

DRAFT CONDITIONS OF APPROVAL

1. Approved Plans and Supporting Documentation

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

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>
DA 1001 C	Site Plan	JPRA Architects	24/08/2015
DA 2000 C	Lower Parking Floor Plan	JPRA Architects	24/08/2015
DA 2001 C	Upper Parking Floor Plan	JPRA Architects	24/08/2015
DA 2002 D	Ground/Entry Floor Plan	JPRA Architects	24/08/2015
DA 2003 D	Level 1 Floor Plan	JPRA Architects	24/08/2015
DA 2004 D	Level 2 Floor Plan	JPRA Architects	24/08/2015
DA 2005 D	Level 3 Floor Plan	JPRA Architects	24/08/2015
DA 2006 D	Level 4 Floor Plan	JPRA Architects	24/08/2015
DA 2007 C	Level 5 Floor Plan	JPRA Architects	24/08/2015
DA 2008 C	Roof Plan	JPRA Architects	24/08/2015
DA 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2115, 2116, 2117, 2118, 2119, C	Individual Unit layouts	JPRA Architects	24/08/2015
DA 4000 and 4006 C	Crandon Road Elevation	JPRA Architects	24/08/2015
DA 4001 and 4007 C	Epping Road Elevation	JPRA Architects	24/08/2015
DA 4002 and 4008 C	Essex Road Elevation	JPRA Architects	24/08/2015
DA 4003 and 4009 C	South Elevation	JPRA Architects	24/08/2015
DA 4004 C	Internal East Elevation	JPRA Architects	24/08/2015
DA 4005 D	Internal West Elevation	JPRA Architects	24/08/2015
DA 4010 C	Section A	JPRA Architects	24/08/2015
DA 4011 D	Section B	JPRA Architects	24/08/2015

4131-01 C	Landscape Plan	Peter Glass and Associates	05/05/2015
4131-02 C	Landscape Plan Schedule	Peter Glass and Associates	05/05/2015
H-DA-00 D	Sedimentation Control Legend and Details	ITM Design	1/06/2015
H-DA-01 D	Lower Parking Level Stormwater Drainage	ITM Design	1/06/2015
H-DA-02 D	Upper Parking Level Stormwater Drainage	ITM Design	1/06/2015
H-DA-03 D	Ground Floor Stormwater Drainage	ITM Design	1/06/2015

Document Title	Prepared by	Dated
Survey Plan	Project Surveyors	9/05/2014
DA 1200 C - Site Analysis Plan	JPRA Architects	24/08/2015
DA 2300 C – Regulatory Requirements	JPRA Architects	24/08/2015
DA 2301 C – Deep Soil and Landscape Areas	JPRA Architects	24/08/2015
DA 2302 C – SEPP 65 Compliance Matrix	JPRA Architects	24/08/2015
DA 2300 C – Regulatory Requirements	JPRA Architects	24/08/2015
DA 2310 C – Shadow Diagrams	JPRA Architects	24/08/2015
DA 2320, 2321, 2322 C and 2323 D – Solar Access Analysis	JPRA Architects	24/08/2015
DA 2350 and 2351 D – Solar Access Analysis	JPRA Architects	24/08/2015
DA 2340 C – Height Plane Diagram	JPRA Architects	24/08/2015
DA 7000 and 7001 C– External Finishes	JPRA Architects	24/08/2015
DA 7500 C and 7501 – Views	JPRA Architects	24/08/2015
Design Verification Statement	Roland Martinez	1/06/2015
Landscape Design Statement	Peter Glass and Associates	28/05/2015
Clause 4.6 Variation	City Plan Services	27/08/2015

Traffic Impact Statement and Addendums	GTA Consultants	25/09/2014, 27/05/2015 and 24/08/2015
Arboricultural Impact Assessment Report	Urban Forestry Australia	May 2015
BASIX Certificate 574806M_03	Basix Services Australia	2/06/2015
NatHERS Certificate 04NK1BYX4T	Basix Services Australia	1/06/2015
Statement of Environmental Effects	City Plan Services	September 2014
SEPP 65 Compliance	City Plan Services	September 2014
Acoustic Report	SLR Global	24/09/2014
Natural Ventilation Report	Windtech	18/09/2014
BCA Capability Report J140339	Vic Lilli	25/09/2014
Site Waste management Plan 2014/0312	Basix Services	20/09/2014
Access Audit Report	ILC Access	8/09/2014
Geotechnical Investigation Report	Douglas Partners	August 2014
Waste Management Plan	Hifu enterprises	29/09/2014

The following amended plans and documents are approved under DA/376/2018 pursuant to Section 4.55 (2) of the Environmental Planning and Assessment Act 1979.

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>
ARSK0200-A02	Site Plan	DEM Pty Ltd	11/07/2017
ARSK1200-A03	Lower Parking Floor Plan	DEM Pty Ltd	03/08/2017
ARSK1201-A03	Upper Parking Floor Plan	DEM Pty Ltd	03/08/2017
ARSK1202-A02	Ground Floor Plan	DEM Pty Ltd	11/07/2017
ARSK1203-A02	Level 1 Floor Plan	DEM Pty Ltd	11/07/2017
ARSK1204-A02	Level 2 Floor Plan	DEM Pty Ltd	11/07/2016

ARSK1205-A02	Level 3 Floor Plan	DEM Pty Ltd	11/07/2017
ARSK1206-A02	Level 4 Floor Plan	DEM Pty Ltd	11/07/2017
ARSK1207-A02	Level 5 Floor Plan	DEM Pty Ltd	11/07/2017
ARSK1208-A02	Roof Plan	DEM Pty Ltd	11/07/2017
ARSK2600-A02	Crandon Road Elevation	DEM Pty Ltd	11/07/2017
ARSK2601-A02	South Elevation	DEM Pty Ltd	11/07/2017
ARSK2602-A02	Epping Road Elevation	DEM Pty Ltd	11/07/2017
ARSK2603-A02	Essex Road Elevation	DEM Pty Ltd	11/07/2017
ARSK2604-A02	Internal- Western Elevation	DEM Pty Ltd	11/07/2017
ARSK2605-A02	Internal-Eastern Elevation	DEM Pty Ltd	11/07/2017
ARSK2100-A02	Section A	DEM Pty Ltd	11/07/2017
ARSK2101-A01	Section B	DEM Pty Ltd	05/05/2017
ARSK0501-A01	Landscape Plan	DEM Pty Ltd	05/05/2017
574806M_08	BASIX Certificate	Basix Services Australia	30/01/2018

2. Removal of Existing Trees

This development consent permits the removal of trees numbered 2-11, 15-20, 23, 24, 27, 30, 31, 32, 36, 41, 42, 46 & 50-56 as identified in the *Arboricultural Impact Assessment* prepared by *Urban Forestry Australia*, dated May 2015.

The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan (HDCP).

3. Amendment of Plans

The following plans must be amended to be in accordance with the approved layout in DA 2002 D, Ground/Entry Floor Plan prepared by JPRA Architects dated 24/08/2015:

Plan No.	Plan Title	Drawn by	Dated
4131-01 C	Landscape Plan	Peter Glass and Associates	05/05/2015

H-DA-00 D	Sedimentation Control Legend and Details	ITM Design	1/06/2015
H-DA-03 D	Ground Floor Stormwater Drainage	ITM Design	1/06/2015

4. Construction Certificate

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.

The Construction Certificate plans must not be inconsistent with the Development Consent plans.

5. Section 94 Development Contributions

In A monetary contribution comprising **\$1,154,795.11** is payable to City of Parramatta Council in accordance with Section 7.12 of the Environmental Planning and Assessment Act 1979 and the *Hornsby Shire Section 94 Development Contributions Plan*) 2014-2014. Payment must be by EFTPOS, bank cheque or credit card only.

The contribution is to be paid to Council prior to the issue of a construction certificate.

The contribution levy is subject to indexation on a quarterly basis in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. At the time of payment, the contribution levy may have been the subject of indexation.

Reason: To comply with legislative requirements and to provide for the increased demand for public amenities and services resulting from the development.

The above condition is amended under DA/376/2018 pursuant to Section 4.55 (2) of the Environmental Planning and Assessment Act 1979.

6. 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.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

7. Building Code of Australia

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

8. 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.

9. 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.

10. Noise

The development must be carried out in accordance with the recommendations contained within the acoustic report submitted with the development application, titled *Acoustic Assessment*, prepared by SLR and dated 24/09/2014 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).

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 – 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.

13. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of No. 41 Essex Street, Epping.

14. Adaptable Units/Letter Boxes/Acoustics

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

- a) The development is required to provide 10 units designed as adaptable housing pursuant to the requirements of 1C.2.2 of the Hornsby Development Control Plan 2013. In this regard, ten (10) car parking spaces are to be designed for people with a disability and allocated to 10 adaptable units.

The above condition is amended under DA/376/2018 pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979.

- b) The waste facility provided at each residential level for the two buildings must be accessible by persons with a disability and have a minimum door width of 2m.
- c) The letter boxes must be located as shown on the approved Landscape Plan 4131-01 Issue C.
- d) The recommendations within the *Acoustic Assessment*, prepared by SLR and dated 24/09/2014 must be incorporated.

15. 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, where 50% is required to be located within the apartment and accessible from either the hall or living area. Details must be submitted with the Construction Certificate plans.

16. 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;
- e) Traffic management plans;
- f) Pedestrian and cyclist access/safety.

The Traffic Control Plan shall be submitted to Council for approval prior to the issue of the Construction Certificate.

17. Construction Management Plan

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

- a) Details of construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic;
- b) Noise attenuation measures be implemented along the southern boundary of the site (adjoining No.41 Essex Street) including a hoarding height not less than 3m from the existing ground level;
- c) During excavation works, rock removal must be undertaken by sawing instead of rock hammering, wherever practicable;
- d) All construction vehicles associated with the proposed development are to be contained on site.

Note: No construction zones will be permitted on Epping Road in the vicinity of the site.

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

18. 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 crossing levels at the front boundary must be obtained from Council;

The driveway ramp, vehicle turning area and loading bay must be designed in compliance with *Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities* for Small Rigid Vehicles (SRV).

Note: A separate application would be required to obtain the crossing levels.

19. 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:

Connected to an existing Council-controlled drainage system.

20. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer in accordance with Council's On-Site Detention (OSD) Policy and the following requirements:

The on-site detention tank volume must be at least 52 m³ and permitted site discharge, when full, not more than 70 litres per second;

The on-site detention system must be provided with a top water level overflow system, conveying overflows directly to the street drainage system;

- a) Include measures to achieve the water quality targets specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets; and
- b) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

21. Preservation 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".

22. Waste Management Plan

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:

An estimate of the types and volumes of waste and recyclables to be generated;

A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;

How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed; and

The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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23. 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.

24. 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.

25. 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*.

26. 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.

27. Tree Protection Barriers

Tree protection fencing must be erected around trees 1, 12, 13, 14, 21, 22, 25, 26, 28, 29, 33, 34, 35, 37, 38, 39, 40, 43, 44, 45, 47, 48 and 49 at the nominated Tree Protection Zones (TPZ) identified in the *Arboricultural Impact Assessment* prepared by *Urban Forestry Australia*, dated May 2015 (Section 5).

The tree fencing must be contiguous and constructed of 1.8 metre 'cyclone chainmesh fence' and must be erected in accordance with AS 4970-2009 (4.3 - Fig.3). Tree fencing may be repositioned to facilitate either vehicular or pedestrian thoroughfare only where existing or appropriate root protection is applied in accordance with AS 4970-2009 (Section 4.5), under the direction of the Project Arborist.

Prior to works commencing, the area of the TPZ of trees nominated for retention and not protected by fencing, is to be protected by the use of temporary wood-chip mulch, gravel mulch or bridges to prevent soil compaction around tree roots. Wood-chip or gravel mulch is to be installed at 150mm – 300mm depth on top of a geotextile landscape fabric and will be placed over the root zone of the trees to be protected.

A certificate from the Project Arborist is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with the above and consistent with the intentions of the Australian Standard 'Protection of Trees on Development Sites (AS 4970-2009).

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION**28. Construction Work Hours**

All work 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. No excavation or rock sawing/breaking is to occur on Saturdays.

29. 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.

30. 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.

31. 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.

32. Street Sweeping

Street sweeping must be undertaken following sediment tracking from the site along Epping Road, Essex Street and Crandon 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.

33. Works Near Trees

All required tree protection measures are to be maintained in good condition for the duration of the construction period.

Existing soil grades within the specified Structural Root Zone (AS4970-2009) of any tree to be retained must be maintained.

Works within the nominated TPZs for trees 1, 12, 13, 14, 21, 22, 25, 26, 28, 29, 33, 34, 35, 37, 38, 39, 40, 43, 44, 45, 47 & 49 are to be conducted in accordance with the following requirements:

Excavation to a depth of 600mm is to be carried out by hand excavation only;

Where tree roots outside a tree's Structural Root Zone are required to be severed for the purposes of this consent all pruning shall be undertaken as specified in AS 4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5; and

The installation of any underground services within the nominated Structural Root Zone of any tree to be retained, shall utilise the horizontal drilling method and shall be carried out so that 'top of pipe' is a minimum 600mm depth beneath existing ground level.

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.

34. Project Arborist

During the construction phase of the development the Project Arborist must regularly (monthly) assess the condition of trees and the growing environment and make recommendations for, and if necessary carry out remedial action to ensure the health and vigour of the trees. A certificate must be submitted by the Project Arborist to the principal certifying authority detailing why remedial action is being undertaken and the methods used to preserve the trees.

35. 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.

36. 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.

37. 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.

38. 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.

39. Survey Report

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:

The building, retaining walls and the like have been correctly positioned on the site; and

The finished floor level(s) are in accordance with the approved plans.

Confirming that the waste collection vehicle turning area complies with AS2890.1 – 2004 and AS20890.2 – 2002 for small rigid vehicles (SRV).

40. 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.

41. Fulfilment of BASIX Commitments

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

42. 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.

43. Stormwater Drainage and On-site Detention System

- a) The stormwater drainage works for the development must be constructed in accordance with Council's Civil Works – Design and Construction Specification 2005 and the condition Nos. 19 of this development consent.
- b) The on-site detention system must be constructed in accordance with the submitted plans and the condition No. 20 of this development consent.

44. Water Quality Treatment

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).

A Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that all works related to stormwater quality targets have been completed in accordance with the

approved plans, proposed measures and conditions of this development consent and the measures.

45. 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) The driveway to be designed in accordance with Condition 18 of this development consent;
- b) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted;
- c) Residential parking spaces are to be secure spaces with access controlled by card or numeric pad;
- d) 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;
- e) Twenty-seven bicycle spaces (resident and visitor) are to be provided in the basement car park. Bicycle parking spaces are to be designed in accordance with AS 2890.3-1993;
- f) Two motorcycle parking spaces are to be provided within the basement car park, designed in accordance with AS 2890.5-1993;
- g) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities;
- h) SRV garbage Truck access to the site be provided in accordance with the approved plans; and
- i) The location of the driveway must maintain sight lines for the pedestrians.

46. 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.

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

47. Road Works

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

- a) Council's 150 mm integral kerb and gutters are to be removed and reconstructed on the Essex Street and Crandon Road kerb alignments along the site frontages and matched with neighbouring assets;
- b) The road shoulder is to be sawcut 600 mm from the proposed lip of kerb, removed and reconstructed as Council's standard 300 mm thick flexible shoulder pavement;
- c) Construction of Council's 80 mm thick concrete footpath across the Essex Street and Crandon Road frontages of the site. The footpath level is to be graded to the kerb level and unpaved footpath areas turfed;
- d) Construction of Council's standard pram ramps at the Essex Street and Crandon Road intersection;
- e) Removal of all redundant crossings and laybacks to the street frontages and restoration of laybacks to 150 mm integral kerb and gutter;

All services impacted by the proposed road works are to be discovered, with details of utility services to be submitted with the Construction Certificate. Where services are to be adjusted for road works, it must be with consent of and to the standards of the utility provider at the expense of the Applicant; and

- f) A Certificate is to be obtained from Council indicating that all road works have been completed satisfactorily.

Note: Under s138 Roads Act 1993 Hornsby Shire Council is consent Authority for Road Works.

Pursuant to Section 138 Roads Act 1993, all works in the Public Road shall be the subject of a Construction Certificate Application to Hornsby Shire Council as Roads Authority. The Applicant shall obtain a quote from Council and pay Council's fees for Construction Certificate assessment and compliance inspections with lodgement of the Application.

48. 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 OSD easement and 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.

49. 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 with water quality measures, driveways and on-site detention system.

50. 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.

51. 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.

52. Waste Management

The following waste management requirements must be complied with:

- a) The bin storage room at the basement level must include water or a hose for cleaning, graded floors with drainage to sewer, robust doors, sealed and impervious surface, adequate lighting and ventilation, and must be lockable. The waste facility

rooms/cupboards at each residential level must include sealed and impervious surface, adequate lighting and ventilation.

- b) A report must be prepared by an appropriately qualified person, certifying the following:

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.

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.

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 a minimum one day's waste generation with separate 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 8m² is to be identified and marked with paint and signage.
- f) The bin carting routes must be devoid of any steps.

Note: Ramps between different levels are acceptable.

- g) An electric bin lifter must be provided in the basement garbage room to enable the site caretaker to safely decant the 240 litre garbage bins from the waste facilities on each residential level into the 660 litre garbage bins.
- h) A minimum 3;.5m height clearance be provided throughout the waste collection vehicle travel path, turning area and loading bay;
- i) 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.

53. 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.

54. 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.

55. Retaining Walls

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

56. Unit Numbering

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

57. 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.

58. Boundary Fencing

Fencing must be erected along the southern boundary 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).

59. 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 and the following requirements:

- a) The replacement trees must be maintained until they reach the height of 3 metres;
- b) All tree stock must meet the specifications outlined in '*Specifying Trees*' (Ross Clark, NATSPEC Books);
- c) Planting methods must meet professional (best practice) industry standards; and
- d) On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

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.

60. Installation of Privacy Devices

All privacy screens must be installed in accordance with the approved plans listed in Condition 1 of this development consent.

61. 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 and specifications for tree protection as above and AS 4970-2009.

62. 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.

63. 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.

64. 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

65. 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).

66. 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.

67. 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.

68. 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.

69. Waste Management

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

- a) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection points by waste removal services.
- b) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring all 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.
- c) The approved on-going waste management practise for the site must not be amended without consent from Council.

70. 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.

CONDITIONS OF CONCURRENCE – ROADS AND MARITIME SERVICES (RMS)

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.

71. Redundant Driveways

The redundant driveways on Epping Road shall be removed and replaced with kerb and gutter to Roads and Maritime requirements. The design and construction of the kerb and gutter crossing on Epping Road shall be in accordance with *RMS* requirements. Details of these requirements shall be obtained from Roads and Maritime Project Services Manager, Traffic Project Section, Parramatta (Telephone 8849 2138).

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and 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.

72. Excavation

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 assessment by RMS.

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) day notice of intention to excavate below the base of the footings. The notice is to include complete details of the work.

73. Noise

The proposed development should be designed such that road traffic noise from Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of the *SEPP (Infrastructure) 2007*.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the *Environmental Planning and Assessment Act, 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires:

The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.

A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.

Council to be given at least two days written notice prior to the commencement of any works.

Mandatory inspections of nominated stages of the construction inspected.

An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

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

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

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

Tree and Vegetation Preservation

In accordance with Clause 5.9 of the *Hornsby Local Environmental Plan 2013* a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation protected under the Hornsby Development Control Plan 2013 without the authority conferred by a development consent or a permit granted by Council.

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

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

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

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act*. This is the sole responsibility of the applicant.

Covenants

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

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

House Numbering

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

Subdivision Certificate Requirements

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

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 certifying that the necessary re-establishment of any damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure".

Certification that the requirements of relevant utility authorities - such as Ausgrid and Telstra - have been met.

Note: The PCA will not issue an Occupation Certificate until all conditions of the development consent have been completed.