

WITHOUT PREJUDICE DRAFT CONDITIONS FOR SNPP DA/65/2019

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 and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent:

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA03, Rev B	Basement 02 Plan	Aleksandar Projects	02.12.2019	D07819420
DA04, Rev B	Basement 01 Plan	Aleksandar Projects	02.12.2019	D07819420
DA05, Rev B	Level 01 Ground Plan	Aleksandar Projects	02.12.2019	D07819420
DA06, Rev B	Level 02 Plan	Aleksandar Projects	02.12.2019	D07819420
DA07, Rev B	Level 03 Plan	Aleksandar Projects	02.12.2019	D07819420
DA08, Rev B	Level 04 Plan	Aleksandar Projects	02.12.2019	D07819420
DA09, Rev B	Level 05 Plan - Mezzanine	Aleksandar Projects	02.12.2019	D07819420
DA10, Rev B	Level 06 Plan - Mezzanine	Aleksandar Projects	02.12.2019	D07819420
DA11, Rev B	Roof Plan + Site Plan	Aleksandar Projects	02.12.2019	D07819420
DA12, Rev B	Section A-A & B-B	Aleksandar Projects	02.12.2019	D07819420
DA12A, Rev B	Section C-C & Ramp Sections	Aleksandar Projects	02.12.2019	D07819420
DA13, Rev B	West Elevations	Aleksandar Projects	02.12.2019	D07819420

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
DA14, Rev B	East Elevations	Aleksandar Projects	02.12.2019	D07819420
DA15, Rev B	North Elevations	Aleksandar Projects	02.12.2019	D07819420
DA16, Rev B	South Elevations	Aleksandar Projects	02.12.2019	D07819420
DA23, Rev B	Schedule of finishes	Aleksandar Projects	02.12.2019	D07819420
LDA-01, Rev F	Landscape Plan - Ground Floor	Geoscapes	29.11.2019	D07819422
LDA-02, Rev F	Landscape Plan & Elevation - Ground Floor Communal area	Geoscapes	29.11.2019	D07819422
LDA-03, Rev F	Landscape Detailed Plan - Ground Floor	Geoscapes	29.11.2019	D07819422
LDA-04, Rev F	Landscape Detailed Plan - Ground Floor Communal area	Geoscapes	29.11.2019	D07819422
LDA-05, Rev F	Landscape Detailed Plan - Level 5 Mezzanine Level	Geoscapes	29.11.2019	D07819422
LDA-06, Rev F	Landscape Details and Specifications	Geoscapes	29.11.2019	D07819422
LDA-07, Rev F	Planting Schedule & Imagery	Geoscapes	29.11.2019	D07819422

Supporting Documents

<i>Document Title</i>	<i>Prepared by</i>	<i>Dated</i>	<i>Council Reference</i>
Construction Traffic management Plan, Issue 3	Linx Constructions	26/11/2019	D07819412
BASIX Certificate No.818809M_04	Outsource Ideas P/I	06/12/2019	D07819432
Waste Management Plan, Report No.17109, Rev H	Elephants foot recycling solutions	5/12/2019	D07819436
Traffic and parking assessment, Rev 03	ttm	4/12/2019	D07819423
Soil and water management plan	Linx Construction Pty Ltd	4/12/2019	D07819439
Sheet 2, SW200 Stormwater Concept Design - Basement 02 Plan, Rev D	SGC	4/12/2019	D07819431
Sheet 3, SW201 Stormwater Concept Design - Ground Floor Plan D	SGC	4/12/2019	D07819431
Sheet 4, SW202 Stormwater Concept Design - Roof Plan, Rev D	SGC	4/12/2019	D07819431

Document Title	Prepared by	Dated	Council Reference
Sheet 5, SW300 Stormwater Concept Design - Details Sheet - Sheet 1 Of 2, Rev D	SGC	4/12/2019	D07819431
Sheet 6, SW301 Stormwater Concept Design - Details Sheet - Sheet 2 Of 2 D, Rev D	SGC	4/12/2019	D07819431
Sheet 7, SW400 Erosion And Sediment Control - Plan D, Rev D	SGC	4/12/2019	D07819431
Sheet 8, SW401 Erosion and Sediment Control - Details D, Rev D	SGC	4/12/2019	D07819431
Sheet 9, SW500 Stormwater Concept Design - Music Catchment Plan D, Rev D	SGC	4/12/2019	D07819431
10 SW501 Stormwater Concept Design - Flood Mitigation Plan D, Rev D	SGC	4/12/2019	D07819431
Arborist Report	Urban Forestry	Jan 2019	D07608232
Geotechnical report	D. Katauskas	13/05/2016	D07608217
Access Report, RV 4	BCA Logic	5/12/2018	D07608214
Flooding Report, Rev 2	Grc Hydro	29/12//2019	D07819428

2. Amendment of Plans

The approved plans and supporting documentation must be amended as follows:

- i) An amended access report must be submitted and updated to reflect the approved design,
- ii) 6 motorcycle spaces must be provided in the basement,
- iii) The approved elevation plans and schedule of finishes must provide a minimum of 30% of exposed brick or natural material on each façade.
- iv) Perimeter sleaving with pergolas must be included on the 5th storey level of each building to break up the visual dominance of the 6th storey.

Note: example is provided in Figure 3.4(f) of the Hornsby Development Control Plan 2013.
- v) A 32m² metre bulky waste storage area must be provided within the basement and steps must be removed from bulky waste storage areas and replaced by a level or ramped area,
- vi) The bin carting path from the bin collection room AC to the truck parked on the street is too narrow and must be no less than 2m wide.
- vii) The bin carting path from the bin collection room BDE has been replaced by a substation, leaving the bins to be carted on the driveway along the 1:8 section which

is not acceptable as the maximum gradient for carting 660L bins is 1:30, The plans must be amended to comply with the maximum gradient for carting 660L bins.

- viii) The layouts of the garbage linear track systems have been changed to allow for the recycling chute. This has resulted in the offset of nearly every garbage chute to be excessive (greater than that recommended by manufacturers). Chutes that are not installed according to manufacturer's recommendations regularly block during the life of the building – the chute offset needs to be significantly reduced to comply with manufacturer's recommendations and specifications,
 - ix) The waste room for building D does not work and must be amended as there is insufficient width for the two bins under the chute plus clearance between the bins and between the bins and the walls. The floor to ceiling height is 2.5m so it is not possible to achieve a functional chute gradient with the required volume handling equipment.
 - x) The Waste management plan includes 2 x 1100L bin linear tracks on each garbage chute to provide the required minimum of 3 days bin capacity under the chute, however as the bins would be 660L not 1100L, the number and size of the linear tracks is required to be amended requiring garbage chutes A1, A2, B1, B2 and recycling chute D to handle 2 x 660L bin linear tracks, while C, D and E garbage chutes would all need 3 x 660L bin linear tracks.
- b) These amended plans must be submitted with the application for the Construction Certificate.

3. Section 7.11 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.11 Development Contributions Plan 2020-2030*, the following monetary contributions must be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$81,548.35
Open Space and Recreation	\$1,880,000.55
Community Facilities	\$722,728.25
Plan Preparation and Administration	\$6,063.15
TOTAL	\$2,690,340.30

being for 36 x 1 bedroom units, 127 x 2 bedroom units, 18 x 3 bedroom units and a credit of 9 existing dwellings.

- b) The value of this contribution is current as at 18 September 2020. If the contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.11 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

$\$C_{PY}$ is the amount of the contribution at the date of Payment

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

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

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

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

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

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

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

5. Appointment of a Project Arborist

- a) To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent.
- b) Details of the appointed project arborist must be submitted to Council and the PCA with the application for the construction certificate/subdivision works certificate.

6. Removal of Trees

- a) This development consent permits the removal of all trees located on the subject site and 1 street tree identified as Tree T44 which are identified in Appendix E contained in the Aboricultural Impact Assessment submitted by Urban Forestry Australia dated January 2019.

- b) No consent is granted for the removal of trees numbered T1, T2, T3, T4, T7, T8, T9, T22, T23, T32, T36 as these trees are located on adjoining sites and contribute to the established landscape amenity of the area/streetscape.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan, 2013 (HDCP) No consent is granted for the removal of tree(s) numbered <insert number(s)> as this/these tree(s) contribute(s) to the established landscape amenity of the area/streetscape.

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

7. Powerlines

The powerlines within the road reserve directly in front of the subject site along the road frontage of the site must be undergrounded subject to the approval of Ausgrid in accordance with Part 3.2.10(i) of the Hornsby Development Control Plan 2013.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. Building Code of Australia

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

9. Contract of Insurance (Residential Building Work)

Where residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, this contract of insurance must be in force before any building work authorised to be carried out by the consent commences.

10. Notification of Home Building Act 1989 Requirements

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

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

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

11. Utility Services

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

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

12. Sydney Water – Approval

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

Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through www.sydneywater.com.au under the Building and Development tab.

13. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the following adjoining properties before the commencement of works.

- a) SP 95301, No.35-39 Balmoral Street,
- b) Lot 1 DP 870417, No.41-43 Balmoral Street
- c) Lot B DP 363698, No.45 Balmoral Street,
- d) Lot A DP 324923, No.34 Park Avenue.

The dilapidation report must be submitted to the PCA prior to the commencement of works.

14. Identification of Survey Marks

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

15. Construction Management Plan (CMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist, and submitted to Council's Compliance Team at <https://www.hornsby.nsw.gov.au/property/build/applicationforms> for review and approval according to the following requirements:

- a) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
- b) A Construction Traffic Management Plan (CTMP) including the following:
 - i) The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.

- iii) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- iv) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - a. Public notification of proposed works;
 - b. Long term signage requirements;
 - c. Short term (during actual works) signage;
 - d. Vehicle Movement Plans, where applicable;
 - e. Traffic Management Plans;
 - f. Pedestrian and Cyclist access and safety.
- v) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
- vi) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- vii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
- viii) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
- ix) Swept path analysis for ingress and egress of the site for all stages of works.
- x) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
- xi) The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
- xii) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
- xiii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
- xiv) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
- xv) The source site location of any proposed fill to be imported to the site, for all stages of works.
- xvi) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.

- xvii) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
- c) A Construction Waste Management Plan detailing the following:
 - i) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - ii) Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS 2601–2001 – ‘*The Demolition of Structures*’, and the *Protection of the Environment Operations (Waste) Regulation 2005*.
 - iii) General construction waste details including construction waste skip bin locations and litter management for workers.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:
 - iv) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - v) Construction methodology to avoid damage to trees proposed to be retained during construction works.
 - vi) Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - vii) Location of dedicated material storage space on site outside of TPZ’s and SRZ’s for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
 - i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
 - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
 - v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
 - vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Identification of approved sediment and erosion control measures.

16. Stormwater Drainage

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

- a) Connected directly to Council's network/street drainage system via an on-site detention and water quality treatment systems.
- b) Any proposal to connected to an existing Council piped drainage system with the following requirements:
 - i) A separate Application must be made to Council for 'Approval to Connect Stormwater Drainage Outlet to Council's System' with all fees paid, prior to connecting to Council's drainage system;
 - ii) The connection to Council's drainage pit or drainage line must be inspected by a Council Engineer from Council's Planning Division;

*Note: An inspection booking can be made by calling Council on 9847 6760 quoting the Application reference number commencing **SD***
 - iii) Where public assets and utilities are impacted by proposed works, the Applicant shall relocate or reconstruct the asset or utility in accordance with the relevant standard at the Applicant's cost;
 - iv) Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Council for the connection to Council's drainage system.
- c) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia.

17. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) and a maximum discharge (when full) limited to 5 years pre- development rate.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- f) Detailed calculations are to be shown in construction certificate plan.

18. Overland Flow – Replacement of Existing Stormwater Pipe Line, Flood Proofing, Floor Levels

A 1% Flood Report is to be submitted for Council's approval with the following:

- a) Comply with Councils DCP and AUS -SPEC Specifications (clause 5.8 , Section 0074 Stormwater - Design , www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)

- b) The existing Council pipe along the southern boundary shall be replaced at the developer's expense (by the developer) in accordance with Councils Plan No 554.38 and include the following:
 - i) 66.500m of 2.400m (w) * 0.750 (h) RCBC at 1.68 % grade (culvert)
 - ii) Upstream invert: 171.750m AHD
 - iii) Downstream invert: 170.630m AHD
 - iv) Two pits, G10273I and G10273H connecting the pipe line (upstream and downstream) are to be constructed in accordance with the Council plan No 554.38.
 - v) Or an alternative solution must be provided to Council.
- c) Floor levels of habitable rooms of the development abutting the 100 year ARI overland flowpath shall be 0.5m above the 100 year ARI flood levels and driveway 0.3m to prevent floodwater entering basement parking.
- d) The level of the overland flow shall be a minimum 0.5m below the floor level of the adjoining development at 16- 20 Park Avenue (that is affected by the overland flow).
- e) The velocity depth product of the overland flow shall not exceed 0.4 m² per second for safety reasons.
- f) No structure is to be erected within the overland flowpath or drainage easement running through the property to impede flow.
- g) Fences across overland flowpath shall be swimming pool type or hinged at 0.5m above the 100 ARI overland flow level.
- h) Flood risk management plan including erection of warning signs is to be submitted to Council for approval.
- i) Any structural wall abutting the overland flowpath shall be flood proofed in accordance with Floodplain Development manual of New South Wales Government.
- j) A construction certificate application is to be submitted to Council (Council is the only authority to issue a Construction certificate for works of its assets).
- k) A works as executed plan of the finished ground level of the overland flowpath, 1% overland flow level, floor levels of units abutting the overland flow, and flood risk management warning signs, prepared by a registered Surveyor is to be submitted to Council.

19. Water Quality/Bio Retention System

A Water Sensitive Urban Design is to be designed in accordance with Hornsby Council's Development Control Plan 2013 (table 1C.1.2(b) Urban Stormwater Quality Targets). The design shall be based on Hornsby Council parameters as contained in the MUSIC Model. The design is to be carried out by a Chartered Professional Civil/ Hydraulic Engineer of the institution of Engineers, Australia and approved by the Principal Certifying Authority

20. 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 AUS-SPEC Specifications

(www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) 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.

21. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards AS2890.1, AS2890.2, AS2890.6* and the following requirements:

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

22. Road Works

All road works approved under this consent must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Concrete footpath, kerb and gutter along the Park Avenue frontage of the development are to be replaced. The existing road pavement to be saw cut a minimum of 600 mm from the existing edge of the bitumen and reconstructed.
- b) 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.
- c) A construction certificate application is to be submitted to Council for approval.

Note: Council is the only authority to approve works within Council roads.

23. Foundation of Structure within Council's Stormwater Pipe Zone of Influence

- a) Foundation design of any structure in the proximity of Council stormwater pipe/culvert shall be carried out by a Chartered Structural Engineer of the Institution of Engineers, Australia ensuring that the Council pipe/culvert are not impacted.
- b) After completion of works, a certificate from a Chartered Professional Structural Engineer of the Institution of Engineers, Australia confirming that works have been carried out in a manner that no impact has been created on Council drainage pipe/ culvert.

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) For the bin holding area at the ground level:
 - i) The bin carting route from the bin holding area to the nearest street must not exceed a gradient of 1:20 (Note: AS2890.1 requires the first 6m of driveway to have a gradient not exceeding 1:20); and
 - ii) Where the bin holding area is screened by the side and/or front fence, the fence must be no less than 1.5m high.
 - iii) The bin carting path from the bin collection room AC to the truck parked on the street is too narrow – it needs to be no less than 2m wide. The bin carting path from the bin collection room BDE has been replaced by a substation, leaving the bins to be carted on the driveway 1:8 section. The maximum gradient for carting 660L bins is 1:30.
 - iv) The layouts of the garbage linear track systems have been changed to allow for the recycling chute. This has resulted in the offset of nearly every garbage chute to be excessive (greater than that recommended by manufacturers). Chutes that are not installed according to manufacturer's recommendations regularly block during the life of the building – the chute offset needs to be significantly reduced.
- c) **Waste room amendments:**
 - i) The waste room for building D does not work as there is insufficient width for the two bins under the chute plus clearance between the bins and between the bins and the walls. The floor to ceiling height is 2.5m so it is not possible to achieve a functional chute gradient with the required volume handling equipment. The waste room needs to be enlarged to enable sufficient room for 2 x 660L bins under the chute and to enable functional chute gradient with the required volume handling equipment.
 - ii) Details of these changes must be submitted to Council's waste team for approval prior to the issue of a Construction Certificate
- d) **Garbage chute amendments**
 - i) The Waste Management Plan includes 2 x 1100L bin linear tracks on each garbage chute to provide the required minimum of 3 days bin capacity under the chute. Since the bins will be 660L not 1100L, the number and size of the linear tracks needs to be amended as follows: A1, A2, B1, B2 garbage chutes and D recycling chutes require 2 x 660L bin linear tracks, while C, D, E garbage chutes require 3 x 660L bin linear tracks.
 - ii) Details of these changes must be submitted to Council's waste team for approval prior to the issue of a Construction Certificate which can be contacted via devmail@hornsby.nsw.gov.au.
- e) There must be a bulky waste storage area in the basement level of at least 32m² at the basement level. It is acceptable to have more than 1 bulky goods storage area.
- f) There must be a waste facility (garbage chute and the recycling bin in a cupboard or small room) on each residential level for each lift core of each building. Every waste facility must be accessible by persons with a disability.

Note: AS 1428.1 requires at least 800 mm clear doorway opening for wheelchair access.

- g) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage rooms at the basement level have been designed to be constructed in accordance with the Waste Management Plan and including the following requirements:
- i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface covered at all intersections;
 - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - iv) The rooms are to be provided with artificial light controllable within the room and adequate ventilation;
 - v) The rooms are to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - vi) The doors are to be robust and lockable, with a door opening of no less than 2m.
- h) A design certificate and detailed plans are to accompany any Construction Certificate application, which confirms that the waste chute system for each building can be constructed to satisfy the Manufacturer's standard installation guidelines and specifically the following requirements:
- i) Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material;
 - ii) Chute is cylindrical in section, vertical and without bends as it passes through the floors;
 - iii) Chutes must terminate in the building's residential waste room and discharge into a waste bin;
 - iv) The chute system must comply with the manufacturers technical specifications and operational limitations;
 - v) The gradient of the garbage chute and the recycling chute must be no less than the minimum gradient recommended by the chute manufacturer;
 - vi) The chute service room must have sufficient space to comfortably house the required volume handling equipment and to load/unload bins from this equipment, and sufficient space to store the spare garbage and recycling bins for that building and to access and manoeuvre the bins.;
 - vii) The required volume handling equipment for each chute system does not include compaction.

Note: The required volume handling equipment is a 5 x240L bin carousel or equivalent.

- i) For all bin carting routes, the path must be smooth hard surface. (Concrete pavement for example is acceptable, but pebbles, stepping stones, grass etc is not acceptable).

- j) 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 prior to the issue of a Construction Certificate:
- i) An estimate of the types and volumes of waste and recyclables to be generated;
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

Note: the site(s) to which the waste materials are taken must be legally able to accept those wastes.

25. Accessible Units

- a) A minimum of 10% of all units must be designed to be adaptable units.
- b) A minimum of 20% of all units must be Universal Design housing in accordance with the Livable Housing Guidelines (2012) silver level design features.
- c) The details of all accessible units and details of adaptable units must be provided with the Construction Certificate Plans.

26. Services

To provide a development that enhances the visual quality of the public domain, the following must be indicated on the Construction Certificate drawings:

- a) Heating, Ventilation and Air Conditioning (HVAC) must be grouped within designated areas in the basement. No air conditioning units are permitted on private balconies.
- b) Wall-mounted equipment and associated pipework must be concealed into wall cabinets and ducts
- c) All services including the electricity substation and fire hydrants must be positioned or screened so that they are not visible from common areas or the public domain adjacent to the development.
- d) Letter boxes must be located perpendicular to the road.
- e) Powerlines must be undergrounded on the road reserve at the front of the site as well as within the site boundaries.

The above details must be detailed and provided with the Construction Certificate Plans.

27. Fencing details

The following fencing details must be provided on the construction certificate drawings:

- a) Within street setbacks, front fences are not permitted. Planting at grade, or low walls screened by planting and/ or planter boxes are permitted at the interface between the private and public domain land.
- b) Enclosure of private courtyards within the front setbacks must achieve at least 50 percent transparency and be a maximum height of 1.5m above the adjacent communal space.

- c) Side and rear boundary fences should be a maximum of 1.8 metres high, sited behind the front building line.

The above details must be detailed and provided with the Construction Certificate Plans.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

28. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:
 - i) Showing the name, address and telephone number of the principal certifying authority for the work;
 - ii) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - iii) Stating that unauthorised entry to the work site is prohibited.
- b) The sign is to be maintained while the approved work is being carried out and must be removed when the work has been completed.

29. Installation of tree protection fencing

- a) All Street trees to be retained must be protected by construction of 1.8 metre cyclone chainmesh fence or star pickets spaced at 2 metre intervals and connected by a continuous high-visibility barrier/hazard mesh at a height of 1 metre.
- b) If the protective fencing requires temporary removal, trunk, branch and ground protection must be installed and must comply with *AS 4970-2009 Protection of trees on development sites*. Existing fencing and site hoarding may be used as tree protection fencing.
- c) If temporary access for machinery is required within the TPZ, ground protection measures will be required. The purpose of ground protection is to prevent root damage and soil compaction within the TPZ. Ground protection may include a permeable membrane such as geotextile fabric beneath a layer of mulch, crushed rock or rumble boards.

30. Protection of Adjoining Areas

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place; and/or
- d) Have been identified as requiring a temporary hoarding, fence or awning within the Council approved Construction Management Plan (CMP).

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

31. Toilet Facilities

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
- b) Each toilet must:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) be a temporary chemical closet approved under the *Local Government Act 1993*; or
 - iii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

32. Erosion and Sediment Control

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

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

33. Waste Management Details

Prior to the commencement of any works, the on-going waste collection service must be cancelled and the bins retrieved by the waste collection service provider.

Note: For residential properties, Council is the waste collection service provider.

34. Garbage receptacle

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

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

35. 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.

36. Environmental Management

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

37. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

Note: This consent does not give right of access to the site via Council's park or reserve. Should such access be required, separate written approval is to be obtained from Council.

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

- a) Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming the fill wholly consists of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material approved under the NSW Environment Protection Authority's Resource Recovery Orders and Exemptions.
- b) The required Waste Classification Certificate must be obtained by the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

40. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority:

- a) Prior to the pouring of concrete at each level of the building certifying that:
 - i) The building, retaining walls and the like have been correctly positioned on the site; and
 - ii) The finished floor levels are in accordance with the approved plans.

41. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to a licensed waste management facility. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate.

42. Waste Management

- a) All work must be carried out in accordance with the approved waste management plan.
- b) Stockpiling, cutting and sanding must be performed a minimum of 10 metres from the shoreline and screened by sediment fencing.

43. Maintenance of public footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

44. Compliance with Construction Management Plan

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

45. Prohibited Actions Within the Tree Protection Zone

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

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

46. Works Near Trees

The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the occupation certificate.

47. Maintaining Tree protections zones

The Tree Protection Zone must be maintained by the project arborist in accordance with section 4.6 requirements of *Australian Standard AS 4970-2009 Protection of trees on development sites*.

48. Works within Tree Protection Zones

All root pruning must be undertaken in accordance with the relevant requirements of *Australian Standard AS 4970-2009 Protection of trees on development sites* - Sections 3.3.4, 4.5.4 and 4.5.5.

49. Works near trees certification

- a) The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

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

50. Waste Management Details

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

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

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

51. Street Sweeping

To protect the surrounding environment, street sweeping must be undertaken along Park Avenue to the intersection of Edgeworth David Drive and Alexandria Parade following sediment tracking from the site in all areas 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.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE

52. Fulfilment of BASIX Commitments

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

53. Sydney Water – s73 Certificate

A s73 Certificate must be obtained from Sydney Water and submitted to the PCA.

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

54. Hydrant Booster Screening

- a) Screening of any required fire hydrants must be designed to comply with *Australian Standard AS2419.1 Fire hydrant installations System design, installation and commissioning* as adopted by the current version of the BCA.
- b) The front setback of the fire hydrants and electricity kiosk must include low rise screen planting to reduce the bulk of the structures and assist in screening.

55. Principal Communal Open Space

The communal open space area at the middle of the site must include outdoor table settings and a minimum 2 x BBQ's and a minimum of 2 bench seats to be provided to encourage social interaction between residents.

56. Unit Numbering

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

57. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

58. Retaining Walls

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

59. Boundary Fencing

- a) The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the *Dividing Fences Act 1991*.
- b) Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

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

60. External Lighting

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

61. Creation of Easements

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

- a) A restriction over the pipeline and the flow path for a 100 year ARI (average recurrence interval) storm. The "*Restriction on the Use of Land*" over the affected lots is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway and no flood warning signs are to be removed without the written permission of Council
- b) The creation of an appropriate "*Positive Covenant*" to maintain all the flood warning signs so as to be visible to members of public all the time.
- c) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention/retention, water quality treatment system and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The positions of the systems must be to be clearly indicated on the plan of the title.
- d) To register the easements for constructed on site detention and water quality treatment systems, "*works-as-executed*" details of the on-site-detention and water quality systems must be submitted. The details are to be accompanied by a certificate from a chartered Professional Engineer of the Institution of Engineers, Australia verifying that the required storage and discharge rates have been constructed in accordance with the design requirements and the stormwater leaving the premises will achieve the quality specified in the DCP. The details must show the invert levels of the systems together with pipe sizes and grades and filters/devices. 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.

62. Works as Executed Plan

Works-as-executed plans must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, culvert construction overland flowpath, drainage systems, driveways, on-site detention and water quality treatment system.

63. Certification of structure within Council's Stormwater Pipe Zone of Influence

After completion of stormwater works along the southern side boundary within proximity of Council stormwater pipe/culvert, a certificate from a Chartered Professional Structural Engineer of the Institution of Engineers, Australia confirming that works have been carried out in a manner that no impact has been created on Council drainage pipe/ culvert.

64. 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.

65. 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.

66. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 – **"Preservation of Survey Infrastructure"**.

67. Construction of engineering works.

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

68. Planter Boxes / On slab planting

On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch.

69. Planting – Rear and Side Setbacks

- a) Additional planting is required within the rear setback which must include 3 x large native canopy trees. The tree species must include either a *Angophora costata* (Red Gum) or *Syncarpia glomulifera* (Turpentine), installed at no smaller pot size than 75 litres.
- b) Additional planting is required within the northern side setback which must include 2 x large native canopy trees. The tree species must include either a *Angophora costata* (Red Gum) or *Syncarpia glomulifera* (Turpentine), installed at no smaller pot size than 75 litres.

70. Planting – Street Trees

6 x *Tristania laurina* 'Luscious' (Water Gum) trees are required to be planted to the front verge which comprise a 200 litre pot size, in mulched beds with staking and ties for a 24 month period of establishment.

71. 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 installation.

72. Waste Management

The following waste management requirements must be complied with:

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

Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example, the bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, accessibility, bin carting route etc.

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

- i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

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

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

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts

from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.
- d) Each unit must be provided with two separate 15-20 litre containers (one each for general waste and recyclable materials) installed in a cupboard in the kitchen.
- 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 garbage rooms at the basement and ground floor level must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation, and must be lockable. The waste facility rooms/cupboards (housing the garbage chute and the recycling chute) at each residential level of each lift core of each building must include sealed and impervious surface, adequate lighting and ventilation.
- g) There must be a bulky waste storage area(s) of at least 32m² at the basement level.

Note: the bulky waste storage areas can be in multiple areas of the basement.

- h) The bin carting routes must be devoid of any steps and must be wholly within the site.

Note: Ramps between different levels are acceptable. The use of the public footpath is not acceptable.

- i) There must be waste facilities (a garbage chute and a 240L recycling bin in a cupboard) on each residential level. Each of these waste facilities must:
 - i) Be accessible by persons with a disability; and
 - ii) The door to the recycling bin cupboard must be no less than 800mm wide and must be centred with the centre of the bin; and
 - iii) The recycling bin cupboard must have internal dimensions no less than 750mm wide by 900mm deep. Internal dimensions do not include ventilation shafts, fire walls etc for which additional space must be allowed.
 - iv) The 240L recycling bin must be able to be manoeuvred into and out of the recycling bin cupboard with ease.

Note: 240L recycling and garbage bins are 600mm wide by 750mm deep; allow for ease around the bin – 75mm is recommended.

- j) Each garbage chute must be fitted with automatic waste volume handling equipment that automatically changes the bin under the chute when it becomes full, thereby providing no less than 3 days bin capacity under the chute. Access to the automatic waste volume handling equipment by unauthorised persons (including residents and waste collectors) must be prevented. The automatic waste volume handling equipment on the chute system must not include compaction.

Note: For 3 days bin capacity, the Building requires a 5 x 240L bin carousel or equivalent under garbage chute.

- k) Motorised bin carts, trolley or similar equipment must be provided to enable the site caretaker to safely cart the bins between the basement bin storage room and ground level bin holding bay. This equipment must be suitable for the ramp grades along the bin carting route and the

approved bin sizes. Motorised bin lifting equipment must be provided to assist the site caretaker in the safe decanting of the 240L garbage bins into the 660L garbage bins.

Note: Examples of motorised bin carting equipment include bin tug, electric bin trolley and forklift.

73. Provision for National Broadband Network (NBN)

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

74. 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; and
- i) Peep holes are to be provided to individual apartment doors to promote resident safety.

75. Car Parking

- a) All car parking must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.1:2004 – Off-street car parking* and *Australian Standard AS 2890.2:2002 – Off-street commercial vehicle facilities*.
- b) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- c) Motorcycle parking spaces are to be constructed in accordance with *AS/NZS 2890.1:2004 Figure 2.7*.
- d) Bicycle parking spaces are to be constructed in accordance with *AS 2890.3-1993 Bicycle parking facilities*.
- e) All parking spaces for people with disabilities must be constructed and operated in accordance with *Australian Standard AS/NZS 2890.6:2009 – Off-street parking for people with disabilities*.

OPERATIONAL CONDITIONS

76. Landscape establishment

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

77. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

78. Car Parking Operational

- a) Car parking, loading and manoeuvring areas to be used solely for nominated purposes;
- b) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads;
- c) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- e) Visitors must be able to access the visitor parking spaces at all times. These spaces are not to be used by residents as storage or parking spaces

79. 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 and signage, ensuring the chute systems and related devices are regularly checked and maintained in effective and efficient working order, maintaining and checking all waste management equipment (e.g. bin cart, bin lifter), managing the communal composting area and worm farm, managing the bulky item storage area, managing the clothing/donation bins, arranging collections where the service is not provided by Council (e.g. clothing bins, e-waste), arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents are informed and kept up to date on 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) The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- c) The development must operate in full compliance with Council's waste management collection requirements.
- d) There must be a sufficient number of bins on site to contain the volume of waste and recycling expected to be generated between collection services.

- e) Bins must not be permanently stored in the ground level waste collection/bin holding area. All mobile garbage bins that are placed in the ground level temporary bin holding area for collection must be taken back to their bin storage room on the same day of service

Note: bins are to be placed in the holding area the day before the collection day, then returned to the basement bin storage rooms promptly after servicing.

- f) No waste storage containers are to be located or placed outside of the approved waste storage area at any time except for collection purposes.
- g) Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste management system.
- h) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin.

Note: contact Council regarding signage.

- i) Where the waste management system includes a chute system, there needs to be a contingency plan to allow for the continual disposal and collection of waste if the chute cannot be operated.

- END OF CONDITIONS -

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with *the Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000*, other relevant legislation and Council's policies and specifications. This information does not form part of the conditions of development consent pursuant to Section 4.17 of the Act.

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

- The issue of a construction certificate prior to the commencement of any works. Enquiries can be made to Council's Customer Services Branch on 9847 6760.
- A principal certifying authority to be nominated and Council notified of that appointment prior to the commencement of any works.
- Council to be given at least two days written notice prior to the commencement of any works.
- Mandatory inspections of nominated stages of the construction inspected.
- An occupation certificate to be issued before occupying any building or commencing the use of the land.

Long Service Levy

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

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

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

Tree and Vegetation Preservation

Hornsby Development Control Plan 2013 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Environmental Planning and Assessment Act 1979*.

In accordance with these provisions a person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, lop or otherwise remove a substantial part of the trees or vegetation to which any such development control plan applies without the authority conferred by a development consent or a permit granted by Council.

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

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

Disability Discrimination Act

The applicant's attention is drawn to the existence of the *Disability Discrimination Act 1992*. A construction certificate is required to be obtained for the proposed building/s, which will provide consideration under the *Building Code of Australia*, however, the development may not comply with the requirements of the *Disability Discrimination Act 1992*. This is the sole responsibility of the applicant.

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.

Asbestos Warning

Should asbestos or asbestos products be encountered during demolition or construction works, you are advised to seek advice and information prior to disturbing this material. It is recommended that a contractor holding an asbestos-handling permit (issued by *SafeWork NSW*) be engaged to manage the proper handling of this material. Further information regarding the safe handling and removal of asbestos can be found at:

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

Alternatively, telephone the *SafeWork NSW* on 13 10 50.

Unit Numbering (Strata Units)

All units are to be numbered consecutively commencing at No1. The strata plan lot number is to coincide with the unit number. Eg Unit 1 = Lot 1.