

Draft "Without Prejudice" Conditions of Consent

DA/235/2018

GENERAL CONDITIONS

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

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

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

1. Deferred Commencement

- a) Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until the following is provided:
- i) Written approval from Transport for NSW with regard to the proposed vehicular crossing as well as vehicle entry and exit from the site.
 - ii) A detailed stormwater drainage design for the relocation of Council's Stormwater Drainage System shall be provided that includes hydrological and hydraulic calculations to demonstrate that the system has the capacity to cater for the proposed development and all other upstream properties draining through it in accordance with Council's civil Works Design Specification and the following requirements:
 - a. The relocation of Council pipe shall be aligned parallel to the northern and western boundaries within a newly created 3 metre wide Drainage Easement.
 - b. The Council pipe shall be located wholly within the development site and connected to the existing Council pit located within the property.
 - iii) The registration and creation of an easement to drain water from the site over downstream the property known as Lot 2 DP 618687, Asquith Park, No. 459X Pacific Highway Asquith.
- b) Such information must be submitted within 24 months of the date of this notice.

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

2. Approved Plans and Supporting Documentation

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

Approved Plans

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
16180 – A001 – B	Site Plan	Calderflower	22/10/2019	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
16180 – A004 – B	Site Areas	Calderflower	22/10/2019	
16180 – A005 – B	Building Setbacks	Calderflower	22/10/2019	
16180 – A100 – B	Plan Level 1	Calderflower	22/10/2019	
16180 – A101 – B	Plan Level 2	Calderflower	22/10/2019	
16180 – A102 – B	Plan Level 3	Calderflower	22/10/2019	
16180 – A103 – B	Plan Level 4	Calderflower	22/10/2019	
16180 – A110 – B	Plan Level Roof	Calderflower	22/10/2019	
16180 – A200 – B	Coloured Elevations	Calderflower	22/10/2019	
16180 – A200 – B	Elevations Sheet - 01	Calderflower	22/10/2019	
16180 – A210 – B	Sections Sheet - 01	Calderflower	22/10/2019	
16180 – A800 – B	External Materials	Calderflower	22/10/2019	
16180 – A801 – B	Attic Zone	Calderflower	22/10/2019	
16180 – A802 – B	Building Form - Fine Grain	Calderflower	22/10/2019	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Sydney Trains Concurrence Letter	Transport Sydney Trains	10/05/2018	D07462464
Preliminary Site Contamination Assessment - SYDEN211857-R01	Coffey Services Australia Pty Ltd	13/03/2018	D07791788
Pre Demolition Hazardous Materials Survey Report - SYDEN211857	Coffey Services Australia Pty Ltd	24/01/2018	D07791785
Geotechnical Assessment - G09/2620-Br	Network Geotechnics	12/01/2018	D07791764
Flora and Fauna Assessment	Narla Environmental Pty Ltd	11/2018	D07791762
Statement of Compliance Access for People with a Disability - 216254	Accessible Building Solutions	17/09/2019	D07791756
Water Sensitive Urban Design Strategy Report - R02_191018	ACOR Consultants	18/10/2019	D07791753
Site Waste Minimisation and Management Plan (operational)	The Mack Group	13/09/2019	D07791746
Traffic Impact Assessment - 6.510r03v03	Traffix	10/2019	D07791739
Mechanical, Electrical, Lift, Hydraulic and Fire Building Services Concept Report - NS17169	Arrow Consulting Engineers	14/10/2019	D07791736
Landscape Plans - 17-141s	TaylorBrammer	22/10/2019	D07791733
BASIX Certificate - D07791733	Certified Energy	29/10/2019	D07791727
DA Acoustic Assessment -17047	Wilkinson Murray	15/10/2019	D07791723
Arboricultural Impact Assessment Report- 8/08/23/461PHA	Urban Arbor	26/06/2019	D07791716

3. Amendment of Plans

- a) To comply with Councils requirement in terms of tree preservation, stormwater and waste, the approved plans are to be amended as follows:
- i) An amended vehicular crossing and access driveway design shall be provided with the cross fall of the public footpath falling away from the property boundary.
 - ii) The finished ground levels of the nature strip fronting the proposed development shall be graded with a constant fall towards Mills Avenue to remove any sag points in Public Road Reserve in accordance with Council's Civil Works Design Specifications.
 - iii) The landscape plans prepared by TaylorBrammer must be amended to include 50 native trees and be consistent with the approved Vegetation Management Plan required in Condition No. 4 (Vegetation Management Plan) of this consent.
 - iv) The approved architectural plans, prepared by Calderflower must be amended to re-locate the proposed bin storage area to outside the tree protection zones of trees 44 and 46 as identified in the Arboricultural Impact Assessment report, prepared by Urban Arbor. Where located within the front setback, the bin enclosure must be softened by a built screen and/or landscaping so as not to impact on the streetscape.
 - v) The approved architectural plans, prepared by Calderflower must be amended to re-locate the driveway to outside the structural root zones of trees 44 and 46 as identified in the Arboricultural Impact Assessment report, prepared by Urban Arbor.
 - vi) The approved architectural plans prepared by Calderflower must be amended if design changes are required by Transport for NSW.
 - vii) There must be a bin holding bay for the RACF and a separate bin holding bay for the ILU. These bin holding bays must:
 - a. Be located at the ground level within 5m of the waste collection vehicle parking location on site; and
 - b. Be located behind the building line; and
 - c. blend in with the architecture and landscaping; and
 - d. provide screening to a height of no less than 1.5 m; and
 - e. The bin holding bay doorway must not face the street boundary; and
 - f. The bin holding bay doorway must be wide enough to fit the largest bin through; and
 - g. The bin carting route from the holding bays to the truck parking location must not exceed a gradient of 1:20 and must be no less than 2.0m wide and must not include any steps and must be smooth hard surface; and
 - h. The RACF bin holding bay must have sufficient space for at least 9 of 660L bins plus aisle space to access and manoeuvre them; and
 - i. The ILU bin holding bay must have sufficient space for at least 7 of 240L bins plus aisle space to access and manoeuvre them; and
 - j. The bin carting routes from the RACF bin storage room and the ILU bin storage room at the basement level to their respective bin holding bay at the ground level must be no less than 2.0m wide and must not include any steps and must be smooth hard surface, as short as possible, direct and wholly within the site.
 - viii) Plans including but not limited to the landscape plan, are to be amended such that the travel path of the waste collection vehicle on site and the vehicular crossover complies with AS2890.2 for heavy rigid vehicles.

- ix) The Site Waste Minimisation and Management Plan for the Ongoing Operational Phase must be amended to remove all conflict with the approved floor plans.
- b) These amended plans must be submitted with the application for the Construction Certificate.

4. Vegetation Management Plan

- a) A Vegetation Management Plan (VMP) must be prepared and submitted to Council for approval prior to the issue of a Construction Certificate. The VMP shall consolidate matters to address the following:
 - i) Offset planting
 - ii) Landscaping
 - iii) Ongoing vegetation management
- b) The VMP shall address the offset planting requirements in accordance with Council's Green Offsets Code. Vegetation on the site has been mapped as Sydney Turpentine Ironbark Forest (STIF) with the patch of vegetation having an offset ratio of 2:1. The removal of 15 native trees must be offset with the planting of 50 native trees on the site. Species must characteristic of the STIF vegetation community. The VMP shall include:
 - i) Landscape planting including any offsetting requirements
 - ii) The location of planting within deep soil planting areas adjacent to Council reserves
 - iii) Provide a schedule of works and general specification that demonstrates ongoing management of the remnant vegetation to be retained, including:
 - iv) the timing of landscape and vegetation management works
 - v) protocols for planting, establishment, maintenance and replacement
 - vi) species, numbers, pot size and height of plants to be used
 - vii) Plant stock shall be sourced from a native nursery utilising Sydney basin stock
- c) The VMP shall be implemented from the date of the Construction Certificate and will be in place for 3 years from the date of subdivision certificate. The VMP shall be reviewed upon completion of this initial 3 year period and updated for a further 5 years with a review and update every 5 years. Monitoring should occur at a minimum of every 3 months for the first 3 years to ensure that weed control is well managed and plantings have established. Monitoring of the site after the initial 3 years should occur annually. Reporting on the implementation of the VMP should occur annually with the annual reports provided to Council.
- d) The VMP is to be submitted to Council for review and approval prior to works commencing on the site.

Reason: The development of a consolidated IBVMP will provide the developer and current and future landowners with a single document describing the required vegetation management actions across the site

5. Section 7.11 Development Contributions (Confirm if Social Housing Provider as defined by SEPP Seniors)

- 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	\$523.10
Open Space and Recreation	\$30,880.90
Community Facilities	\$11,871.55
Plan Preparation and Administration	\$99.60
TOTAL	\$43,375.15

being for 13 independent living units and 7 existing dwelling/lot credits.

- b) The value of this contribution is current as at 5 February 2020. 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:
- prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - prior to the issue of the first Construction Certificate where the development is for building work; or
 - prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - 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.

6. Removal of Trees

- a) This development consent permits the removal of trees numbered 1, 3, 9, 11, 12, 13, 15a, 16, 17, 17a, 18, 19, 20, 21, 22, 22a, 23, 24, 24a, 25, 25a, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 45, 47, 49a, 50, 51, 52, 53, 53a, 54, 54a, 55, 56, 57, 57a, 59, 60, 61 and 62 as identified on page 18 item 10.3 contained in the Arboricultural Impact Assessment submitted by Urban Arbor dated 4/11/2019.
- b) No consent is granted for the removal of any other trees identified in the Arboricultural Impact Assessment submitted by Urban Arbor dated 4/11/2019 including trees 44 and 46.

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 (HDCP).

7. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.
- b) A separate Approval must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Approval must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate / Subdivision Works Certificate plans must be consistent with the Development Consent plans.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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8. Building Code of Australia

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

9. 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 inTM through www.sydneywater.com.au under the Building and Development tab.

10. Construction Management Plan (CMP)

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, and submitted to Council's Compliance Team at compliance@hornsby.nsw.gov.au for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) Inclusion of a Survey Plan detailing existing survey marks, existing vehicle entry, surrounding pedestrian footpaths.

- c) A Construction Traffic Management Plan (CTMP), in accordance with the development's approved plans, which includes the following:
- i) The order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
 - ii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall remain in the road reserve area without the written consent of Hornsby Shire Council.
 - iii) In accordance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018*, detail the following:
 - a. Public notification of proposed works;
 - b. Long term signage requirements;
 - c. Short term (during actual works) signage;
 - d. Vehicle Movement Plans, where applicable;
 - e. Traffic Management Plans;
 - f. Pedestrian and Cyclist access and safety.
 - iv) Traffic controls including those used during non-working hours, pedestrian access and two-way traffic in the public road that will be facilitated at all times.
 - v) A site plan for all stages of works including:
 - a. The location of site sheds, unloading and loading areas, waste and storage areas being used;
 - b. The location of concrete pump and crane locations for all stages of works;
 - c. Proposed hoarding (fencing) locations if required.
 - vi) 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.
 - vii) Proposed truck routes to and from the site.
 - viii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works along approved truck routes.
 - ix) Swept path analysis for site ingress and egress for all stages of works.
 - x) The total volume of fill to be imported throughout all stages to achieve approved levels.
 - xi) The volume of fill to be exported from the site throughout all stages to achieve approved levels.
 - xii) 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.
 - xiii) The total number of truck movements to and from the site for each stage of works.
 - xiv) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.

- xv) The maximum number of trucks travelling to and from the site on any given day for each stage of works, inclusive of truck numbers during peak commuting periods.
 - xvi) The location details, and Waste Classification reports from the source site of any proposed fill to be imported, for any stage of works.
 - xvii) If a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit is required to be obtained, these requirements must be detailed, 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 (CWMP) detailing the following:
- i) Classification of any fill to be imported or exported, fill disposal methods and licensed waste facility locations for the disposal of fill material.
 - ii) Requirements and procedures for the removal and disposal of asbestos material (known or as an unexpected find) from the site in accordance with AS 2601–2001 – *‘The Demolition of Structures’*, and the *Protection of the Environment Operations (Waste) Regulation 2014*.
 - iii) Construction waste skip bin locations and litter management for workers.
- e) A Tree Protection Plan (TPP) detailing the following:
- i) A site plan showing Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of trees approved to be retained and specifications relating to the materials and dimensions of tree protection measures from tree trunks.
 - ii) Construction methodology to avoid damage to trees approved to be retained during all stages of works.
- f) A Construction Noise and Vibration Management Plan (CNMP) detailing the following:
- i) Existing and predicted noise and vibration levels at sensitive receivers at all stages of works.
 - ii) The extent of jackhammering, rock breaking or rock sawing works and the predicted duration of such works.
 - iii) The mitigation measures proposed to alleviate noise and vibration levels, in accordance with the Department of Environment and Climate Change NSW’s *Interim Construction Noise Guideline*.
 - iv) Details of community notification and the complaints handling process for noise and vibration.
- f) Management of stormwater disposal from proposed detention basins or basements throughout all development phases in accordance with the *Australian and New Zealand Environment and Conservation Council (ANZECC) Guidelines*.
- g) Sediment and erosion control measures in accordance with the *Soils and Construction 2004 (Bluebook)* and approved plans.
- h) Air quality management on site, including dust suppression and airborne asbestos monitoring (where required) measures prior to, during and upon completion of the development.
- i) General operating procedures to manage environmental risk throughout all stages of works on the site.

11. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining property at No. 475-477 Pacific Highway, Asquith (Lot 2 DP 618687) before the commencement of works.

12. Accessibility

The construction certificate plans must be certified by an accredited access consultant in accordance with the recommendations and the requirements for ongoing design detailed in the Access Report for Development Application prepared by Accessible Building Solutions, dated 17/09/2019.

13. 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**".

14. Road Opening Permit

A road opening permit shall be obtained from the Council to permit a person to dig into Council assets, such as roads, footpaths and nature strips. The applicable fees for the restoration of any public asset by Council shall be at the applicant's full expense.

15. Drainage Easement

A drainage easement 3 metres wide over the development site in favour of Council and in accordance with the terms set out in *Memorandum B5341305V* filed with the *NSW Department of Lands* must be registered on the property titles.

16. Stormwater Drainage

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

- a) Connected to an existing Council piped drainage system with the following requirements ; -
 - i) A separate approval must be obtained from Council for all works within drainage easements vested in Council for the construction of a Junction pit at the point of connection to the existing Council piped drainage system
 - ii) Connection to Council's drainage system shall include engineering design drawings of the junction pit in accordance with Council's Design and Construction Specification 2005. Three (3) copies of the plan shall be submitted with lodgement and payment of the Application;
 - iii) Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Council for the connection to Council's drainage system.

17. Structures adjacent to Council's Pipe

Any structure adjacent Council's pipe shall be design and constructed to ensure that the structural integrity of the Council's pipe is maintained over the life of the pipe.

- a) The foundations of any structure adjacent to Council's pipe shall be outside the drainage easement and designed to be at a depth equal to the invert of the Council pipes.

Note: A certificate from a chartered civil engineer together with a works as executed design plan must be submitted to the principal certifying authority to demonstrate the satisfaction of this condition.

18. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed generally in accordance with **Project No. SY160802 Dwg No.C11.07 Issue D, C11.08 Issue D and C13.01 Issue E by ACOR Consultants** and the following requirements:

- a) Have a capacity of not less than **77 cubic metres**, and a maximum site discharge (when full) of **162 litres per second**.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate.

19. Water Quality Treatment

Stormwater quality treatment measures shall be designed generally in accordance with the **Water Sensitive Urban Design Strategy Report Issue No. 2 dated 18.10.2019 and Project No. SY160802 Dwg No.C11.07 Issue D and C11.08 Issue D by ACOR Consultants**. A qualified engineer shall prepare a validation report using MUSIC-link for Hornsby Council and a design certificate shall be submitted to the principal certifying authority certifying that the design meets the stormwater quality targets outlined in Table 1.C.1.2(b) in Hornsby Council's Development Control Plan 2013.

20. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary must be obtained from Council;
- b) The driveway must be a rigid pavement;
- c) Prior to the issue of a construction certificate, a certificate from a qualified engineer shall be submitted to the principal certifying authority certifying that the access driveway, parking and services areas have been designed in accordance with Australian Standards AS 2890.1 and AS 2890.2.

Note: A construction certificate shall be obtained prior to the commencement of these works and are to be completed prior to the issue of an occupation certificate.

21. Footpath

A concrete footpath must be designed along the full frontage of the development site in Pacific Highway in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

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

22. Road Works

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for approval to carry out works within the public road reserve. All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The design and construction of a new kerb and gutter and pavement along the full frontage of the development site in Pacific Highway in accordance with the Roads and Maritime Services.
- b) Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.
- c) Detailed design drawings approved by the Roads and Maritime Services shall be submitted to Council for approval with the application for public road works.

23. Public Drainage Works

A separate application under the *Local Government Act, 1993* and the *Roads Act, 1993* must be submitted to Council for approval to remove and relocate Council's Drainage Pipe through the development site. A detailed drainage design shall be submitted to Council for approval in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) Generally in accordance with Project No. SY160802 Dwg No. C13.02 Issue B by ACOR Consultants and the following amendments:
 - i) The Council pipe shall be aligned parallel to the northern and western boundaries within a newly created 3 metre wide Drainage Easement.
 - ii) The Council pipe shall be located wholly within the development site and connected to the existing Council pit located within the property.

24. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary shall be obtained from Council if a private accredited certifier is engaged to obtain a construction certificate for these works.
- b) Design levels at the front boundary be obtained from Council.
- c) The driveway be a rigid pavement.

- d) The driveway grade must not exceed 25 percent and changes in grade must not exceed 8

25. Electrical Kiosks and Fire Booster

Electrical kiosks and fire booster assemblies must be located in unobtrusive locations away from vehicle and pedestrian entrances to the property. The utilities must be softened by a built screen and/or landscaping so as not to impact on the streetscape.

26. Appointment of a Project Arborist

- a) To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and supervision of the site throughout the construction period.
- b) Details of the appointed project arborist must be submitted to Council and the PCA with the application for the construction certificate.

27. 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 (ILU) and non-residential (RACF and auxiliary facilities) component of the development must have separate and self-contained waste management systems, including separate bin storage rooms and bin holding bays. Commercial tenants must not have access to the residential waste/recycling chutes/bins and vice versa.
- c) The RACF and ILU bin holding bays at the ground level must be at the same R.L. level as the truck loading bay.
- d) There must be no steps along any bin carting route.
- e) All bin manoeuvring aisles and bin carting routes (including door openings and paths) are to be no less than 2m wide.
- f) The RACF bin storage room must have sufficient space for no less than 9 of 660L bins and aisle space to access and manoeuvre these bins.
- g) A Bulky waste storage area(s) of at least 8 square metres must be provided for the ILU.
- h) The ILU bin storage room must:
 - i) comfortably house the required number of bins (at least 7 of 240L bins) with every bin being accessible (that is, no stacking of bins 2 or more deep, and a minimum aisle width of 1.55m); and
 - ii) have door(s) wide enough and positioned so that the 240 L bins can fit through; and
 - iii) be located no more than 30 m walking distance from each dwelling. The walking path from each dwelling to the bin storage room must be an accessible path of travel. The walking path from each dwelling to the bin storage room must not include the public footpath, that is must be wholly within the site.

Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for 75 mm ease around the bin to avoid damage to walls etc from scraping. The door must be wide enough and positioned such that all the bins can fit through. Every bin must be able to be accessed (no stacking of bins two or more

deep). The 240L bins have one set of wheels and can only be manoeuvred forwards and backwards not sideways.

- i) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all waste storage rooms 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 (but able to be opened from the inside without a key), with a door opening of no less than 2m.

Note that 240L bins are 600mm wide, 740mm deep, 1100mm high; 660L bins are 1370mm wide, 850mm deep, 1250mm high; 1100L bins are 1370mm wide, 1245mm deep, 1470mm high; allow 75 mm between bins for ease of manoeuvring and to avoid damage to walls and doors from bins scraping against them.

- j) 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.

- k) A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the 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 enter the site in a forward direction, adequately manoeuvre into position within 5m of the residential bin holding/collection room, load bins and exit the site in a forward direction
 - ii) Vertical clearance of 4.5m is provided along the entire route of travel of the waste collection vehicle and loading bay.
 - iii) The waste collection vehicle must be able to manoeuvre on site with limited need for reversing

- iv) The grades along the waste collection vehicle travel path on site must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle
- v) The vehicle ground clearance is sufficient to prevent scraping
- vi) All pavement has been designed to carry the load of the waste collection vehicle.
- l) Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste collection vehicle travel path on site, then written clarification must be obtained from Council.
- m) 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.

28. 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 and loading areas comply with AS 2890.1, AS 2890.2 and the approved Development Consent plans and conditions.

29. Retaining Walls

To ensure the stability of the site, structural details of all required retaining walls must be submitted with the application for the Construction Certificate.

30. Storage

Each dwelling within the Independent Living Unit development must have a minimum area for storage (not including kitchen and bedroom cupboards) of 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units, where at least 50% is required to be located within the apartment and accessible from either the hall or living area. Details must be submitted with Construction Certificate plans.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

31. 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.

32. 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.

33. 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*.

34. Erosion and Sediment Control

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period in accordance with the manual 'Soils and Construction 2004 (Bluebook)', the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sediment control devices must remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning.

35. Appointment of Bush Regenerator/Ecologist/Horticulturalist

The applicant shall notify Council of the details of the engaged Project Bush Regenerator/Ecologist/Horticulturalist that will be involved with the development and implementation of the VMP. These environmental expert(s) will assist in ensuring compliance with the conditions of consent and provide monitoring reports to Council at various stages of the Project as identified with the forthcoming Vegetation Management Plan.

36. Installation of Tree Protection Fencing

- a) All trees listed below must have tree protection fencing measures installed in by the project arborist and must be constructed of 1.8 metre cyclone chainmesh fence. The fencing should only be removed for the landscape phase of the project.
 - i) Tree 2 and 4: Protective fencing to create combined exclusion zone for the trees at the extent of the TPZ within the site. Fencing to be realigned adjacent to building footprint after demolition. After the fence is realigned for construction, ground protection is required in areas of the TPZ between the fence and building footprint. TPZ signage on fencing. Mulch in TPZ.
 - ii) Tree 10: Protective fencing to protect area of TPZ outside subject site only. TPZ signage on fencing. Mulch in TPZ.
 - iii) Tree 14 and 15: Protective fencing to protect area of TPZ outside subject site only. The fencing should be aligned to allow use of the public footpath if required. TPZ signage on fencing. Mulch in TPZ.
 - iv) Tree 38: Protective fencing to protect area of TPZ on nature strip only. TPZ signage on fencing.
 - v) Tree 39, 43, 44 and 46: Prior to demolition, TPZ fencing to aligned adjacent to edge of existing driveway in TPZ and at extent of all other areas of the TPZ within the site. After demolition, fencing to be realigned at extent of TPZ area within the site. TPZ signage on fencing. Mulch in TPZ.
 - vi) Tree 58: Protective fencing should be aligned to protect areas of TPZ on nature strip not covered by existing hard surfaces, and at extent of TPZ within the site. The fencing should only be moved for demolition of hard surfaces in the TPZ under the approval/supervision of the project Arborist. Fencing to be realigned within site adjacent to building footprint after demolition. After the fence is realigned for construction, ground protection is required in areas of the TPZ between the fence and building footprint. TPZ signage on fencing.
 - vii) Tree 35, 40, 41, 42, 48, 49, 63, 64, 65, 66, 67, 68, 69 and 70: Protective fencing should be installed near to the West boundary to create a combined exclusion zone for the trees at the extent of the TPZ within the site. Fencing to be realigned adjacent to building footprint after demolition. After the fence is realigned for construction, ground protection is required in areas of the TPZ between the fence and building footprint. TPZ signage on fencing. Mulch in TPZ within site only.
- b) All tree protection measures for the ground, trunk and canopy installed by the project arborist must be set in accordance with *Australian Standard AS 4970-2009 - "Protection of Trees on Development Sites"*.

37. Tree Protection Zone - Ground Protection

- a) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm that complies with the relevant requirements of *Australian Standard AS 4454 – "Composts, Soil Conditioners and Mulches"* installed prior to works commencing.
- b) Where fencing cannot be installed inside the TPZ the wood-chip must be covered with a layer of geotextile fabric and rumble boards to allow for small plant movement and/or placement of storage of material.

38. Protection Certification

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

39. 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.

40. Garbage receptacle

- a) A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
- a) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- b) The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
- c) Food scraps must be placed in the garbage receptacle and not in demolition and construction waste bins.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

41. Construction Work Hours

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

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

42. 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.

43. Environmental Management

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, the site must be managed in accordance with the publication '*Managing Urban Stormwater – Landcom (March 2004)*' and the *Protection of the Environment Operations Act 1997*.

44. Street Sweeping

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

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

45. 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.

46. Disturbance of Existing Site

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

47. Landfill

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

- a) Prior to fill material being imported to the site, a certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or material approved under the *Department of Environment and Climate Change's* general resource recovery exemption.
- b) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) These certificates must be included with the application for an occupation certificate.

48. 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.

49. 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.

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.
- b) Confirming that the waste collection vehicle turning area complies with *Australian Standard AS2890.1 – 2004* and *AS20890.2 – 2002* for heavy rigid vehicles (SRV).
- c) the ground level ILU bin storage/collection room and the ground level RACF bin holding room are at the same level as the truck loading/turning bay.

51. Waste Management Details

Requirements of the approved Waste Management Plan shall be complied with during all site preparation works, demolition and throughout all construction works. When implementing the Waste Management Plan, the developer is to ensure:

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*
- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*
- c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- f) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works
- g) Additionally, written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:
 - 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.

52. Bushland Protection During Construction

To ensure the protection of adjacent bushland during construction, the applicant must install temporary fencing along the southern boundary adjoining the reserve on the corner of Mills Road and the Pacific Highway.

Note: The site contains Sydney Turpentine Ironbark Forest which is a Threatened Ecological Communities listed under the NSW Biodiversity Conservation Act 2016 and Commonwealth Environment Protection and Biodiversity Conservation Act 1999. These Acts prohibit the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Office of Environment and Heritage where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation would likely impact upon this endangered ecological community. Such action would qualify as illegally picking or disturbing the habitat and could render any person who carried out such action as LIABLE FOR PROSECUTION.

53. Prohibited Actions Within the Tree Protection Zone

In accordance with the AS4970-2009, the following be prohibited within the fenced area of TPZ:

- a) Soil cut or fill including excavation and trenching;
- b) Soil cultivation, disturbance or compaction;
- c) Stockpiling storage or mixing of materials;
- d) The parking, storing, washing and repairing of tools, equipment and machinery;
- e) The disposal of liquids and refuelling;
- f) The disposal of building materials;
- g) The siting of offices or sheds; and
- h) Any action leading to the impact on tree health or structure.

54. Works Near Trees

- a) No consent is granted for any works within the Structural Root Zone of any retained trees.
- b) To maintain tree health and condition for retained trees, the appointed project arborist must monitor and record any and all necessary remedial actions required.
- c) 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.

55. Maintaining Tree protections zones

The Tree Protection Zone must be maintained by the project arborist in accordance with section 4.6 requirements of Australian Standard AS 4970-2009 - "*Protection of Trees on Development Sites*"

56. Works within Tree Protection Zones

- a) All root pruning must be undertaken in accordance with the relevant requirements of *Australian Standard AS 4970-2009 "Protection of Trees on Development Sites"* - Sections 3.3.4, 4.5.4 and 4.5.5.
- b) Any necessary excavations within the Tree Protection Zone of retained trees 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*.
- c) To minimise impacts within the Tree Protection Zone (TPZ) of retained trees the installation of services must be undertaken as follows:
 - i) The project arborist must monitor the installation of any underground services which enter or transect the tree protection zone of trees.
 - ii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as manual excavation.
 - iii) 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.
- d) Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 *Protection of Trees on Development Sites. section 4.5.6*.

57. Building materials and Site Waste

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent, of any tree to be retained.

58. Works near trees certification

- 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.

Note: Copies of monitoring documentation may be required by the PCA and/or Council.

59. Vehicular Crossing

A separate application under the *Local Government Act, 1993* and the *Roads Act 1993* being an ***"Application to Construct Vehicular Crossing from Roadway to Property"*** 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 Specification 2005* and the following requirements:

- a. Any redundant crossings must be replaced with integral kerb and gutter;
- b. The footway area must be restored by turfing;
- c. Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

60. Fulfilment of BASIX Commitments

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

61. 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 prior to the numbering of each units in the development.

62. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

63. Creation of Easements

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

- a) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention/retention systems, stormwater quality improvement devices and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system and stormwater quality improvement devices 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 and stormwater quality improvement devices must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

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

64. Completion of Offset planting and landscaping

A certificate must be provided to Council by the Project Bush Regenerator/Ecologist/Horticulturalist implementing the approved Vegetation Management Plan certifying that the offset planting has been completed in accordance with the approved Vegetation Management Plan.

65. Final Certification Arborist

The AQF 5 Project arborist must submit to the principal certifying authority a certificate that states the following:

- a) All the tree protection requirements comply with the tree protection plan;

- b) All completed works have been carried out in compliance with the conditions of consent and approved plans;
- c) Dates and times and reasons for site attendance;
- d) The post development condition of the health for the retained tree number 1;
- e) Details necessary work to maintain tree health;
- f) Details of tree protection zone maintenance; and
- g) Tree replacements meet NATSPEC guidelines and the approved landscape plan.

Note: Copies of monitoring documentation may be requested throughout DA process.

66. Retaining Walls

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

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*.

Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

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

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

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

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

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

69. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.
- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

70. Works as Executed Plan

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

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

71. Construction of engineering works.

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

72. Consolidation of Allotments

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

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

73. 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”**.

74. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard AS4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2015 and the Food Standards Code developed by Food Standards Australia New Zealand*. *Food Standards 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

75. Grease Trap & Dry Basket Arrestor Installation

An application must be submitted to *Sydney Water* for the installation of a grease trap and dry basket arrestor (floor and sink) in accordance with the *‘Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharges – Sydney Water (May 2004)’*.

76. Kitchen Exhaust Installation

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

77. 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 waste 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.

78. Hairdressing Fit Out

The fitout of the premises and all procedures must be in accordance with the *Public Health Act 2010* and the Section 124 of the *Local Government Act 1993 and Reg 84 of the Local Government (General) Regulation 2005*.

79. Waste Management Details

The following waste management requirements must be complied with:

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

Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the 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.

- b) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, all external works including but not limited to the vehicular crossover, must be completed.
- c) A report must be prepared by an appropriately qualified person, certifying the following:
 - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

- ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers installed, one each for general waste and recyclable materials.
- e) The ILU bin storage room and RACF bin storage room at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation.
- f) The ILU bin storage room at the basement level must be accessible by persons with a disability while comfortably housing all of the required bins.
- g) 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.

- h) The vertical clearance must not be less than 4.5m within the travel path of the waste collection vehicle.

Note: the vertical clearance must not be reduced by overhead awnings or balconies, by ceiling mounted pipes, ventilation shafts, light fittings, cable trays, roller door etc, or floor mounted speed humps, bollards etc.

- i) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by the 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.
- j) "No parking" signs must be erected to prohibit parking in the waste collection loading bay and turning area.

OPERATIONAL CONDITIONS

80. Use of Premises

The development approved under this consent shall be used for 10 bed residential care facility, 13 self-contained dwellings, associated car parking and associated communal facilities and not for any other purpose without Council's separate written consent.

81. Resident Services for Self Contained Dwellings

Resident Services are to be available to the occupants of the Self Contained Dwellings and shall include-

- a) home delivered meals, and
- b) personal care and home nursing services, and
- c) assistance with housework and cleaning services.

82. Noise – Plant and Machinery

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

83. Car Parking

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

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;

- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths.

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. Waste Management

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

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins, cleaning and maintaining waste storage areas, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc), ensuring the waste collection vehicle travel path on site is kept clear of parked vehicles, addressing overflowing bins and pest infestations, ensuring the RACF waste and recycling is kept separate from the ILU waste and recycling (and vice versa), and ensuring all residents and staff are informed of the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.
- b) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
- c) The approved on-going waste management practise for the site must not be amended without consent from Council.
- d) All commercial (non-residential) tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- e) All commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- f) 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.
- g) Waste collection services must not take place outside the following hours: 7 AM to 8 PM weekdays and 8 AM to 8 PM weekends.
- h) 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.

CONDITIONS OF CONCURRENCE – Sydney Trains

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency

86. Noise and Vibration

An acoustic assessment is to be submitted to Council prior to the issue of a Construction Certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "*Development Near Rail Corridors and Busy Roads- Interim Guidelines*".

87. Stray Currents and Electrolysis from Rail Operations

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

88. Geotechnical and Structural Stability Integrity

Prior to the commencement of works, the Applicant shall provide certification from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure.

89. Crane and Other Aerial Operations

If a crane is to be used at any stage of the proposed works, the following condition applies:

- a) Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority shall not issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

90. RailCorp's Corridor Access Gate

The applicant shall not at any stage block the corridor access gate on the Pacific Highway, and should make provision for easy and ongoing 24/7 access by rail vehicles, plant and equipment to support maintenance and emergency activities.

CONDITIONS OF CONCURRENCE – Transport for NSW

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency

No conditions of concurrence have been issued by Transport for NSW.

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 and Vegetation Preservation

A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

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

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

Fines may be imposed for non-compliance with the Hornsby Development Control Plan 2013.

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.

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.

Daadv13 or 13.1??? re: house numbering

Daadv.18 or 19 – food notification???