

## SYDNEY NORTH PLANNING PANEL - REPORT

<b>Panel Reference</b>	PPSSNH-215
<b>DA Number</b>	DA/850/2011/B
<b>LGA</b>	Hornsby Shire Council
<b>Proposed Development</b>	Modification to an existing approved Seniors Living development resulting in a development consisting of 88 independent living units, comprising 40 single storey villas and 48 apartments over basement car parking
<b>Street Address</b>	Lot 22 DP 851940 Nos. 330 -334 Galston Road, Galston
<b>Applicant</b>	Planik Pty Ltd
<b>Owner</b>	Galston Land Pty Ltd
<b>Date of DA Lodgement</b>	27 April 2021
<b>Number of Submissions</b>	Four (two in support and two raising concerns)
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 - SEPP (State and Regional Development) 2011)</b>	General development over \$30 million
<b>List of All Relevant s4.15(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP)</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy No. 55 Remediation of Land</li> <li>• State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>• Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River (No. 2 - 1997)</li> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Hornsby Local Environmental Plan 2013</li> <li>• Hornsby Development Control Plan 2013</li> </ul>

<b>List all documents submitted with this report for the panel's consideration</b>	No additional documents are provided for the Panel's consideration
<b>Report prepared by</b>	Matthew Miles - Senior Town Planner
<b>Report date</b>	2 September 2021

## **SUPPLEMENTARY REPORT AND RECOMMENDATION**

The applicant reviewed the recommended conditions of development consent contained within Schedule 1 of the Planning Report, prepared by Council and submitted to the Panel for consideration on 27 August 2021.

The applicant requested amendments to a number of conditions. Following discussions between the applicant and Council, agreement has been reached on amendments to the draft conditions as follows:

### **1. CONDITION NO. 33(d) AND (f) - INTERNAL DRIVEWAY/VEHICULAR AREAS**

Condition No. 33(d) specified provision of a kerb at the lower side of the driveway to collect surface water from the pavement. The Applicant's Engineer requests this be modified to reflect the proposed stormwater design which includes a vee drain design. Council's Engineer raised no objection to the amended wording as the amended wording would continue to prevent stormwater drainage nuisance caused to the public and/or downstream properties.

Condition No. 33 (d) has been amended to read:

- d) The pavement has a centre vee drain with a maximum cross fall of 2.5% vee inlet pits provided on grade and in low points or provision of a kerb at the lower side of the driveway with inlet pit, to collect any surface water from the pavement, designed to comply with Australian Standard AS1428 Design for access and mobility.*

Condition No.33(f) specified a safety rail to be provided where there is a level difference more than 0.3 metres where a 1:4 batter cannot be achieved. The Applicant's Engineer requests this condition be modified to require a safety rail where there is a 0.6 metre drop instead of 0.3 metres.

Council's Engineer raised no objection to the amended wording as it would continue to prevent vehicles from falling off the edges of the driveway.

Condition No. 33 (f) has been amended to read:

- f) The provision of safety rails to prevent vehicles falling off the edges of the driveway where there is a level difference more than 0.6 metres and a flatter than 1:4 batter cannot be achieved.*

### **2. CONDITION NO. 54(e) - STORMWATER DRAINAGE AND CONDITION NO. 56(e) - ROAD WORKS**

The Applicant initially requested that condition No. 54(e) be deleted from the stormwater section and incorporated into condition No. 56(e) relating to road works. The wording for Condition No. 54(e) states:

- e) A pit and pipe drainage system is to be constructed within the widened Galston Road road reserve. Council's standard extended kerb inlet pits and pipes are to be designed for an alignment determined by edge of seal or kerb and guttering resulting from design of right turn treatments, medians and access road works.*

Council's Engineer did not support this modification as the conditions are specific to their intended function and should remain within the condition specifying stormwater drainage requirements and not be relocated to road works.

The Applicant has agreed not to press this amendment to the recommended conditions.

### **3. CONDITION NO. 56 - ROAD WORKS**

The Applicant initially requested that the notes section requiring approval of a Construction Certificate be obtained from NSW Roads Maritime Service prior to release of any Construction Certificate be deleted. However, after consultation with Council who advised the Applicant that this condition is located in works to be obtained prior to the issue of an Occupation Certificate and is not required for the first Construction Certificate for building and earthworks, the Applicant has instead agreed to delete the word 'any' instead. Council's Engineer did not raise objections to the deletion of the word 'any'. The revised wording for Note 2 of condition No 56 reads:

*Note 2: Pursuant to the Roads Act 1993, the road works plans must be submitted to NSW RMS's Traffic Project Section, Parramatta Branch, for consideration and approval prior to release of a Construction Certificate. Lodgement of construction plans with RMS may incur additional fees for inspections, processing costs and performance bonds.*

### **CONCLUSION**

The applicant's proposed amendments to the wording of condition Nos.33(d), 33(f) and 56 (Notes) are supported by Council. Consequently, changes are recommended to the recommended Conditions listed at Schedule 1 of the Planning Assessment Report, prepared by Council, dated 27 August 2021.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

### **RECOMMENDATION**

THAT pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/850/2011 for demolition of the existing structures and construction of a seniors living development comprising ~~ninety-six~~ 88 self-contained units ~~dwelling houses, community~~ leisure facility and ancillary works at Lot 22 DP 851940 Nos. 330 -334 Galston Road, Galston be modified as detailed in Schedule 1 of this report.

## SCHEDULE 1

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**Date of this modification:**

(DA/850/2011/B)

**Details of this modification:**

Reconfiguration of seniors living scheme with reduction in units from 96 to 88 units modified internal roads and landscaping, deletion of block A and expansion of leisure centre

**Amended Development Description:**

Demolition of the existing structures and construction of a seniors living development comprising 88 self-contained units, community facility and ancillary works

**Conditions Added:**

11A, 28A, 28B, 28C, 41A, 41B, 46A,

**Conditions Deleted:**

1

**Council Conditions Modified:**

2, 3, 5, 9, 8, 10, 12, 13, 14, 15, 16, 17, 20, 22, 24, 26, 27, 28, 30, 31, 33 (added note), 35, 38, 39, 41, 44, 48(b), 50, 52, 53, 55, 56, 58, 61, 62, 63, 66

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**TfNSW Conditions Modified:**

69

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**TfNSW Conditions Added:**

70 - 75

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**RFS Conditions Modified:**

Nil - no prior RFS conditions

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**RFS Conditions Added:**

76, 77, 78

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## CONDITIONS OF APPROVAL

### 1. ~~Deferred Commencement~~

~~Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979, this consent does not operate until the following information is submitted to Council:~~

- ~~a) Documentary evidence must be provided that a licence has been granted under the *Water Industry Competition Act 2006 (WICA)* for the design, installation and operation of the proposed on-site sewage management system or, alternatively, evidence that a licence is not required by the NSW Independent Pricing and Regulatory Tribunal.~~
- ~~b) Details of the on-site sewage management system (WICA approved, if applicable), including but not limited to:
  - ~~i) Scaled site plan of the proposed system including all sewerage infrastructure.~~
  - ~~ii) Capacity and design specifications of proposed septic and holding tanks.~~
  - ~~iii) Details and specifications for pump out systems of lift pumps, pump-out lines and the pipe to be used to deliver 364 L/min of sullage at the outlets.~~
  - ~~iv) Details of proposed locations of pump-out point/s and tanker standing location/s a minimum of 3 metres from the centre line of the road.~~
  - ~~v) Details of proposed tanker pump out frequency and procedures for emergency pump out.~~~~
- ~~c) Documentary evidence must be provided to the effect that licence has been granted under the *Water Industry Competition Act 2006* for the design, installation and operation of the proposed water supply system, or alternatively, evidence that a licence is not required by the NSW Independent Pricing and Regulatory Tribunal.~~
- ~~d) Details and specifications of the water supply system.~~

**~~Upon Council's written satisfaction of the above information, the following conditions of development consent will apply:~~**

**CONDITIONS APPLICABLE TO ALL STAGES OF THE DEVELOPMENT**

**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.*

**2. Approved Plans and Supporting Documentation**

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

*Approved Plans*

<b>Plan No./ Title</b>	<b>Rev</b>	<b>Drawn by</b>	<b>Dated</b>	<b>Council Reference</b>
1.4 Site Plan	DA3	CBD Building Design	08.07.21	
1.5 Site Details	DA2	CBD Building Design	08.07.21	
1.6 Site Analysis Plan	DA1	CBD Building Design	21.04.21	
1.7 Site Construction Staging Plans	DA2	CBD Building Design	08.07.21	
1.10 Site Street View	DA3	CBD Building Design	21.04.21	
1.11 Waste Management – Bins Location	DA2	CBD Building Design	08.07.21	
1.12 Basix Summary	DA1	CBD Building Design	21.04.21	
1.15 Site Plan Footprint Comparison	DA2	CBD Building Design	08.07.21	
1.16 Top of retaining wall plan	DA1	CBD Building Design	08.07.21	
2.1 Site Sections – Sheet 1	DA3	CBD Building Design	08.07.21	



2.2 Site Sections – Sheet 2	DA3	CBD Building Design	08.07.21	
2.3 Site Boundary Elevations	DA3	CBD Building Design	08.07.21	
3.1 Leisure Centre Ground Level	DA3	CBD Building Design	08.07.21	
3.2 Leisure Centre Level 1 & Roof Drainage Plan	DA2	CBD Building Design	08.07.21	
3.3 Leisure Centre Elevations – Sheet 1	DA1	CBD Building Design	21.04.21	
3.4 Leisure Centre Elevations – Sheet 2	DA1	CBD Building Design	21.04.21	
3.5 Leisure Centre Sections	DA3	CBD Building Design	21.04.21	
4.1 Apartment 1 Basement Level, Ground floor, level 1, roof	DA2	CBD Building Design	08.07.21	
4.2 Apartment 1 Elevations	DA1	CBD Building Design	21.04.21	
4.3 Apartment 1 Sections	DA3	CBD Building Design	21.04.21	
5.1 Apartment 2 Basement Level	DA2	CBD Building Design	08.07.21	
5.2 Apartment 2 Ground Floor Plan	DA2	CBD Building Design	08.07.21	
5.3 Apartment 2 Level 1 Plan	DA2	CBD Building Design	08.07.21	
5.4 Apartment 2 Roof Drainage Plan	DA2	CBD Building Design	08.07.21	
5.5 Apartment 2 Elevations – Sheet 1	DA2	CBD Building Design	08.07.21	
5.6 Apartment 2 Elevations – Sheet 2	DA2	CBD Building Design	08.07.21	
5.7 Apartment 2 Sections	DA4	CBD Building Design	08.07.21	
6.1 Villa V1a	DA2	CBD Building Design	08.07.21	
6.2 Villa V1b	DA2	CBD Building Design	08.07.21	
6.3 Villa V1a-D	DA2	CBD Building Design	08.07.21	
6.4 Villa V1b-D	DA2	CBD Building Design	08.07.21	
6.5 Villa V2a	DA2	CBD Building Design	08.07.21	

6.6 Villa V2b	DA2	CBD Building Design	08.07.21	
6.7 Villa V2a-D	DA2	CBD Building Design	08.07.21	
6.8 Villa V2b-D	DA2	CBD Building Design	08.07.21	
6.9 Villa V3	DA2	CBD Building Design	08.07.21	
6.10 Villa V3-D	DA2	CBD Building Design	08.07.21	
6.11 Villa V4-D	DA2	CBD Building Design	08.07.21	
6.12 Villa V5-D	DA2	CBD Building Design	08.07.21	
6.13 Villa V6	DA2	CBD Building Design	08.07.21	
6.14 Villa V7	DA2	CBD Building Design	08.07.21	
Colour chart and finishes schedule for Leisure Centre and apartments	DA2	CBD Building Design	08.07.21	
Sheet 1.0, Temporary leisure Centre	DA1	CBD Building Design	23.08.21	
Temporary leisure centre elevation and fitout	DA1	CBD Building Design	25.08.2021	
Temporary leisure centre site plan	DA1	CBD Building Design	25.08.2021	
Proposed landscape works – site, Sheet 5 & 6	B	Deep rainforest	April 21	
Proposed landscape works – villa/western boundary, Sheet 7	B	Deep rainforest	April 21	
Proposed landscape treatment – villa/northern boundary, Sheet 8	B	Deep rainforest	April 21	
Proposed landscape treatment – villa/leisure centre, Sheet 9	B	Deep rainforest	April 21	
Contextual elevations, Sheet 10	B	Deep rainforest	April 21	
Landscape intent, Sheet 11	B	Deep rainforest	April 21	
Proposed plant palette, Sheet 12	B	Deep rainforest	April 21	

*Supporting Documentation*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
Accessibility Report ref: 10054	Purely Access	06/04/2021	D08158933

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
Arboricultural Impact Assessment	McArdle Arboricultural Consultancy	07/08/2021	D07975284
Addendum Acoustic Assessment Ref: 2104729	Wilkinson Murray Pty Ltd	09/07/21	D08205897
Addendum to RWDI Report 2104729	RWDI Australia Pty Ltd	24/08/21	D08232863
Tree Location Plan	Hornsby Shire Council	18/09/2021	D08011184
Fire Engineering Report - Rev02	YGL consulting	April 2021	D08158892
Example Plan of Management Services	Living Choice	April 2020	D08158894
Waste Management Schedule	No name	08/07/2021	D08205879
Bushfire Risk Assessment Report No. 330Gal-01	Bushfire Consultancy Australia	28/01/2018	D08158923
BASIX Certificate No. 1091636M_02	Building Sustainability Assessments	16/04/2021	D08158928
Operations & Activity Schedule, ('the Activity Schedule')	Living Choice Retirement Villages	2021	D08205887
Traffic and Parking Impact Assessment ref: 210167.01FA	McLaren Traffic Engineering	19/04/2021	D08158946
Construction Management Plan	Living Choice Australia Pty Ltd	21/09/20	D08205885
TfNSW Concurrence Letter ref: SYD10/00284/05	Transport for NSW	04/08/2021	D08222277
NSW RFS General Terms of Approval letter ref: A20200618002152- S4.55-1	NSW Rural Fire Service	02/08/201	D08219584
001 Cover Sheet, Site Location and Drawing Register, Rev 3	CUBO Consulting	15.04.21	D08158906
010 Stormwater Plan, Rev 3	CUBO Consulting	15.04.21	D08158906
010 Stormwater Plan, Rev 2	CUBO Consulting	15.04.21	D08158906
011 Stormwater Details, Rev 2	CUBO Consulting	15.04.21	D08158906
020 Roads Plan, Rev 2	CUBO Consulting	08.03.21	D08158906
021 Roads Long-sections, Rev 2	CUBO Consulting	15.04.21	D08158906
022 Roads Long sections, Rev 2	CUBO Consulting	08.03.21	D08158906
023 Roads Long sections, Rev 2	CUBO Consulting	08.03.21	D08158906
027 Typical Road Cross Sections, Rev 2	CUBO Consulting	08.03.21	D08158906
030 Sewer Plan and Details, Rev 2	CUBO Consulting	08.03.21	D08158906
031 Sewer Plan and Details, Rev 2	CUBO Consulting	08.03.21	D08158906
040 Retaining Wall Plan, Rev 2	CUBO Consulting	08.03.21	D08158906
041 Retaining Wall Details 1, Rev 2	CUBO Consulting	15.04.21	D08158906

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>	<b>Council Reference</b>
042 Retaining Wall Details 2, Rev 2	CUBO Consulting	08.03.21	D08158906
050 Vehicle Swept Path Plan 1, Rev 3	CUBO Consulting	08.03.21	D08158906
051 Vehicle Swept Path Plan 2, Rev 3	CUBO Consulting	15.04.21	D08158906
060 Sediment Plan and Details, Rev 3	CUBO Consulting	15.04.21	D08158906
080 Bulk Earthworks Plan and Details, Rev 3	CUBO Consulting	15.04.21	D08158906
Stormwater report	CUBO Consulting	15.04.21	D08158948
Multi Purpose modular building	Ausco modular	No date	D08233226
Flood Study	Acor Consultants	22.07.2011	D01739299
Contamination Assessment - 71406.01	Douglas Partners Pty Ltd	March 2010	D01739301

### 3. Removal of Existing Trees

~~This development consent only permits the removal of trees plotted, numbered and identified for removal on Landscape Plan No.3B prepared by Michael Zinn dated December 2010. The removal of any other trees requires separate approval under Council's Tree Preservation Order.~~

- a) This development consent permits the removal of trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 as identified in the Tree Location Plan and Tree Protection Plan provided by Council's Tree Management Team dated 18 September 2020 (TRIM D08011184).
- b) The development consent does not permit pruning of any retained trees.

*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).*

### 4. Project Arborist

A Project Arborist is to be appointed prior to the commencement of Stage 1 of the development in accordance with *Australian Standard AS4970-2009 Protection of trees of development sites* (1.4.4) to provide monitoring and certification throughout the development process for all stages.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE</b>
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**5. Building Code of Australia**

~~All building work must be carried out in accordance with the requirements of the 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*.

**6. Contract of Insurance (Residential Building Work)**

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

*Note: This condition does not apply to the extent to which an exemption is in force under Section 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Section 187(6) or 188(4) of the Act, or to the erection of a temporary building.*

**7. 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.*

**8. 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) *Sydney Water* – the submission of a ‘Notice of Requirements’ under s73 of the Sydney Water Act 1994.
- c) *Telstra* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

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

## **9. Acoustic Details**

- a) The Construction Certificate plans for each stage of the development must:
  - i) Demonstrate compliance with the recommendations of the Addendum Acoustic Assessment ref: 2104729, prepared by Wilkinson Murray, dated 9 July 2021; and
  - ii) Incorporate the specific ‘Noise Control Treatment Inclusions’ detailed in the Addendum to RWDI Report 2104729, prepared by RWDI Australia Pty Ltd, dated 24 August 2021, (TRIM: D08232863).

*Note: The habitable rooms must satisfy the requirements of Clause 102(3) of the State Environmental Planning Policy (Infrastructure) 2007. The road traffic noise from Galston Road must be suitably mitigated by the use of durable materials.*

## **10. Access and Mobility**

The Construction Certificate drawings for each stage of the development must demonstrate compliance with the standards concerning accessibility and useability for self-contained dwellings (serviced self-care housing) in Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability)* 2004, ~~the Access report prepared by Campbell Luscombe Architects received by Council on 15 August 2014~~ and the Accessibility Report ref: 10054 prepared by Purely Access dated 5 April 2021.

## **11. Retaining walls**

A plan of all retaining walls and earthworks must be prepared by a chartered geotechnical and structural Engineer for each stage of the development.

### **11A. Waste Management Details**

- a) Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste management system or the waste collection vehicle travel path on site, then written clarification must be obtained from Council.
- b) There must be no steps along any bin carting route. Ramps and service lifts are acceptable.
- c) 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).
- d) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste carting route from each apartment unit

to their communal bin storage room has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:

- i) The route is direct, does not cross into a private lot, and is wholly within property boundaries (does not include the public footpath or road); and
  - ii) The route is as short as possible and does not exceed 30m walking distance; and
  - iii) The route is an accessible path of travel for persons with a disability in accordance with *AS1428 Design and access for mobility*.
- e) The residential component and non-residential component (Leisure Centre and auxiliary facilities) of the development must have separate and self-contained waste management systems, including separate bin storage areas. Commercial tenants must not have access to the residential waste/recycling bins and vice versa.
- f) A bulky waste storage area of at least 8 square metres must be provided for each apartment building. The hard waste collection point No. 2 is to be located no closer than 1m from the turning head.
- g) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage room(s) for the apartment buildings and the leisure centre building have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines 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 coved 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, with a door opening of no less than 1.0m. The doors must be able to be opened from inside the room without a key.
  - vii) The room must be accessible by persons with a disability (in accordance with *AS1428 Design and Access for Mobility*) after the garbage bins and recycling bins are installed with every bin being accessible (no stacking of bins 2 or more deep);
- h) A design certificate from a qualified traffic engineer and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the kerbside throughout the site as detailed in the Waste



Management Plan and the Traffic Report. 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 near the bins, load bins, make all necessary turns 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 on site and loading bay
  - iii) The installation of overhead cables, lights, signs etc will not reduce the vertical clearance of the waste collection vehicle travel path on site to less than 4.5m.
  - iv) The waste collection vehicle must be able to manoeuvre around the site with limited need for reversing
  - v) The grades along the entire travel path of the waste collection vehicle on site must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle
  - vi) The vehicle ground clearance is sufficient to prevent scraping
  - vii) All pavement has been designed to carry the load of the heavy rigid vehicle.
- i) Each stage of the development must be capable of being serviced for waste collection prior to the completion of that stage. This capability must be retained throughout all subsequent stages of the development.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**12. 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.

**13. 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.*

#### 14. 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 temporary chemical closet approved under the *Local Government Act 1993*; or
  - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*.

#### 15. 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.*

#### 16. Tree Protection Barriers/Tree Protection Measures

~~Site perimeter fencing must be erected prior to the placement of Tree protection fencing.~~

~~Tree Protection Zones (TPZ) are to be fenced in accordance with AS 4970-2009 (Section 4) at the distances as listed in the table below and the fencing must be constructed of 1.8 metre 'cyclone chainmesh fence'~~

<b>TREES</b>	<b>TPZ</b>
T3	6m
T49	8.4m
T51, T52	10.8m
T53	9.6m
Tree Group B as identified in Landscape Plan No.1 prepared by Michael Zinn dated December 2010.	7.2m

~~A certificate from the project Arborist (AQF 5) is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with the above table and AS 4970-2009 (Section 4) prior to commencement of works for any stage of the development.~~

- a) Trees to be retained and numbered 15, 16, 17, 18, 42 and 43 as identified on the Tree Location Plan and Tree Protection Plan provided by Council's Tree Management Team dated 18 September 2020 (TRIM D08011184) must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
  - i) For the duration of demolition works, in accordance with the Tree Protection Plan for prepared by Tree Location Plan and Tree Protection Plan provided by Council's Tree Management Team dated 18 September 2020.
  - ii) For the duration of construction works, in accordance with Tree Location Plan and Tree Protection Plan provided by Council's Tree Management Team dated 18 September 2020.
- b) Tree protection fencing for the trees to be retained numbered 15, 16, 17, 18, 42 and 43 must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with *Australian Standard AS4687-2007 Temporary fencing and hoardings*.
- c) The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- d) The installation of all required tree protection fencing must have a TPZ radius as listed in the Table below:

Tree number	TPZ radius from centre of tree
15	7.6
16	7.8
17	8.4
18	2
42	4.2
43	2

- e) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- f) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
- g) Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the wood-chip must be covered with a layer of geotextile fabric and rumble boards.

<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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**17. 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.

**18. Right-of-access**

Right-of-access to DP 601822 at the rear must be maintained at all times.

**19. Presence of asbestos**

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

**20. Construction Noise Management**

The construction works must be undertaken in accordance with the ~~“Interim Construction Noise Guidelines – 2009” published by DECCW~~ Addendum Acoustic Assessment, Ref: 2104729 prepared by Wilkinson Murray, dated 9 July 2021 and the Interim Construction Noise Guidelines - 2009 published by DECCW.

**21. Council Property**

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

**22. Environmental Management**

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

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.

**23. Street Sweeping**

Street sweeping must be undertaken following sediment tracking from the site along Galston Road during works for all stages of the development and until the site is established for that stage.

**24. Works near Trees**

~~All required tree protection measures are to be maintained in accordance with AS 4373-2009 (Section 4) for the duration of the construction period for all stages of the development.~~

~~All construction works within the Tree Protection Zones (TPZ) of trees T51, T52, T53 & Tree Group B must be conducted under the supervision of the Project Arborist.~~

~~The construction work area within a TPZ must not exceed 20% of the TPZ, and an area equivalent to the encroachment area must be compensated for elsewhere and be contiguous with the TPZ for the duration of the construction period.~~

- a) The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:
  - i) Soil cutting or filling, including excavation and trenching
  - ii) Soil cultivation, disturbance or compaction
  - iii) Stockpiling storage or mixing of materials
  - iv) The parking, storing, washing and repairing of tools, equipment and machinery
  - v) The disposal of liquids and refuelling
  - vi) The disposal of building materials
  - vii) The siting of offices or sheds
  - viii) Any action leading to the impact on tree health or structure
- b) The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees numbered 15, 16, 17, 18, 42 and 43 on the approved plans.
- c) Tree Protection Measures must be maintained by the project arborist in accordance with Condition No. 4 of this consent for the duration of works.
- d) The new driveway must be constructed using the following process:
  - i) To minimise soil compaction the proposed driveway must be built above grade using sensitive construction techniques in the form of piers or screw pilings.
  - ii) To minimise soil compaction all imported material in the vicinity of the replacement driveway must be distributed by hand.
- e) No changes of grade within the Tree Protection Zone of trees to be retained numbered 15, 16, 17, 18, 42 and 43 on the approved plans, are permitted.
- f) To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered 15, 16, 17, 18, 42 and 43 on the approved plans, the installation of services must be undertaken as follows:
  - i) The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
  - ii) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
  - iii) For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.

- g) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
  - i) Installation of a 100mm deep layer of woodchip and;
  - ii) Installation of geotextile fabric ground covering and;
  - iii) Installation of scaffold boarding above the woodchip and geotextile fabric.
- h) The 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 of any tree to be retained.

## **25. 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.

## **26. Landfill**

Landfill must be constructed in accordance with Council's ~~'Construction Specification, 2005'~~ AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- ~~a. All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material approved under the Department of Environment and Climate Change's general resource recovery exemption.~~
- 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 as its request.

A certificate must be submitted by a suitably qualified chartered geotechnical engineer certifying all fill has been compacted in accordance with Council's ~~Design and Construction Specification 2005~~ AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)).

## **27. 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.

## 28. Waste Management Details

- a. ~~Demolition work and construction of the development must be carried out in accordance with the Waste Management Plan, dated 15 July 11 (unless amended by other conditions of this development consent) and in accordance with Council's Waste Minimisation & Management Development Control Plan and Guide for the Demolition Stage (Section One) and the Construction Stage (Section Three) of the development.~~
- b. ~~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 for each stage:~~
  - ~~• The identity of the person removing the waste;~~
  - ~~• The waste carrier vehicle registration;~~
  - ~~• A description of the waste (type of waste and estimated quantity);~~
  - ~~• The site to which the waste is to be taken;~~
  - ~~• The corresponding tip docket/receipt from the site to which the waste was transferred (noting date and time of delivery, description (type and quantity) of waste);~~
  - ~~• 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/material, regardless of whether it is reused, recycled or disposed to landfill.*~~

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 weighbridge 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.*

#### **28A. 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.*

#### **28B. 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 tightfitting 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.

#### **28C. 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 prior to the issue of a Construction Certificate.

The CMP must include the following details:

- a) 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.
- b) 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.
- c) 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:
- 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 proposed to be retained during construction works.
  - iii) Specifications on tree protection materials used and methods within the TPZ or SRZ.
  - i) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.

- d) Identification of approved sediment and erosion control measures.
- e) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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**29. Fulfilment of BASIX Commitments**

The applicant must demonstrate the fulfilment of BASIX commitments pertaining to the development works in each stage of the development.

**30. Sydney Water – s73 Certificate**

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

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

**31. Damage to Council Assets**

~~Any damage caused to Council's assets as a result of the construction of the development must be rectified in accordance with Council's written requirements and at the sole cost of the applicant.~~

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](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)). Rectification works must be undertaken prior to the issue of an Final Occupation Certificate, or sooner, as directed by Council.

**32. Access and Mobility Compliance**

A suitably qualified access consultant must certify compliance with the Access and Mobility requirements as required in Condition 10 for each Stage.

**33. Internal Driveway/Vehicular Areas**

The driveways and parking areas on site relevant to each stage of the development must be designed in accordance with *Australian Standards AS2890.1 Parking facilities - Off-street car parking*, *AS2890.2 Parking facilities - Off-street commercial vehicle facilities*, *AS3727 Pavements* and the following requirements:

- a) Design levels at the front boundary be obtained from Council.
- b) The driveways be rigid pavements.
- c) The driveway grades must not exceed 15 percent and changes in grade, as well as provision for three-point turn truck turning areas must be capable of accommodating Council's standard garbage vehicle.
- d) The pavement has a centre vee drain with a maximum cross fall of 2.5% vee inlet pits provided on grade and in low points or provision of a kerb at the lower side of the

driveway with inlet pit, to collect any surface water from the pavement, designed to comply with *Australian Standard AS1428 Design for access and mobility*.

- e) Retaining walls required supporting the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- f) The provision of safety rails to prevent vehicles falling off the edges of the driveway where there is a level difference more than 0.6 metres and a flatter than 1:4 batter cannot be achieved.
- g) To permit adequate manoeuvring for vehicles, non-through road driveways may incorporate roll top kerbs and kerb inlet drainage control.
- h) Conduit for utility services including electricity, water, gas and telephone be provided.

*Note: A construction certificate is required to be obtained prior to commencement of works.*

*Note: Council's standard waste collection vehicle is a heavy rigid vehicle.*

### **34. Compliance with the Waste Management Plan**

A report(s) must be prepared by the principal contractor and submitted to the principal certifying authority after the completion of each stage, including the following:

- a) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type has been made;
- b) Any deviations from the Waste Management Plan (including, but not limited to, types of waste, quantities of waste, destinations of waste, reuse and recycling achieved) have been explained;
- c) Certifying that all waste was taken to site(s) that were lawfully permitted to accept that waste;
- d) Certifying that at least 60 % waste generated was reused or recycled;

*Note: If the 60% diversion from landfill was not achieved in the Demolition Stage and/or Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed in the demolition and construction stages to implement the Waste Management Plan.*

*The Report(s) is to be prepared on the basis of documentary evidence (i.e. tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures, Licence and/or development consent of site(s) receiving waste, etc) which should be attached to the Report.*

### **35. Waste Management Details**

The following waste management requirements must be complied with for each stage of the development:

- a) ~~The bins for the individual dwellings and the Community centre must be screened from public view.~~

- ~~b) Each dwelling/kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste generation with separate containers for general waste and recyclable materials.~~
- ~~c) Space must be provided for either individual compost containers for each unit or a communal compost container;~~
- ~~d) *Note: The location of the compost containers should have regard for potential amenity impacts.*~~
- ~~e) The bin carting route must be devoid of any steps.~~
- ~~f) No parking signs must be erected to prohibit parking in the waste collection vehicle turning areas.~~
- ~~g) The communal bin storage rooms must include water/hose for cleansing, graded floors with drainage to sewer, robust door(s), sealed/impervious surfaces, adequate lighting and ventilation.~~
- ~~h) A site caretaker must be employed and be responsible for moving bins to and from the bin storage area(s) and the waste collection point, washing bins and maintaining storage areas, managing the communal composting area, arranging the prompt removal of dumped rubbish, and ensuring all residents are informed of the waste management system.~~
- 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 of the constructed stage. 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 routes 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. For staged occupation (where the Occupation Certificate will be limited to a portion of the development):
  - i) Prior to the issue of the occupation certificate or the use commencing, whichever is earlier, for each stage of the development the waste management system (including but not limited to the bin storage room, bin holding bay, the road/accessway and vehicular crossover, loading bay and truck turning area, as applicable) for that stage, must be completed.
  - ii) Once a stage has been occupied or the use has commenced, whichever is earlier, the road, vehicular crossover, accessway, loading bay and turning areas used by the waste collection vehicle to service that stage, must be maintained in a condition acceptable to Council during all subsequent construction stages.
- c) 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.*

- d) Each residential dwelling and the Leisure Centre kitchen 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) The bin storage room(s) in the apartment buildings and Leisure Centre must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surfaces, robust door(s), adequate lighting and ventilation, and must be lockable.
- g) A survey of the finished access way (including road, ramp, waste collection vehicle turning area and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority and to Council. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to Council and 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).
- h) "No parking" signs must be erected to prohibit parking in the waste collection vehicle turning area(s).

### **36. 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 waste collection must be granted to Council by the owner of the land after the completion of each stage of the development.

*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 waste 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 waste against liability in respect of any such claims made by any person whomsoever.*

### **37. Completion of Landscaping**

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience after each stage of the development certifying that all

required landscaping works have been satisfactorily completed in accordance with the approved landscape plans.

### **38. Maintain Canopy Cover**

- a) To maintain canopy cover, trees are to be planted in accordance with the approved Landscape Plans ~~Plans No.1 and 2 prepared by Michael Zinn dated December 2010~~ prepared by Deep Rainforest, dated July 2021 in the relevant stages of the development.
- b) A minimum of 50 trees that are identified on the landscape plan must be as per the following:
  - i) All replacement trees must be located in either 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 trees must be a minimum 45 litres
  - iii) All replacement trees must be a minimum of 3 metres in height.
  - iv) All replacement trees must have the potential to reach a mature height greater than 10 metres.

### **39. Final Certification**

~~The project arborist must assess the condition of the retained trees and their growing environment and make recommendations for, and if necessary carry out remedial actions after the completion of each stage of the development and prior to the issue of the occupation certificate,~~

~~Following the final inspection and the completion of all remedial works, the Project Arborist must certify completed works have been carried out in compliance with the approved plans, conditions of consent and AS 4970-2009.~~

The AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:

- a) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works and;
- b) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans and;
- c) Dates, times and reasons for all site attendance and;
- d) All works undertaken to maintain the health of retained trees and;
- e) Details of tree protection zone maintenance for the duration of works and;
- f) A statement to confirm that tree replacement planting meets NATSPEC guidelines and the approved landscape plan.

*Note: Copies of monitoring documentation may be requested throughout DA process*

#### 40. Installation of Air Conditioner

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

#### 41. S7.11 Infrastructure Contributions

The payment to Council of a contribution of the following amounts for ~~ninety-five~~ 88 additional dwellings towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*:

~~Stage 1 – \$109,586.95 for thirteen self contained dwellings~~

~~Stage 2 – \$140,324.65 for fourteen self contained dwellings~~

~~Stage 3 – None~~

~~Stage 4 – \$110,255.25 for eleven self contained dwellings~~

~~Stage 5 – \$300,695.35 for thirty units~~

~~Stage 6 – \$280,649.35 for twenty-eight units~~

Stage 1: \$400,932 for all roads, Leisure centre, (4 units) and all 40 villas

Stage 2: \$260,605.80 for Apartment No. 2 - 26 units

Stage 3: \$180,419.40 for Apartment No. 1 - 18 units

Credit of existing dwelling house at \$20,000 for a total of \$862,050

The above payments must be made prior to the issue of the Occupation Certificate for that stage of the development.

*Note: The contribution is calculated at the rate of \$10,023.30 x ~~96~~ 88 Seniors Housing dwellings and includes a credit of \$20,000 for the existing dwelling-house as calculated at the 24 January 2012. The contribution will be adjusted from this date in accordance with the underlying consumer price index for subsequent financial quarters.*

*\* It is recommended that you contact Council to confirm the value of the contribution prior to payment*

#### 41A. Acoustic Verification

- a) Prior to the Issue of an Occupation Certificate, a report must be prepared by a suitably qualified Acoustic Consultant and submitted to the Principal Certifying Authority and the Council. The report must verify the development has been constructed in accordance with the Addendum Acoustic Assessment ref: 2104729, prepared by Wilkinson Murray, dated 9 July 2021 and the specific 'Noise Control Treatment Inclusions' detailed in the Addendum to RWDI Report 2104729, prepared by RWDI Australia Pty Ltd, dated 24/8/21;



- b) The Report must include suitable mitigation measures for any non-compliances identified, which shall be implemented upon written approval of the Council and prior to the issue of an Occupation Certificate.

#### **41B. Certification of RFS Requirements**

A Certificate prepared by a BPAD accredited Bushfire Consultant is to be provided to the Principal Certifying Authority (PCA) certifying the completion of all works required by the NSW RFS General Terms of Approval (GTAs) prior to the issue of the Occupation Certificate.

<b>OPERATIONAL CONDITIONS</b>
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#### **42. Site Security**

Site security measures implemented on the property, including electronic gates, must not prevent access to the bin collection points by waste removal services.

#### **43. Car Parking and Deliveries**

All car parking must be constructed and operated in accordance with *Australian Standard AS2890.1-2004 Off-street car parking* and *Australian Standard AS2890.2-2002 Off-street commercial* and the following requirement:

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

#### **44. Waste Management**

~~The Community Centre tenants must keep written evidence on site of a valid contract with a licensed waste contractors for the regular collection and disposal of the waste and recyclables that are generated at the Community Centre.~~

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

- a) The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- b) All commercial tenant(s) must keep written evidence on site of a valid and current contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- c) 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.
- d) 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.



- e) 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, managing the communal composting area and worm farm, managing the bulky item storage area(s), 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.), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents and commercial tenants 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.
- f) 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. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages.  
*Note: Council may be able to assist with signage.*
- g) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
- h) Vegetation adjacent to the driveway/accessway/roadway must be regularly pruned to maintain a 4.5m vertical clearance over the driveway/accessway/roadway and to ensure the vegetation does not encroach on the vehicular travel path.

#### **45. Landscape Establishment and Maintenance - ongoing**

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 shall include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

#### **46. 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.

#### **46A. Operation of the Leisure Centre**

- a) The hours of operation of the Leisure Centre are restricted to those time listed below:

Monday to Thursday:	7am to 10pm
Friday & Saturday:	7am to 12midnight
Sunday & Public Holidays:	8am to 10pm

- b) Operational sound transmission from the use of the Leisure Centre, inclusive of mechanical plant, must not exceed 35dB(A) when measured as a Leq 15 minute within the living areas of any of the first floor apartments numbered 101-104, between 7am and 10pm, Monday to Saturday and 8am and 10pm on Sundays and Public Holidays.
- c) Noise generated by operation of the Leisure Centre after 10pm must not be audible within any of the first floor apartments numbered 101-104.
- d) All glazing (windows and doors) to the Pool area and Fitness room must be kept closed after 6pm daily.
- e) The Alfresco area adjoining the northern elevation of the Pool area and Bar/Lounge areas must not be used after 10pm daily.
- f) All facilities within the Leisure Centre must only be used by residents of the independent living units and, when in accompaniment of a resident, their guests.
- g) The outdoor putting green and bocce court must not be artificially illuminated.
- h) Exercise classes are limited a maximum of 25 people per lesson.
- i) Aqua classes are limited to a maximum of 12 people per class.
- j) Cleaning and maintenance activities within the Leisure Centre must be carried out within the approved Leisure Centre hours of operation.
- k) The Leisure Centre must be operated generally in accordance with the approved Operations and Activities Schedule.
- l) Except as otherwise stated by the conditions of this consent, operational sound transmission from use of the Leisure Centre, inclusive of mechanical plant, must not exceed the following levels when assessed as a Leq 15 minute at any residential premises:
  - i) 44dB(A), 7am to 6pm on Monday to Saturday and 8am to 6pm on Sunday and public holidays;
  - ii) 43db(A), 6pm to 10pm on Monday to Sunday;
  - iii) 36dB(A) after 10pm, Friday and Saturday.

*Note: Notwithstanding the requirements of this condition, the Protection of the Environment Operations (Noise Control) Regulation regarding residential premises apply to this development.*

<b>ADDITIONAL CONDITIONS APPLICABLE TO STAGE 1 OF THE DEVELOPMENT</b>
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<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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**47. Dam water**

Discharge of water from the dam is to be undertaken in accordance with the publication 'Soils and Construction 2004 (Bluebook)' and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures to prevent sediment run-off and/or turbid water

entering the creek. Flow rates are to be restricted so that no bank scouring or erosion occurs due to the discharge.

#### **48. Demolition**

All demolition work must be carried out in accordance with *Australian Standard AS2601-2001 Demolition of structures* and the following requirements:

- a) Demolition material is to be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *SafeWork NSW* in accordance with the *Work Health and Safety Regulation 2017* and be appropriately transported and disposed of in accordance with the *Protection of the Environment Operations (Waste) Regulation 2014*; and
- c) On construction sites where buildings contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm must be erected in a prominent position visible from the street.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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#### **49. Services to be provided by retirement village operator**

The applicant must demonstrate that there are contracts in place which require the retirement village operator to provide on-site services to all stages of the development prior to first occupation as follows:

- a) The operator of the retirement village must provide on-site meals, cleaning services, personal care and nursing care to residents of the development.
- b) The operator of the retirement village must implement a Management Plan for the provision of on-site services that details the following:
  - i) The name and contact details of the service provider and the person to be contacted concerning the provision of the service.
  - ii) The extent and range of the services to be provided and the cost for the provision of those services.
  - iii) The details of accreditation for the service providers and the contract period for the service delivery.
  - iv) The method of delivery, hours for the provision of the service and the expected timeframes for service provision.
  - v) The details of service provision for 24 hour emergency contact.
- c) A copy of the Management Plan is to be made available to all residents of the development and is to be kept updated by the operator of the retirement village for any change to the Plan.

- d) An on-site caretaker is to be contracted for the ongoing maintenance and operation of the development including the waste water management system and the water supply system, as part of the Management Plan.

**50. Community Centre**

The temporary community leisure centre to be used for Stages 1 and 2 as approved under this development consent must be completed and be operational from issue of the first occupation certificate. The approved Leisure Centre is to be completed prior to release of the final occupation certificate released for Stage 2.

**51. Site Contamination**

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the "Contamination Assessment" prepared by Douglas Partners Pty Ltd document number 71406.01 dated March 2010.

**52. On-site sewerage disposal facility**

- a) An on-site sewage management system, separately approved under the *Local Government Act 1993*, must be installed, commissioned and certified by a licensed plumber in accordance with *Australian Standard 1547 – Onsite Domestic Wastewater Management (2000)* and *Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998)* - *On-site domestic wastewater management and Management of Private Recycled Water Schemes*.
- b) All construction works including the road works relating to the approved on-site sewerage management facility must be completed and be operational.
- c) In the event where a sewer connection is made with Sydney Water, the developer shall be responsible to remove sewage tanks, associated fittings and the service access road. The area is to be reinstated and landscaped. An amended detailed landscape plan for this area is to be lodged with Council for review prior to sewer connection or final occupation certificate, whichever comes first.

**53. Bus service**

A dedicated shuttle bus service for the use of the residents of the development must be provided ~~in accordance with the Statement of Environmental Effects~~. This bus is to be capable of carrying at least 12 passengers.

**54. Stormwater Drainage**

The stormwater drainage system for impervious areas within the site must be designed and constructed for an average recurrence interval of at least 20 years and be gravity drained in accordance with the following requirements:

- a) Impervious areas to be connected to the existing internal drainage system and the proposed on-site detention system, draining to the natural watercourse drainage system.
- b) In order to avoid nuisance flooding, upstream flows are to be captured by a swale drainage system capable of draining the 100 year average recurrence interval (ARI) upstream storm flow and conveyed overland to a Council-controlled drainage system.
- c) All pits are to be benched off to their outlet inverts. Sumps are not required anywhere in the drainage system.
- d) All pits are to be cast in-situ, with integral extended kerb inlets designed and constructed on grade and at sag points.
- e) A pit and pipe drainage system is to be constructed within the widened Galston Road road reserve. Council's standard extended kerb inlet pits and pipes are to be designed for an alignment determined by edge of seal or kerb and guttering resulting from design of right turn treatments, medians and access road works.

*Note 1: A construction certificate is required to be obtained for the above works.*

*Note 2: The design of the relevant road works and all other related works are to be endorsed by Roads and Marine Services of NSW prior to the issue of the Construction Certificate.*

## **55. On Site Stormwater Detention**

Provision must be made for design and construction of on-site stormwater detention system by a chartered civil engineer and constructed in accordance with the following requirements:

- d) Have a capacity of not less than 71150 cubic metres, and a maximum discharge (when full) of 700 482 litres per second.
- e) High Early Discharge pits are not used.
- f) Have a surcharge/inspection grate located directly above the outlet. Emergency overflow weir systems shall be designed and constructed for excesses of the 100 year ARI and disposed of to the downstream drainage system.
- g) 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 drainage system.

*Note: A construction certificate is to be obtained prior to commencement of such works.*

## **56. Road Works**

All road works approved under this consent must be constructed in accordance with Council's ~~Civil Works Design and Construction Specification, 2005~~ AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- a) All centre medians, pedestrian refuges, bus stops and shelters with accessible pavements, deceleration/merge lane, channelised right turn treatment, road pavement and resealing work, and associated shoulder pavement and sealing works as

applicable to be constructed generally in accordance with conditions of this development consent and RMS-endorsed construction certificate plans.

- b) To provide adequate pedestrian access, Council's standard 80mm thick concrete footpaths is to be reconstructed within the road reserve across the frontage of the site, to connect the site's internal pathway system with Council's paved footpath network.
- c) For safety, the Galston Road frontage of the site must be adequately illuminated with Council's standard luminaries in accordance with *Australian Standard AS1158 Lighting for roads and public spaces* (lighting Category V3).
- d) 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.

*Note 1: A construction certificate is to be obtained for the above works*

*Note 2: Pursuant to the Roads Act 1993, the road works plans must be submitted to NSW RMS's Traffic Project Section, Parramatta Branch, for consideration and approval prior to release of a Construction Certificate. Lodgement of construction plans with RMS may incur additional fees for inspections, processing costs and performance bonds.*

*Note 3: Signage, line marking, and services relocation must be shown on the construction plans.*

## **57. Road Widening**

All structures and truck standing areas are to be located clear of the lot area required to widen Galston Road.

## **58. Vehicular Crossings**

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of the new concrete vehicular access crossings and gutter laybacks and the removal of any redundant crossing. The vehicular crossing must be constructed in accordance with ~~Council's Civil Works Design, 2005~~ AUS-SPEC Specifications ([www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions](http://www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions)) and the following requirements:

- a) Any redundant crossings to be removed and matched to finished ground levels.
- b) Crossings shall be designed and constructed as standard concrete crossing slabs and laybacks to ensure continuity of footpath grade without use of pram ramps.
- c) The footway area to be restored by turfing.
- d) Council's standard road shoulder to be constructed adjacent to the crossings to match the channelised carriageway.

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

*Note 2: A construction certificate is to be obtained for such works.*

## **59. Creation of Easements**

The following matters must be nominated on the title of the subject property 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/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
- b) To register the OSD easement, the restriction on the use of land *"works-as-executed"* details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations.

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

- c) The creation of a positive covenant over requiring the footings of any structures on land that has been filled more than 300mm must be designed by a chartered structural engineer.
- d) The creation of a drainage easement in favour of the subject site over the adjoining property Lot 21, DP 851940.

## **60. Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road assets, refuges, medians, pavements, kerb & gutter, public drainage systems, driveways, internal drainage works, catch drains and on-site detention systems relevant to each stage of the development.

## **61. Restriction on Occupation – Housing for Seniors or People with a Disability**

A restriction as to user must be created under s88BE 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.
- 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.*



## OPERATIONAL CONDITIONS

### 62. Noise – plant and Machinery

~~All noise generated by the proposed development must be attenuated to prevent levels of noise being emitted to adjacent premises which possess tonal, beating and similar characteristics or which exceeds background noise levels by more than 5dB(A).~~

~~An acoustic assessment is to be undertaken by a suitably qualified environmental consultant within 60 days of occupying the site in accordance with the *Environment NSW Industrial Noise Policy (2000)*, *Council's Policy and Guidelines for Noise and Vibration Generating Development (Acoustic Guidelines V.5, 2000)* and the *DECC's Noise Guide for Local Government (2004)*. The assessment must be submitted to Council for review. Should the assessment find that noise from the premise exceeds 5dB(A) appropriate measures must be employed to rectify excessive noise.~~

- a) All mechanical plant noise generated by the development when assessed as a Leq, 15 minutes at any affected point on or within any residential premises must not exceed the following criteria:
  - i) i. 7am to 6pm, 44dB(A);
  - ii) ii. 6pm to 10pm, 43dB(A);
  - iii) iii. Between 10pm AND 7am (8am on Sundays), 36dB(A).
- b) Where such noise being emitted to residential premises possess tonal, beating or similar characteristics a correction factor of 5dB(A) shall be added to the measured level in accordance with the NSW EPA's Noise Policy for Industry.

*Note: Notwithstanding the requirements of this condition, the Protection of the Environment Operations (Noise Control) Regulation regarding residential premises apply to this development.*

## ADDITIONAL CONDITIONS APPLICABLE TO STAGE 3 OF THE DEVELOPMENT

## REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

### 63. 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.~~

- a) 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.*

- b) Prior to the commencement of the business, the operator is required to contact Council's Public Health Team to arrange for a Health Officer to carry out an inspection of the premises to ensure compliance with the *Australian Standard AS4674-2004 Design and fit out of food premises*, the *Food Act 2003*, *Food Regulation 2015* and the Australia New Zealand Food Standards Codes.
- c) A letter of compliance provided by Hornsby Shire Council's Health Officer must be submitted to the Principal Certifier prior to an occupation certificate being issued.

*Note: Council's Public Health team can be contacted on 02 9847 6014*

**64. Grease Trap Installation**

A permanent grease trap must be installed for all kitchen wastewater in accordance with the requirements of *Australian Standard 3500-1998, National Plumbing Code*. A licensed plumber must submit a Certificate of Compliance to the principal certifying authority certifying that all plumbing and drainage works have been carried out in accordance with the prescribed standards.

**65. 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*.

**66. Community Centre completion**

The approved community centre/Leisure Centre for the retirement village must be completed and operational.

**CONDITIONS OF CONCURRENCE - TRANSPORT FOR NSW**

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

**67. Works within Galston Road and RMS reserve**

- a) A Channelised Right Turn (CHR) must be provided on Galston Road, at its intersection with the proposed access to the subject site to maintain traffic efficiency and road safety. The CHR facility is to be constructed and be operational prior to the issue of the Occupation Certificate for Stage 1 of the proposed development.

The abovementioned works must be designed in accordance with RMS's Road Design guidelines and Australian Codes of Practice. The plans must be submitted prior to the release of the Construction Certificate for Stage 1 and be endorsed by a suitably qualified person. The certified copies of the civil works plans must be submitted to RMS for consideration and approval prior to the commencement of any road works associated with the development.

*Note 1: The proposed CHR would require local widening of Galston Road.*

*Note 2: The RMS fees for administration, plan checking, civil works inspection and project management is to be paid by the applicant prior to the commencement of any road works.*

*Note 3: The applicant may be required to enter into a Work Authorisation Deed (WAD) for the abovementioned works on the classified road system. The WAD is required to be executed to RMS's satisfaction.*

*Note 4: The developer is responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*

- b) No works are permitted within the restricted development area along the Galston Road frontage of the site and subject to Road widening.
- c) The design and construction of a vehicular crossing fronting Galston Road Australian Standards specifications and RMS's guidelines.

*Note: Please contact Project Service Manager, Traffic Projects Section, Parramatta on 88492144 for details of design requirements.*

- d) The construction and demolition vehicles must be contained wholly within the site as a work zone permit is not approved on Galston Road.
- e) No "Zebra Crossings" are permitted at the entrance to the site on Galston Road or within the site.

#### **68. Works within the site**

A 2.5 metre wide median is to be provided at the entrance to the site in lieu of the Zebra Crossing, to improve the safety of pedestrians and cyclists travelling along Galston Road.

#### **69. Excavation works**

- a) Details drawings and geotechnical reports relating all excavation works in the relevant stages of the development must be submitted to RMS for assessment, prior to the release of the construction certificate for that stage. The report(s) must include the following key issues:
  - i) The impact of excavation/rock anchors on the stability of Galston Road and detailing how the carriageway would be monitored for settlement.
  - ii) The impact of excavation on the structural stability of Galston Road.
  - iii) Any other relevant issue that needs to be addressed, being particular to the site.

*Note1: The applicant/developer is to meet the full cost of assessment by the RMS.*

*Note 2: Please contact RMS's Project Engineer, External Works on 88492114 (Fax: 88492766) for information in this matter.*

- b) Should it be necessary to excavate below the level of the footing of the adjoining roadway, the person acting on this development consent must provide a notice of

intention to commence works below the base of the footings, to the owner of the roadway, at least seven days prior to the commencement of such works.

**70. Design and Construction**

The design and construction of the gutter crossing works on Galston Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [developerworks.sydney@rms.nsw.gov.au](mailto:developerworks.sydney@rms.nsw.gov.au). Detailed design plans of the proposed gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@rms.nsw.gov.au](mailto:development.sydney@rms.nsw.gov.au).

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

**71. Stormwater discharge**

The post-development storm water discharge from the subject site into the TfNSW drainage system should not exceed the pre-development discharge. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system on Galston Road should be submitted to TfNSW for review.

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

**72. Construction Vehicles**

All vehicles are to be wholly contained on site before being required to stop.

**73. Swept Path**

The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.

**74. Road Occupancy Licence (ROL)**

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Galston Road during construction activities. A ROL can be obtained through

<https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

**75. Public utilities**

The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

## **76. Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- a) The provision of water, electricity and gas must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

## **77. Landscaping Assessment**

The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities. To achieve this, the following conditions shall apply:

- a) Landscaping of the site should comply with following principles of Appendix 4 of *Planning for Bush Fire Protection 2019*:
- b) Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- c) Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- d) Planting is limited in the immediate vicinity of the building.
- e) Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- f) Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- g) Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- h) Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- i) Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- j) Climbing species are avoided to walls and pergolas.
- k) Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- l) Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- m) Low flammability vegetation species are used.

## **78. Emergency and Evacuation Planning Assessment**

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- a) A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*.
- b) The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.

*Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.*

**- 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 1992**

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](http://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](http://www.environment.nsw.gov.au)

[www.adfa.org.au](http://www.adfa.org.au)

[www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)

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

### **House Numbering**

House numbering can only be authorised by Council. Before proceeding to number each premises in the development, the allocation of numbers is required to be obtained from Council's Planning Division. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.



### **No cost to RMS**

All works, and regulatory signage are to be at no cost to RMS.