



EPM Projects Pty Ltd
L 2 146 Arthur Street
NORTH SYDNEY NSW 2060

NOTICE OF DETERMINATION

Approval

Development Application No: DA/1016/2018/A

Pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979* consent is granted to the development, it being noted that Council is satisfied that the development remains substantially the same development as that originally approved.

The development consent is subject to the conditions specified within this notice and will lapse unless the development is physically commenced within 7 years of the effective date of the original determination.

Section 8.7 of the Act allows an applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the Land and Environment Court within 12 months from the date of this notice.

Property:	Lot 78 DP 3250 No. 18 Waitara Avenue, WAITARA NSW 2077
Original development:	Seniors housing development comprising 117 residential units and associated uses
Effective date of original determination:	23 January 2020

Date of this modification:	18 June 2021
Details of this modification:	Section 4.56 application involving modifications of an approved Seniors Housing development by amending the basement plans, addition of a meter enclosure, alteration of windows and amendment of conditions
Conditions Added:	5(g), 94-105
Conditions Deleted:	Nil
Conditions Modified:	1, 6, 27(a)



Per:
Manager, Assessments
Planning and Compliance Division

Contact: Caroline Maeshian (9847 6732 – 8.30 am to 5.00 pm)

CONDITIONS OF APPROVAL**GENERAL CONDITIONS**

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

Note: For the purpose of this consent, 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.	Issue	Plan Title	Drawn by	Dated
Architectural Plans				
DA000	E	Cover Page	WMK Architecture	15/12/2019
DA010	A	Site Plan	WMK Architecture	31/08/2018
DA101	B E	Basement 02 Plan	WMK Architecture	03/04/2019 01/10/2020
DA102	G F	Basement 01 Plan	WMK Architecture	26/09/2019 01/10/2020
DA103	G F	Ground Floor Plan	WMK Architecture	26/09/2019 01/10/2020
DA104	F	Level 01 Plan	WMK Architecture	13/12/2019
DA105	F	Level 02 Plan	WMK Architecture	13/12/2019
DA106	E	Level 03 Plan	WMK Architecture	13/12/2019
DA107	E	Level 04-08 Typical Plan	WMK Architecture	13/12/2019
DA113	C	Level 10 Plan	WMK Architecture	06/12/2019
DA114	B	Level 11 Plan	WMK Architecture	03/04/2019
DA115	B	Roof Level	WMK Architecture	16/08/2019
DA500	D G	North & East Elevations	WMK Architecture	13/12/2019 01/10/2020
DA501	D G	South & West Elevations	WMK Architecture	13/12/2019 01/10/2020
DA603	B	Sections	WMK Architecture	16/08/2019

Plan No.	Issue	Plan Title	Drawn by	Dated
DA605	A	Finishes Schedule	WMK Architecture	20/09/2018
DA610	C	Typical Section Detail	WMK Architecture	06/12/2019
Landscape Plans				
3	D E	Site Plan	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019 21.12.2020
5	D	Ground Floor Park Lane Interface	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
6	D	Ground Floor Podium Courtyard	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
8	D E	Ground Floor Planting Plan 1	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019 21.12.2020
9	D	Ground Floor Planting Plan 2	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
10	D E	Ground Floor Planting Plan 3	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019 21.12.2020
11	D	Ground Floor Planting Plan 4	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
12	D	Level 1 Landscape Plan	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
13	D	Level 3 Landscape Plan	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
14	D	Level 10 Landscape Plan	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
15	D	Landscape Details	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
16	D	Landscape Sections	Taylor Brammer Landscape Architects Pty Ltd	25.09.2019
Civil Plans				

Plan No.	Issue	Plan Title	Drawn by	Dated
DAC04.01	2	Site Works and Stormwater Management Plan	Northrop	21.09.2018
DAC05.01	2	Stormwater Management Devices Sheet 01	Northrop	21.09.2018
DAC05.02	1	Stormwater Management Devices Sheet 02	Northrop	11.09.2018
DAC08.01	2	Post Development Catchment Plan	Northrop	11.09.2018

Document Title	Prepared by	Dated
Remediation Action Plan (Council Reference No. D07741619)	Coffey Services Australia Pty Ltd	14 August 2019
Site Contamination Audit – Interim Auditor Advice (Reference R.001.Rev2)	Douglas Partners	27 August 2019
Preliminary Construction /Traffic Management Plan (Document Reference No 16.481r08v04 – Council Reference No. D07741622)	Traffix	10 May 2019
The Vasey Housing Association Kokoda Residences Waitara Preliminary Construction Management Plan (Revision K – Council Reference No. D07741612)	EPM Projects Pty Ltd	19 July 2019
BASIX Certificate No. 951704M_03	Wood & Grieve Engineers	13 December 2019
Arboricultural Impact Assessment	Arboreport	20/09/2018
Noise Impact Assessment (Reference No. 20181067.1/2707A/R2/AW Revision 2)	Acoustic Logic	
Plan of Detail and Levels (Reference No. 5245-DET4_C)	Mepstead and Associates	1.08.2018
Waste Management Plan	MRA Consulting Group	15 October 2019
Hydraulic Plans (Reference: Drawing Nos. HY-2B2-00 Issue D, HY-2B1-00 Issue D and HY-200-00 Issue C)	Wood and Grieve Engineers (part of) Stantec	13/03/2020
Groundwater Assessment and Construction Dewatering Management Plan	Coffey	9 June 2020

2. Construction Certificate

- a) A construction certificate must be approved by either Council or a Principal Certifying Authority (PCA) prior to the commencement of any building works on the site approved under this development consent.
- b) The plans submitted with the application for the construction certificate must not be inconsistent with the plans approved under this development consent.

3. Appointment of a Project Arborist

- a) A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.

4. Removal of Trees

- a) This development consent permits the removal of trees numbered 17,18,20,21,22, 23, 24 and 25 as identified on Drawing No. 4 'Tree removal and Retention Plan' prepared by Taylor Brammer Landscape Architects Pty Ltd dated 25.09.2019.
- b) No consent is granted for the removal of trees numbered 1, 5, 8, 9, 10, 11, 12, 13, 14, 15, 26 and 27 as these trees 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).

5. Amendment of Plans

- a) Electrical kiosks and fire booster assemblies must be located in unobtrusive locations away from vehicle and pedestrian entrances to the property. The utilities must be softened by a built screen and/or landscaping so as not to impact on the streetscape
- b) The Soil and Water Management Plan, Drawing No. C22.01 Revision 6 prepared by Northrop, located in Appendix E of the CMP is not consistent with the Concept Soil and Water Management Plan, Drawing No. DAC02.01, Revision 2, particularly in terms of stockpile locations. This is to be amended at lodgement of a CTMP prior to a Construction Certificate.
- c) Stockpile locations will be required to be consistent between the Vasey Site Plan, reference A010, Issue A, and the Northrop Soil and Water Management Plan, reference C22.01 Revision 6, both of which are not consistent within the CMP.
- d) Given further groundwater assessment is required pursuant to the Remediation Action Plan ("the RAP"), prepared by Coffey Services Australia Pty Ltd, dated 14 August 2019, in any future soil and water management plans reference to drainage being pumped to Waitara Avenue is required to be removed, as is noted in the Soil and Water Management Plan, reference C22.01, Revision 6, within the CMP.
- e) The stormwater management plans prepared by Northrop are to be amended in accordance with the approved architectural plans.
- f) These amended plans must be submitted with the application for the Construction Certificate.

- g) To comply with Water NSW's General Terms of Approval (GTAs) as provided in Conditions No. 94 to 105, the Hydraulic Service Plans prepared by Wood and Grieve Engineers dated 13.03.2020 and the approved Civil Engineering Plans prepared by Northrop must be amended as follows:
- i) To adequately demonstrate that the design and construction of the development will consist of a basement design that will prevent any take of groundwater following completion of construction of the development, by making any below-ground levels that may be impacted by any water table fully watertight and designed to withstand the hydrostatic pressures of a saturated soil for the anticipated life of the building.

6. Dewatering Licence

If required by WaterNSW, a dewatering licence must be held during remediation and construction ~~and the future operation of the site.~~

PRIOR TO THE APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY

PRIOR TO THE COMMENCEMENT OF ANY REMEDIATION WORKS

7. Remediation Action Plan

Prepare an amended Remediation Action Plan in accordance with the additional assessment requirements detailed within the Remediation Action Plan prepared by Coffey Services Australia Pty Ltd, dated 14 August 2019, Revision AG_Rev5. The investigation is to be undertaken by a certified land contamination consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP(SC)) or the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

8. Interim Site Audit Statement

An Interim Site Audit Statement prepared by a NSW Environment Protection Authority (EPA) accredited Site Auditor is to be submitted to Council certifying that all contamination and associated reports relating to the remediation of the site are practical, and that the site will be suitable for its approved use after being remediated in accordance with the requirements of the amended Remediation Action Plan. Copies of all reports and documentation that were reviewed by the Site Auditor and formed part of the Interim Site Audit Statement must be submitted to Council.

9. Groundwater Wells

The installation of any groundwater wells on Council land for the purposes of an assessment of regional surface and groundwater conditions forming part of the remediation and/or validation of the site, must not be installed without prior approval of Council.

10. Site Management Plan

A Site Management Plan for remediation works is to be prepared by a suitably qualified Environmental Consultant, and submitted to Council for review and approval, and include the following:

11. Environmental Management Plan (EMP)

An Environmental Management Plan (EMP) is to be prepared detailing the actions that will be taken to protect the environment for the duration of remediation works, and detail all stakeholders responsible for ensuring its compliance. The Plan is to be in accordance with the publication 'Managing Urban Stormwater – Landcom (March 2004)', the Environment Protection Authority's

Interim Construction Noise Guidelines, and the Protection of the Environment Operations Act 1997 by way of implementing appropriate measures, and should include but not be limited to:

- a) Water and soil management, including but not limited to sediment and erosion control measures and groundwater monitoring and dewatering details;
- b) Air quality, inclusive of details pertaining to air monitoring prior, during and upon completion of remediation works for airborne asbestos fibres;
- c) Waste Management.

12. Remediation Traffic Management Plan (RTMP)

A Remediation Traffic Management Plan (RTMP) for the duration of remediation works, prepared by a suitably qualified traffic engineer and Worksite Traffic Controller which details the following:

- a) A copy of plans shall be submitted to Council detailing the stages of remediation.
- b) The RTMP shall be in accordance with the approved plans, consent conditions, and all associated contamination reports as certified in the Interim Site Audit Statement by the NSW EPA accredited Site Auditor and include:
 - i) A statement that no building materials, work sheds, vehicles, machines or the like will remain in the road reserve area without the written consent of Hornsby Shire Council.
 - ii) A statement that the Plan will be in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
 - 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.
 - g. The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road at all times.
 - iii) A survey plan showing site sheds, existing survey marks, unloading and loading areas, waste and storage areas, and details of parking arrangements for all employees and contractors including layover areas for large trucks. 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.
 - iv) Proposed truck routes to and from the site including details of the frequency of truck movements.
 - v) Swept path analysis for ingress and egress of the site.
 - vi) The total volume of fill to be exported from the subject property as part of remediation works.
 - vii) The total quantity and size of trucks for all exportation of fill, and a breakdown of total quantities of trucks for remediation works.

- viii) The number of total truck movements to and from the site for remediation works.
 - ix) The number of weeks trucks will be accessing and leaving the site with excavated material as part of remediation works.
 - x) The maximum number of trucks travelling to and from the site on any given day for remediation works.
 - xi) The maximum number of truck movements on any given day during peak commuting periods for remediation works.
 - xii) The location details of the licensed waste facility where excavated material required for removal as part of remediation works will be disposed to.
 - xiii) A statement that the Applicant and all employees of contractors on the site will obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - xiv) A statement confirming that a street 'scrub and dry' service will be in operation during remediation works.
 - xv) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit as part of remediation works, the Plan must detail these requirements and that an application to Hornsby Shire Council will be made.
- c) Tree Protection Plan (TPP):
- A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist for remediation works required near trees to be retained, which includes:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - ii) Methodology for remediation works to avoid damage to trees approved for retention on the site and for the trees located along the eastern boundary.
- Note: The RAP makes reference to further soil sampling assessment which would occur within the TPZ of trees along the eastern boundary.*
- i) Specifications on tree protection materials used and methods within the TPZ or SRZ.
- d) Noise and Vibration Management Plan (NVMP) which includes:
- i) Details of the extent of rock breaking or rock sawing works forming part of the remediation works.
 - ii) The maximum level of noise and vibration predicted to be emitted during remediation.
 - iii) The duration of remediation works where the maximum levels of noise and vibration are predicted to be emitted.
 - iv) Details of mitigation measures that will meet acoustic standards and guidelines during remediation works.
 - v) Details of a complaints handling process for the surrounding neighbourhood during remediation works.

UPON APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA)

DURING REMEDIATION WORKS

13. Site Management Plan

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

POST REMEDIATION WORKS

14. Site Management Plan

The Council approved Site Management Plan must be complied with, unless otherwise approved by Council.

15. Airborne Asbestos

An airborne asbestos fibre monitoring report prepared by a suitably qualified Environmental Consultant, inclusive of a clearance certificate prepared by a Safework NSW Licenced Asbestos Assessor is to be submitted to Council, the NSW EPA accredited Site Auditor and the Principal Certifying Authority validating that airborne asbestos fibre monitoring was undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works. The Report and Clearance Certificate must certify that no unacceptable risk from airborne asbestos was identified for the duration of remediation works.

16. Site Audit Statement

A Site Audit Statement issued by a NSW EPA accredited Site Auditor, and an accompanying Site Audit Report documenting the information reviewed by the Auditor and providing the basis for the conclusions contained within the Site Audit Statement must be submitted to Council and the Principal Certifying Authority (PCA) following remediation of the site. The Site Audit Statement must certify that the site is suitable for the approved use.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Building Code of Australia

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority detailing how the proposed building work achieves compliance with the *National Construction Code - Building Code of Australia*. All building work must be carried out in accordance with the requirements of the *National Construction Code - Building Code of Australia*.

18. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) must be submitted with the Construction Certificate application.

19. 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.

20. 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.

21. 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.

22. 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 inTM through www.sydneywater.com.au under the Building and Development tab.

23. Dilapidation Report

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of the adjoining properties Nos. 47-49 Alexandria Parade, No. 51 Alexandria Parade, Nos. 1-3, 5, 7-9 and 15 Park Avenue before the commencement of works.

24. 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**".

25. 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 compliance@hornsby.nsw.gov.au 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 plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
 - ii) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development approval.
 - iii) In order to prevent injury, accident and loss of property, a statement must be included within the Plan 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) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
 - vi) A plan showing site sheds, concrete pump, crane locations, unloading and loading areas, waste and storage areas being used for all stages of works.
 - vii) 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.
 - viii) Confirmation that a street 'scrub and dry' service will be in operation during all stages of works.
 - ix) The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
 - x) The plan shall include swept path analysis for ingress and egress of the site for all stages of works.
 - xi) The plan shall include the total volume of fill to be imported to the subject site throughout all stages to achieve approved levels.
 - xii) The plan shall include the total volume of fill to be exported at the subject property throughout all stages.
 - xiii) The plan shall include 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.
 - xiv) The plan shall include the number of total truck movements to and from the site for each stage of works.

- xv) The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
 - xvi) The plan shall include the maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - xvii) The plan shall include the maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - xviii) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
 - xix) The plan must include the location details of the source site of any proposed fill to be imported for all stages of works.
 - xx) 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.
 - xxi) 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.
 - xxii) To ensure Council assets are maintained throughout the development, a detailed survey plan is to be included, detailing existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations
- c) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with approved tree reports and plans, detailing the following:
- i) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - ii) Construction methodology to avoid damage to trees to be retained during construction works.
 - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - iv) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- d) A Construction Noise and Vibration Management Plan (CNMP) which includes:
- i) Existing noise and vibration levels within the proximity of the approved development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the approved development works.
 - iii) The maximum levels of noise and vibration predicted to be emitted during each stage of construction, and the duration of maximum levels at each stage of works.
 - iv) Details of mitigation measures that will meet acoustic standards and guidelines at each stage of works.
 - v) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.

- e) Management of stormwater disposal from approved detention basins or basements throughout all development phases in accordance with the ANZECC Guidelines trigger values for the area and in accordance with any requirements within the site's Site Audit Statement.
- f) Sediment and erosion control measures in accordance with the *Soils and Construction 2004 (Bluebook)* and approved plans.
- g) Air quality management on site, including dust suppression measures during demolition and construction.
- h) Details on the general operating procedures to manage environmental risk throughout all stages of works on the site.

26. Stormwater Drainage

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained via an on-site detention and water quality treatment facility or one of the deemed to comply measures in accordance with the following requirements:

- a) Connected directly to the nearest Council's drainage pit.
- b) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia
- c) An application is to be made to Council for connection to Council pit.

27. 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 of ~~7m~~³ 120m³ and a maximum discharge (when full) limited to ~~30~~ 60 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- e) Detail calculations are to be shown in construction certificate plan.
- f) An overflow/escape path shall be incorporated in the design.

28. Water Quality Management

- a) Water Sensitive Urban Design (WSUD) is to be carried out by a qualified professional in accordance with Council DCP. 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). MUSIC model and Hornsby Shire Council Music- link report are to be part of the design using Council's parameters.
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been completed in accordance with the

approved construction plan and the measures will achieve the targets specified in the condition.

29. 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) 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;
- e) Concurrence and approval of the RMS is required prior to approval of any construction certificate for all works within Pacific Highway. Approved stamped plans are to be submitted with the application.

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.

30. 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 2890.1, 2890.2, 3727* and the following requirements:

- a) Design levels at the front boundary shall be obtained from Council if a private accredited certifier is engaged to obtain a construction certificate for these works.
- b) The driveway be a rigid pavement.
- c) Conduit for utility services including electricity, water, gas and telephone be provided. All existing overhead assets including electricity and telecommunications cabling shall be relocated underground at no cost to Council. A certificate from an appropriately licensed contractor shall be submitted to the principal certifying authority certifying that the service conduits have been installed in accordance with the relevant utility provider and Australian Standards.
- d) Longitudinal sections along both sides of the access driveway shall be submitted to the principal certifying authority in accordance with the relevant sections of AS 2890.1. The maximum grade shall not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades. Any transition grades shall have a minimum length of 2 metres. The longitudinal sections shall incorporate the design levels obtained by Council.

31. Road Works

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

- a) Existing footpath and kerb and gutter fronting the property are to be removed and d and newly constructed.
- b) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of gutter, compacted with road base and bitumen sealed.
- c) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

32. Waste Management Details

The following waste management requirements must be complied with:

- a) The approved on-going waste management system must not be amended without the written consent of Council.
- b) The residential component and non-residential (commercial and auxiliary facilities) component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must not have access to the residential waste/recycling chutes/bins and vice versa.
- c) The Residential bin storage/collection room and bulky waste storage room at the ground level must be at the same R.L. level as the truck loading bay and not the level of the ground level units.
- d) There must be no steps along any bin carting route.
- e) All bin manoeuvring aisles and bin carting routes (including door openings and paths) are to be no less than 2m wide.
- f) The commercial/auxiliary facilities waste room must have sufficient space for no less than 4 of 240L bins and aisle space to access and manoeuvre these bins.
- g) The ground level residential bin room must have sufficient space for no less than 8 of 1100L bins and aisle space to access and manoeuvre these bins.
- h) Residential Bulky waste storage area(s) of at least 16 square metres must be provided.
- i) There must be a waste facility (garbage chute and the recycling chute 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.

- j) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all waste storage rooms have been designed to be constructed in accordance with the Waste Management Plan and including the following requirements:
 - i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface covered at all intersections;
 - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;
 - iv) The room is to be provided with artificial light controllable within the room and adequate ventilation;

- v) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- vi) The doors are to be robust and lockable (but able to be opened from the inside without a key), with a door opening of no less than 2m.
- k) 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 rooms 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 must not include compaction.

Note: The required volume handling equipment is: 5 x1100L bin linear or equivalent under garbage chute, and 3 x1100L bin linear or equivalent under the recycling chute.

Note that 1100L bins are 1470mm wide, 1245mm deep, 1370mm high; allow 75 mm between bins for ease of manoeuvring and to avoid damage to walls and doors from bins scraping against them.

- l) The access way (including ramp, vehicle turning area, loading dock/service bay and site entry/exit) to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles.

Note: AS2890.2-2002 includes a maximum gradient of 1:8 for reverse travel, a minimum vertical clearance of 4.5 m, and minimum loading dock/service bay dimensions of 3.5 m x 12.5 m. These dimensions do not include wall thickness, support columns, ventilation shafts etc which must be added. AS2890.2-2002 also requires that when a loading dock/service bay is of minimum width a driver needs to be able to place the body of the vehicle or trailer into its final alignment at the point of entry into the bay.

- m) A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the ground level as detailed in the Waste Management Plan. The design certificate is to specifically confirm that the:

- i) Waste collection vehicle is able to enter the site in a forward direction, adequately manoeuvre into position within 5m of the residential bin holding/collection room, load bins and exit the site in a forward direction
- ii) Vertical clearance of 4.5m is provided along the entire route of travel of the waste collection vehicle and loading bay.
- iii) The waste collection vehicle must be able to manoeuvre on site with limited need for reversing
- iv) The grades along the waste collection vehicle travel path on site must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle
- v) The vehicle ground clearance is sufficient to prevent scraping
- vi) All pavement has been designed to carry the load of the waste collection vehicle.
- n) Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste collection vehicle travel path on site, then written clarification must be obtained from Council.
- o) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated;
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

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

33. Certification of Traffic Engineer

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS 2890.1, AS 2890.2 and the approved Development Consent plans and conditions.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

34. 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.

35. 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.

36. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

37. 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*.

38. 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.

39. Installation of Tree Protection Fencing

- a) All tree protection measures for the trees to be retained must have the protection measures for the ground, trunk and canopy installed in accordance with the relevant requirements of Australian Standard AS 4970-2009 - *"Protection of Trees on Development Sites"*.
- b) All tree protection fencing for the trees to be retained must be erected around trees numbered 1, 5, 8, 9, 10, 11, 12, 13, 14, 15, 26 and 27 as specified in the submitted Arboricultural Impact Assessment provided by Arboricultural Impact Assessment submitted by Arboreport dated 20/09/2018.

40. Tree Protection Zone - Ground Protection

- a) All tree protection zones for the trees to be retained must have a layer of wood-chip mulch installed prior to works commencing.
- b) The wood-chip mulch must be maintained throughout the period of construction at a depth of between 150mm and 300mm, using material that complies with the relevant requirements of Australian Standard AS 4454 – “*Composts, Soil Conditioners and Mulches*”.

41. Tree Crown (canopy) Protection

Must be applied in accordance with the relevant requirements section 3.3.6 Crown protection of Australian Standard AS 4970-2009 - “*Protection of Trees on Development Sites*”

42. Protection Certification

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

43. 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.

44. 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.
- b) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
- c) The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
- d) Food scraps must be placed in a garbage receptacle and not in demolition and construction waste bins.

REQUIREMENTS DURING CONSTRUCTION

45. Construction Work Hours

- a) All works on site, including demolition and earth works, must only occur between 7am and 5pm Monday to Saturday.
- b) No work is to be undertaken on Sundays or public holidays.

46. 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*.

47. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Waitara Avenue and Park Lane 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.

48. 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.

49. 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.

50. Landfill

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

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

51. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

52. 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.

53. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

54. Presence of Asbestos, Soil or Ground Contamination

Should the presence of asbestos, soil or ground contamination not recognised during the application process be identified, the applicant must immediately notify the Principal Certifying Authority, Council and the NSW EPA accredited Site Auditor.

55. Survey Report

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

- a) Prior to the pouring of concrete at each level of the building certifying that:

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

56. Works Near Trees

- a) No consent is granted for any works within the Structural Root Zone of trees numbered 1, 5, 8, 9, 10, 11, 12, 13, 14, 15, 26 & 27.
- b) To maintain tree health and condition, the appointed project arborist must monitor and record any and all necessary remedial actions required for trees numbered 1, 5, 8, 9, 10, 11, 12, 13, 14, 15, 26 & 27 on the approved plans.
- c) 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.

57. Maintaining Tree Protections Zones

The Tree Protection Zone must be maintained in accordance with Section 4.6 requirements of Australian Standard AS 4970-2009 – “*Protection of Trees on Development Sites*”

58. Works within Tree Protection Zones (only used for an encroachment exceeding 10%)

a) Root Pruning

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.

b) Excavation

Any and all necessary excavations within the Tree Protection Zone of trees to be retained numbered 2,3 and 4 on the approved plans, must be undertaken using construction techniques as prescribed in the Australian Standard AS 4970-2009 – “*Protection of Trees on Development Sites*” Section 4.5.5.

c) Installing Services

To minimise the environmental impacts of the development within the Tree Protection Zone (TPZ) of trees to be retained, numbered 1, 5, 8, 9, 10, 11, 12, 13, 14, 15, 26 & 27 on the approved plans:

- i) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as directional drilling or manual excavation.
- ii) The installation of any underground services must be inspected by the project arborist to monitor the likely impacts of the development on retained trees.
- iii) For manual excavation of trenches the project arborist must advise on roots to be retained and must monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools. Refer Clause 4.5.3 of Australian Standard AS 4970-2009 – “*Protection of Trees on Development Sites*”.

d) Installation of scaffolding (major developments)

Where scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 section 4.5.6.

59. Building materials and Site Waste

The filling or stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

60. Works near trees certification

- a) The project arborist must submit to the principal certifying authority on a monthly a certificate that the works have been carried out in compliance with the approved plans and specifications for tree protection.
- b) Certification should include a statement of site attendance, the condition of the 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.

61. 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.

62. 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 the concrete driveway and vehicular crossover that is to be used by the heavy rigid waste collection vehicle, certifying that: the gradient of the finished pavement will be no greater than 15.4% (1:6.5).
- b) Prior to the pouring of the concrete on the ground level, certifying that: the residential bin storage/collection room and bulky waste storage room are at the same level as the truck loading bay.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

63. Fulfilment of BASIX Commitments

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

64. 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.

65. 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.

66. 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, footpath, driveway, on-site detention and elements of water sensitive urban design. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

67. 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 all elements of water sensitive urban design (filters/bio-retention/etc) 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 elements of the water sensitive urban design are to be clearly indicated on the title.

- b) The positive covenant is to include a management plan of the water sensitive urban design system.
- c) To register the positive covenant and the restriction on the use of land, “works-as-executed” details of the on-site-detention system and elements of water sensitive urban design must be submitted verifying that the required storage, discharge control outlet and water sensitive urban design system 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 sensitive urban design system. Any variations to the approved plans must be shown in red on the “works-as-executed” plan and supported by calculations.

68. 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**”.

69. Completion of Works and Compliance Certificate

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

70. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council’s assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council’s Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

71. 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.

72. Underground Powerlines in Park Lane

Subject to Ausgrid approval, existing overhead powerlines located across the Park lane frontage of the property must be installed underground, including removal of poles and replacement with street lighting as required.

73. Street Tree Plantings – Waitara Avenue Verge

Planting to the Waitara Avenue verge shall be *Tristaniopsis laurina* (Water Gum). Trees are to be located in tree planter pits 1m x 4m x 0.5m deep per tree creating a minimum volume of structural soils of 2m³ per tree. Imported tree pit soil is to be a *structural soil* created using 40mm aggregate free draining granular material to create an adequate lateral growing volume below the pavement. Tree pits are to have a surface area opening of 1m x 1m created within the concrete slab. Tree pits are to have a finished surface matching the surrounding paver level and be mulched. Trees are to be installed at minimum 100 litre pot size.

74. Completion of landscaping

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

Note: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure Nurseries have stock available at the time of install.

75. Retaining Walls

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

76. Boundary Fencing

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*.

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).

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

A restriction as to user must be created under s88B of the *Conveyancing Act 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

- a) Seniors (55+ age) or people with a disability;
- b) People who live within the same household as seniors or people with a disability; and
- c) Staff employed to assist the administration and provision of services to housing provided under *SEPP (Housing for Seniors or People with a Disability) 2004*.

Note: The restriction must nominate Council as the authority to release, vary or modify the restriction.

78. External Lighting

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

79. 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.

80. Waste Management Details

The following waste management requirements must be complied with:

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

Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the bin storage areas, chute systems, 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 and footpath, must be completed.

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

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

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

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

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

- iii) All waste was taken to site(s) that were lawfully permitted to accept that waste.

- d) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers installed, one each for general waste and recyclable materials.

- e) 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) There must be a bulky waste storage area(s) of at least 16 square metres.

- g) The bin carting routes must be devoid of any steps.

- h) *Note: Ramps between different levels are acceptable*

- i) Each 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 garbage chute requires a 5x1100L linear and the recycling chute requires a 3x1100L bin linear or equivalent.

- j) The chute systems must be installed in accordance with the manufacturers specifications, the approved plans, and the Building Code of Australia.
- k) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay, site entry/exit and vehicular crossover) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority and Council. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles (for layout, dimensions, manoeuvring clearances, gradients, rates of change of grade, vertical clearance, vehicle ground clearance).

81. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard AS4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2015 and the Food Standards Code developed by Food Standards Australia New Zealand. Food Standards 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

82. Kitchen Exhaust Installation

A kitchen exhaust system must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

83. Dry Basket Arrestor

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

84. Hairdressing Fit Out

The fitout of the premises and all procedures must be in accordance with the *Public Health Act 2010* and the Section 124 of the *Local Government Act 1993 and Reg 84 of the Local Government (General) Regulation 2005*.

85. 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.

86. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

87. Fire Safety Statement – Final

In accordance with the *Environmental Planning & Assessment Regulation 2000*, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

OPERATIONAL CONDITIONS

88.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.

89. Noise – Plant and Machinery

The level of total continuous noise emanating from operation of all the plant, including air conditioning units and processes in all buildings (LA10) (measured for at least 15 minutes) in or on the above premises, must not exceed the background level by more than 5dB(A) when measured at all property boundaries.

90. 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.

91. Maintain Canopy Cover /or/ Replacement Tree Requirements

- a) All trees approved to be removed as part of this consent must be replaced by a minimum of 10 trees to be planted on the site.
- b) All replacement plantings must be species selected from the Council's Indigenous species listing located in the Hornsby Shire DCP 2013; Tree Preservation Measures 1B.6 Table 1B.6(b) such as *Syncarpia glomulifera* (Turpentine) or *Angophora costata* (Sydney Red Gum).
- c) Location and Size of Plantings:
 - i) All replacement trees must be located in front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
 - ii) The pot size of the replacement tree(s) must be a minimum 25 litres
 - iii) All replacement trees must be a minimum of 3 metres in height with calliper consistent with those prescribed in the NATSPEC guidelines.
 - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.
 - v) All tree stock must meet the specifications outlined in '*Specifying Trees*' by Ross Clark, Publisher NATSPEC Books).
 - vi) Planting methods must meet professional (best practice) industry standards

92. Final Certification Arborist

- a) The suitably qualified person holding a certificate III in Horticulture must submit to the principal certifying authority a Statement/or/Certification confirming all Tree Replacement Requirements have been completed in accordance with approved landscape plans and conditions of consent.

- b) The Project supervisor must submit to the principal certifying authority all relevant certificates with the application for the occupation certificate stating compliance with all the conditions of this consent.
- c) The Project arborist must submit to the principal certifying authority a certificate that all the completed works have been carried out in compliance with the approved plans and specifications for tree protection.
- d) Certification must include a statement of overall site attendance, the condition of the 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.

93. Waste Management

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

- a) All commercial tenant(s) must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- b) All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- c) Waste collection services must not take place between 8PM and 6AM weekdays or 8PM and 8AM on weekends and public holidays.
- d) A Work, Health & Safety (WHS) risk assessment is to be carried out by a suitably qualified person with qualifications in Work, Health & Safety Legislation with specific regard to waste management. The recommendations of the WHS Risk Assessment are to be implemented as required.
- e) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, ensuring the chute systems and related devices are maintained in effective and efficient working order, managing the loading dock to ensure that it is sufficiently available for all necessary waste collection services to take place, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), and ensuring all residents and commercial tenants are informed of the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.
- f) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.
- g) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.

GENERAL TERMS OF APPROVAL – WATERNSW

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

94. GT0115-00001

Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

95. GT0116-00001

Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity Advisory Note: 3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (NAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity. 4. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

96. GT0117-00001

A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity. Advisory Notes: 1. This approval is not a water access licence. 2. A water year commences on 1 July each year. 3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW. 4. Note that certain water sources may be exempted from this requirement – see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.

97. GT0118-00001

If no water access licence is obtained for the first 3ML 1 year (or less) of water extracted, then, in accordance with clause 21 (6), Water Management (General) Regulation 2018, the applicant must: (a) record water taken for which the exemption is claimed, and (b) record the take of water not later than 24 hours after water is taken, and (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and (d) keep the record for a period of 5 years, and (e) give the record to WaterNSW either via email to Customer.Helpdesk@waterNSW.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124 (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.

98. GT0119-00001

All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

99. GT0120-00001

The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0 m below the natural ground surface.

100. GT0121-00001

Construction phase monitoring bore requirements GTA: a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application. c) The monitoring bores must be installed and maintained as required by the water supply work approval. d) The monitoring bores must be protected from construction damage.

101. GT0122-00001

GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme).

102. GT0123-00001

(a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.watensw.com.au/customer-service/water-licensing/dewatering.

103. GT0150-00001

The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site – Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.

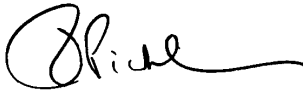
104. GT0151-00001

Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

105. GT0152-00001

This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in WaterNSW condition GT0151-00001 (Consent Condition No. 104). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

- END OF CONDITIONS -

	Name	Date
Assessment Officer	Caroline Maeshian	18 June 2021
Checked/Authorised		18 June 2021