

Schedule 1

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

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

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

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

1. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans and documentation listed below except where amended by other conditions of this consent:

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>
DA0098 – Rev. 4	Basement 02	Plus Architecture	21/01/2016
DA0099 – Rev. 4	Basement 01	Plus Architecture	21/01/2016
DA0100 – Rev. 3	Ground Floor Plan	Plus Architecture	18/9/2015
DA0101 – Rev. 2	Level 01	Plus Architecture	18/9/2015
DA0102 – Rev. 2	Level 02	Plus Architecture	18/9/2015
DA0103 – Rev. 2	Level 03	Plus Architecture	18/9/2015
DA0104 – Rev. 4	Level 04	Plus Architecture	22/11/2016
DA0105 – Rev. 3	Level 04 Mezzanine	Plus Architecture	22/11/2016
DA0106 – Rev. 2	Roof Plan	Plus Architecture	18/9/2015
DA0200 – Rev. 3	North and South Elevation	Plus Architecture	22/11/2016
DA0201 – Rev. 3	East and West Elevation	Plus Architecture	22/11/2016
DA0202 – Rev. 3	Internal Elevations	Plus Architecture	22/11/2016
DA0220 – Rev. 4	Section A	Plus Architecture	22/11/2016
DA0221 – Rev.5	Section B and C	Plus Architecture	22/11/2016

Acoustic Report	-	Wood and Grieve Engineers	13/5/2015
Arboricultural Impact Assessment and Arboricultural Method Statement with Tree Management Plan	-	Victor John Molyneaux	10/5/2015
103 – Issue 3	Landscape Master Plan	Arcadia Landscape Architecture	14/09/2015
104 – Issue 3	Precedents	Arcadia Landscape Architecture	14/09/2015
105 – Issue 3	Detail Plan	Arcadia Landscape Architecture	14/09/2015
106 – Issue 3	Landscape Sections	Arcadia Landscape Architecture	14/09/2015
107 – Issue 3	Planting Palette	Arcadia Landscape Architecture	14/09/2015
108 – Issue 3	Planting Schedule	Arcadia Landscape Architecture	14/09/2015
109 – Issue 3	Softworks Plan	Arcadia Landscape Architecture	14/09/2015
110 – Issue 3	Details	Arcadia Landscape Architecture	14/09/2015
D01 – D02 – Rev. B	Civil Services Concept Stormwater Layout	Wood and Grieve Engineering Ltd	16/9/2015
ES01 – ES02 – Rev. B	Civil Services Erosion and Sediment Plan	Wood and Grieve Engineering Ltd	16/9/2015
1610S96BC01 Rev C	Fishpond and building identification floor plans, elevations, section	Atelier One	22 / 2 / 2018

Note: As amended by modification D (DA/712/2016/D)

Supporting Documentation

Document Title.	Prepared by	Dated
Survey Plan – 5508-DET	Usher & Company	17/4/2015

Survey Plan – Ref. 1987-14 DET	C & A Surveyors NSW P/L	27/11/2015
Cover Sheet	Plus Architecture	18/9/2015
BASIX Certificate No. 610321M_04	Wood and Grieve Engineers	17/9/2015
Geotechnical Assessment and visual contamination inspection	JK Geotechnics	28/5/2015
Traffic Impact Assessment	Traffix	13/5/2015
Waste Management Plan	Elephants Foot	11/5/2015
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	12/5/2015
SEPP 65 – Design Statement	Plus Architecture	-
Photomontage	Plus Architecture	18/9/2015
Perspectives 1 – 3	Plus Architecture	18/9/2015
Letter to Parramatta City Council titled 'Re: Application to amend development consent & Building Certificate Application. Property: 1-5a Cliff Road and 6-8 Carlingford Road, Epping'.	Daintry Associates	27 February 2018

Note: As amended by modification D (DA/712/2016/D)

1A. Use of Certain Works

Without limiting the generality of other provisions of this development consent, this development consent authorises (from the date that this condition is inserted into the development consent) the use - for the purposes of the residential flat buildings -of the works identified as:

- (a) Works as executed that are unauthorised under DA1712/2016/C'; and
- (b) Works as executed that are authorised under DA 171212016/C but built without Construction Certificate'

in the drawings listed at the end of this condition.

1610S96BC01 Rev B	Fish pond and building identification sign proposed site plan	Atelier One	21/02/2018
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1610S96BC01 Rev C	Fish pond and building identification floor plans, elevations, section	Atelier One	22/02/2018
1610S96BC01 Rev C	Fish pond and building identification sign proposed site plan	Atelier One	22/02/2018
1610S96BC01 Rev C	Building identification sign site plan	Atelier One	22/02/2018
1610S96BC06 Rev B	Building identification sign site plan	Atelier One	26/02/2018
1610S96BC07 Rev B	Building identification sign details	Atelier One	26/02/2018

Note: As amended by modification D (DA/712/2016/D)

2. Removal of Trees

- a) This development consent permits the removal of tree(s) numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 & 48 as identified in Section 1, Table 2 (Recommended Outcomes) contained in the Aboricultural Impact Assessment prepared by Victor John Molyneaux, dated 10 May 2015.
- b) The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP).

3. Amendment of Plans

The approved plans are to be amended as follows:

- a) The approved level floor plan is to be amended as marked in red to include a highlight window in the living room of unit no. 424 orientated towards the western boundary. The balcony area as marked in red is to be non-trafficable.
- b) To allow for accessible access, double doors/sliding doors to the terrace areas of unit Nos. 12 and 22 are to be provided as marked in red on the approved plans.
- c) Prior to the issue of a Construction Certificate, the following amendments shall be made to the satisfaction of the principle certifying authority.
 - Balconies on the western elevation to Units 410, 411, 424, 423 and 422 shall not encroach past the existing approved western setback.
 - The balconies on the level 4 shall be setback from the western boundary as indicated on Level 4 plans drawing no. DA1014 revision 2 dated 23/09/2015 (Approved by Hornsby Shire Council reference number DA/625/2015).

The setbacks to the edge of the balconies must be as follows:

Unit 410: 6.5m

Unit 411: 6.5m and 8.0m

Unit 424: 7.0m

Unit 423: 6.5m and 8.0m

Unit 422: 6.5m

Please Note: As amended by modification B (DA/712/2017/B)

Details are to be on plans submitted to the PCA prior to the issue of the Construction Certificate.

3 a. Prior to the Issue of a Construction Certificate for the new wall mounted brass plaque

Prior to the issue of a construction certificate the plan submitted to obtain the construction certificate must be modified in the following way:

- (a) delete the back printed glass and stainless steel wall patch filling on the sandstone landscaping feature facing Cliff Road;
- (b) move the wall mounted brass plaque to the location of the deleted back printed glass and stainless steel wall patch filling; and
- (c) change the text on that wall mounted brass plaque to simply read 'House of Learning' with appropriate dimensions (being no larger than the deleted back printed glass and stainless steel wall patch fitting).

Please note: As amended by modification D (DA/712/2016/D)

4. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) The Construction Certificate plans must not be inconsistent with the Development Consent plans.
- c) **A construction certificate may be issued for the wall mounted brass plaque referred to in condition 3 (a) despite any preconditions set out in this development consent.**

Please note: As amended by modification D (DA/712/2016/D)

5. 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 2012-2021*, the following monetary contributions shall be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$88,494.30
Open Space and Recreation	\$1,377,047.85
Community Facilities	\$192,014
Plan Preparation and Administration	\$5,673

TOTAL	\$1,663,229.15
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being for 57 x 1 bedroom, 61 x 2 bedroom and 12 x 3 bedroom units with a credit of 9 dwellings.

- b) The value of this contribution is current as at 22 October 2015. If the contributions are not paid within the financial quarter that this condition was generated, the contributions 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:

$$\text{\$C}_{PY} = \text{\$C}_{DC} \times \frac{\text{CPI}_{PY}}{\text{CPI}_{DC}}$$

Where:

$\text{\$C}_{PY}$ is the amount of the contribution at the date of Payment

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

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

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

- c) The monetary contributions shall 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.

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

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

6. Stormwater Drainage

The stormwater drainage system for the development must be designed and constructed for an average recurrence interval of 20 years and be gravity drained via an onsite detention and water quality treaty systems to the following requirements:

- a) Connected to an existing Council Pit in the street.
- b) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia.

7. 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) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) storms and a maximum discharge (when full) limited to 5 years pre development rate.
- b) Have a surcharge/inspection grate located directly above the outlet. 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.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- e) Detail calculations are to be shown in construction certificate plan.

8. Water Quality/Bio Retention System

- a) Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets).
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been completed in accordance with the approved construction plan and the measures will achieve the targets specified in the condition.

9. Vehicular Crossing

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements:

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

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

10. 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;

11. Footpath

The existing concrete footpath is to be removed and new one constructed along the full frontage (both Carlingford Road and Cliff Road) of the subject site in accordance Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The land adjoining the footpath to be fully turfed.
- 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) A construction certificate application is to be submitted to Council.

12. Road Works

All road works approved under this consent must be constructed in accordance with Council's *Civil Works Design and Construction Specification 2005* and the following requirements:

- a) The existing kerb and gutter fronting the development (both Carlingford and Cliff Roads) and is to be removed and a new kerb and gutter is to be constructed with necessary pedestrian ramps.
- b) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed for kerb and gutter construction works.
- c) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
- d) No work is to commence within the road reserve until approval under Section 138 of the Roads Act is obtained from Hornsby Shire Council. In this regard a construction certificate application is to be submitted to Council.

All works along Carlingford Road are to be constructed to the requirements of Roads and Maritime Services (RMS) department. Approved stamped plans from the department are to be submitted to Council for issue of a construction certificate. Road occupancy permit is to be obtained from the department to carry out the works.

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

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

14. Contract of Insurance (Residential Building Work)

In the case of 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, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

15. Notification of Home Building Act, 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a) In the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor; and
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
 - i) The name of the owner-builder; and
 - ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

16. Noise

The development must be carried out in accordance with the recommendations contained within the Acoustic Noise and Vibration Report prepared by Acoustic Noise and Vibration Solutions Pty Ltd dated 6/05/2015 and the requirements of the Department of Planning's Development Near Rail Corridors and Busy Roads – Interim Guideline and RailCorp's Interim Guidelines for Applicants.

Note: The Department of Planning's document is available at www.planning.nsw.gov.au (development assessments).

17. 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.

18. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining northern property at No. 7 Cliff Road and No. 12 Carlingford Road Epping.

19. Letter Boxes/Acoustics

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

- a) The letter boxes must be located at least two metres from the property boundaries.
- b) The recommendations within the Acoustic Report prepared by Wood and Grieves Engineers dated 13/05/2015 must be incorporated.
- c) 11 additional bicycle parking spaces are to be provided. The spaces are to be designed in accordance with *AS 2890.3-1993 Bicycle parking facilities*

20. Storage

Each dwelling within the development must have a minimum area for storage (not including kitchen and bedroom cupboards) for 6m³ for one bedroom units, 8m³ for two bedroom units and 10m³ for three bedroom units. Details must be submitted with the Construction Certificate plans.

21. Construction Management Plan

- a) 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 to, details of the following:
 - i) Noise attenuation measures be implemented along the eastern boundary of the site including a hoarding height not less than 3m from the existing ground level;
 - ii) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
 - iii) 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
- b) The delivery times and vehicular movements related to demolition, excavation and construction works must be restricted to the construction hours only.

22. Construction Traffic Management Plan

A Construction Traffic Management Plan (CTMP) is to be submitted to **Council and approval given prior to the issue of a Construction Certificate**. The Plan should assess traffic impacts associated with construction works on public roads and must include:

- c) Site location,
- d) Scope of works,
- e) Order of construction works,
- f) Identification of traffic hazards during all stages of work,
- g) Identification of potential risks during all stages of works,
- h) A map of the State and local roads in the proximity of the development ,
- i) A map of truck routes to and from the development site during all stages of works,
- j) A map of existing parking restrictions in the proximity of the development,
- k) Hours of operation,

- l) Frequency of truck movements on a daily basis during all stages of works,
- m) A map of the access arrangements onto the development site during all stages of works,
- n) Swept path diagrams,
- o) Consideration of Work Zones for the development site,
- p) Consideration of mobile crane movements,
- q) Location of temporary hoardings, fencing or awning,
- r) Pedestrian and cyclist access and safety.

23. Sydney Water – Quick Check

This application must be submitted to a Sydney Water 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development would affect any Sydney Water infrastructure, and whether further requirements are to be met.

Note: Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

24. 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 bulky waste storage area internal dimensions must be increased from 3.8 m by 1.6 m to 5.0 m by 1.6 m and the door between the bulky waste area and the bin collection area must be changed to outward opening, that is, the door is to swing out into the bin collection room.
- c) Except for the walls around the bulky waste area, the internal walls in the waste collection area are to be deleted.
- d) The waste facilities on each residential level must be accessible by persons with a disability while comfortably housing the garbage chute and one 240 L recycling bin. (Note: a 240 L recycling bin is 600 mm wide by 750 mm deep; allow for ease around the bin – 75 mm is recommended). The door(s) must be sufficiently wide to allow the recycling bin to easily pass through.
- e) The chute system must include volume handling equipment (4 x 660L bin carousel with no compaction) to automatically change the bin under the chute when it becomes full.
- f) For the first 6 m of driveway, the truck loading bay is to be at the same level and slope (1:20) as the driveway. There must be no raised median, wall, step or any other barrier between the driveway and the truck loading bay for the first 6 m of driveway.
- g) A *Waste Management Plan Section One – Demolition Stage* and *Section Three – Construction Stage*, covering the scope of this project and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated;

- ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
- iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
- iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

25. Identification of Survey Infrastructure

Prior to the issue of a construction certificate, a registered surveyor shall 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".

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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26. Erection of Construction Sign

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) Showing the name, address and telephone number of the principal certifying authority for the work;
- b) 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
- c) Stating that unauthorised entry to the work site is prohibited.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

27. Protection of Adjoining Areas

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

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

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

28. Toilet Facilities

Toilet facilities must be available or provided 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. Each toilet must:

- a) be a standard flushing toilet connected to a public sewer; or
- b) be a temporary chemical closet approved under the *Local Government Act 1993*; or
- c) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

29. Erosion and Sediment Control

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

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

30. Tree Protection Zone Fencing (TPZ)

- a) Tree protection fencing must be erected around trees numbered 6 & 14 in accordance with required tree protection zones as identified in Section 2, Table 3 (Tree Protection Zones) contained in the Aboricultural Impact Assessment prepared by Victor John Molyneaux, dated 10 May 2015.
- b) The tree protective fencing must be continuous and constructed of either 1.8 metre high cyclone chainmesh fence or (small developments add-ons additions) star pickets spaced at 2 metre intervals, connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION
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31. Construction Work Hours

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

32. Demolition

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 buildings contain asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

33. 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.

34. Asbestos and Soil Contamination

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

35. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Carlingford Road and Cliff Road 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.

36. Works Near Trees

- a) All required tree protection measures are to be maintained in good condition for the duration of the construction period.
- b) All personnel (the applicant, contractors, service providers, principal certifying authority) involved with this development are to ensure that no excavation, including sub-surface trenching for stormwater or other services or the filling or stockpiling of building materials, parking of vehicles or plant, the use of machinery other than hand held, disposal of cement slurry, waste water or other contaminants is to occur within the Tree Root Zones as prescribed in the HDCP Section 1B.6.1(i) of any tree to be retained.

- c) Any works undertaken within the Tree Protection Zone of specified trees 6 & 14 must comply with the following:
 - i) The installation of any services within the nominated tree protection zone of any tree to be retained must utilise the thrust boring method.
 - ii) Thrust boring must be carried out so that 'top of pipe' is a minimum 700mm depth beneath existing ground level.

37. 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.

38. 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.

39. Landfill

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

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a 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 geotechnical engineer verifying that the specified compaction requirements have been met.

40. Excavated Material

All excavated material removed from the site must be classified 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 reported to the principal certifying authority.

41. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

- a) The building, retaining walls and the like have been correctly positioned on the site; and
- b) The finished floor level(s) are in accordance with the approved plans.
- c) Confirming that the waste collection vehicle turning area complies with AS2890.1 – 2004 and AS20890.2 – 2002 for small rigid vehicles (SRV).

42. 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.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

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

43. Fulfilment of BASIX Commitments

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

44. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water.

Note: Sydney Water requires that s73 applications are to be made through an authorised Sydney Water Servicing Coordinator. Refer to www.sydneywater.com.au or telephone 13 20 92 for assistance.

45. Works as Executed Plan

Works-as-executed plans must be prepared by a registered surveyor and submitted to Council for completed road works, drainage, driveway, on-site detention and water quality treatment systems.

46. Damage to Council Assets

Any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified in accordance with Council's Civil Works Specifications. Council's Restorations Supervision must be notified for a formwork inspection prior to pouring concrete.

47. Unit Numbering

All units are to be numbered consecutively commencing at No.1. The strata plan lot No. is to coincide with the unit number, e.g. unit 1 = lot 1. The allocation of unit numbering must be authorised by Council prior to the numbering of each unit in the development.

48. Connection to Council pit

- a) The connection to any Council pit shall be inspected by a Council Engineer in the Planning Division. Prior to the connection, an application shall be made to Council and all fees paid. An inspection booking can be made by calling 98476787.
- b) Prior to the issue of an occupation permit, a compliance certificate shall be obtained from Council for the connection to Council pit.

49. 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 and water quality treatment 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 water quality treatment system is to be clearly indicated on the title.
- b) To register the positive covenant and the restriction on the use of land, "*works-as-executed*" details of the on-site-detention system and water quality system must be submitted verifying that the required storage and discharge rates and water quality treatment measures 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 and details of water quality treatment measures. 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.

50. Certificate of Preservation of Survey Marks

A certificate by a Registered Surveyor shall 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**".

51. Completion of works and Compliance certificate

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of occupation permit.

52. 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 garbage chute system, volume handling equipment, bin lifter, motorised bin trolley or similar, recycling bin storage on each residential level, bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, etc.

- b) The garbage rooms at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, a robust door, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility rooms/cupboards at each residential level, and the ground level waste collection area, must include sealed and impervious surface, adequate lighting and ventilation.

- 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 a minimum one day's waste generation with separate containers for general waste and recyclable materials.

- e) 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.

- f) The bin carting routes must be devoid of any steps and wholly within the property boundaries.

Note: Ramps between different levels are acceptable.

- g) Access to the automatic waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented.

Note: Caging of the automatic volume handling equipment is acceptable.

- h) Motorised bin carting equipment must be provided to assist the site caretaker in the safe transfer of bins between the basement and ground levels.
- i) "No parking" signs must be erected to prohibit parking in the waste collection loading bay.

53. 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.

54. External Lighting

All external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*. Certification of compliance with the Standard must be obtained from a suitably qualified person.

55. Unit Numbering

The allocation of unit numbering must be authorised by Council prior to the numbering of each unit in the development.

56. Safety and Security

This site must include the following elements:

- a) An intercom system must be installed at gate locations to ensure screening of persons entering the units.
- b) 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.
- c) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- d) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces.
- e) CCTV cameras must be installed at the entry and exit point and the around the mailbox.

- f) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.
- g) The driveway and basement car parking must be illuminated with low luminance at all times.
- h) Security deadlocks are to be provided to each apartment door.
- i) Peep holes are to be provided to individual apartment doors to promote resident safety.

57. Retaining Walls

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

58. 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 the provider must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

59. 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 on the side and rear boundaries may be erected subject to the written consent of the adjoining property owner(s).

60. On slab planting

On slab planting 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.

61. Additional tree planting

The proposed six trees shown on drawing 109_Softworks Plan located between the buildings (three trees to the northern side and three trees to the southern side) have not been identified. These trees are to be *Eucalyptus heamastoma*. The following additional trees are to be included in the plant schedule on drawing 108_Planting Schedule:

- a) six (6) x *Eucalyptus heamastoma* (Scribbly Gum). Trees are to be installed at minimum 100 litre pot size.

62. Street Tree Plantings

- a) Street Tree planting to the northern boundary along Cliff Road is to be as follows:
 - i) Three (3) x *Lophostemon confertus* (Brushbox). Trees are to be located in mulched planted beds 1000mm long and min 600mm wide with native ground cover plantings, have 3 x hardwood stakes and be installed at minimum 200 Litre pot size.

- b) Street Tree planting to the eastern boundary along Cliff Road is to be:
 - i) Trees numbered 6 and 14 are to be retained. Replacement planting shall be five (5) x *Lophostemon confertus* (Brushbox) at 10 metre spacing. Trees are to be located in mulched planted beds with native ground cover plantings, have 3 x hardwood stakes and be installed at minimum 200 Litre pot size. Trees are to be located to ensure sight lines for cars leaving driveway are safe.

63. Council Verge - Carlingford Road and Cliff Road

The applicant is to undertake and complete construction works to the Carlingford Road and Cliff Road verges in front of the development site as follows;

- a) Carlingford Road: “*Arterial road*” street typologies with a 2.5m wide in situ concrete footpath and a 1.0m wide planting zone.
- b) Cliff Road East: “*Local street type A*” street typologies with a 3.5m wide fully paved verge of in situ concrete with stone sets and rain garden as detailed in *Epping Town Centre Public Domain Guidelines technical specifications*.
- c) Cliff Road North: “*Local street type B*” street typologies with a 1.2m wide in situ concrete footpath in turf verge.

The works are to be carried out in accordance with Council's *Epping Town Centre Public Domain Guidelines*.

64. Completion of landscaping

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.

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.

65. Final Certification Acoustic Consultant

A final certificate must be provided by the Acoustic Consultant stating that the recommended measures within the approved Acoustic Report have been complied with.

66. 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.

67. Certification of Preservation of Survey Infrastructure

A certificate by a Registered Surveyor shall 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".

OPERATIONAL CONDITIONS

68. 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).

69. 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.

70. Car Parking 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.

71. Sight Lines

Minimum sight lines for pedestrian safety are to be provided at the driveway. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

72. 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 all residents 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 waste must be carted to the waste collection area by internal paths only. Public footpaths must not be used to cart waste to the waste collection area and bulky waste storage area.

GENERAL TERMS OF APPROVAL – Roads and Maritime Services (RMS)

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

- 73.** The redundant driveway on Carlingford Road shall be removed and replaced with kerb and gutter to match the existing kerb and gutter.

- 74.** The design and construction of the kerb and gutter crossings on Carlingford Road shall be in accordance with the Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Project Services Manager, Traffic Projects Section, Parramatta (telephone 88492138).

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to Roads and Maritime for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

- 75.** Should the post development stormwater discharge from the subject site into the Roads and Maritime system Exceed the predevelopment discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works onsite. Details should be forwarded to;

Sydney Asset Management

Roads and Maritime Services

PO Box 973 Parramatta CBD 2124

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

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

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

The report and any enquiries should be forwarded to:

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

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

- 77.** A construction zone will not be permitted on Carlingford Road.
- 78.** The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.