

## Draft "Without Prejudice" Conditions of Consent for DA/235/2018

### 1. Deferred Commencement

Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent does not operate until the following is provided:

- a) Longitudinal sections on both sides of the access driveway and vehicular crossing for ILU waste collection must be provided in accordance with the grade requirements of the *Australian Standards AS 2890.2* for a heavy rigid vehicle.

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

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

#### 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.*

### 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

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
16180 – A001 – E	Site Plan	Calderflower	26/10/2020	
16180 – A002 – D	Site Plan – Demolition	Calderflower	31/07/2020	
16180 – A100 – E	Plan Level 1	Calderflower	26/10/2020	
16180 – A101 – E	Plan Level 2	Calderflower	26/10/2020	
16180 – A102 – D	Plan Level 3	Calderflower	31/07/2020	
16180 – A103 – D	Plan Level 4	Calderflower	31/07/2020	
16180 – A110 – D	Plan Level Roof	Calderflower	31/07/2020	
16180 – A200 – D	Elevations Sheet - 01	Calderflower	31/07/2020	
16180 – A201 – D	Coloured Elevations	Calderflower	31/07/2020	
16180 – A210 – D	Sections Sheet - 01	Calderflower	31/07/2020	
16180 – A300 – D	BASIX ILU external door and window schedule	Calderflower	31/07/2020	

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
16180 – A800 – D	External Materials	Calderflower	31/07/2020	
795-EQ-D	Kitchen and Servery	The Mack Group	27/10/2020	
17-14S – Page 1 to 10	Landscape Plans	TaylorBrammer	26/10/2020	
N/A	Tree Protection Plan	Hornsby Council	21/08/2020	

*Supporting Documentation*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
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	07/2020	D07975308
Statement of Compliance Access for People with a Disability – 216254 – B	Accessible Building Solutions	30/06/2020	D07975305
Water Sensitive Urban Design Strategy Report - R02_191018 - 04	ACOR Consultants	31/07/2020	D07791753
Site Waste Minimisation and Management Plan (operational)	The Mack Group	08/09/2020	D08042023
Traffic Impact Assessment - 6.510r03v03	Traffix	10/2020	D08042021
Mechanical, Electrical, Lift, Hydraulic and Fire Building Services Concept Report - NS17169 - B	Arrow Consulting Engineers	14/10/2019	D07975388
BASIX Certificate – 907605M_03	Certified Energy	03/08/2020	D07975317
DA Acoustic Assessment -17047 – B	Wilkinson Murray	07/2020	D07975304
Arboricultural Impact Assessment Report- 8/08/23/461PHA - C	Urban Arbor	29/07/2020	D07975306
Site Works Plan and Design Certificate – SY160802 - Civil Drawings - L	ACOR	14/10/2020	D08042018
BCA Assessment Report – 170310	Blackett Maguire + Goldsmith	07/2020	D07975326
TfNSW Concurrence including attachment: TfNSW Reference: SYD17/01151/10	Transport for NSW	14/12/2020	D08070118

### 3. Amendment of Plans

- a) To comply with Councils requirement in terms of tree preservation, landscaping and vehicle access, the approved plans are to be amended as follows:

- i) The approved architectural plans prepared by Calderflower must be amended to include notations of tree sensitive construction techniques for trees 9, 40, 42, 44, 46, 47, 48, 63 and 64 as indicated within the Arboricultural Impact Assessment Report, prepared by Urban Arbor (29/07/2020).
- ii) The approved architectural plans prepared by Calderflower and landscape plans prepared by TaylorBrammer must be amended as follows:
  - a. To ensure a safe and attractive environment for pedestrians entering the RACF building from the ground floor, one at grade car parking space must be deleted to improve legibility and prominence of the main entry lobby by creating an enlarged pedestrian priority zone in front of the building.
  - b. Additional planting is required within the southern side setback to include 2 x native trees, such as *Angophora costata* (Red Gum) and/ or *Syncarpia glomulifera* (Turpentine), installed at no smaller pot size than 25 litre.
- b) These amended plans must be submitted with the application for the Construction Certificate.

#### **4. Removal of Trees**

- a) This development consent permits the removal of trees numbered 12, 15a, 16 to 38 inclusive, 41, 43, 45, 49, 49a, 51, 53a, 54a, 54 to 57a inclusive, and 59 to 62 inclusive as identified in the Tree Protection Plan prepared by the Tree Management Team dated 21 Aug 2020.
- b) No consent is granted for the removal of trees numbered 1 to 11 inclusive, 13, 14, 15, 39, 40, 42, 44, 46, 47, 48, 50, 52, 53, 58 and 63 to 72 inclusive as these trees contribute to the established landscape amenity of the area/streetscape.

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

#### **5. Construction Certificate**

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) A separate Approval must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act 1993*.
- c) A separate Approval must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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#### **6. Construction Management Plan**

A Construction Management Plan (CMP) 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: <https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and approval. The CMP must be approved prior to the issuance of a Construction Certificate.

The CMP must include the following details:

- a) A Construction Traffic Management Plan (CMP) including the following:
- i) The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
  - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
  - iii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
  - iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services Traffic control at work sites Manual 2018 and detail:
    - Public notification of proposed works;
    - Long term signage requirements;
    - Short term (during actual works) signage;
    - Vehicle Movement Plans, where applicable;
    - Traffic Management Plans;
    - Pedestrian and Cyclist access and safety.
  - v) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
  - vi) 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 trucks associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
  - vii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
  - viii) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
  - ix) Swept path analysis for ingress and egress of the site for all stages of works.
  - x) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
  - xi) 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.
  - xii) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
  - xiii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
  - xiv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.

- xv) The source site location of any proposed fill to be imported to the site, for all stages of works.
  - xvi) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
  - xvii) If there is a requirement to obtain a Work Zone permit, Out of Hours permit, partial Road Closure or Crane permit from Hornsby Shire Council, these approvals/permits are required to be provided as part of the Plan submitted to Council.
  - xviii) If there is a requirement to obtain any permits, licences and/or approvals from the Roads and Maritime Services (RMS) or any State Authority the Plan, these documents must be provided as part of the Plan submitted to Council.
- b) 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 Demolition of Structures, and the Protection of the Environment Operations (Waste) Regulation 2005.
  - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- c) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
  - ii) Construction methodology to avoid damage to trees proposed to be retained during construction works.
  - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
  - iv) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- d) 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, inclusive of respite periods, 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.
- e) An Environmental Management Plan (EMP) which includes:
  - i) Requirements of the Hazardous Materials Survey;
  - ii) Unexpected finds protocol;
  - iii) Water quality and soil management, including but not limited to sediment and erosion control measures and stormwater management;
  - iv) Air quality;
  - v) Noise management, including excavation noise mitigation measures to be implemented;
  - vi) Waste Management.

## **7. Building Code of Australia**

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

## **8. Sydney Water – Approval**

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

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

## **9. 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.

## **10. Details of Tree Sensitive Construction Techniques**

All details of tree sensitive construction techniques for trees 9, 40, 42, 44, 46, 47, 48, 63 and 64 as indicated within the Arboricultural Impact Assessment Report, prepared by Urban Arbor (29/07/2020) such as pier and beam footings, cantilevered sections, suspended slab design, and manual excavations must be detailed in the architectural and engineering plans submitted with the application for a Construction Certificate.

## **11. Appointment of Bush Regenerator and Ecologist**

- a) The applicant must notify Council's Natural Resource Branch at [bushland@hornsby.nsw.gov.au](mailto:bushland@hornsby.nsw.gov.au) with the details of the engaged Bush Regenerator and Ecologist that will be involved with the implementation and monitoring of environmental protection measures at the pre-clearing and during the construction of the approved development. These environmental experts will assist in ensuring compliance with the conditions of consent and provide monitoring reports to Council at various stages of the

Project as identified in the *Flora and Fauna Assessment* report prepared by Narla Environmental (dated July 2020, version 2.0, D07975308).

- b) An inspection schedule to assess tree and vegetation 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 is to be included with the application for the construction certificate.

## **12. 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. A copy of the report must be submitted to Council.

## **13. 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 30/06/2020.

## **14. Identification of Survey Marks**

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – "*Preservation of Survey Infrastructure*".

## **15. 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.

## **16. 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.

## **17. Stormwater Drainage**

The stormwater drainage system for the development must be designed in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- a) Connected to the 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 C AUS-SPEC Specifications

([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)). 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.

## **18. 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.*

## **19. 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.*

## **20. 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.

## **21. 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.*

## **22. Footpath**

A concrete footpath must be designed along the full frontage of the development site in Pacific Highway in accordance with AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) 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.

## **23. 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 AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) 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.

## **24. 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 AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- a) Generally in accordance with Project No. SY160802 Dwg No. C13.01 Issue L 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.
- iii) Any shoring required to support existing structures on adjoining properties shall be located wholly within the development site. A dilapidation report from a qualified Structural Engineer shall be provided prior to the issue of an approval for these works.
- iv) The Council pipe shall be located wholly within the development site and connected to the existing Council pit located within the property.

## **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. 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 ILU bin holding bay 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 6 of 660L bins and aisle space to access and manoeuvre these bins.
- g) Liquid waste must be stored in a bund and any spills must not enter the sewer or stormwater. A separate caged area is required within the bin room for the banded oil storage. Similarly, the clinical/medical/sharps waste bin must also be stored within a separate caged area.
- h) A Bulky waste storage area(s) of at least 8 square metres must be provided for the ILU.
- i) The ILU bin storage room must:
  - i) comfortably house the required number of bins (at least 6 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 30m 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 240L recycling bin is 600mm wide by 750mm deep; allow for 75mm 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.*

- j) 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.*

- k) The ground level bin service area (including turning area 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.*

- l) 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) A heavy rigid waste collection vehicle is able to enter the site in a forward direction, adequately manoeuvre into position within 5m of the ground floor bin holding areas, load bins and exit the site in a forward direction

- ii) Vertical clearance of 2.4m is provided along the entire route of travel of the RACF waste collection vehicle and basement loading bay.
  - iii) The vehicle ground clearance is sufficient to prevent scraping
  - iv) All pavement has been designed to carry the load of the waste collection vehicle.
- m) 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.
- 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.*

## **27. 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 AS2890.1, AS2890.2 and the approved Development Consent plans and conditions.

## **28. Certification of Acoustic Report**

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified acoustic consultant is to be submitted to the Principal Certifying Authority (PCA) certifying that the plans are capable of complying with the recommendations contained within the Acoustic Assessment report prepared by Wilkinson Murray Pty Ltd dated 21 July 2020, Report No. 17047-R and this consent.

## **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**

- a) ILU units 1-10 within the Independent Living Unit development must have a minimum area for storage (not including kitchen and bedroom cupboards) of 6m<sup>3</sup> for one bedroom units and 8m<sup>3</sup> for two bedroom units where at least 50% is required to be located within the apartment and accessible from either the hall or living area.
- b) ILU-11 must have a minimum area for storage (not including kitchen and bedroom cupboards) of 8m<sup>3</sup> including basement storage.
- c) Details must be submitted with Construction Certificate plans.

**31. Satisfaction of Sydney Trains Requirements**

The applicant must submit written evidence of compliance with the conditions of concurrence issued by Sydney Trains, prior to the issue of the Construction Certificate.

**32. Satisfaction of Transport for NSW Requirements**

The applicant must submit written evidence of compliance with the conditions of concurrence issued by Transport for NSW, prior to the issue of the Construction Certificate.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**33. 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.

**34. 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.*

**35. 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*.

### **36. 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.*

### **37. Installation of Tree Protection Measures**

- a) Trees to be retained and as identified on the Tree Protection Plan prepared by the Council's Tree Management Team dated 21 Aug 2020 (TRIM:D07982888) must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with *Australian Standard AS4687-2007 Temporary fencing and hoardings*:
  - i) For the duration of demolition works, in accordance with the Tree Protection Plan prepared by the Tree Management Team dated 21 Aug 2020 (TRIM:D07982888).
  - ii) For the duration of construction works, in accordance with Tree Protection Plan prepared by the Tree Management Team dated 21 Aug 2020 (TRIM:D07982888).
- b) The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- c) Protective fencing should be aligned to protect areas of TPZ on nature strip not covered by existing hard surfaces, and at the extent of TPZ within the site. The fencing should be aligned to allow use of the public footpath if required. 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.
- d) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- e) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- f) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
- g) Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the wood-chip must be covered with a layer of geotextile fabric and rumble boards.

### **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 prior to any demolition or construction works commencing on the site.

**39. Protection of vegetation, habitat and environmental features during construction**

To ensure the protection of vegetation, habitat and environmental features during construction, the applicant must:

- a) install 1.2-metre-high chain wire fencing (or similar) along the southern and western boundaries;
- b) No construction or pedestrian access is to be provided through the adjacent Asquith Park and STIF vegetation; and
- c) clean machinery of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

*Note: The site contains Sydney Turpentine Ironbark Forest which is listed under the NSW Biodiversity Conservation Act 2016. The Act prohibits the disturbance to threatened species, endangered populations and threatened ecological communities, or their habitat, without appropriate consent or licence.*

**40. 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.

**41. 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.

<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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**42. 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.

**43. Demolition**

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

#### **44. 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*.

#### **45. 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.

#### **46. 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.*

#### **47. 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.

#### **48. 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.

#### **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.

**50. Unexpected Finds**

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the PCA and Council.

**51. Compliance with Construction Environmental Management Plan (CEMP)**

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

**52. 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).

**53. 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 14 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.*

#### **54. Prohibited actions within the fenced tree protection zone**

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

- a) Soil cutting or filling, 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
- h) Any action leading to the impact on tree health or structure

#### **55. Maintaining the health of trees approved for retention**

- a) The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees numbered 1 to 11 inclusive, 13, 14, 15, 39, 40, 42, 44, 46, 47, 48, 50, 52, 53, 58 and 63 to 72 inclusive.

#### **56. Maintaining Tree Protection Measures**

Tree Protection Measures must be maintained by the project arborist in accordance with Condition No. 36 of this consent for the duration of works.

#### **57. Approved Works within Tree Protection Zone incursions**

- a) Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
  - i) Using sharp secateurs, pruners, handsaws or chainsaws with the final cut being clean.
  - ii) The maximum diameter of roots permitted to be cut is 40 mm.
- b) Approved excavations within the Tree Protection Zone of trees to be retained numbered 1 to 11 inclusive, 13, 14, 15, 39, 40, 42, 44, 46, 47, 48, 50, 52, 53, 58 and 63 to 72 inclusive not associated with installation of services must be undertaken as follows:
  - i) Excavations associated with the basement and building footprint and within the Tree Protection Zone must be overseen by the AQF 5 project arborist for the first 1m undertaken manually to a depth of 500mm to locate roots and allow for pruning in accordance with condition No. 7a.
- c) No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans, are permitted.
- d) To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered 57, 63 and 64 on the approved plans, the installation of services must be undertaken as follows:
  - i) Minor realignment of the stormwater route to ensure no incursion to the SRZ of trees numbered 57, 63 and 64.
  - ii) The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
  - iii) The installation of any underground services which either enter or transect the designated TPZ must utilise directional drilling only
- e) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
  - i) Installation of a 100mm deep layer of woodchip and;
  - ii) Installation of geotextile fabric ground covering and;
  - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.

#### **58. Building materials and Site Waste**

The 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.

#### **59. 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.*

#### **60. 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 AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) 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) The design and construction of the gutter crossing shall be in accordance with the Roads and Maritime Services requirements. The design shall be submitted to the Roads and Maritime Services Sydney Project Services Section for approval prior to construction.
- d) A Road Occupancy Permit shall be obtained from the Roads and Maritime Services for any proposed lane closures required for the works
- e) 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.*

<b>REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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**61. Fulfilment of BASIX Commitments**

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

**62. ILU Numbering**

All units are to be numbered consecutively commencing at No.1. If the units are strata subdivide, 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.

**63. 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.

**64. 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.*

**65. Street Tree Plantings**

Planting to the Pacific Highway verge shall be 7 x *Tristaniopsis laurina* (Water Gum). Trees are to be located in pits with timber edging between the kerb and footpath. Tree pits are to have a finished surface of mulch matching the surrounding surface level. Trees are to be installed at minimum 200 litre pot size.

**66. 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.

**67. Irrigation**

A fully automatic irrigation system operated via irrigation controller and rain sensor is to be provided to the landscape areas associated with the Pacific Highway street frontage and trees to be retained. The irrigation system will be supplied with water via a dedicated irrigation main pipe. Garden taps shall be supplied via a separate main pipe, keeping them separate from the irrigation main. A suitably qualified urban irrigation installer licensed by the NSW Department of Fair Trading must directly supervise all works carried out as part of this project. All works shall, as a minimum, meet the requirements of AS3500.

**68. Boundary Fencing**

Boundary fencing for the development must comply with the following requirements:

- a) 1800mm high lapped and capped timber fencing is required along the western and southern boundaries fence joining Asquith Oval.
- b) Fencing along the front boundary, if provided, to be a maximum of 900mm high with 50% transparency. Fencing to be screened in front with hedging plants or mass planted grasses.
- c) The exact location, design and costing for the erection of boundary fencing on the northern boundary are to be the subject of negotiation and agreement in accordance with the relevant requirements of the *Dividing Fences Act 1991*.

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

**69. Completion of Landscaping/Offset Planting**

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience certifying that all required landscaping works have been satisfactorily completed in accordance with the approved landscape plans prepared by Taylor Brammer (D08042016) and the conditions of this consent.

*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. Plant stock used for the above planting should be sourced from a native nursery utilising Sydney basin stock.*

**70. Final Certification Arborist**

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

- a) The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:
- b) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works and;
- c) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans and;
- d) Dates, times and reasons for all site attendance and;
- e) All works undertaken to maintain the health of retained trees and;
- f) Details of tree protection zone maintenance for the duration of works and;

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

**71. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority**

Tipping dockets for the total volume of excavated material that are received from the licensed waste facility must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

**72. Acoustic Certification**

On completion of all works and prior to the issue of an Occupation Certificate, the certifier is to be provided with a certificate from a qualified acoustic consultant certifying that all acoustic works have been completed in accordance with the Acoustic Assessment report prepared by Wilkinson Murray Pty Ltd dated 21 July 2020, Report No. 17047-R and this consent.

**73. Retaining Walls**

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

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

A restriction as to user must be created under s88E 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.*

**75. External Lighting**

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS4282 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.

**76. 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.

**77. 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).

**78. 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.*

**79. 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*".

**80. 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.*

**81. Trade Wastewater**

Written permission must be obtained from Sydney Water before discharging trade wastewater to the sewer. Food outlets and food services are required to install and maintain an adequately sized grease trap. A dry basket arrestor or bucket trap is necessary if there are floor wastes in the food preparation and handling areas. Floor wastes must drain to the grease trap servicing the kitchen. Refer to the Sydney Water publication 'Managing trade wastewater in the food service industry'. An application must be submitted to Sydney Water, refer to [sydneywater.com.au](http://sydneywater.com.au) or phone 13 20 92.

**82. 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*.

**83. Council Food Inspection**

Prior to the commencement of the business, the operator is requested to contact Council's Compliance & Certification Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval. Contact Council's Administration Officer on 9847 6784.

**84. 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.*

**85. 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*.

**86. 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 for the ILU and 2.4m for the RACF building.

*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 for the ILU 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**

### **87. Use of Premises**

The development approved under this consent shall be used for a 97 bed residential care facility, 11 self-contained dwellings (infill self-care housing), associated car parking and associated communal facilities and not for any other purpose without Council's separate written consent.

### **88. Private Bus Service**

- a) A private bus service with capacity for at least 10 people must be available to transport residents between the site and the Hornsby Town Centre between the following times (at minimum):
  - i) One daily service between 8am and 12pm Monday to Sunday in each direction.
  - ii) One daily service between 12pm and 6pm Monday to Friday in each direction
- b) Upon completion of a sealed footpath on the southern side of Mills Avenue and written approval by Council, the private bus service is no longer required.

**89. 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.

**90. 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 AS2890.2:2002 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.

**91. Landscape establishment**

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

**92. 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.

**93. 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: 7am to 8pm weekdays and 8am to 8pm 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

#### **94. 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*".

#### **95. 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.

#### **96. 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.

**97. 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.

**98. 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

**99. TfNSW Condition No. 1**

TfNSW has previously acquired strips of land for road along the Pacific Highway frontage of the subject property, as shown by blue colour on the attached Aerial –“X”. TfNSW has previously resumed and dedicated a strip of land as road along the Pacific Highway frontage of the subject property, as shown by grey colour on the attached Aerial –“X”.

The subject property is also affected by a road proposal as shown by pink colour on the attached Aerial – “X”

Any new building or structures together with any improvements integral to the future use of the site should be wholly within the freehold property (unlimited in height and depth), along the Pacific Highway boundary.

**100. TfNSW Condition No. 2**

The redundant driveways on the Pacific Highway boundary shall be removed and replaced with kerb and gutter. The design and construction of the kerb and gutter, including the gutter crossing with left-in left-out arrangement, on Pacific Highway shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@rms.nsw.gov.au](mailto:DeveloperWorks.Sydney@rms.nsw.gov.au).

Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@rms.nsw.gov.au).

*Note: A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.*

**101. TfNSW Condition No. 3**

The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Documents should be submitted to Development.Sydney@rms.nsw.gov.au.

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

**102. TfNSW Condition No. 4**

The swept path of the longest vehicle (including garbage trucks, building maintenance vehicles and removalists) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

**103. TfNSW Condition No. 5**

All vehicles are to enter and leave the site in a forward direction.

**104. TfNSW Condition No. 6**

All vehicles are to be wholly contained on site before being required to stop.

**105. TfNSW Condition No. 7**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.

**- END OF CONDITIONS -**

**ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 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). (HDGP 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](http://www.dialbeforeyoudig.com.au) for free information on potential underground pipes and cables within the vicinity of the development site.

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

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

### **Asbestos Warning**

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *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](http://www.environment.nsw.gov.au)

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

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

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

### **Unit Numbering (Strata Units)**

All units are to be numbered consecutively commencing at No1. The strata plan lot No is to coincide with the unit number. Eg Unit 1 = Lot 1.

### **Food Authority Notification**

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

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

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

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

*Note: Council's Environmental Health Officer can be contacted on 02 9847 6014.*