

## Attachment 1 – Draft Modified Conditions

### 1. Deferred Commencement Matter

*Satisfied 05/07/17*

### 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:

Plan No.	Issue	Plan Title	Drawn by	Dated
S96-0.04	C	Site Plan	Marchese Partners	04/10/2016
<del>DA-1.04</del> S96-1.01	<del>D</del> E	Basement L3 Floor Plan	Marchese Partners	<del>24/06/2016</del> 04/10/2016
<del>DA-1.02</del> S96-1.02	<del>D</del> E	Basement L2 Floor Plan	Marchese Partners	<del>24/06/2016</del> 04/10/2016
<del>DA-1.03</del> S96-1.03	<del>G</del> I	Basement L1 Floor Plan	Marchese Partners	<del>24/06/2016</del> 24/03/2017
<del>DA-1.04</del> S96-1.04	<del>H</del> M	Ground Floor Plan	Marchese Partners	<del>02/06/2016</del> 26/05/2017
<del>DA-1.05</del> S96-1.05	<del>E</del> <del>I</del> J	Level 1 Floor Plan	Marchese Partners	<del>03/05/2016</del> <del>11/05/2017</del> 30/11/2017
<del>DA-1.06</del> S96-1.06	<del>E</del> <del>I</del> J	Level 2 - 3 Floor Plan	Marchese Partners	<del>03/05/2016</del> <del>11/05/2017</del> 30/11/2017
<del>DA-1.07</del> S96-1.07	<del>E</del> <del>I</del> J	Level 4 Floor Plan	Marchese Partners	<del>03/05/2016</del> <del>11/05/2017</del> 30/11/2017
<del>DA-1.08</del> S96-1.08	<del>E</del> <del>I</del> J	Level 5 - 7 Floor Plan	Marchese Partners	<del>03/05/2016</del> <del>11/05/2017</del> 30/11/2017
<del>DA-1.09</del> S96-1.09	<del>E</del> I	Level 8 Floor Plan	Marchese Partners	<del>03/05/2016</del> 11/05/2017
<del>DA-1.10</del> S96-1.10	<del>E</del> I	Level 9 - 12 Floor Plan	Marchese Partners	<del>03/05/2016</del> 11/05/2017
<del>DA-1.11</del> S96-1.11	<del>E</del> I	Level 13 - 14 Floor Plan	Marchese Partners	<del>03/05/2016</del> 11/05/2017
<del>DA-1.12</del> S96-1.12	<del>E</del> H	Level 15 - 16 Floor Plan	Marchese Partners	<del>03/05/2016</del> 24/03/2017
<del>DA-1.13</del> S96-1.13	<del>G</del> D	Level Roof Floor Plan	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-2.01</del> S96-2.01	<del>D</del> H	West Elevation Tower A	Marchese Partners	<del>03/05/2016</del> 11/05/2017
<del>DA-2.02</del> S96-2.02	<del>B</del> F	West Elevation Tower B	Marchese Partners	<del>03/05/2016</del> 26/05/2017
<del>DA-2.03</del> S96-2.03	<del>E</del> <del>I</del> J	North Elevations	Marchese Partners	<del>03/05/2016</del> <del>11/05/2017</del> 30/11/2017

<del>DA-2.04</del> S96-2.04	<del>D</del> G	South Elevations	Marchese Partners	<del>03/05/2016</del> 24/03/2017
<del>DA-2.05</del> S96-2.05	<del>D</del> G	East Elevation Tower A	Marchese Partners	<del>03/05/2016</del> 24/03/2017
<del>DA-2.06</del> S96-2.06	<del>D</del> G	East Elevation Tower B	Marchese Partners	<del>03/05/2016</del> 24/03/2017
<del>DA3.01</del> S96-3.01	<del>B</del> D	Section	Marchese Partners	<del>03/05/2016</del> 26/05/2017
<del>DA3.02</del> S96-3.02	<del>B</del> E	Section	Marchese Partners	<del>03/05/2016</del> 24/03/2017
<del>DA3.03</del> S96-3.03	<del>B</del> D	Section	Marchese Partners	<del>03/05/2016</del> 11/05/2017
<del>DA-5.01</del> S96-5.01	<del>B</del> C	Adaptable Unit Plan 01	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-5.02</del> S96-5.02	<del>B</del> C	Adaptable Unit Plan 02	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-5.03</del> S96-5.03	<del>B</del> C	Adaptable Unit Plan 03	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-5.04</del> S96-5.04	<del>B</del> C	Typical Plan Tower A	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-5.05</del> S96-5.05	<del>B</del> C	Typical Plan Tower B	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-7.01</del> S96-7.01	<del>G</del> E	Oxford Street Podium Facade	Marchese Partners	<del>03/05/2016</del> 11/08/2017
DA-7.02	B	Heritage Façade Detail 02	Marchese Partners	03/05/2016
<del>DA-7.03</del> S96-7.03	<del>B</del> C	Detail façade Section	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-7.04</del> S96-7.04	<del>B</del> C	Detail Driveway Ramp Section	Marchese Partners	<del>03/05/2016</del> 04/10/2016
<del>DA-8.00</del> S96-8.00	<del>B</del> D	External Finishes	Marchese Partners	<del>03/05/2016</del> 11/08/2017
LA01	<del>D</del> G	Landscape Elements	Taylor Brammer	<del>24/06/2016</del> 02/06/2017
LA02	<del>G</del> J	Landscape Concept Plan	Taylor Brammer	<del>24/06/2016</del> 12/07/2017
LA03	<del>D</del> G	Landscape Ground Level Planting Plan	Taylor Brammer	<del>24/06/2016</del> 12/07/2017
LA04	D	Landscape Site Sections	Taylor Brammer	24/06/2016
LA05	B	Elevation	Taylor Brammer	12/07/2017
<del>C001</del>	<del>P1</del>	<del>Drawing Register and Construction Notes</del>	<del>Bonacci Group</del>	<del>19/02/2016</del>
<del>C002</del>	<del>P2</del>	<del>Soil and Water Management Plan</del>	<del>Bonacci Group</del>	<del>19/02/2016</del>
<del>C003</del>	<del>P2</del>	<del>Soil and Water Management Details</del>	<del>Bonacci Group</del>	<del>19/02/2016</del>
<del>C005</del>	<del>P2</del>	<del>Stormwater Drainage Connection Plan</del>	<del>Bonacci Group</del>	<del>19/02/2016</del>
<del>C006</del>	<del>P3</del>	<del>Stormwater drainage Site Plan and Sections</del>	<del>Bonacci Group</del>	<del>19/02/2016</del>

<del>C007</del>	<del>P1</del>	<del>Stormwater Drainage Longitudinal Section</del>	<del>Bonacci Group</del>	<del>19/02/2016</del>
<del>C008</del>	<del>P1</del>	<del>Stormwater drainage details</del>	<del>Bonacci Group</del>	<del>19/02/2016</del>
C1.01	D	Cover Sheet, Notes And Legends	SCP Consulting	20/07/2017
C2.01	C	Ground Floor - Finished Levels Plan	SCP Consulting	20/07/2017
C2.02	C	Ground Floor - Stormwater Drainage Plan	SCP Consulting	20/07/2017
C3.01.01	E	Proposed Stormwater Line 14-16 Essex Street	SCP Consulting	20/07/2017
C3.01.02	D	14-16 Essex Street Existing Cross Sections	SCP Consulting	20/07/2017
C3.03	C	Essex Street - Stormwater Drainage Works - Option 2	SCP Consulting	20/07/2017
C4.01	C	Essex Street Cross Sections	SCP Consulting	20/07/2017
C4.02	C	Detail Sheet 1	SCP Consulting	20/07/2017
C4.03	C	Detail Sheet 2	SCP Consulting	20/07/2017
C5.01	C	Soil Sediment Control Plan Oxford Street	SCP Consulting	20/07/2017
C5.02	C	Soil Sediment Control Plan Essex Street and 14-16 Essex Street	SCP Consulting	20/07/2017
C5.10	C	Erosion and Sediment Control Notes And Details	SCP Consulting	20/07/2017
C6.01	C	Survey Site Plan - For Information Only	SCP Consulting	20/07/2017
C6.02	C	Survey of Essex St - For Information Only	SCP Consulting	20/07/2017

#### Supporting Documents

No.	Issue	Plan/Document Title	Prepared by	Dated
DA-0.00	C	Cover Sheet	Marchese Partners	29/06/2016
DA-0.01	B	Aerial Photo	Marchese Partners	03/05/2016
DA-0.02	B	Survey Plan	Marchese Partners	20/04/2016
DA-0.03	B	Site Analysis	Marchese Partners	03/05/2016
DA-0.04	B	Site Plan	Marchese Partners	03/05/2016

DA-4.01	C	Shadow Study Mid-Winter - 01	Marchese Partners	03/05/2016
DA-4.02	C	Shadow Study Mid-Winter - 01	Marchese Partners	03/05/2016
DA-4.03	B	Solar Access 01	Marchese Partners	24/06/2016
DA-4.04	B	Solar Access 02	Marchese Partners	24/06/2016
DA-4.05	B	Solar Access 03	Marchese Partners	24/06/2016
DA-4.06	B	Cross Ventilation 01	Marchese Partners	24/06/2016
DA-4.07	B	Cross Ventilation 02	Marchese Partners	24/06/2016
DA-6.01	B	Perspective Views	Marchese Partners	03/05/2016
DA-6.02	B	Perspective Views	Marchese Partners	03/05/2016
		SEPP 65 Design Verification Statement	Marchese Partners	04/05/2016
	E	ESD Report	Cundall	9/05/2016
667264M	04 06 08	BASIX Certificate	Cundall	<del>9/05/2016</del> <del>19/12/2016</del> <b>09/02/2018</b>
<del>44070014</del> VM07Y- VSZQ4		NatHERS Certificate	Cundall	<del>9/05/2016</del> 13/09/2016
-	-	BCA Report	Group DLA	22/10/2015
-	-	Waste Management Plan	Wasteaudit	June 2016
	02	Description of Building Services	Floth	21/10/2015
	P7	Access Review	MGAC	21/10/2015
1611S00-62000	-	Transport Impact Assessment	GTA Consultants	2/10/2015 and 4/05/2016
-	-	Crime risk Assessment	Cardno	13/10/2015
-		Statement of Environmental Effects	Cardno	October 2015
-	0	Preliminary Geotechnical Investigation Report	Douglas Partners	4/08/2015
-	1	Preliminary Site Investigation Report	Douglas Partners	4/08/2015
-	-	Archaeological Impact Assessment	Casey and Lowe Pty Ltd	September 2015
-	-	Statement of Heritage Impact	Graham Brooks and Associates	21/10/2015
-	-	DA Noise Assessment	Acoustic Logic	16/10/2015
-	-	Arboricultural Impact Assessment	Arboreport	20/10/2015
		Clause 4.6 Variation	Cardno	4/05/2016
2021653A	1	Civil Report	Bonacci Group	22/02/2016
19077.loc.1	-	Arboricultural Assessment	Urban Tree Management	09/06/2017

*Note. Condition amended as per DA/585/2016/B.*

*Note. Condition amended as per DA/585/2016/A.*

**Note. Condition amended as per DA/585/2016/D.**

**3. Removal of Existing Trees**

- a) This development consent permits the removal of trees numbered 1, 2 and 3 as identified on *DA-0.02 Issue B, Survey Plan* prepared by *Marchese Partners* dated *02/04/2016* and street trees numbered 7, 8 and 9 in *Arboricultural Assessment Ref 19077.loc.1* by *Urban Tree Management* dated *9 June 2017*.
- b) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

*Note. Condition amended as per DA/585/2016/B.*

**4. Project Arborist**

A Project Arborist is to be appointed in accordance with AS 4970-2009 (1.4.4) to provide monitoring and certification throughout the development process. The details of the appointed Arborist are to be provided to Council and the PCA prior to the issue of the construction certificate.

**5. Amendment of Plans**

The approved plans are to be amended as per the following list marked in red on the approved plans:

- a) ~~The southern end of the podium façade, as identified on the plan no. DA7.01 issue C, Oxford St Podium façade - dated 03/05/2016, is to be amended by adding an additional vertical fin wall to divide the southernmost panel into two equal halves and maintain a consistent rhythm.~~
- b) ~~All north-facing terraces on the Level 8 floor plan for Towers A and B in DA 1.09 Issue E dated 3/05/2016 are to have a minimum setback of 12m from the northern boundary. Any encroachment is to be in the form of non-trafficable roof space only.~~
- c) ~~All south-facing terraces on the Level 8 floor plan for Tower B in DA 1.09 Issue E dated 3/05/2016 are to have a minimum setback of 12m from the northern boundary. Any encroachment is to be in the form of non-trafficable roof space only.~~
- d) The balcony for Unit 2L.10 in Level 4 of Tower B as identified in DA-1.07 Issue E dated 03/05/2016 is to have a balustrade height of 1.5m above the finished floor level and be provided with an obscure or opaque material of finish.
- e) ~~A window is to be added to the study room identified in unit 1L.02 in DA 1.05 Issue E dated 3/05/2016.~~

- f) The balustrade capping details should be such that it precludes placement of bottles or glasses to prevent any hazard.
- g) The proposed pedestrian passageway along the southern boundary of the site is to be extended to the rear boundary.
- h) All windows on the southern wall of Tower A between level 2 and level 16 are to be unopenable (fixed glass) and include obscure glass only.
- i) ~~A minimum 5m wide communal landscaped strip is to be provided along the southern and eastern boundaries of Tower B. The courtyard fences for the ground floor units should be relocated to accommodate the common landscaped area.~~
- j) These amended plans must be submitted with the application for the Construction Certificate.

*Note. Condition amended as per DA/585/2016/A.*

**6. Construction Certificate**

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

**7. Section 94 Development Contributions**

- a) In accordance with Section 80A(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	\$ 180,891.45
Open Space and Recreation	\$ 2,582,859.65
Community Facilities	\$ 1,020,050.30
Plan Preparation and Administration	\$ 8,317.20
<b>TOTAL</b>	<b>\$3,792,118.60</b>

being for 254 residential units comprising a unit mix of 46 x 1 bedroom, 182 x 2 bedroom and 26 x 3 bedroom units with a credit of exiting 8 x 2-br units and 324sqm of additional retail space

- b) The value of this contribution is current as at 1 July 2016. 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:

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

Where:

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

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

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

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

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

*Note: It is the professional responsibility of the Principal Certifying Authority to ensure that the monetary contributions*

*have been paid to Council in accordance with the above timeframes.*

Council's Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au).

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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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.  
The design of the buildings must comply with the recommendations of Alternative Solutions in the *Building Code of Australia Capability Statement* prepared by Group DLA dated 22/10/2015. All plans must be certified by a suitably qualified Fire Safety Engineer.
9. Contract of Insurance (Residential Building Work)  
Where residential building work for which the Home Building Act, 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.
10. Notification of Home Building Act, 1989 Requirements  
Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:
  - a) In the case of work for which a principal contractor is required to be appointed:
    - i) The name and licence number of the principal contractor; and
    - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
  - b) In the case of work to be done by an owner-builder:
    - i) The name of the owner-builder; and
    - ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

*Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work*



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*relates (not being Council) has given Council written notification of the updated information.*

11. Utility Services

The applicant must submit written evidence of the following service provider requirements:

- a) *Ausgrid (formerly Energy Australia)* – a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Telstra* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

12. 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.*

13. Dilapidation Report

- a) A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of adjoining properties at Nos. 44 – 46 Oxford Street, No. 28 Oxford Street, Epping, No. 14 Essex Street, Epping and No. 5 Pembroke Street, Epping.
- b) To record the structural condition of all properties adjoining the approved development, a dilapidation report must be prepared by a suitably qualified structural engineer for inclusion with the application of the Construction Certificate.

14. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard 1742.3 for all work on a public road. The Traffic Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. The TCP must detail the following:

- a) Arrangements for public notification of the works;
- b) Temporary construction signage;
- c) Permanent post-construction signage;
- d) Vehicle movement plans;

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- e) Traffic management plans; and
  - f) Pedestrian and cyclist access/safety.
15. 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".
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 directly to Council's street drainage system in Essex Street generally in accordance with the approved stormwater plans listed in Condition 2 of this development consent.
  - b) The proposed 375mm diameter pipeline is to be located under the existing kerb line in Essex Street and the kerb and gutter is to be reconstructed.
17. On Site Stormwater Detention  
An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:
- a) Have a capacity of not less than 80 cubic metres, and a maximum discharge (when full) of less than or equal to the pre development 1 in 5 year ARI flows;
  - b) Have a surcharge/inspection grate located directly above the outlet;
  - c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system;
  - d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
18. Vehicular Crossing  
A separate application under the Local Government Act, 1993 and the Roads Act 1993 must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing.

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The vehicular crossing must be constructed in accordance with Council's Civil Works Design 2005 and the following requirements:

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with Monarch Tan pavers to the same standard and layout as the adjoining footpath and dish drains;
- 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.*

19. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed issued in accordance with the approved plans listed in Condition 2 of this development consent, *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

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

20. Construction Traffic Management Plan

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Council for approval according to the following requirements:-

- a) A copy of the plans shall be submitted for consideration and written approval by Council prior to the release of the Construction Certificate.
- b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.
- d) To prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Council.

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- e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
    - i) Public notification of proposed works;
    - ii) Long term signage requirements;
    - iii) Short term (during actual works) signage;
    - iv) Vehicle Movement Plans, where applicable;
    - v) Traffic Management Plans;
    - vi) Pedestrian and Cyclist access and safety;
  - f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
  - g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.
  - h) The Applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Council in order to ensure the above.
  - i) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Council is to be made prior to the issue the Construction Certificate.

21. Pedestrian Management Plan

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total closure of footpaths. The PAMP must be submitted to Council for approval.

22. Construction Management Plan

A Construction Management Plan (CMP), prepared by a suitably qualified consultant, must be submitted for approval by Council. The CMP must include, but not be limited, details of the following:

- a) Noise attenuation measures be implemented along the northern, eastern and southern boundaries of the site;
- b) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
- c) The construction works must be undertaken in accordance with the "Interim Construction Noise Guidelines – 2009" published by DECCW and achieve compliance with the relevant noise levels; and

- d) The delivery times and vehicular movements related to demolition, excavation and construction works must be restricted to the construction hours only.

23. Acoustics/Adaptable Units/Letter Boxes/Storage

The following details must be provided with the Construction Certificate plans.

- a) The development is required to provide 76 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the *Hornsby Development Control Plan 2013*. In this regard, 26 car parking spaces are to be designed for people with a disability and allocated to 26 accessible units;
- ~~b) The letter boxes must be located as shown on the approved plans DA1.04 Issue H;~~
- c) The recommendations within the DA Noise Assessment Report prepared by *Acoustic Logic* dated 16/10/2015 must be incorporated in the Construction Certificate plans;
- d) Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) for 6m<sup>3</sup> for one bedroom units, 8m<sup>3</sup> for two bedroom units and 10m<sup>3</sup> for three bedroom units, where 50% is required to be located within the apartment and accessible from either the hall or living area;
- e) All bedrooms must include wardrobes with a minimum length of 1.5m; and
- f) The wardrobe dimension for the master bedroom must equal to 1.8m (length x 0.6m (depth) x 2.1m (high).

*Note. Condition amended as per DA/585/2016/A.*

24. Waste Management Details

The following waste management details must be provided with the Construction Certificate Plans:

- a) The e-diverter chute system for each building must be designed such that the chute gradient is no less than the minimum gradient recommended by the chute manufacturer. Each chute system must include volume handling equipment (linear tracks and/or carousels that automatically change the bin under the chute when it becomes full, with no compaction) fitted with no less than a total of 5 x 1100L garbage bins and 2 x 1100L recycling bins for Tower A, and with no less than a total of 4 x 1100L garbage bins and 2 x 1100L recycling bins for Tower B. There must be sufficient space in each chute service room to

enable the 1100L bins to be loaded and unloaded from the volume handling equipment.

*Note: to achieve sufficient chute gradient, each chute will most likely require additional space at the ground level. The chute system supplier must be consulted in the design of the chute system.*

- b) Support columns within the chute service rooms must be positioned such that they do not interfere with the installation and operation of the volume handling equipment (linear(s) and carousel) required for each e-diverter chute system.
- c) Storage space must be provided for all equipment required for the operation of the waste management system, including motorised bin carting equipment (such as a ride-on cart) used to safely transport the 1100L bins around the site.
- d) All waste and bin carting routes must be no less than 2.0 m wide. No bin carting routes must include any steps.  
*Note: waste and bin carting routes include, but are not limited to, from each chute service room to the residential bin storage room, from the bin storage rooms to the bin collection room, from the bulky waste storage room(s) to the loading bay, from each commercial/retail unit to the commercial bin storage room.*
- e) The vertical clearance along the Heavy Rigid Vehicle waste collection vehicle's entire travel path on site must be no less than 4.5 m;
- f) A bulky waste storage area of at least 16m<sup>2</sup> must be provided at the basement level.
- g) The waste facilities on each residential level must be accessible by persons with a disability.
- h) 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; and
  - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

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25. Detailed survey of Heritage item and the site
- a) The following details in regard to the heritage item at No. 38 Oxford Street are to be submitted to Council for approval:
    - i) A detailed fabric survey to identify original significant fabric and internal elements that should be retained and conserved;
    - ii) Detailed plans of the demolition works related to the site at No. 38 Oxford Street;
    - iii) Detailed plans of the proposed changes to the interior and exterior, conservation works and schedule of materials and finishes; and
    - iv) Details of the forecourt paving colour and material.
  - b) An archival photographic record of the Church at No.42 Oxford St, Epping must be undertaken by a suitably qualified professional. The record should be undertaken generally in accordance with the Office of Environment and Heritage, Heritage Branch guidelines and two (2) complete copies of the documentation is to be submitted to Council.
26. Council verge – Oxford Street
- a) The existing footpath is to be removed.
  - 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) Replacement footpath design plans are to be approved by Council in accordance with Sec 138 of the Roads Act and are to be in accordance with the Oxford Street: “Village Street” street typology in Council’s *Epping Town Centre Public Domain Guidelines* and *technical specifications* as follows:
    - i) A 6.0 metre wide fully paved verge with granite pavement works including
      - a. Paver: Granite Flagstone Pavers;
      - b. Colour: Adelaide Black, as supplied by Sam the Paving Man or equivalent;
      - c. Size 600 x 450 x 50mm;
      - d. Setout: Lay commencing from Perpendicular to the kerb;
      - e. Installation: laid with mortar bedding on reinforced slab, 10-12mm separation joints against kerb and site building / boundaries with expansion joint and sealant bead to match stone colour, jointing between pavers to be 3mm, raked to a depth of 4mm;
      - f. Bollards: Stainless steel removable;

- g. Bollards able to be relocated to accommodate outdoor dining or vehicle parking (if applicable);
- ii) Construction of vehicle access area, parking bays and pedestrian pavement areas with Granite flagstone pavers laid over a reinforced concrete slab, extending from the back of the concrete spoon drain to the property boundary.

27. Reflectivity Report

A Reflectivity Report must be submitted with analysis of solar glare from the proposed building to demonstrate that the light reflectivity from the building materials does not exceed 20%.

27A. Security Bonds

*In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate).*

*The bond may be paid, by EFTPOS, bank cheque, or be an unconditional bank guarantee.*

*Should a bank guarantee be lodged it must:*

- (a) *Have no expiry date;*
- (b) *Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/585/2016;*
- (c) *Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.*

*Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.*

*Bonds shall be provided as follows:*

<i>Bond Type</i>	<i>Amount</i>
<i>Street Furniture (26 bollards)</i>	<i>\$52,000</i>
<i>Street Trees (3 trees)</i>	<i>\$6,000</i>

*A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to City of Parramatta with the payment of the bond/s.*



*The dilapidation report is required to document/record any existing damage to street trees and furniture within the street frontage bounding the site up to and including the centre of the road.*

*Reason: To safe guard the public assets of Council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.*

*Note. Condition added as per DA/585/2016/B.*

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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28. 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.

29. Protection of Adjoining Areas

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place.

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

30. 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*.

31. 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.*

32. Tree Protection Barriers

- a) ~~To safeguard the natural environment during the approved development works, tree protection fencing must be erected around tree No. 4 identified on DA-0.02 Issue B, Survey Plan prepared by Marchese Partners dated 02/04/2016.~~
- b) All trees proposed to be retained (whether or not within the subject site and including street trees) must have tree protection measures for the ground, trunk and canopy installed in accordance with the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009) and the *Arboricultural Impact Assessment Report* prepared by *Arboreport Services* dated 26/10/2015.
- c) All Tree Protection Zones must have a layer of wood-chip mulch installed prior to works commencing and must be maintained throughout the period of construction at a depth of 150mm – 300mm using material that complies with Australian Standard AS 4454.
- d) A certificate from the Project Arborist must be submitted to the Principal Certifying Authority and Council stating compliance with the relevant tree protection conditions of this consent.

*Note. Condition amended as per DA/585/2016/A.*

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33. Archaeology requirements
- a) A S140 application under the Heritage Act 1977 must be made to the Heritage Division, Office of Environment and Heritage to allow archaeological testing to determine if substantive archaeological remains belonging to the Barren Hills Sawmilling Establishment are present within the site.
  - b) A copy of the Archaeological Impact Statement prepared by Casey & Lowe to be submitted to the Heritage Division, Office of Environment and Heritage as part of the S140 application.
  - c) A Research Design and detailed proposed archaeological methodology prepared by a suitably qualified archaeologist is to be submitted to the Heritage Division, Office of Environment and Heritage as part of the S140 application.
34. Requirements prior to the disturbance of ground and any excavation works
- a) Demolition works up to the GROUND LEVEL ONLY can commence on the site subject to the issue of the Construction Certificate and the compliance with condition Nos. 1 – 32 of this development consent.
  - b) No demolition works below the ground level that may result in excavation or disturbance of ground, must occur prior to the compliance with the following conditions of consent:
    - i) Archaeology  
Issue of a Section 140 approval for archaeological testing in accordance with Condition No. 33 of this development consent;  
All testing on the site should be conducted by suitably qualified Archaeologists;  
The results of the archaeological testing to be recorded in a report with recommendations for future action submitted to Council and the Heritage Division, Office of Environment and Heritage; and  
Any artefacts collected during testing to be catalogued and securely stored by the client after the completion of the archaeological program.
    - ii) Detailed Site Investigation  
A detailed investigation of the proposed development site must be prepared by a suitably qualified environmental consultant. Such investigation must be undertaken in accordance with NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites – Sampling Design Guidelines.

- iii) Remedial Action Plan  
Should the preliminary/detailed investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority's Contaminated Sites – Guidelines for the NSW Site Auditor Scheme, a Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council for approval.

<h2 style="margin: 0;">REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</h2>
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- 35. Demolition works below ground and excavation works  
All demolition works below ground, disturbance of ground and excavation works must comply with the following:
  - a) S140 approval obtained for archaeological testing and any further S140 approvals that may be required as a result of subsequent archaeological testing.
  - b) The site has been remediated in accordance with the approved Remedial Action Plan.
  
- 36. Stopping work  
In the event that remnants or artefacts not anticipated in the archaeological assessment are found during the progression of works on site, all works on site are to cease and the appointed archaeologist is to attend site and advise further action.
  
- 37. 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.
  
- 38. Demolition  
To protect the surrounding environment, all demolition work must be carried out in accordance with "*Australian Standard 2601-2001 – The Demolition of Structures*" and the following requirements:
  - a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan;
  - b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and

Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and

- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

39. Environmental Management

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

40. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Oxford Street 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.

41. Works Near Trees

- a) To protect trees to be retained, all required tree protection measures are to be maintained in good condition for the duration of the construction period.

- b) Any scaffolding must be erected outside the tree protection zone of all trees to be retained on site in accordance with Section 4.5.6 of AS4970 – 2009.

- c) ~~Approved works within the nominated Tree Protection Zones of tree No. 4 as identified on the DA0.02 Survey Plan dated 03/05/2016 must be carried out in accordance with the methods listed in the Arboricultural Impact Statement prepared by Bradshaw Tree Services dated September 2013 and the following requirements:~~

- i) ~~All works must be approved by the Project Arborist.~~
- ii) ~~Root/ground protection/root pruning outside the structure root zone of a tree and underground services installation must be provided in accordance with AS 4970-2009 (Clause 4.5.4 and clause 4.5.5);~~
- iii) ~~The Structural Root Zone of any tree required to be retained must remain intact;~~

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- ~~iv) Activities within the Tree Protection Zone must comply with AS 4970-2009 (Clause 4.2); and~~
  - ~~v) Installation of services must be undertaken using sensitive methods such as directional drilling or in manually excavated trenches;~~
  - ~~vi) Machinery other than hand held must not enter or carry out works on public land.~~
  - d) ~~The Project Arborist must monitor and record any necessary remedial actions for maintaining tree health and condition required for tree numbered 4 as identified on the DA0.02 Survey Plan dated 03/05/2016;~~
  - e) The appointed Project Arborist must monitor and record all changes or modifications required regarding tree protection measures for the period of construction; and
  - f) A certificate must be submitted to the principal certifying authority by the Project Arborist detailing the method(s) used to preserve these tree(s) during the course of construction.

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

42. Council Property

During construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath. The public reserve must be kept in a clean, tidy and safe condition at all times.

43. Waste Management Details

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

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

- g) Whether the waste is expected to be reused, recycled or go to landfill.

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

44. Landfill

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

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

45. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

46. 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 and head height complies with AS2890.1 – 2004 and AS20890.2 – 2002 for Heavy rigid vehicles (HRV).

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47. Compliance during Construction works  
The development must be carried out in accordance with the following approved documents:
- a) Traffic Control Plan (TCP);
  - b) Construction Traffic Management Plan (CTMP);
  - c) Construction Management Plan (CMP);
  - d) Pedestrian Access Management Plan (PAMP); and
  - e) The recommendations within the Section 5 Geotechnical Investigation Report prepared by Douglas Partners dated 4/08/2015 regarding Ground vibration. Excavation conditions, Excavation Support, Groundwater control, Foundations and ground slabs.
48. Maintenance of public footpaths  
Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.
49. Construction Work Zones
- a) All construction vehicles associated with the proposed development are to be contained on site or in a "Works Zone" approved by the Local Traffic Committee (LTC);
  - b) The site supervisor is to be advised that the Works Zone will be deemed to be in effect, and fees will apply, between the dates nominated by the supervisor, or when parking spaces are managed for the sole use of construction vehicles associated with the site;
  - c) The Works Zone signs shall be in effect only for the times approved by Council, and the time is to be noted on the sign. Eg: 'Works Zone Mon – Sat 7am – 5pm';
  - d) The applicant is required to supply a sign posting installation plan for referral to the Local Traffic Committee, noting on it the duration of the Works Zone; and
  - e) The Works Zone is only to be used for the loading and unloading of vehicles. Parking of workers' vehicles, or storage of materials, is not permitted.

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE**

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



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50. **Site Remediation Verification**  
The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the approved *Remedial Action Plan*.
51. **Fulfilment of BASIX Commitments**  
The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development.
52. **Sydney Water – s73 Certificate**  
A s73 Certificate must be obtained from Sydney Water and submitted to the PCA.  
*Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*
53. **Water Saving Urban Design**
- a) A Water Saving Urban Design (WSUD) is to be constructed generally in accordance with the engineering report and plans approved in Condition No. 2 of this development consent prepared by ~~the SCP Consulting-Bonacci Group~~. The Water Quality Targets as detailed within the report and Hornsby Shire Councils DCP are to be achieved in the design and supported by a MUSIC model.
  - b) The water tank as required by the WSUD design prepared by ~~SCP Consulting-Bonacci Group Consulting Engineers~~ and listed in Condition 2 of this development consent is to be constructed and the water tank is to be connected to all internal toilets, washing machines and external taps (For external landscape water).
  - c) *Stormfilter 360 cartridges (or similar) and a 20m<sup>2</sup> Bioretention basin water quality treatment devices must be installed to manage surface runoff water to Essex Street. Details of the proposed devices and their location must accompany the application for a Construction Certificate to the satisfaction of the Certifying Authority.*

*Note. Condition amended as per DA/585/2016/A.*

54. **Certification of WSUD Facilities**

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

55. **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.

The public reserve must not sustain any damage or be at risk of damage as a result of the works associated with this consent.

*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.*

56. **Car Parking and Vehicular Areas**

All vehicular areas within the site and the car parking must be constructed in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking* and *Australian Standard 2890.2 - 2002 – Off Street Commercial* and the following requirements:

- a) The driveway to be designed in accordance with Condition 19 of this development consent;
- b) The waste collection vehicle (HRV) turning area and height clearance must comply with the approved plans;
- c) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
- d) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- e) Fifty one (51) visitors' spaces are to be provided at the basement level. Visitors are to be able to access the basement car park by an audio/visual intercom system located at the top of the ramped driveway;
- f) Thirteen spaces dedicated to the retail users are to be provided at the basement level. The retail users must have access to the spaces at all times.
- g) Three hundred (300) bicycle spaces (resident, visitor and commercial) are to be provided in the basement car park. Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993;
- h) Thirty-one (31) motorcycle parking space is to be provided within the basement car park, designed in accordance with AS 2890.5-1993;

- i) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities; and
- j) The location of the driveway must maintain sight lines for the pedestrians.

**57. 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/WSUD systems 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 WSUD facilities is to be clearly indicated on the title;
- b) To register the OSD and WSUD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention system and WSUD system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations;

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

**57A. Public Right-of-Access**

A public right-of-access is to be created over the proposed pathway along the southern boundary of the site to provide future public access between Oxford Street and Pembroke Street.

**58. 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.

**59. 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.*

60. **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”**.

61. **Construction of engineering works**

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

62. **Provision for National Broadband Network (NBN)**

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

63. **Council verge – Oxford Street**

The applicant is to undertake and complete construction works to the Oxford Street verge in front of the development site in accordance with Council's *Epping Town Centre Public Domain Guidelines*.

64. **Completion of Landscaping**

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

- a) The planted trees are to be located 1000mm long and min 600mm wide mulched plant beds, have three hardwood stakes with a minimum 200 litre pot size during plant establishment;
- b) All replacement tree planting within the site must be native to Hornsby Shire and must reach a mature height greater than 9 metres;
- c) The replacement tree(s) must be maintained until they reach the height of 3 metres;
- d) All tree stock must meet the specifications outlined in *'Specifying Trees'* (Ross Clark, NATSPEC Books);

- e) Planting methods must meet professional (best practice) industry standards; and
- f) On slab planter boxes including the ground cover above the on-site detention tank and the paved areas along the north-western boundary of the site must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 300mm planting soil for grasses and ground covers, 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

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

*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.*

#### 64A. **Public Domain**

*All street furniture (inc. bollards) removed to facilitate the development shall be replaced, and the following street trees shall be planted in the road reserve, to the satisfaction of Council's Manager Open Space and Natural Resources, prior to the issue of any Occupation Certificate:*

Qty	Name	Common Name	Min Height at Planting	Name of Street Frontage
3	<i>Fraxinus pennsylvanica</i> 'Urbanite'	Urbanite Green Ash	4m	Oxford Street, Epping

*The street furniture, tree pit design, tree location and steel grates must be installed in accordance with the requirements of the Parramatta Public Domain Guidelines.*

*The trees shall be maintained by the body corporate for a minimum period of two (2) years following the issue of a Final Occupation Certificate. Any tree(s) that die or are significantly damaged during this time shall be replaced at no cost to Council.*

*Reason: To ensure restoration of environmental amenity.*

*Note. Condition added as per DA/585/2016/B.*

**64B. The Release of Bond(s)**

*A written application to Council's Civil Assets Team for the release of a bond must quote the following:*

- (a) Council's Development Application number; and*
- (a) Site address.*

*The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.*

*An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.*

*Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.*

*Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.*

*Note. Condition added as per DA/585/2016/B.*

**65. Retaining Walls**

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

**66. Boundary Fencing**

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).*

**67. Installation of Air Conditioner**

- a) To protect the amenity of adjacent properties, the condenser unit for the air conditioner must be sited a minimum of 3 metres from the property boundary of any adjoining residential premises.
- b) Alternatively, a certificate must be submitted to the PCA by a suitably qualified person confirming that the unit has been tested for heating and cooling on the highest settings and that the noise levels generated do not exceed 5 dB(A) above background noise levels when tested at the property boundary between 8 pm and 10 pm.

68. ~~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.~~

*Note. Condition deleted as per DA/585/2016/A.*

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. Garbage Collection Easement

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of garbage collection must be granted to Council by the owner of the land.

*Note The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.*

71. Waste Management

The following waste management requirements must be complied with:

- a) The residential chute service rooms and the commercial 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, adequate lighting and ventilation, and must be lockable. The residential bin storage room and the bin collection room must include sealed and impervious surface, adequate lighting and ventilation, a robust door, and must be lockable.

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- b) A report must be prepared by an appropriately qualified person, certifying the following:
    - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.  
*Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report.*
    - ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.  
*Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.*
    - iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
  - c) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 20 litre containers for general waste and recyclable materials.
  - d) 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.*
  - e) A bulky waste storage area of at least 16m<sup>2</sup> is to be identified and marked with paint and signage.
  - f) The bin carting routes must be devoid of any steps and must be no less than 1.5m wide.  
*Note: Ramps between different levels are acceptable.*
  - g) 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.
  - h) "No parking" signs must be erected to prohibit parking in the waste collection loading bay.
  - i) Motorised bin carting equipment must be provided to assist the site caretaker in the safe transfer of 1100litre garbage bins at the basement level.



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- j) The waste facilities on each residential level must be accessible by persons with a disability.
  - k) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles of 9.7 m length with 5.85 m wheelbase.
  - l) The 4.5 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or any other services.
  - m) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point by waste removal services.
  - n) Signage with illustrated instructions on the use of the e-diverter chute system by residents for separate disposal of recycling and garbage are to be installed above or next to each chute entry hopper on each residential level.
  - o) The volume handling equipment on the residential chute systems must not include compaction.
  - p) 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.

72. Final Certification – Tree Protection

Following the final inspection and the completion of any remedial works, the project Arborist must submit to the Principal Certifying Authority documentation stating that the completed works have been carried out in compliance with the approved plans conditions of development consent and specifications for tree protection as above and AS 4970-2009.

73. Final Certification – Acoustics

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Following the final inspection a qualified Acoustic Consultant must provide certification that the building has been constructed in accordance with the recommendations of the submitted *DA Noise Assessment Report* prepared by *Acoustic Logic*.

74. Final Certification – Reflectivity

A certificate must be provided by a suitably qualified expert certifying that the reflectivity of the materials is in accordance with the approved Reflectivity report.

75. Safety and Security

This site must include the following elements:

- a) A clear demarcation of the public plaza, the outdoor space dedicated to the retail use on the eastern side of Tower A, the pedestrian passageway and the communal open space areas for the residents at the ground level as per the approved DA1.04 Ground Floor Plan Revision H must be provided on the site in the form of fences and gates as per the approved elevations and sections;
- b) An intercom system must be installed at gate locations to ensure screening of persons entering the units;
- c) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments;
- d) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces;
- e) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces;
- f) Retail users must have access to the upper level carpark at all times;
- g) CCTV cameras must be installed at the entry and exit point and the around the mailbox;
- h) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting;
- i) The driveway and basement car parking must be illuminated with low luminance at all times;
- j) Security deadlocks are to be provided to each apartment door; and
- k) Peep holes are to be provided to individual apartment doors to promote resident safety.

OPERATIONAL CONDITIONS
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76. **Noise**  
All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).
77. **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.
78. **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 limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.
79. **Car Parking/Sight lines and Deliveries**  
All car parking must be operated in accordance with Australian Standard *AS 2890.1 – 2004 – Off Street Car Parking* and Australian Standard *2890.2 - 2002 – Off Street Commercial* and the following requirements:
  - a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted at all times.
  - 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) Minimum sight lines for pedestrian safety are to be provided at the driveway; and
  - f) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
80. **Waste Management**  
The waste management on site must be in accordance with the following requirements:

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute system and related devices are maintained in effective and efficient working order, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, and ensuring cars do not park in the loading bay and that all residents are informed of the use of the waste management system.
- b) The approved on-going waste management practise for the site must not be amended without consent from Council.
- c) The commercial tenants must cart their waste and recycling to the commercial bin storage room along routes that are wholly within the site. Use of the public footpath and vehicular entry to cart waste and recycling is not permitted.
- d) All commercial tenants must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.

#### GENERAL CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

#### 81. Construction Traffic Management Plan

A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Roads and Maritime Services through Council for approval prior to the issue of the Construction Certificate.

#### 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 80A of the Act.*

- *A tree application has been submitted and approved for the removal of one tree located on the neighbouring property at No. 5 Pembroke Street,*

*Epping (TA/650/2017) to facilitate the development approved by this consent. To ensure continued safety to persons and property, it is recommended that these tree works are completed prior to the issue of the Construction Certificate. Excavation on the subject site prior to the tree's removal may destabilise the tree and cause the tree to fail.*

*Note. Advisory Note added as per DA/585/2016/A.*