEDIATION WORKS

10. Unexpected Find Protocol

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of approved works, the applicant must immediately cease works on site and notify the Principal Certifying Authority and Council.

11. Construction Work Hours

All remediation works on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council). No work is to be undertaken on Sundays or public holidays.

Where the development involves the use of jackhammers/rock breakers or other heavy machinery, such equipment may only be used between the hours of 7.00 am – 12 noon and 2:00 pm - 5.00 pm Monday to Friday.

12. Remediation works

The remediation works are to be undertaken in accordance with the Remedial Action Plan, Reference No. IA133100-RAP, Revision 1 prepared by Jacobs Group (Australia) Pty Limited dated 1 October, 2019.

13. Compliance with Construction and Environmental Management Plan

The Council approved Construction and Environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

REQUIREMENTS POST REMEDIATION WORKS

14. Compliance with Construction and Environmental Management Plan

The Council approved Construction and environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

15. Site Remediation Validation Report

The applicant must provide a Site Remediation Validation Report to Council prepared by a suitably qualified Environmental Consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) or the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, verifying that the site has been remediated in accordance with the *National Environmental Protection (Assessment of Site Contamination) Measure 2013* (NEPM), the NSW Environment Protection Authority's *Contaminated Sites Guidelines* and the Remedial Action Plan, Reference

No. IA133100-RAP, Revision 1 prepared by Jacobs Group (Australia) Pty Limited dated 1 October, 2019 and include the following additional information:

- a) The Validation Report must include the NATA laboratory test results of groundwater sampling from across the site and;
- b) Should any groundwater be identified as contaminated, All contaminated groundwater must not be directed to the Council stormwater system or the Sydney Water sewer system and the contaminated water must be removed off site and;
- c) The Validation Report must include a statement confirming that the site is suitable for its approved use and;
- d) The Validation Report must be submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au for review and approval.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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16. Site Remediation Validation Report

Written Confirmation from Council must be provided to the PCA that the Validation Report has been approved.

17. Heritage Measures

Prior to the issue of a Construction Certificate and prior to the commencement of remediation and demolition works, the following must be undertaken/prepared in accordance with the recommendations of Section 7.3 of the approved Statement of Heritage Impact to the satisfaction of Council:

- a) Appointment of a Heritage Architect to oversee all heritage related aspects of the demolition, construction, restoration and renovation works associated with the approved development;
- b) Preparation of a Photographic Archival Recording;
- c) Preparation of a Schedule of Conservation Works;
- d) Preparation of a Temporary Protection Plan;
- e) Preparation of a Relocation Plan outlining the methodology for relocating the heritage item 'Norwood';
- f) Preparation of a Heritage Interpretation Strategy;
- g) Preparation of a Salvage Schedule;
- h) Preparation of a Heritage Interpretation Plan;
- i) Preparation of a Signage Strategy.

These details must be submitted to Council's Heritage Planner via devmail@hornsby.nsw.gov.au

18. Compliance with Construction and Environmental Management Plan

The Council approved Construction and environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

19. **Building Code of Australia**

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

20. **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.

21. **Undergrounding of Services**

Prior to the issue of the relevant Construction Certificate, the Applicant must submit details of the undergrounding of all services in the public footpath immediately adjacent to the site in Dural Street to the satisfaction of Council.

22. **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 under the Building and Development tab.

23. **Pre-commencement Dilapidation Report**

A 'Dilapidation Report' is to be prepared by an engineer registered by the Australian Institute of Engineers detailing the structural condition of the following properties:

- a) Strata Plan 19127 No.8 Dural Street, Hornsby,
- b) Strata Plan 11380 No.5-9 Dural Street, Hornsby, and
- c) Strata Plan 1880, No.185 Peats Ferry Road, Hornsby

A Portable Document Format (.pdf) copy of the Dilapidation Report shall be submitted to the Principal Certifying Authority and Hornsby Council under file DA/201/2018 before approval of any Construction Certificate.

24. **Pre-commencement Road Dilapidation Report**

- a) A 'Dilapidation Report' is to be prepared by an engineer registered by the Australian Institute of Engineers detailing the existing state of repair/condition of the road surfaces and utilities along Peats Ferry Road, Frederick Street, William Street and Dural Street.
- b) A Portable Document Format (.pdf) copy of the Dilapidation Report shall be submitted to the Principal Certifying Authority and Hornsby Council under file DA/201/2018 before approval of any Construction Certificate.

25. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard AS2890.2 - 2002 – Off Street Commercial* and the following requirement:

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

26. Draft Sustainable Travel Plan

A Sustainable Travel Plan (STP) shall be prepared by a suitably qualified professional outlining the following:

- a) The proposed target travel mode shares for the development with the aim of minimising private car usage and maximising public transport usage;
- b) Recommended strategies to achieve the proposed travel mode shares;
- c) Details of walking and cycle routes between the site and surrounding public transport, retail, community, recreation and health facilities, including the location of bicycle storage facilities and end-of-trip facilities;
- d) Details of walking and cycling groups/clubs in the locality;
- e) Details of the management of the proposed car-share parking spaces within the site and the location and booking of existing car-share parking in the locality surrounding the site;
- f) Details of a car-pooling scheme for the development and details of any existing car-pooling schemes in the locality;
- g) Details of relevant bus stops, routes and frequencies in the locality surrounding the site;
- h) Details of rail services from Hornsby Railway Station;
- i) How the STP will be communicated to all residents of and employees within the site;
- j) How details of sustainable travel modes will be communicated to visitors to the site;
- k) Arrangements for annual surveys of travel mode share and actions to achieve the proposed travel mode shares if they are not being achieved for three (3) years after the first occupation of the development;
- l) The person or position in the nominated organisation/company responsible for implementing the plan including contact details;

The draft STP shall be submitted to and approved by Council's Manager Traffic and Transport, prior to issue of a Construction Certificate.

27. Noise

The development must be designed and carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled Assessment of Development Feasibility – Acoustics v3 dated 23 September 2019 prepared by Jacobs 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/development assessments](http://www.planning.nsw.gov.au/development%20assessments). The RailCorp document is available at www.railcorp.nsw.gov.au/publications.

28. 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**".

29. On Site Stormwater Detention

An on-site stormwater detention system is to be submitted with the construction Certificate to Council, it must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Have a capacity of not less than 258 cubic metres, and a maximum discharge (when full) of 97 litres per second;
- b) Have a locking surcharge/inspection grate located directly above the outlet in a publicly accessible area;
- 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. Provision shall be made for overflow systems in excess of the 20 year ARI stormflow ;
- d) Ensure all pits and tanks are graded to their outlet invert levels. Sumps are not permissible anywhere in the system;
- e) Access to the system shall be provided by 900 x 900 mm lockable weldmesh grates with stepirons located in a public accessible area, and;
- f) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

30. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, and a Construction Certificate issued in accordance with *Australian Standards AS2890.1, AS2890.2, AS3727* and the following requirements:

- a) Design levels at the front boundary shall be obtained from Council via separate Applications to Council's Crossing Engineer for Crossing Levels.

- b) Design levels at the front boundary be obtained from Council for the design of the internal driveway longitudinal sections.
- c) The driveways be a rigid pavement and be designed by the Structural Engineer.
- d) The driveway grade must not exceed the AS2890.1 or AS2890.2 maximums for the largest vehicle required to traverse the driveway. Transitions for changes of grade must not exceed the maximum grade changes prescribed by AS2890.2.
- e) Driveway pavements have a kerb to at least one side and a cross fall with a minimum gradient of 2 percent with kerb inlet pits provided on grade and at low points.
- f) The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.
- g) Turning areas to service the proposed parking modules in accordance with *Australian Standards AS 2890.1* to ensure vehicles can enter and leave the site in a forward direction.

31. **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, via applications for Crossing Levels, for the design of internal driveways.
- b) Crossings and internal accessways shall be designed to cater for the swept out loci of opposing B99 vehicles while providing clearances.
- c) Any redundant crossings must be replaced with integral kerb and gutter in accordance with Council standards.
- d) The footway area must be restored with block pavers or landscaping as per Hornsby Council's Construction Certificate requirements.

Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors, or be the subject of a Subdivisions Construction Certificate (SCC) to Council as Roads Authority. You are otherwise advised to contact Council on 02 9847 6940 to obtain a list of contractors.

32. **Road Works**

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

- a) Council's standard 150mm high integral kerb and gutter and the first 300mm thick and 600mm wide flexible road shoulder pavement across the Peats Ferry Road and Dural Street frontages of the site shall be demolished and reconstructed in accordance with Council's standard;
- b) The existing verge between the property boundary and the proposed kerb and gutter concrete footpath along the Road frontage shall be demolished and reconstructed as block paving with "Claypave Monarch Tan" 230 x 110 x 60mm or equivalent unit paving laid in a 45° herringbone pattern with header course. Pavers are to be laid on bedding sand over a 100mm thick concrete base slab;

- c) The proposed kerb and gutter, road shoulder and footpath construction shall be matched to existing assets on either side of the proposed road works;
- d) Pursuant to Section 138 *Roads Act 1993*, these works shall be the subject of a Subdivision Construction Certificate (SCC) Application to Hornsby Council after request for a quote for assessment and compliance fees and other costs. Council's fees must be paid with lodgement of the Application. The proposed road works must not commence until after Council's approval of the SCC Application;
- e) 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.

33. **Water Quality Treatment Systems and Drainage Connection**

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

- a) The internal drainage system shall be designed and constructed to convey the 20 year Average recurrence interval storm and provide water quality treatment systems designed by a suitably accredited person in accordance with HDCP2013 Section 1C.1.2.i;
- b) The roof and stormwater drainage system from roofing and outdoor paved areas shall be connected to the proposed internal drainage system;
- c) The outlet for the internal drainage system shall be connected to a Council-controlled drainage system with the following requirements:-

- i) A separate Application must be made to Council for 'Approval To Connect Stormwater Drainage Outlet To Council's System' with all fees paid, prior to connecting to Council's drainage system;
- ii) The connection to Council's drainage pit or pipeline in accordance with Council's Design Standard Drawing No. 6 must be inspected by a Council Engineer from Council's Planning Division;

*Note: An inspection booking can be made by calling Council on 9847 6760 quoting the Application reference number commencing **SD**;*

- iii) Connection to Council's drainage system shall include design and construction of Council's standard kerb inlet in accordance with Council's Design and Construction Specification. The Applicant's Engineer must prepare the design of system including location of proposed work in the plan. Three (3) copies of the plan shall be submitted with lodgement and payment of the Application;
- iv) 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 AS1742.3* for all work on a public road. Three (3) copies of the Traffic Management Plan shall be submitted with lodgement of the Application prior to Council's approval. The TCP must detail the following:
 - a. Arrangements for public notification of the works;
 - b. Where a drainage connection is proposed within a Classified Road, a copy of the relevant Road Occupation License approved by the Traffic Management Centre with dates and times of proposed Occupations;

- c. Temporary construction signage;
 - d. Vehicle movement plans;
 - e. Traffic management plans; and
 - f. Pedestrian and cyclist access/safety.
- v) Where public assets and utilities are impacted by proposed works, the Applicant shall relocate or reconstruct the asset or utility in accordance with the relevant standard at the Applicant's cost;
 - vi) Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Hornsby Council for the connection to Council's drainage system.

Note: A certificate from a chartered civil engineer together with a works as executed design plan must be submitted to the Principal Certifying Authority and Hornsby Council to demonstrate the satisfaction of this condition.

34. **Waste Management Details**

The following waste management requirements must be complied with:

- a) The approved on-going waste management system must not be amended without the written consent of Council.
- b) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must not have access to the residential waste/recycling bins and vice versa.
- c) The temporary bin holding area must be at the same level as the truck loading bay (that is, not a raised loading dock). There must be no steps along any bin carting route.
- d) All bin manoeuvring aisles and bin carting routes (including door openings and paths) are to be no less than 2m wide.
- e) The commercial/retail waste room must have sufficient space for no less than 9 of 1100L bins and aisle space to access and manoeuvre these bins.
- f) The supermarket waste room must have sufficient space for no less than 14 of 1100L bins and aisle space to access and manoeuvre these bins.
- g) The waste carting route from each commercial and retail unit to the commercial bin storage room must be no less than 2000 mm wide (including doorways), must be direct, must not include any steps and must be wholly within the site. The use of the public footpath to cart waste is not permitted.
- h) Building A and Building B must each be provided with a bulky waste storage area of at least 20 square metres, in a location convenient for resident's use.
- i) There must be a waste facility (garbage chute and the recycling chute in a cupboard or small room) on each residential level for each lift core of each building. Every waste facility must be accessible by persons with a disability. There must be no access to the garbage chute and recycling chute on the commercial and retail levels.

Note: AS 1428.1 requires at least 800 mm clear doorway opening for wheelchair access.

- j) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage rooms (Residential Waste

Rooms A and B, Commercial/Retail Waste Room, Supermarket Waste Room) have been designed to be constructed in accordance with the Waste Management Plan and including the following requirements:

- i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface covered at all intersections;
 - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - iv) The room is to be provided with artificial light controllable within the room and adequate ventilation;
 - v) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - vi) The doors are to be robust and lockable, with a door opening of no less than 2m.
- k) A design certificate and detailed plans are to accompany any Construction Certificate application, which confirms that the waste chute system for each building can be constructed to satisfy the Manufacturer's standard installation guidelines and specifically the following requirements:
- i) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material
 - ii) Chute is cylindrical in section, vertical and without bends as it passes through the floors
 - iii) Chutes must terminate in the building's residential waste room and discharge into a waste bin
 - iv) The chute system must comply with the manufacturers technical specifications and operational limitations
 - v) The gradient of the garbage chute and the recycling chute must be no less than the minimum gradient recommended by the chute manufacturer
 - vi) The chute service rooms (Residential Waste Rooms A and B) must have sufficient space to comfortably house the required volume handling equipment and to load/unload bins from this equipment, and sufficient space to store the spare garbage and recycling bins for that building and to access and manoeuvre the bins.
 - vii) The required volume handling equipment for each chute system does not include compaction.

Note: The required volume handling equipment is: Building A requires 4 x1100L bin linear or carousel under garbage chute (this can include two 2 x 1100L bin linear with a splitter), and 2 x1100L bin carousel or linear under the recycling chute. Building B requires 7x1100L bins under the garbage chute (e.g. one of 3 x1100L bin linear and one of 4 x 1100L with a splitter), and 4 x1100L bin carousel or linear under the recycling chute.

The required spare bins are: Building A requires 4 of 1100L garbage bins and 2 of 1100L recycling bins; Building B requires 7 of 1100L garbage bins and 4 of 1100L recycling bins. (The paper cardboard bins will be stored in the bulky waste storage rooms).

Note that 1100L bins are 1470mm wide, 1245mm deep, 1370mm high; allow 75 mm between bins for ease of manoeuvring and to avoid damage to walls and doors from bins scraping against them.

- l) The access way (including ramp, vehicle turning area, loading dock/service bay and site entry/exit) to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles.

Note: AS2890.2-2002 includes a maximum gradient of 1:8 for reverse travel, a minimum vertical clearance of 4.5 m, and minimum loading dock/service bay dimensions of 3.5 m x 12.5 m. These dimensions do not include wall thickness, support columns, ventilation shafts etc which must be added. AS2890.2-2002 also requires that when a loading dock/service bay is of minimum width a driver needs to be able to place the body of the vehicle or trailer into its final alignment at the point of entry into the bay.

- m) A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the lower ground level as detailed in the Waste Management Plan. The design certificate is to specifically confirm that the:
 - i) Waste collection vehicle is able to access the lower ground level, adequately manoeuvre into position, load bins and exit the basement
 - ii) Vertical clearance of 4.5m is provided along the route of travel to/from external entry/exit points to collection area
 - iii) The waste collection vehicle must be able to manoeuvre in the basement with limited need for reversing
 - iv) The grades of entry/exit must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle
 - v) The floor of the basement has been designed to carry the load of the vehicle.
- n) 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.

Note: the site(s) to which the waste materials are taken must be legally able to accept those wastes.

35. Turntable Operation Management Plan

A Plan of Management for the turntable system demonstrating that the turntable system is designed for maximum reliability and availability, must be submitted to Council's waste team for approval. The Plan of Management is to include, but is not limited to:

- a) The Functional Specifications;
- b) Safety hazards operational analysis (HAZOP); and
- c) A Safety and Operational Risk Management Plan.

Note: Waste collection vehicles are 10.5m long and must park such that the distance between the rear of the truck and the bin holding area is no less than 2 metres to allow for the bin lift arc. This requirement must be incorporated into the turntable management system.

Note: The waste team can be contacted by calling (02) 9847 4856.

36. 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 *Australian Standard 2890.1*, *Australian Standard 2890.2* and the approved Development Consent plans and conditions.

37. Appointment of a Project Arborist

- a) A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.
- c) A proposed inspection schedule to assess tree health and provide certification for the various stages of development such as site establishment (includes demolition and installation of tree protection measures), construction work, hard and soft landscaping practical completion and occupancy certification must be submitted with the application for the construction certificate.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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38. 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.

39. 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*.

40. Tree Protection Certification

To ensure that all tree protection measures are correctly installed in accordance with the approved CEMP, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority and to be provided upon request by council, confirming compliance with the tree protection requirements of this consent.

41. Waste Management Details

Prior to the commencement of any works, the on-going waste collection service must be cancelled and the bins retrieved by the waste collection service provider.

42. 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.
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

Note: Notwithstanding the above, Council's separate written approval is required prior to the erection of any structure or other obstruction on public land.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION
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43. Compliance with Construction and Environmental Management Plan

The Council approved Construction and environmental Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

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

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am – 12 noon and 2:00 pm - 5.00 pm Monday to Friday.

45. **Demolition**

To protect the surrounding environment, all demolition work must be carried out in accordance with *Australian Standard AS2601-2001 – 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.
- d) 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

46. **Works Near Trees**

- a) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the occupation certificate.
- b) The Tree Protection Zone of trees to be retained on Council and Crown land must be maintained by the project arborist in accordance with the approved CEMP.
- c) **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.
- d) **Driveway/concrete slabs (no-strip footing)**
 - i) To minimise soil compaction within the Tree Protection Zone/structural root zone of trees numbered 9, 10, T11 and T12 identified on the Tree Location Plan prepared by Hornsby Council, the new vehicle crossing and footpath along Dural Street must be built above grade using sensitive construction techniques such as piers or screw pilings consistent with the relevant

requirements of Australian Standard AS 4970-2009 “Protection of Trees on Development Sites”.

e) **Excavation**

Any necessary excavations on Council and Crown land within the Tree Protection Zone of trees numbered 9, 10, T11 and T12 on the approved plans not associated with installation of services must be undertaken manually as prescribed in the Australian Standard AS 4970-2009 – “Protection of Trees on Development Sites” Section 4.5.5.

f) **Installing Services**

To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered 1, 9, 10, 11 and 12 identified on the Tree Location Plan prepared by Hornsby Council, the installation of services must be undertaken as follows:

- i) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as manual excavation.
- ii) For manual excavation of trenches the project arborist must advise on roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3.

47. **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.

48. **Landfill**

This Development Consent does not permit the importation of any fill material for the purposes of structural, engineering works or landform modifications.

- a) If fill is imported to the site for approved landscaping works it is required to be only contain Virgin Excavated Natural Material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.
- b) These certificates must be included with the application for an occupation certificate.

49. **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* and *Protection of the Environment Operations (Waste) Regulation 2014* 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.

- a) Additionally, written records of the following items must be maintained during the removal of any excavated materials from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:
 - i) The identity of the person removing the waste.
 - ii) The waste carrier vehicle registration.

- iii) Date and time of waste collection.
- iv) A description of the waste (type of waste and estimated quantity).
- v) Details of the site to which the waste is to be taken.
- vi) 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).
- vii) 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.

50. **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.

51. **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.

52. **Compliance with Construction Management Plan**

The Council approved Construction Management Plan must be complied with for the duration of works, unless otherwise approved by Council.

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.

53. **Fulfilment of BASIX Commitments**

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

54. **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 or telephone 13 20 92 for assistance.

55. Certification of Water Sensitive Urban Design (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. A copy of the Certification shall be submitted to the Principal Certifying Authority and Hornsby Council prior to consideration of the Occupation Certificate.

56. Unit Numbering

All units are to be numbered consecutively commencing at No.1. The strata plan lot number is to coincide with the unit number, e.g Unit 1 = Lot 1. The allocated of unit numbering must be authorised by Council's Planning Division by contacting devmail@hornsby.nsw.gov.au prior to the numbering of each units in the development.

57. Damage to Council Assets

- a) 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.
- b) Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.
- c) Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Hornsby Council for satisfactory completion the above works.

58. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88 of the *Conveyancing Act 1919*:

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention and water quality treatment systems and outlet works, within the lot in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention and water quality treatment system is to be clearly indicated on the title;
- b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations;
- c) Creation of an easement for waste collection in accordance with Council's prescribed wording 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 waste collection must be granted to Council by the owner of the land.

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

59. **Completion of Landscaping**

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

60. **Automated watering system**

An automated watering system must be installed within the subject site to provide irrigation to all landscaping required to be planted under this consent.

61. **Final Certification Trees**

- a) The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.
- c) Note: Copies of monitoring documentation may be required by the PCA and/or Council.

62. **Streetscape Paving**

Streetscape pavement works are to be provided within the Peats Ferry Road and Dural Street verges. Paving works are to include a fully paved verge using Claypave 'Monarch Tan' 230 x 110 x 60mm or equivalent unit paving laid in a 45° herringbone pattern with header course. Pavers are to be laid on bedding sand over a 100mm thick concrete base slab.

63. **Street Tree Plantings**

Planting to the Peats Ferry Road verge shall include 4 x (Zelcova serrata) Japanese Zelcova. Planting to the Dural Street verge shall include 5 x (Acer Freemanii 'Autumn Blaze') Autumn, Blaze Maple. This includes replacing the 2 x existing street trees in Dural Street. Trees are to be located in tree planter pits 2m x 4m x 0.5m deep per tree creating a minimum volume of structural soils of 4m³ per tree. Imported tree pit soil is to be a *structural soil* created using 40mm aggregate free draining granular material to create an adequate lateral growing volume below the pavement. Tree pits are to have a surface area opening of 2m x 1.5m created within the concrete slab. Tree pits are to have a finished surface matching the surrounding paver level of compacted decomposed granite. Trees are to be installed at minimum 200 litre pot size.

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.

64. **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.

65. **Shopping Trolley Management**

- a) In order to prevent trolleys being taken and moved off-site, prior to issue of the Occupation Certificate a trolley wheel locking system must be installed to prevent trolleys being taken or removed externally from the building.
- b) A certificate must be submitted to the PCA and to Council stating that the trolley wheel locking management measures have been carried out.

66. **Waste Management Details**

The following waste management requirements must be complied with:

- e) 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 bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, accessibility, bin carting route etc.

- f) 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.
- g) Each residential unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers, one each for general waste and recyclable materials.
- h) The residential waste / chute service rooms at the lower ground level must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation, and must be lockable. The waste facility rooms/cupboards (housing the garbage chute and the recycling chute) at each residential level of each lift core of each building must include sealed and impervious surface, adequate lighting and ventilation.
- i) The commercial/retail waste room and the Supermarket waste room at the lower ground level must include water or a hose for cleaning, graded floors with drainage to

sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation, and must be lockable.

- j) 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.

- k) The bin carting routes must be devoid of any steps and must be wholly within the site.

Note: Ramps between different levels are acceptable. The use of the public footpath is not acceptable.

- l) 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. The survey is to include dimensions, gradients and vertical clearance. 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.

- m) Each garbage chute must be fitted with automatic waste volume handling equipment that automatically changes the bin under the chute when it becomes full, thereby providing no less than 3 days bin capacity under the chute. Access to the automatic waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented. The automatic waste volume handling equipment on the chute system must not include compaction.

Note: For 3 days bin capacity, Building A requires 4 x 1100L bin linear or carousel under garbage chute (this can include two 2 x 1100L bin linear with a splitter), and 2 x 1100L bin carousel or linear under the recycling chute. Building B requires 7x1100L bins under the garbage chute (e.g. one of 3 x 1100L bin linear and one of 4 x 1100L with a splitter), and 4 x 1100L bin carousel or linear under the recycling chute.

67. **Boundary Fencing**

The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the *Dividing Fences Act 1991*.

68. **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.

69. **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.

70. **Cooling Towers**

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

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

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

71. **Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to the Principal Certifying Authority and Hornsby Council for all completed road constructions and assets, public drainage systems, internal driveways, internal drainage and water quality facilities, and on-site detention systems.

72. **Consolidation of Allotments**

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

Notes:

- *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.*
- *For efficiency, the consolidation plan may also be considered by Council for addition of on-site detention, water quality requirements and waste collection easements, etc, prior to registration.*

- *The consolidation plan must be provided with a primary and alternative Street Number by Hornsby Council in accordance with the Australian Standard and Section 162 Roads Act 1993.*

73. Final Sustainable Travel Plan

A final Sustainable Travel Plan shall be submitted to and approved by Council's Manager Traffic and Transport, prior to issue of any occupation certificate.

74. 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"**.

75. 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.

- All engineering works within Council's road reserve are to be completed to the requirements of Council.

76. Retaining Walls

All retaining walls must be constructed as part of the development and prior to the issue of an Occupation Certificate.

77. Bushfire Protection

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

- The creation of a *"Positive Covenant"* over the entire site requiring that the land to the property boundary, be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of *Planning for Bushfire Protection 2006* and the *NSW Rural Fire Service's* document *'Standards for asset protection zones'*.

78. 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.

79. Clothes Drying Facilities

To minimise any adverse impact on the public domain, Clothes drying facilities are to be provided within each unit (not on any balcony space) in accordance with the Building Code of Australia and shall not be visible from the public domain. Clothes drying facilities shall be

installed and approved by the Principal Certifying Authority, prior to any occupation of the premises.

OPERATIONAL CONDITIONS

80. Hours of Operation

The hours of operation of the following premises are restricted to the times listed below:

- a) Supermarket – 7am to 10pm (7 days a week).
- b) Loading dock, Retail uses and Commercial uses – 7am to 10pm Monday to Saturday and 7am to 8pm on Sundays and Public Holidays.

81. Noise

- a) 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).
- b) All noise generated by the retail and commercial premises shall not be audible to the residential units within the building or complex.

82. Shopping Trolley Management

Centre Management must ensure that no shopping trolleys leave the site. Centre management must ensure that trolley wheel locking devices are installed at all exits and are properly maintained to prevent trolleys being taken off-site.

83. Waste Management

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

- a) All commercial tenant(s) 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) 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.
- c) Waste collection services must not take place between 8pm and 7am weekdays or 8pm and 8am on weekends and public holidays.
- d) A Work, Health & Safety (WHS) risk assessment is to be carried out by a suitably qualified person with qualifications in Work, Health & Safety Legislation with specific regard to waste management. The recommendations of the WHS Risk Assessment are to be implemented as required.
- e) 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 systems and related devices are maintained in effective and efficient working order, managing the loading dock to ensure that it is sufficiently available for all necessary waste collection services to take place, ensuring the turntable system and related devices are maintained in effective and efficient working order, providing training to waste collection personnel in the use of the turntable when requested, managing the communal composting area, managing the bulky item storage area, arranging the

prompt removal of dumped rubbish, ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), 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.

- f) Preventative and corrective maintenance of the turntable must be carried out in accordance with the Manufacturer's recommendations and instructions. The turntable must be maintained in an effective and efficient working order.
- g) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.

84. 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.

85. Swimming Pool Requirements

The construction and operation of the swimming pool must comply with the provisions of the *Swimming Pool Act 1992*, the *Swimming Pool Regulation 2008*, *Australian Standards AS1926.1-3 – Swimming Pool Safety* and the following requirements:

- a) All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not accessible, a filtration system that does not require backwashing must be installed;
- b) The filtration motor and pump, or spa heater and blower unit must be housed in a soundproofed structure. Sound from the equipment must not exceed 5(dBA) above ambient noise levels at any residential property boundary;

86. Landscaping Establishment

The landscape works must be maintained for a minimum of three (3) years 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.

GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

87. Bush Fire Emergency Management and Evacuation Plan

A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014'.

88. **Asset Protection Zones**

At the commencement of building works, and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

89. **Water and Utilities**

The provision of water, electricity and gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006':

- a) Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'.
- b) Fire hydrants shall not be located within any road carriageway.

90. **Design and Construction**

- a) New construction for the residential components of the proposed development shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'. Residential components are required to be separated from commercial uses of the proposed development by a fire-rated wall achieving an FRL of 60/60/60 for load bearing walls, -/60/60 for non-load bearing walls, -/60/30 for doors and -/60/- for windows.
- b) The existing childcare centre located on Lot 9, Section 1, DP 1880 (6 Dural Street Hornsby) is required to be upgraded for ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

91. **Landscaping**

Future landscaping to the site is required to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

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

Long Service Levy

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

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

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

Tree Preservation in Hornsby Shire

Hornsby Development Control Plan Tree Preservation provisions have been developed under Council's authorities contained in the State Environmental Planning Policy (Vegetation in Non-Rural Area's) 2017 under the *Environmental Planning and Assessment Act, 1979*.

In accordance with these provisions a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, lop or otherwise remove a substantial part of the trees or vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

Fines may be imposed for non-compliance with the HDCP.

Note: A tree is defined as a long lived, woody perennial plant with one or relatively few main stems with the potential to grow to a height greater than three metres (3m). (HDCP 1B.6.1.c).

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. 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 1992*. This is the sole responsibility of the applicant.

Covenants

The land upon which the subject building is to be constructed may be affected by restrictive covenants. Council issues this approval without enquiry as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this consent. Applicants must rely on their own enquiries as to whether or not the building breaches any such covenant.

Tenancy Fit-Out – Separate DA Required

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

Advertising Signage – Separate DA Required

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

Subdivision Certificate Requirements

A subdivision certificate application is required to be lodged with Council containing the following information:

- A surveyor's certificate certifying that all structures within the subject land comply with the development consent in regard to the setbacks from the new boundaries.
- A surveyor's certificate certifying that all services, drainage lines or access are located wholly within the property boundaries. Where services encroach over the new boundaries, easements are to be created.
- Certification that the requirements of relevant utility authorities have been met.
- A surveyor's certificate certifying finished ground levels are in accordance with the approved plans.

Note: Council will not issue a subdivision certificate until all conditions of the development consent have been completed.

Note: At the present time Hornsby Shire Council is the only authority that can be appointed as a PCA for subdivision works within the Shire.

Fees and Charges – Subdivision

All fees payable to Council as part of any construction, compliance or subdivision certificate or inspection associated with the development (including the registration of privately issued certificates) are required to be paid in full prior to the issue of the subdivision certificate. Any additional Council inspections beyond the scope of any compliance certificate required to verify compliance with the terms of this consent will be charged at the individual inspection rate nominated in Council's Fees and Charges Schedule.

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

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 *SafeWork NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.adfa.org.au

www.workcover.nsw.gov.au

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

House Numbering

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