

COUNCIL ASSESSMENT REPORT

SYDNEY NORTH PLANNING PANEL

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| PANEL REFERENCE & DA NUMBER | PPSSNH-283 - DA/484/2011/K |
| PROPOSAL | Section 4.56 modification to Villas 26 to 46 to change villa layouts, amend internal driveway areas and amend community center design. |
| ADDRESS | Lot 1 DP 1211969, No. 392 Galston Road Galston |
| APPLICANT | Vigor Master |
| OWNER | 392 Galston Investment Pty Ltd |
| DA LODGEMENT DATE | 22 November 2021 |
| APPLICATION TYPE | Section 4.56 Modification |
| REGIONALLY SIGNIFICANT CRITERIA | Section 4.56 Modification |
| CIV | \$23,792,750.00 |
| CLAUSE 4.6 REQUESTS | N/A |
| KEY SEPP/LEP | <ul style="list-style-type: none"> • <i>State Environmental Planning Policy No. 55 Remediation of Land</i> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy (Infrastructure) 2007</i> • <i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i> • <i>Hornsby Local Environmental Plan 2013</i> |
| TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS | Nil Submissions Received |
| DOCUMENTS SUBMITTED FOR CONSIDERATION | Statement of Environmental Effects prepared by Vigor Master. Architectural Plans prepared by Vigor Master (as Amended). |
| SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24) | N/A |
| RECOMMENDATION | Approval |
| DRAFT CONDITIONS TO APPLICANT | Draft conditions will be provided to the applicant prior to the scheduled meeting date |

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| SCHEDULED MEETING DATE | 6 April 2022 |
| PREPARED BY | Ben Jones |
| DATE OF REPORT | 30 March 2022 |

EXECUTIVE SUMMARY

The application seeks to modify development application DA/484/2011 under Section 4.56 the *Environmental Planning and Assessment Act 1979*.

On 20 September 2011, the Joint Regional Planning Panel resolved to refuse DA/484/2011. The applicant appealed the refusal of the development application and on 12 January 2012 the Land and Environment Court upheld the appeal against the refusal, granting a deferred commencement consent, for a seniors living development comprising 76 self-care dwellings and a community centre.

The subject application seeks the following modifications:

- Modification to Villas 26 to 46 comprising of a redesign of the individual dwellings associated with Stage 2 of the development.
- Minor changes to road design to suit new villa layout.
- Changes to the landscape design, especially adjacent to the eastern side boundary to suit the new villa design; and
- Changes to the community centre (which were originally proposed under the refused modification application DA/484/2011/J).

DA/484/2011 has previously been subject to numerous modifications, most of which have been minor and targeted to a specific aspect of the development. Modifications of note include:

- DA/484/2011B/B approved on 5 February 2014. Modification 'B' staged the development into three stages and outlined works to be completed in each stage.
- On 24 October 2019, modification application (DA/484/2011/H) was lodged. Modification 'H' comprised amendments to facilities provided within the approved community centre, modifications to the building and accessway design for villas in Stage 1. Modification 'H' was approved by the Sydney North Planning Panel on the 17 December 2020.
- On 8 April 2021, modification application (DA/484/2011/I) was lodged. Modification 'I' comprised amendments to the staging arrangement. Modification 'I' was approved by the Sydney North Planning Panel on the 13 October 2021.
- On 1 July 2021, modification application (DA/484/2011/J) was lodged. Modification 'J' comprised amendments to the internal road design, community centre design, signage and conditions of development consent. Modification 'J' was refused by the SNPP on 24 February 2022 as the as the proposed modification failed to satisfy Clause 101(2)(b)(i) of State Environmental Planning Policy (Infrastructure) 2007 which requires development to demonstrate that the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of the design of the vehicular access to the land. The proposed modifications to the community centre proposed under Modification 'J'

(which were not identified as a reason for refusal) have been subsequently incorporated into the current Modification 'K' application.

The L shaped site comprises a single allotment of 3.641ha which adjoins the southern extremity of the Galston Village town centre. The site is zoned RU2 Rural landscape and relies upon a Site Compatibility Certificate to permit the use of the site for seniors housing. The site currently contains dwellings and infrastructure which has been constructed under Stage 1 of the development consent. Stages 2 and 3 have not yet been commenced, and as such the bulk of the site remains a construction site.

The proposed modifications are considered to be minor in nature and of minimal environmental impact subject to the imposition of appropriate amended conditions of development consent.

For the reason outlined above, Council recommends that the application be approved, subject to conditions.



Figure 2: Aerial view of site as of 17 February 2022

1.2 The Locality

The site forms part of the rural area on the southern side of Galston Village. The rural area includes a range of small-scale agricultural enterprises including horticulture and grazing. A number of holdings in the locality are primarily rural/residential and not used for commercial production. The Galston Village is a compact urban area clearly distinct from the surrounding rural area as defined by Galston Road and Mid-Dural Road on the southern side of the village.

The Mid-Dural Road frontage of the subject site is opposite a residential area of Galston.

The site is located 500m west of Galston village shops and 700m north of Galston High School and Galston Park recreation area.

The site includes a small area of remnant bushland along the Mid-Dural Road frontage of the site. The bushland is identified as Sydney Turpentine - Ironbark Forest (STIF) which is an endangered ecological community.

2. THE PROPOSAL AND BACKGROUND

1.1 The Proposal

The proposal seeks consent for modifications to Villas 26 to 46, which are associated with Stage 2 of the development, minor changes to road design to suit new villa layout and changes to the community centre as described below.

Villa Design

The supplied Statement of Environmental Effects (SEE), prepared by Vigor Master, describes the proposed changes to the Villas as follows:

The proposed modifications are limited to villas 26 to 46. The building changes can improve the internal accessibility and provide more circulation spaces. The change of the layout of accessway can provide better privacy and larger backyard for each villa. The detailed modifications are:

- *To change layout and driveway access of villas 26 to 43; and*
- *To change layout of villas 44 to 46.*

Villas 26 and 27 will get access from the new internal road serving villas 18 to 25. Villas 28 to 43 will access from the new accessway connecting to the internal road. There is no change to the vehicular access of villas 44 to 46. All modified 21 villas will have two private open spaces. The modified design provides better privacy comparing to the approved design containing clusters of buildings.

There is no change to the numbers of bedrooms and parking space.

The proposed modified villas, compared to the approved layout is demonstrated in Figures 3 and 4 below.

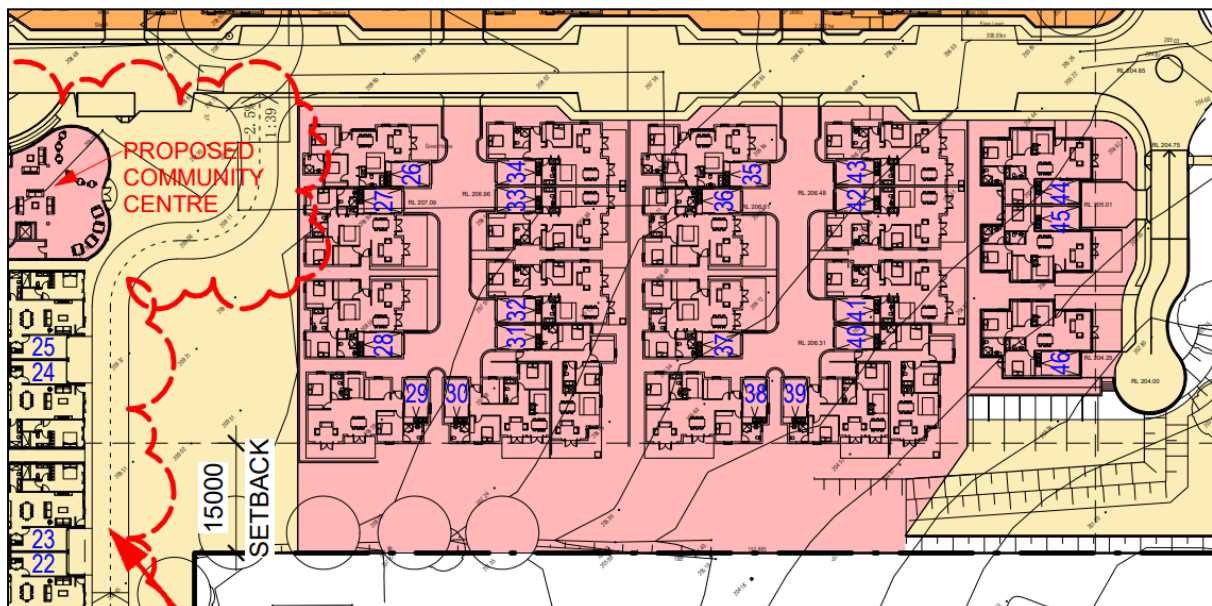


Figure 3: Currently Approved Stage 2 layout shown in Pink.

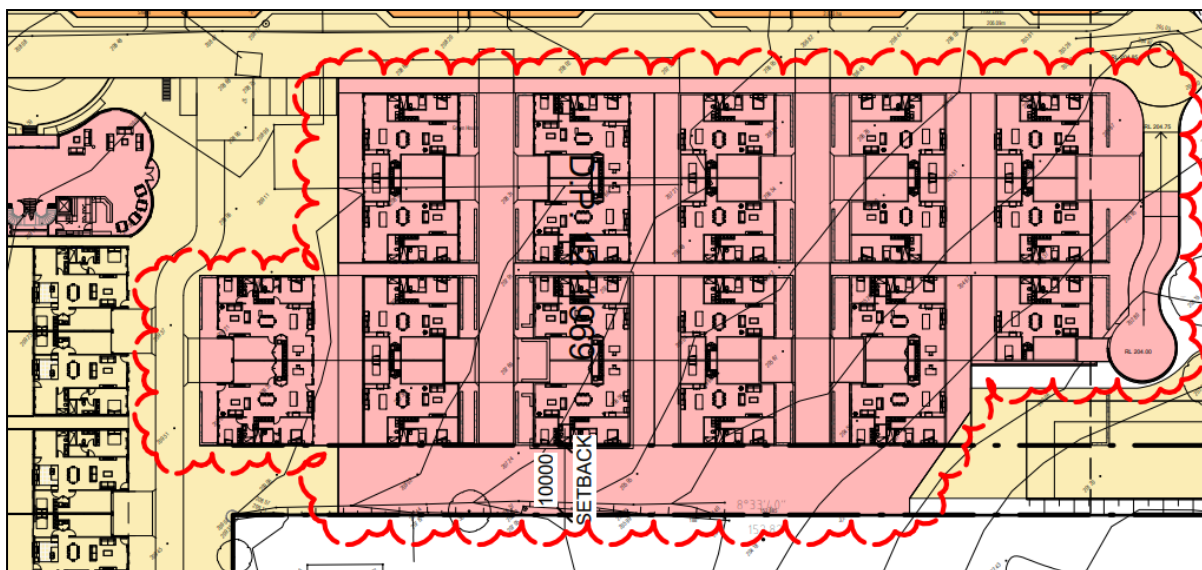


Figure 4: Proposed amended Layout to Stage 2 in pink. Note two units relocated to access off internal service road and decreased side setback.

The proposed modifications to the Stage 2 dwellings would result in a decreased side setback from 15m to 10m. This will lead to a subsequent reduction of the landscaped buffer along the eastern boundary as shown in Figure 6. The landscaped area adjoining the eastern boundary currently comprises of a landscaped garden area and a vegetated drainage swale as shown in Figure 5 below.

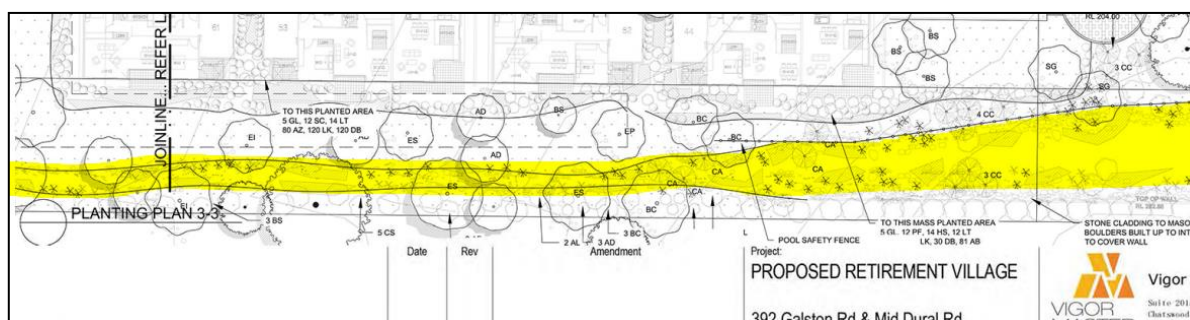


Figure 5: Approved Landscape plan. Drainage swale highlighted in yellow for clarity

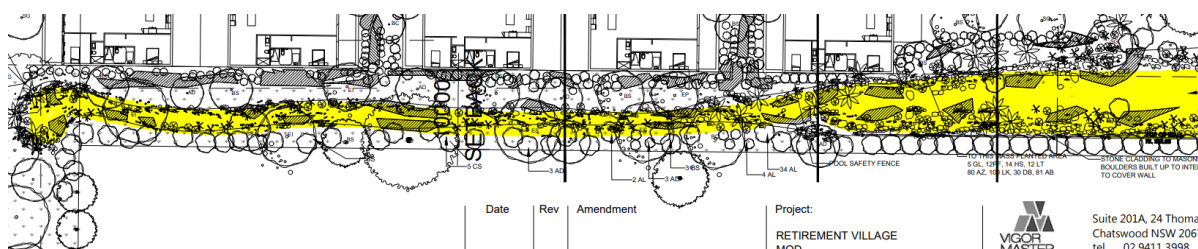


Figure 6: Proposed Landscape plan. Drainage swale highlighted in yellow for clarity

As indicated in Figure 6 above, additional planting has been proposed within the setback area.

Community Centre

Changes to the community centre were originally not proposed to be included under this modification. Amendments to the community centre were proposed under the previously refused Modification 'J'. Upon the refusal of Modification 'J', the community centre design changes were transferred to this modification.

The SEE describes the changes to the community centre as follows:

The proposed modifications to the permanent community centre are for the purposes of complying with BASIX Certificate and Building Code of Australia. The detailed changes are:

- To achieve NCC compliance, two exits are added to the basement discharging people to the road on the ground level.*
- The dance floor on the ground level has been deleted to achieve acoustic requirements. A statement from the acoustic engineer is prepared to verify the changes and support the changes to the consent conditions 27B and 61B by installing acoustic fencing between the community centre and adjacent villas.*
- A shading structure is added on the roof plan to comply with the thermo performance requirements.*
- Other changes are made to the kitchen, coffee bar, toilets and bathrooms, and room layouts in the basement to improve accessibility.*

Council does not object to the late inclusion of the changes to the community centre under this modification, as they are minor in nature, are identified as necessary to meet requirements of the National Construction Code, BASIX and acoustic performance requirements, would have negligible impacts on the built and natural environment and are not of a scale that would warrant a renotification of the modification application.

The key development data is provided in **Table 1**.

Table 1: Key Development Data

| Control | Proposal |
|--------------------------|---|
| Site area | N/A - No change proposed |
| GFA | 9772m ² (increased from 9567m) |
| FSR (retail/residential) | 0.241:1 (increased from 0.236:1, FSR limit of 0.5:1 provided on SCC) |
| Clause 4.6 Requests | No |
| No of apartments | No change – 76 independent Living Units Approved |
| Max Height | Proposed villas would have a maximum height of 6.8 metres but an average height of 6.0m. The community centre would have any additional height. |
| Landscaped area | Reduced landscaped area of approximately 535m ² from reduction of side setback. |
| Car Parking spaces | N/A - No change sought to approved number of parking spaces |
| Setbacks | Eastern side setback reduced to 10m. Which complies with, and is equal to, the minimum setback requirement outlined in the HDCP. |

1.2 Background

The development application was lodged on **22 November 2021**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

| Date | Event |
|-------------------------|---|
| 26 November 2021 | Exhibition of the application, no submissions received |
| 14 December 2021 | Kick Off Briefing with Sydney North Planning Panel |
| 15 December 2021 | Request for Additional Information from Council to applicant seeking further landscape detail |
| 14 January 2022 | Amended Landscape plans lodged with Council. Accompanying letter supplied with further landscaping detail |
| 16 February 2022 | Council Briefing Meeting with Sydney North Planning Panel |
| 16 February 2022 | Council sends applicant request for additional information to correct internal road alignment that is erroneously shown on submitted plans |
| 16 February 2022 | Applicant submits amended plans on the ePlanning portal to correct road alignment. Plans include amendments to the community centre; however no explanation is provided as to what has changed in regard to this structure. |
| 24 February 2022 | SNPP refuses DA/484/2011/J for modifications to internal road design, community centre design, signage and conditions of development consent. |
| 21 March 2022 | Following completion of assessment of DA/484/2011/J and the assessment of the amended landscaping detail, Council sends a request for additional information to the applicant requesting further amended landscape detail and an amended SEE outlining what has changed regarding the amended plans submitted for the community centre. In addition to the above SEE amendments addressing how the development is “substantially the same” are also requested at this time. |
| 28 March 2022 | The applicant provided an amended statement of environmental effects for assessment as well as an amended landscape plan. |

2.2 Site History

On 20 September 2011, the Joint Regional Planning Panel resolved to refuse DA/484/2011.

On 12 January 2012 the Land and Environment Court upheld the appeal against refusal of DA/484/2011 by the Joint Regional Planning Panel and granted a deferred commencement consent, for a seniors living development comprising 76 self-care dwellings and a community centre.

On 27 July 2012 Section a 4.56 modification application (DA/484/2011/A) was lodged to modify conditions relating to wastewater. On 28 August 2012 the application was withdrawn.

On 22 August 2012 Council advised deferred commencement consent conditions were satisfied and the consent effective.

On 5 February 2014 Council approved a Section 4.56 modification application (DA/484/2011/B) for staged development. The approved stages are as follows:

Stage 1

- Construction of a community facility and 25 villas, located within the southern half of the site, fronting Galston Road.
- Construction of main internal access roads and paths, vehicular driveway crossings to Mid Dural Road and Galston Road and driveways, pathways within Stage 1.
- Provision of all visitor parking.
- Construction of all trunk services to the site (including water supply, drainage, electricity, telephone and sewer pipes and tanks).
- Construction of the eastern on-site stormwater detention facility.
- Internal services reticulated within Stage 1 to each unit in Stage 1.
- Landscaping of Stage 1 area, including the restoration of Sydney Turpentine Ironbark Forest (STIF) community fronting Mid Dural Road and landscaping to the Mid Dural and Galston Road front setbacks.

Stage 2

- Construction of 21 units, located within the northwest portion of the site, fronting Mid Dural Road.
- Construction of internal driveways and pathways within Stage 2.
- Internal services reticulated within Stage 2 to each unit in Stage 2.
- Landscaping of the Stage 2 area.

Stage 3

- Construction of 30 villas, located within the northwest portion of the site, fronting Mid Dural Road.
- Construction of the western on-site stormwater detention facility.
- Construction of internal driveways and pathways within Stage 3.
- Internal services reticulated within Stage 2 to each villa in Stage 3.
- Landscaping of the Stage 3 area.

On 3 March 2014 Council approved DA/1021/2013 for the strata subdivision of the approved Seniors Living development as a deferred consent commencement. Additionally, on 3 March 2014 an application under Section 68 of the *Local Government Act 1993* was approved by Council for an onsite sewerage management system (LA/368/22013).

The DA/1021/2013 deferred commencement consent condition is as follows:

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) *Documentation that an occupation certificate has been obtained for all buildings in Stage 1 of the Seniors Living development approved in accordance with the development consent for DA/484/2011 as modified by Council.*

On 30 July 2018 Council approved a 4.56 modification application (DA/484/2011/C) to amend the B1 and B2 Type Dwelling (Stage 1) design and to modify condition Nos. 8, 12, 17, 19 and 26 relating to site consolidation, services, vehicle crossings and road works.

On 23 August 2018 a Section 4.56 modification application (DA/484/2011D) was lodged to include an additional community centre. On 17 November 2020, the applicant requested the application be withdrawn.

On 14 February 2019, Council approved a 4.56 modification application (DA/484/2011/E) to amend the B1 and B2 Type Dwelling (Stage 1) design.

On 16 November 2018 a 4.56 Modification (DA/484/2011F) was lodged to amend the design of the approved community centre and arrange a temporary centre (for Stage 1 and 2 residents). On 17 November 2020, the applicant requested the application be withdrawn.

On 30 November 2018, a 4.56 Modification (DA/484/2011/G) was lodged to amend B3-B8 type dwellings and construct an additional access road for Stage 1. On 17 November 2020, the applicant requested the application be withdrawn.

On 24 April 2019, Council issued a Development Control (Stop Work) order to modify an earlier Development Control (Stop Work) order issued on 2 April 2019. The orders were in relation to building works occurring prior to compliance with Condition No. 21 (Contaminated Land) and the importation of contaminated fill. The order was subject to an appeal in the Land and Environment Court (*Vigor Master Pty Ltd v Hornsby Shire Council [2020] NSWLEC 1210*). On 12 May 2020, the applicant was ordered by the court to provide Council with a revised Detailed Site Investigation, Waste Removal Plan, Remedial Action Plan and Validation Report. On 3 August 2020, Council approved a Validation Report after remediation works had occurred and the contamination removed.

On 24 October 2019, modification application (DA/484/2011/H) was lodged. Modification 'H' comprised amendments to facilities provided within the approved community centre, an approval to use Villa 1 and 2 and a temporary community centre in Stages 1 and 2, modifications to the building and accessway design for villas in Stage 1. Modification 'H' was approved by the Sydney North Planning Panel on the 17 December 2020.

On 8 April 2021, modification application (DA/484/2011/I) was lodged. Modification 'I' comprised amendments to the staging arrangement. Modification 'I' was approved by the Sydney North Planning Panel on the 13 October 2021.

On 1 July 2021, modification application (DA/484/2011/J) was lodged. Modification 'J' comprised amendments to the road design, including alterations to the intersection with Galton Road, amendments to the community centre, proposed new signage and various amendments to conditions of development consent. On 24 February 2022, DA/484/2011/J was refused by the SNPP panel, as the applicant failed to obtain the concurrence of Transport for New South Wales.

3. STATUTORY CONSIDERATIONS

3.1 Section 4.56 of the Environmental Planning and Assessment Act 1979

The proposal constitutes an amendment under Section 4.56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the consent authority may consider an application to amend a development consent provided that:

- (1)(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has notified the application in accordance with:*
 - (i) the regulations, if the regulations so require, and*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (1A) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

With regard to Section 4.56(1)(a), the applicant provided an analysis of the proposed modified development in the amended statement of environmental effects, which argues the following;

When considering the question of 'substantially the same development' the Court considers a qualitative and quantitative analysis between the development as originally consented to and the proposed modified development is required to determine if the modified development is substantially the same development as the original consented development application. The Court has also emphasised that a change to an 'essential feature' of a development may result in the development not being considered 'substantially the same'.

Quantitatively, the modified development remains substantially the same because:

- The number of the villas and the number of residents remain the same.*

- *The number of car parking spaces remain the same.*
- *The bulk and scale of the building is consistent with the approved development, in particular*
 - *there is no change to the overall height of the building; and*
 - *there is no increase in number of bedrooms.*
- *The building footprint is generally of the similar size compared with the approved development.*
- *The modified development continues to meet the following relevant quantitative requirements for senior living development as prescribed in State Environmental Planning Policy (Senior Living) 2004 and other relevant controls.*
- *There is no impact on such issues as waste, servicing, vehicle access.*

Qualitatively, the modified development remains substantially the same because:

- *The modifications involve no new use. The 'essence' of the development remains an independent living retirement village with common facilities.*
- *The impacts from overshadowing, overlooking are not increased or modified so as to impact further on adjoining neighbours or the amenity of the locality.*
- *The proposed modifications do not introduce any new impacts and will not increase the severity of known impacts.*
- *The proposed modifications do not detrimentally impact on how the design of the modified villas continues to be compatible with the character of the local area.*

Having due consideration to a qualitative and quantitative analysis between the development as originally consented to and subsequently amended and the proposed modified development, there is a very clear and compelling argument that the proposed modifications will not change the most important/essential parts of the proposed development such as use, scale, bulk and environmental impacts.

The proposed modification will not result in a development that is a "radical transformation" from the development as originally consented.

Council is satisfied that the proposed modification is substantially the same as the development as originally approved and the requirements of Section 4.56(1)(a) are satisfied.

In accordance with Section 4.56(1)(b), (c) and (d), the amended application was notified in accordance with the Hornsby Community Engagement Plan and no submissions were received.

With regard to Section 4.56(1A), the matters referred to in Section 4.15(1) of the Act are discussed within the body of this report. With regard to consideration of the reasons provided by the consent authority for the grant of the original consent (DA/484/2011) the original application was approved by a consent order by the Land and Environment Court on 12 January 2012. No reasons were provided.

3.2 Section 4.15 of the Environmental Planning and Assessment Act 1979

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act. These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to satisfy the criteria of:

- Requiring concurrence/referral (s4.13)
- Integrated Development (s4.46)
- Designated Development (s4.10)
- A Crown DA (s4.33)

3.3 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy (State and Regional Development) 2011
- State environmental Planning Policy (Housing for Seniors or People with a Disability) 2004
- Hornsby Local Environmental Plan 2013

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable State Environmental Planning Policies

(Preconditions in **bold**)

| EPI | Matters for Consideration | Comply (Y/N) |
|-----------------|---|--------------|
| SRD SEPP | Section 4.56 modification for which the SNPP is the delegated consent authority. | Y |
| SEPP 55 | Clause 7 - Contamination and remediation has been considered and the proposal is satisfactory subject to conditions. | Y |
| Seniors Housing | Part 4 - Development Standards to be complied with Part 5 - Development on land adjoining land zoned primarily for | Y |

| | | |
|---------|---|---|
| SEPP | urban purposes Clause 50 - Standards that cannot be used to refuse development consent for self-contained dwellings | |
| SEPP 64 | Schedule 1 Assessment Criteria | Y |

3.3.1 State Environmental Planning Policy (State and Regional Development) 2011

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) applies to the proposal as it a Section 4.56 modification for which the SNPP is the delegated consent authority. Accordingly, the Sydney North Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

3.3.2 State Environmental Planning Policy No. 55 Remediation of Land

The application was originally assessed against the requirements of State Environmental Planning Policy No. 55 (SEPP 55). This Policy provides State-wide planning controls requiring that consent must not be granted to the carrying out of development on land unless it has considered whether the land is contaminated or requires remediation for the proposed use.

On 3 August 2020, Council approved a Validation Report stating that the site is clear from contamination and appropriate for residential use. No further assessment is required under SEPP 55.

3.3.3 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP HSPD) is the overriding planning instrument for the development of housing for aged and disabled people in NSW and provides for hostels, residential care facilities (nursing homes) self-contained dwellings and multi-storey buildings.

SEPP HSPD enables development for serviced self-care housing on land that adjoins an urban zone; subject to the site being certified by the Department of Planning as suitable for more intensive development, pursuant to a SCC. The approved development is in accordance with these provisions. An assessment of the modification against relevant provisions of the policy are provided below.

3.3.3.1 Permissibility and Site Compatibility Certificate

Clause 4 of SEPP HSDP lists the circumstances to which the policy applies. As the policy does not directly apply to RU2 zoned land, the original application relied on a site compatibility certificate (SCC) on the basis that the site adjoined land zoned for urban purposes.

Council has previously received legal advice, prepared by Jacinta Reid of Martin Place Chambers with regard to whether a consent authority is required to consider the conditions of an SCC as part of a modification application. The advice notes that the effect of Clause 24 and 25 of SEPP HSDP is that once a development consent is issued, the SCC has fulfilled its purpose. Further, it states that there is no requirement for a modification application to refer back to the certificate as Clause 24(2) of SEPP HSDP requires the certificate for permissibility of development in a development application, as distinct from a modification application under the Act.

On this basis, an assessment against the original SCC is not required. Notwithstanding, a brief discussion is provided below on several relevant requirements of the original SCC.

- *Development consisting of one storey as proposed;*
Comment: Proposed amendments to dwellings in Stage 2 do not add any additional floors and all dwellings remain single storey.
- *Compliance with Clause 50 development standards including private open space;*
Comment: Compliance with Clause 50 would be maintained.
- *A buffer/setback from all boundaries in accordance with the Development Control Plan;*
Comment: The proposed development would decrease the side setback to the eastern side boundary with 290 Galston Road from 15 to 10 metres. The Hornsby Development Control Plan 2013 prescribes a minimum side setback distance of 10 metres. Consequently the application retains compliance.
- *The size of the community facility to be a minimum of 300m² and include common dining and recreational facilities.*
Comment: The proposed modifications would not reduce the size of the approved community facility. Common dining, kitchen and recreational facilities will continue to be provided for residents.

3.3.3.2 Clause 26 - Location and Access to facilities and Clause 43 - Transport services to local centres

Clause 26 and 43 of the SEPP provide requirements for the consideration of the consent authority with regards to location and access to facilities, as well as transport services to local centres. The proposed modifications do not alter the proposal's compliance with the requirements of Clause 26 and Clause 43. The proposed modifications would not impact on the access to facilities or detrimentally impact the range of facilities provided within the community centre.

3.3.3.3 Clause 32 - Design of Residential Development

In considering an application for seniors living, a consent authority must not grant consent unless it satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2 (Clauses 33 to 39).

Clause 33 Neighbourhood amenity and streetscape

The proposed modifications would not significantly alter the character of the Galston suburban fringe. The proposed modifications would be largely setback and screened from public areas. The modified building forms would maintain a single storey character with a landscaped setting.

Clause 34 Visual and Acoustic Privacy

The proposed modification would adequately preserve visual and acoustic privacy for adjoining development subject to the imposition of conditions of development consent.

Clause 35 Solar Access and Design for Climate

The proposed orientation and general design of Stage 2 dwellings would be consistent with the previous approval, in so much that dwellings comprise of single storey rows of houses in an east-west

configuration. An amended BASIX certificate has been provided. With respect to the community centre, the amended roof form would provide shading and all-weather access to the community centre, which is considered a positive outcome.

Clause 36-37

The amended proposal would not require an assessment against Clauses 36-37 (accessibility, crime prevention) and would remain as originally approved in this regard. The amended landscape design in the eastern side setback does not seek to alter the stormwater design in this location.

Clause 38 Accessibility

The application was supported by a Traffic and Parking Assessment, completed by Varga Traffic Planning, dated 27 July 2021. The report assessed the proposed changes with regard to traffic and parking and concluded that

The proposed development involves the modifications to the internal road layout, dwelling and garage design of Stage 2 only. The foregoing assessment has determined that the proposal maintains compliance with the SEPP numerical parking requirements whilst also complying with the relevant aspects of AS2890.1:2004. It is therefore concluded that the proposed modifications will not have any unacceptable traffic, parking or site access implications and is recommended for approval.

No objections are raised in regard to Clause 38.

Clause 39 Waste Management

The proposed modifications would not alter the previously approved waste management services on site.

3.3.3.4 Clause 40 - Development Standards

The proposal would maintain compliance with the relevant development standards contained within Clause 40 of SEPP HSPD, for frontages and height.

3.3.3.5 Clause 50 - Standards That Cannot be Used to Refuse Development Consent for Self-Contained Dwellings

Clause 50 of SEPP HSPD includes non-discretionary development standards and states “a consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds”. A discussion is provided below in this regard.

- a) **building height:** *if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys).*

Comment: The proposed modifications would not result in a non-compliance with the building height development standard.

density and scale: *if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less.*

Comment: The proposed modification would have a FSR of 0.241:1 (increased from 0.236:1, FSR limit of 0.5:1 provided on SCC) and complies with the standard.

b) **landscaped area:** if -

- i. *in the case of a development application made by a social housing provider - a minimum 35 square metres of landscaped area per dwelling is provided, or*
- ii. *in any other case - a minimum of 30% of the area of the site is to be landscaped.*

Comment: The modified proposal would comply with the 30% landscaping requirement as approximately 47% total site would be landscaped.

- e) **Solar access:** *if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.*

Comment: The proposed modified dwelling would relocate approximately 50% of the private open spaces to the rear southern aspect of the dwellings. No objections are raised to the relocation of the POS areas to the southern elevation as they provide a more resolved dwelling and public realm design. Additionally, all living areas retain a northern aspect would receive compliant sunlight access. Private open space areas located on the southern building elevations would not receive 50% solar access mid-winter. However this would be offset via the additional glazing provided for northern facing windows to living areas in all units.

- f) **Private open space for in-fill self-care housing:** *if - in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1 bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area.*

Comment: No changes proposed. All dwellings would have a minimum of 24m² of private open space.

g) **(Repealed)**

h) **Parking:** *if at least the following is provided*

- i. *0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or*
- ii. *1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider”.*

Comment: The proposed number of car parking spaces is compliant with the standard and would not be amended as part of this application.

3.3.3.6 Schedule 3 - Standards concerning accessibility and useability for hostels and self-contained dwellings

The proposed modifications involve an amendment of the internal design of Dwellings 26 to 46. The application was supported by an Access Report, by PSE Access Consulting, dated 15 July 2021.

The document assessed the proposed modifications against the access requirements contained in Schedule 3 of the SEPP as well as the relevant Australian Standards/ BCA/NCC, Section D Access and egress, Part D3 Access for people with disability and Disability (Access to Premises-Buildings)

Standard-2010 in addressing the requirements of *Disability Discrimination Act 1992* pertaining to access for people with disability.

The report concluded:

As documented above all areas of compliance requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 and the relevant Australian Standards (AS1428.1-2009 Design for access and mobility in regard to access for and provision of appropriate services/housing for seniors and people with disability has been catered for.

No objections are raised with respect to the requirements of Schedule 3 of the SEPP.

3.3.4 State Environmental Planning Policy (Infrastructure) 2007

The application is subject to assessment under the provisions of Clause 101 the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP). Given the proposal has a frontage to classified roads being Mid Dural Road and Galston Road, Clause 101 of the ISEPP is applicable. Clause 101 of the ISEPP provides that:

101 Development with frontage to classified road

(1) The objectives of this clause are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The modification relates to the reconfiguration of internal dwelling designs and internal road areas only. The modifications would have no additional impact on the local road network, amend any intersections with public roads or locate any dwellings closer to designated roads.

3.3.5 Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

Subject to the implementation of sediment and erosion control measures and stormwater management to protect water quality, the amended proposal would comply with the requirements of the Policy.

3.3.6 Hornsby Local Environmental Plan 2013

The relevant local environmental plan applying to the site is the Hornsby Local Environmental Plan 2013 (HLEP). Part 1.2 of the HLEP outlines the 11 aims of the legislation. The proposed modification is consistent with the aims of the HLEP.

Zoning and Permissibility (Part 2)

The subject land is zoned RU2 Rural Landscape under the HLEP. The objectives of the RU2 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure services or facilities.*

The approved development is defined as seniors housing under the HLEP and is prohibited in the zone. Notwithstanding, the subject site adjoins land zoned for urban purposes and seniors housing development is permissible in accordance with the provisions of SEPP HSPD.

On 29 July 2020 the SEPP HSPD was amended to prevent new proposals for seniors housing on land within the Metropolitan Rural Area of Greater Sydney.

The amendments do not apply to development applications and applications for site compatibility certificates that have already been lodged will continue to be assessed and determined.

The original development consent was granted by the Land and Environment Court and was subject to a Site Compatibility Certificate (SCC).

The modification is subject to the provisions of the SEPP HSPD which prevails to the extent of any inconsistency with the HLEP.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

| Control | Requirement | Proposal | Comply |
|---------------------------------|--|--|--------|
| Height of buildings (CI 4.3(2)) | 10.5 metres | No change to height of community centre. All proposed dwellings would have a single story built form which a maximum height of 6.1 metres or less. | Yes |
| FSR (CI 4.4(2)) | N/A | 0.241:1 (increased from 0.236:1, FSR limit of 0.5:1 provided on SCC) | N/A |
| Earthworks (CI 6.2(3)) | Matters for consideration listed under Clause 6.2(3) | The proposed modifications would only require minor earthworks associated with the establishment of level areas for dwellings. Bulk earthworks have been previously assessed and any changes would be negligible in the scope of the overall development and the previously enforced conditions. | Yes |

The proposal is considered to be generally consistent with the HLEP.

3.4 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and which may be relevant to the proposal.

It is noted that SEPP HSPD was repealed and replaced by State Environmental Planning Policy (Housing) 2021 (the Housing SEPP) on 26 November 2021.

The updated Housing SEPP is not considered to apply to the proposed development, as the modification application is assessed under Section 4.56 of the Act, and as such is not a development application to which the new Housing SEPP applies.

On 1 March 2022, the following State Environmental Planning Policies (SEPPS) were gazetted.

- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts - Eastern Harbour City) 2021.

These SEPPS now form matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. However general savings provisions apply to development applications that have been made but not yet determined, on or before the commencement date.

This development application was lodged on prior to the date of commencement of the above SEPPs and as such the savings provisions apply and the existing legislation in force at time of lodgement of the development application, prevails to be extent of any inconsistency

3.5 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Hornsby Development Control Plan 2013 (HDCCP). A discussion is provided below regarding relevant sections of the plan.

3.5.1 Setbacks

The HDCCP requires 10m building setbacks to side boundaries. The proposed modification seeks to move dwellings from a 15m setback to a 10m eastern side setback. This setback distance would comply with the requirements of the HDCCP.

3.5.2 Landscaping

The proposed reduction in the eastern side setback distance from 15m to 10m would reduce the extent of landscaping in the eastern side setback.

To ensure that a reasonable level of visual separation, privacy and screening was provided for adjoining properties Council requested further detail from the applicant on how landscaping would function in this side setback area. The applicant provided further landscape detail which was reviewed by Council's Landscape Architect and the following comments in relation to the amended landscape design were provided:

- *There is no explanation included to explain or demonstrate how the visual separation required is achieved.*
- *The additional plant number provided do not cover all of the plant symbols on the plan and many relating to screen planting are missing*
- *The majority of the screen plants included are AL Acacia Longifolia (wattle) and AD Acacia falcata. Wattles are a fast growing natives that do not provide dense screening and are often short lived (up to 15 years) when most die out. To ensure sufficient screening more long-lasting dense screen plants should be used. I also note that these have only be provided at 200mm pot size and will low and of minimal screening when first planted.*

Recommendation

To achieve the desired outcome for planting, the following planting, additional to what has been included, along the eastern boundary is recommended:

- *50 x 45 litre Syzigium cascade SC at 3m centres*
- *30 x 25 litre Elaeocarpus reticulatus ER at 5m centres*
- *15 x 25 litre Angophora costata AC at 10m centres*

Council recommends that an "amended plans" condition to be added to the modified consent that requires the distinct labelling of plants in the eastern side setback area, as well as the addition of the plants listed above to ensure that adequate screening and visual separation is provided within the setback area. To ensure that the landscaping is provided prior to the occupation of dwellings in Stage 2, it is recommended that certification be provided to the PCA, prior to the issue of occupation certificates for the Stage 2 dwellings. This would be achieved via the previously imposed condition No. 55.

Subject to the imposition of the conditions described above, Council supports the proposed modifications.

3.5.3 Effluent Disposal

The development has been connected Sydney Water's articulated sewerage system. The connection plan has been approved by Sydney Water and would enable occupation of stage 1A of the development. The proposed amendments do not increase the number of dwellings.

3.6 Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.7 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. None of the matters prescribed in Clause 92(1) are of relevance to the proposed modification.

3.8 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting - The proposed modification is considered to be suitable in relation to the context of the site and the surrounding peri-urban area.
- Access and traffic - The proposed modifications would have negligible impact on the existing access arrangements and would not increase traffic generation.
- Public Domain - The proposed modification would have negligible impact on the public domain.
- Utilities - The proposed modifications would not require any modification to existing or approved utility connections.
- Heritage - The site is not in the vicinity of any heritage items or heritage conservation areas.
- Flora and fauna impacts - The proposed modifications would not require the removal of any additional flora or fauna habitat or result in a decrease in the eventual canopy cover on site.
- Natural environment - The proposed modifications would have negligible impact on the surrounding natural environment.
- Noise and vibration - The applicant submitted an Acoustic Report prepared by PKA Acoustic Consulting, to support the proposed amendments to the community centre and the relocation of two dwellings in close proximity to the community centre. The Acoustic Report contained an addendum which identified the requirement for amended acoustic fencing to suit the updated stage 2 dwelling layout. Council's Environmental Compliance team reviewed the proposed changes and raised no objection to the amendment of conditions 27b and 61B.

- Safety, security and crime prevention - The proposed modifications would have negligible impact on CPTED principles.
- Social impact - The proposed modifications would have negligible social impact when compared to the approved design.
- Economic impact - the proposed development would have minor positive economic impact through employment generation during construction.
- Site design and internal design - The alteration of the community centre would create a facility more suitable for the intended users, and in accordance with the requirements of the NCC.
- Construction - Negligible additional impacts are envisioned.
- Cumulative impacts - the proposed modification would not result in any unacceptable cumulative impacts on site or within the locality.

Accordingly, it is considered that the proposal will not result in significant adverse impacts in the locality as outlined above and is consequently recommended for approval.

1.3 Section 4.15(1)(c) - Suitability of the site

As discussed in the body of this report, the site was approved for use as a Seniors Living development comprising 76 dwellings. The proposed amendments would not necessitate a re-assessment of the site suitability.

1.4 Section 4.15(1)(d) - Public Submissions

The proposal was notified in accordance with the Hornsby Shire Council Community Engagement Plan from 26 November 2021 until 17 December 2021. No public submissions were received.

1.5 Section 4.15(1)(e) - Public interest

Section 4.15(1)(e) of the Act requires the consent authority to consider *"the public interest"*.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The application is considered to have satisfactorily addressed the relevant planning controls, and would provide a development outcome that, on balance, would result in a positive impact for the community. Accordingly, it is considered that the approval of the proposed development would be in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The modification application was not required to be referred to any agencies for comment/concurrence/referral as required by the EP&A Act.

4.2 Council Referrals (internal)

The development application has been referred to various Council officers for technical review as outlined the below table.

Table 5: Consideration of Council Referrals

| Officer | Comments | Resolved |
|--------------------------|---|-----------------------------|
| Landscape Architect | As outlined in the body of this report, the application was referred to Council's Landscape Architect for comment regarding the eastern side setback area. The landscape architect recommends the imposition of a condition of development consent requiring additional screening planting in the side setback area. | Yes - Subject to conditions |
| Engineers | Council's development assessment engineers reviewed the proposed changes and raised no objections. No amended conditions were recommended. | Yes |
| Environmental Protection | As outlined in the body of this report, the application was referred to Council's Environmental Protection team for comment regarding the proposed amendments to the acoustic treatment for the community centre. No objections were raised and recommended conditions of development consent could be issued in the event the application was supported. | Yes |


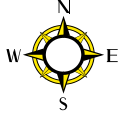
4.3 Community Consultation

The proposal was notified in accordance with the Hornsby Shire Council Community Engagement Plan from 26 November 2021 until 17 December 2021. The notification included the following:

- A sign placed on the site
- Notification on the Council's website
- Notification letters sent to adjoining and adjacent properties (as outlined on the notification map below)



NOTIFICATION PLAN

| | | | |
|-----------------------|------------------------|---|---|
| • PROPERTIES NOTIFIED | X SUBMISSIONS RECEIVED |  PROPERTY SUBJECT OF DEVELOPMENT |  |
|-----------------------|------------------------|---|---|

Council received no submissions on the proposal.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Landscaping

The applicant seeks to reduce the side setback distance from 15m to 10m. This reduces the area available in the side setback for screening landscaping. The eastern side setback area hosts a drainage swale which further reduces the area available for substantial sized landscaping. Council's landscape architect has reviewed the proposed amendments and has recommended that the landscape plan be amended to identify all proposed plantings, and that further screening plants be provided in the setback area.

Resolution: If the application is to be approved, Council recommends that the following condition of development consent is applied:

Amended Plans

To ensure that the amended landscaping within the eastern side setback achieves visual separation and a vegetated buffer between the subject site and adjoining rural development, the approved landscape Planting Plan, plan No. L04, prepared by Vigor Master dated 28.03.2022 is to be updated as follows:

- a) All plants indicated on the landscaping plan are to be clearly labelled with species and number; and
- b) The following additional planting are to be provided in the area marked in Red on the approved landscape plan
 - i) 50 x 45litre Syzigium cascade SC at 3m centres
 - ii) 30 x 25 litre Elaeocarpus reticulatus ER at 5m centres
 - iii) 15 x 25 litre Angophora costata AC at 10m centres
- c) The amended landscaping plans must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 2.

5.2 Acoustics

As outlined in the body of this report, the applicant seeks alternative acoustic treatment for the Community Centre and the subsequent updating of Conditions 27B and 61B.

Council's assessment identifies that the amended acoustic requirements are acceptable, subject to the amendment of Conditions 27B and 61B. Subject to the amendment of these conditions, it is considered that the proposed community centre would have an acceptable acoustic impact on villas in the vicinity.

Resolution: If the application is to be approved, Council recommends that Conditions 27B and 61B be amended as follows:

27B. Acoustic Treatment and Certification Permanent Community Centre

Acoustic treatment must be installed for the proposed community centre in accordance with the recommendations contained within the Acoustic Impact Assessment prepared by PKA Acoustic Consulting, dated 1 October 2020, **the Addendum to the Acoustic Report, prepared by PKA Acoustic Consulting, dated 23 February 2021, Addendum 2 to the Acoustic Report, prepared by PKA Acoustics dated 16/2/22** and the following requirements:

- ~~a) All windows to be fixed and inoperable within community centre to control noise emissions from the centre to nearby sensitive receivers.~~
- ~~b) All glazed elements of the community centre must be minimum Rw 34 and entry doors be minimum Rw 32. The Rw rating is required for the complete glazing and frame assembly. The window glass and frame system are to have a laboratory tested acoustic performance (in accordance with Australian Standard AS1191 Acoustics- Method for laboratory measurement of airborne sound insulation of building elements) meeting the requirements.~~
- c) Acoustic barriers of gap free solid construction with a minimum acoustic performance of Rw 20 must be installed in accordance with the Addendum 2 to Acoustic Report,

prepared by PKA Acoustic Consulting, dated 16/2/22, reference PKA11395 (TRIM: D08352688).

61B. Acoustic Certification

On completion of all works and prior to the issue of an Occupation Certificate, the certifier is to be provided with a certificate from a qualified acoustic consultant certifying that all acoustic works have been completed in accordance with the recommendations contained within the Acoustic Impact Assessment - temporary community centre prepared by PKA Acoustic Consulting, dated 12 October 2020, the Acoustic Impact Assessment prepared by PKA Acoustic Consulting, dated 1 October 2020, **the Addendum to the Acoustic Report, prepared by PKA Acoustic Consulting, dated 23 February 2021 and the Addendum 2 to the Acoustic Report, prepared by PKA Acoustics dated 16 February 2022** and this consent.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application should be approved subject to the amended conditions outlined at attachment A.

7. RECOMMENDATION

That Development Application No. DA/484/2011/K for Section 4.56 Modifications to internal road design, community centre design, signage and conditions of development consent at 392 Galston Road (Lot 1 DP 1211969) be approved pursuant to Section 4.16(1) (b) of the *EP&A Act* subject to the draft conditions of consent attached to this report at Attachment A.

The reasons for this recommendation are:

- The proposed modifications are substantially the same as the originally approved DA/484/2011 and the site compatibility certificate issued for the site; and
- The proposed modifications would have an acceptable impact on the natural and built environment, and would not cause the development to become non-compliant with any of the relevant planning controls, subject to the recommended conditions of development consent included at Schedule 1 of this report.

The following attachments are provided:

- Attachment A: Recommended Conditions of Development Consent
- Attachment B: Architectural Plans by Vigor Master - (As amended)
- Attachment C: Statement of Environmental Effects

Attachment A – Recommended Conditions of Development Consent

| | |
|--------------------------------------|--|
| Date of this modification: | April 2022 |
| Details of this modification: | Section 4.56 modification to Villas 26 to 46 to change villa layouts, amend internal driveway areas and amend community center design. |
| Conditions Added: | Nil |
| Conditions Deleted: | Nil |
| Conditions Modified: | 3, 4A, 27B, 61B |

CONDITIONS OF APPROVAL

1. Deferred Commencement Consent

~~This is a "Deferred Commencement" consent that is granted subject to a conditions under section 80(3) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") that the consent is not to operate until the applicant satisfies Hornsby Shire Council ("Council") as to the matters set out in schedule A below. The period within which the applicant must produce evidence to the Council sufficient enough to enable it to be satisfied as to those matters is 36 months.~~

~~If the applicant produces evidence to the Council within the period specified sufficient to enable the Council to be satisfied as to the matters set out in Schedule A below and the Council notifies the applicant in writing that it is satisfied as to the relevant matters, the development consent shall become operative from the date specified in the notice subject to compliance with the conditions set out in Schedule "B" below.~~

2. SCHEDULE A

- ~~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 sewerage 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 sewerage 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 in order 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 and bunding to contain any spillage.~~
 - ~~v) — Details of proposed tanker pump out frequency and procedures for emergency pump out.~~
 - ~~vi) — Method of ensuring connection at a future stage to a reticulated sewerage system.~~~~
- ~~c) — Documentary evidence must be provided that licence has been granted under the *Water Industry Competition Act 2006 (WICA)* 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.~~

~~Note: the design of both systems is to ensure that no trees are damaged or removed.~~

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.

3. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the plans, documentation and staging listed below and endorsed with Council's stamp, except where amended by Council and/or other conditions of this consent. Staging shall be defined as the works encompassed within each area defined as Stage 1, Stage 2 or Stage 3, as set out on staging plan DA_02D ARC Architects dated September 2013. Stage 1 shall be the first stage to commence construction:

Approved Plans:

| Plan No. | Plan Title | Drawn by | Dated | Council Reference |
|-----------------|---|-------------------------|-----------------------|--------------------------|
| A004 | Site Plan (DA/484/2011H) | Vigor Master | 01/12/2020 | D08076687 |
| MOD001 Rev 1 | Site Plan (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| A005 | Site Sections (DA/484/2011/H) | Vigor Master | 17/11/2020 | D08076687 |
| B101 | Temporary Community Centre | Vigor Master | 01/12/2020 | D08076687 |
| B102 | Temporary Community Centre Elevations | Vigor Master | 01/12/2020 | D08076687 |
| D001 | Kitchen and Bar Detail | Vigor Master | 17/11/2020 | D08076687 |
| MODI-01 | Site Plan - Stages 1A & 1B | Vigor Master | 16/09/2021 | D08247750 |
| B104 | Community Centre Basement Plan | Vigor Master | 17/11/2020 | D08076687 |
| B105 | Community Centre Ground | Vigor Master | 01/12/2020 | D08076687 |

| <i>Plan No.</i> | <i>Plan Title</i> | <i>Drawn by</i> | <i>Dated</i> | <i>Council Reference</i> |
|------------------------|--|------------------------|---------------------|---------------------------------|
| | Floor Plan | | | |
| B106 | Community Centre Roof Plan | Vigor Master | 17/11/2020 | D08076687 |
| B107 | Community Centre Elevations | Vigor Master | 01/12/2020 | D08076687 |
| B108 | Community Centre Section | Vigor Master | 17/11/2020 | D08076687 |
| MOD301 | Community Centre Basement Plan (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD302 | Community Centre Ground Floor Plan (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD303 | Community Centre Roof Plan (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD304 | Community Centre Elevations (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD305 | Community Centre Section (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD002 | Site Plan Detail (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD005 | Site Elevations (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD103 | Type A Plan (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD104 | Type B Plan (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD105 | Type C Plan (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD201 | Type A Elevations and Sections (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| MOD202 | Type B Elevations and Sections (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| Mod203 | Type C Elevations and Sections (DA/484/2011/K) | Vigor Master | 21/01/2022 | |
| A101 | B3 Floor Plan (Unit 12,14) | Vigor Master | 17/11/2020 | D08076687 |

| <i>Plan No.</i> | <i>Plan Title</i> | <i>Drawn by</i> | <i>Dated</i> | <i>Council Reference</i> |
|------------------------|--|------------------------|---------------------|---------------------------------|
| A102 | B3a Floor Plan (Unit 16) | Vigor Master | 17/11/2020 | D08076687 |
| A103 | B4 Floor Plan (Unit 11,13,15) | Vigor Master | 17/11/2020 | D08076687 |
| A104 | B5 Floor Plan (Unit 22,24) | Vigor Master | 17/11/2020 | D08076687 |
| A105 | B5a Floor Plan (Unit 20) | Vigor Master | 17/11/2020 | D08076687 |
| A106 | B6 Floor Plan (Unit 21,23,25) | Vigor Master | 17/11/2020 | D08076687 |
| A107 | B6a Floor Plan (Unit 19) | Vigor Master | 17/11/2020 | D08076687 |
| A108 | B7 Floor Plan (Unit 18) | Vigor Master | 17/11/2020 | D08076687 |
| A109 | B8 Floor Plan (Unit 17) | Vigor Master | 17/11/2020 | D08076687 |
| A201 | B3 Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A202 | B3A Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A203 | B4 Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A204 | B5 Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A205 | B5A Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A206 | B6 Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A207 | B6A Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A208 | B7 Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A209 | B8 Elevation & Section | Vigor Master | 17/11/2020 | D08076687 |
| A002 (Page 1-5) | Landscape Plans | Vigor Master | 30/11/2020 | D08076687 |
| L01 | Landscape Site Plan (DA/484/2011/K) | Vigor Master | 28/03/2022 | |
| L04 | Planting Plan (DA/484/2011/K) | Vigor Master | 28/03/2022 | |
| L05 | Sections (DA/484/2011/K) | Vigor Master | 28/03/2022 | |

| <i>Plan No.</i> | <i>Plan Title</i> | <i>Drawn by</i> | <i>Dated</i> | <i>Council Reference</i> |
|------------------------|---|-------------------------------------|-----------------------|---------------------------------|
| 392CC-02 | Sewer Layout | Sydney Wide Engineering Consultancy | 17/11/2020 | D08076687 |
| 186459WW | Sydney Water Connection Plan - | Sydney Water | 05/08/2020 | D08076687 |
| A002 | Erosion & Sediment Control Plan | Vigor Master | 22/09/2020 | D08076704 |
| A003 | Erosion & Sediment Control Details | Vigor Master | 22/09/2020 | D08076704 |
| A004 | Detail Civil Plan | Vigor Master | 22/09/2020 | D08076704 |
| A005 | Site Sections | Vigor Master | 22/09/2020 | D08076704 |
| A006 | Site Sections | Vigor Master | 22/09/2020 | D08076704 |
| A007 | Site Sections | Vigor Master | 22/09/2020 | D08076704 |
| A008 | Road Long Section & Typical Cross Section | Vigor Master | 22/09/2020 | D08076704 |
| A009 | OSD Details - East | Vigor Master | 22/09/2020 | D08076704 |
| A010 | OSD Details - West | Vigor Master | 22/09/2020 | D08076704 |
| A011 | Drainage Details | Vigor Master | 22/09/2020 | D08076704 |
| B101 - B1 | Floor Plan (DA/484/2011/E) | Vigor Master | 21.09.2018 | |
| B102 - B1 | Elevations & Section (DA/484/2011/E) | Vigor Master | 21.09.2018 | |
| B201 - B2 | Floor Plan (DA/484/2011/E) | Vigor Master | 21.09.2018 | |
| B202 - B2 | Elevations & Section (DA/484/2011/E) | Vigor Master | 21.09.2018 | |
| DA-01A | Location - Site Plan | ARC Architects | May 2011 | - |
| DA-02E | Site Plan - 76 Dwellings | ARC Architects | 14.01.2014 | D02846376 |
| A001 | Site Plan (DA/484/2011/E) | Vigor Master | 21.09.2018 | |

| <i>Plan No.</i> | <i>Plan Title</i> | <i>Drawn by</i> | <i>Dated</i> | <i>Council Reference</i> |
|------------------------|-----------------------------|------------------------|---------------------|---------------------------------|
| DA-04A | Typical Cluster | ARC Architects | May 2011 | - |
| DA-05A | Typical Roof Plan | ARC Architects | May 2011 | - |
| DA-10A | Street Front Elevations | ARC Architects | May 2011 | - |
| DA-11A | East Boundary Elevations | ARC Architects | May 2011 | - |
| DA-12A | West Boundary Elevations | ARC Architects | May 2011 | - |
| DA-13A | North Elevations The Avenue | ARC Architects | May 2011 | - |
| DA-14A | South Elevations The Avenue | ARC Architects | May 2011 | - |
| DA-15A | Typical Elevations | ARC Architects | May 2011 | - |
| DA-16A | Typical Elevations | ARC Architects | May 2011 | - |
| DA-17 | Community Centre | ARC Architects | May 2011 | - |
| DA-17A | Community Centre | ARC Architects | May 2011 | - |
| DA-18A | Sections SA & SB | ARC Architects | May 2011 | - |
| DA-19A | Sections C & D | ARC Architects | May 2011 | - |
| DA-30A | Dwelling A1 | ARC Architects | May 2011 | - |
| DA-31A | Dwelling A2 | ARC Architects | May 2011 | - |
| DA-34A | Dwelling C1 | ARC Architects | May 2011 | - |
| DA-35A | Dwelling C2 | ARC Architects | May 2011 | - |
| DA-36A | Dwelling D | ARC Architects | May 2011 | - |
| DA-37A | DA-37A Dwelling E | ARC Architects | May 2011 | - |
| DA-38A | DA-38A Dwelling F | ARC Architects | May 2011 | - |
| DA-39A | DA-39A Dwelling G | ARC Architects | May 2011 | - |
| DA-40A | DA-40A Dwelling H | ARC Architects | May 2011 | - |
| DA-41A | DA-41A Dwelling I | ARC Architects | May 2011 | - |

| Plan No. | Plan Title | Drawn by | Dated | Council Reference |
|-----------------|--|--------------------------|--------------|--------------------------|
| DA-42A | DA-42A Dwelling J | ARC Architects | May 2011 | - |
| DA-02D | Staging Plan Rev E - Coloured Plan (Staging) & Uncoloured Plan (Unit Numbering) | ARC Architects | 14.01.2014 | D02846376 |
| DW 100 Rev A | Water System Cover Sheet and Notes | Martens & Assoc. Pty Ltd | 13.12.12 | D02846365 |
| DW 101 Rev A | Water Services Layout | Martens & Assoc. Pty Ltd | 13.12.12 | D02846365 |
| DW 102 Rev A | Fire Supply & Water Tank Detailed Plan | Martens & Assoc. Pty Ltd | 13.12.12 | D02846365 |
| DW 103 Rev A | Fire Supply & Water Tank Detailed Plan | Martens & Assoc. Pty Ltd | 13.12.12 | D02846365 |
| DW 104 Rev A | Typical Water Meter & Connection Requirements | Martens & Assoc. Pty Ltd | 13.12.12 | D02846365 |
| DW 105 Rev A | Water System Control Schematic | Martens & Assoc. Pty Ltd | 13.12.12 | D02846365 |
| LS01 F | Landscape Site Plan (as amended for more advanced plantings by order of the Court) | Taylor Brammer | 09.05.2011 | D05765278 |
| LA02 E | Planting Plan 1-3 (as amended for more advanced plantings by order of the Court) | Taylor Brammer | 27.08.2010 | D05765278 |
| LA03 E | Planting Plan 2-3 (as amended for more advanced plantings by order of the Court) | Taylor Brammer | 09.5.2011 | D05765278 |
| LA04 E | Planting Plan 3-3 (as amended for more advanced plantings by order of the Court) | Taylor Brammer | 09.05.2011 | D05765278 |

| <i>Plan No.</i> | <i>Plan Title</i> | <i>Drawn by</i> | <i>Dated</i> | <i>Council Reference</i> |
|------------------------|------------------------------------|--|---------------------|---------------------------------|
| IE00-G | Civil Drawings Legend | Meinhardt Infrastructure & Environment | 05-07-10 | - |
| IE02-D | Erosion & Sediment Control Plan | Meinhardt Infrastructure & Environment | 06-05-11 | - |
| IE03-G | Erosion & Sediment Control Details | Meinhardt Infrastructure & Environment | 05-07-10 | - |
| IE04-H | Detail Civil Plan | Meinhardt Infrastructure & Environment | 10-05-11 | - |
| IE05-F | Site Sections | Meinhardt Infrastructure & Environment | 10-05-11 | - |
| IE06-D | Road Long Section | Meinhardt Infrastructure & Environment | 05-07-10 | - |
| IE08-D | OSD Details | Meinhardt Infrastructure & Environment | 06-05-11 | - |
| IE09-D | OSD Details | Meinhardt Infrastructure & Environment | 06-05-11 | - |
| IE10-D | Miscellaneous Details | Meinhardt Infrastructure & Environment | 08-07-10 | - |

Supporting Documentation:

| <i>Document Title</i> | <i>Prepared by</i> | <i>Dated</i> | <i>Council Reference</i> |
|--|---------------------------|---------------------|---------------------------------|
| Job No. 11074 - Statement of Environmental Effects | Ingham Planning Pty Ltd | May 2011 | D01674703 |

| Document Title | Prepared by | Dated | Council Reference |
|---|-------------------------------|----------------|--------------------------|
| BASIX Certificate No. 314992M_02 | - | 10 May 2011 | D01674698 |
| BASIX Certificate No. 944307M_02 | Thermal Performance | 23 Oct 2018 | D07549155 |
| BASIX Certificate No. 1230562M (DA/484/2011/K) | Thermal Performance | 10 August 2021 | D08300295 |
| Arboricultural Impact Assessment | Advanced Treescape Consulting | 30/09/2020 | D08027938 |
| Acoustic Assessment - Temporary Centre (PKA11395 R04v1) | PKA Acoustic Consulting | 12/10/2020 | D08027935 |
| DA Acoustic Report - Community Centre (11395 R01 v2) | PKA Acoustic Consulting | 1/10/2020 | D08027932 |
| Addendum to the Acoustic Report (DA/484/2011/K) | PKA Acoustic Consulting | 23/2/2021 | D08199731 |
| Addendum 2 to the Acoustic Report (DA/484/2011/K) | PKA Acoustic Consulting | 16/2/2022 | D08352688 |
| Traffic Noise Impact Assessment - Internal Accessway (PKA11395 R01v1) | PKA Acoustic Consulting | 25/06/2019 | D07793067 |
| Access/Compliance/Clarification Report | PSE Access Consulting | 10/11/2018 | D07793070 |
| BASIX Certificate No. 982268M | Thermal Performance | 30/11/2018 | D07793024 |
| Accessibility Report – Rev B | IAccess Residential | 20/8/2021 | D08230853 |
| Marston Living Galston – Village Bus Service Schedule | Vigor Master | 5/8/2021 | D08221776 |

4. Removal of Existing Trees and landscape plan requirements

This development consent only permits the removal of tree(s) numbered 1, 3, 4, 5, Tree 6 (20 trees), 7, 8, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27 and 35, to be completed with Stage 1, as identified on Appendix 1a (Site Plan with Trees) prepared by Advanced Treescape Consulting dated 13/05/11. The removal of any other trees requires separate

approval under Council's Tree Preservation Order. The changes required to the landscape plan are as follows

Amended landscaping plans to be submitted to Council prior to the issue of Stage 1 construction certificate which include larger pot sizes for the lower and mid storey plantings and which give consideration to the appropriate pot sizes for taller trees and whether advanced pot sizes are appropriate and will adapt to the site. Landscaping plan to be prepared with a view to achieving screening as quickly as practical.

4A. Amendment of Plans

- a) To comply with Councils requirement in terms of waste, the architectural and landscape plans are to be amended as follows:
 - i) The internal access-road serving Villa Nos. 18-25 must be on-way only. The road must travel in a westerly direction allowing left-in left-out for the villas.
 - ii) The road width must be reduced to 4m in width to allow for a 10m northern side setback.
- b) To ensure that the amended landscaping within the eastern side setback achieves visual separation and a vegetated buffer between the subject site and adjoining rural development, the approved landscape Planting Plan, plan No. L04, prepared by Vigor Master dated 28.03.2022 is to be updated as follows:
 - i) All plants indicated on the landscaping plan are to be clearly labelled with species and number; and
 - ii) The following additional planting are to be provided in the area marked in Red on the approved landscape plan
 - a. 50 x 45litre Syzigium cascade SC at 3m centres
 - b. 30 x 25 litre Elaeocarpus reticulatus ER at 5m centres
 - c. 15 x 25 litre Angophora costata AC at 10m centres
 - iii) The amended landscaping plans must be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for Stage 2.
- c) These amended plans must be submitted with the application for the Construction Certificate.

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|--|
| REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE |
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5. Boardwalk design

A detailed design of the proposed boardwalk to Mid Dural Road is to be submitted to Council prior to the issue of Stage 1 Construction certificate. The boardwalk is to be designed so that there is no adverse impact on existing STIF vegetation and is to include a report from an arborist detailing the materials to be used in constructing the boardwalk and key design features that will be adopted to discourage people leaving the boardwalk and traversing the ground near the STIF vegetation. Lighting is to be designed to ensure there are no adverse impacts to the community and ensure safety by users. The boardwalk shall be completed with Stage 1.

6. Bin Carting Routes

There must be no steps along the bin carting route(s) for any of the stages. Only ramps between different levels are acceptable.

7. Composting Area

Space must be provided for either individual compost containers for each dwelling or a communal compost container; the siting of which will have regard for potential amenity impacts.

8. Consolidation - Lodgement of Plan

Evidence that a plan consolidating the developed lots has been registered with NSW Land Registry Services must be submitted to Council or the nominated accredited certifier prior to the issue of Occupation Certificate (Stage 1).

9. Building Code of Australia

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

9A. Accessibility and Useability Standards

An accredited access consultant is to certify the dwellings are designed in compliance with the accessibility and useability standards for self-contained dwellings pursuant to Schedule 3 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, prior to the issue of a Construction Certificate for dwelling construction.

10. Contract of Insurance (Residential Building Work)

In the case of residential building work for which the *Home Building Act 1989* requires there to be 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 for any of the three stages 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 Clause 187 or 188 of the Act, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the Act, or to the erection of a temporary building.

11. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act, 1989* must not be carried out for any Stage 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.
 - 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.

- 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 the 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.

12. Water / Electricity Utility Services

The applicant must submit written evidence of the following service provider requirements prior to the issue of a Construction Certificate in Stage 1:

- a) *Ausgrid* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Telstra or NBN Co.* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.

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

~~12A. Water Supply~~

~~The water supply system must be designed generally in accordance with plans prepared by Martens & Associates dated 13.12.12 by an appropriately qualified engineer. Documentation to be provided to the principal certifying agent includes:~~

- ~~a) Detailed engineering design of the water supply system.~~
- ~~b) A backup power supply system to operate the booster pump arrangement.~~
- ~~c) A water supply system operation and management strategy / plan.~~

~~The water supply system must be constructed in Stage 1. The water supply connected to the approved dwellings in accordance with the relevant Stage.~~

~~*Note: Refer also Condition No. 44A.*~~

13. Retaining and Earthworks

A plan of all retaining walls over 1000mm and earthworks for each Stage shall be prepared by a chartered geotechnical and structural Engineer prior to the issue of a construction certificate for each Stage.

14. Internal Driveway / Vehicular Areas

The driveway and parking areas for all Stages on the site must be designed in accordance with *Australian Standards 2890.1, 2890.2, 3727* and the following requirements:

- a) Design levels at the front boundary be obtained from Council prior to the issue of a Construction Certificate for Stage 1,
- b) The driveway be a rigid pavement.

- c) The driveway grade must not exceed 25 percent and transitions for changes of grade must not exceed 8 percent per plan metre. For driveways and accessways that are traversed by the standard waste vehicle, the requirements of AS2890.2 shall be observed.
- d) The driveway pavement be a minimum 3 metres wide, 0.15 metres thick reinforced concrete with F72 steel reinforcing fabric and a 0.15 metre sub-base.
- e) The pavement has a kerb to one side and a one-way cross fall with a minimum gradient of 2 percent and a kerb inlet pits provided on grade and in low points.
- f) Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- g) The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.
- h) To permit adequate manoeuvring for vehicles, non-through road driveways at least shall incorporate roll top kerbs and kerb inlet drainage control.
- i) Conduit for utility services including electricity, water, gas and telephone be provided.

15. Stormwater Drainage General

The stormwater drainage system for impervious areas at least within the development for all Stages 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) Connected to the existing internal drainage system and the proposed on-site detention system, draining to a Mid-Dural Road Council controlled pipe drainage system.
- b) All pits are to be benched off to their outlet's inverts. Sumps are not required anywhere in the drainage system.
- c) All pits are to be cast in-situ, with integral extended kerb inlets designed and constructed on grade and in sag points.

16. On-Site Stormwater Detention

Two on-site stormwater detention systems must be designed in Stage 1 by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Have capacities and a maximum discharge rates (when full) as set out in Appendix 12 - Civil Engineering Concept Design Report dated 2 July 2010 by Meinhardt Infrastructure and Environment Pty Ltd.
- b) Have a surcharge / inspection grate located directly above the outlet and include a grated overflow system for storm events greater than the 20 year average recurrence interval (ARI). Emergency overflow weir systems shall also be designed and constructed for the 100 year ARI and disposed of to the public road.
- c) Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharged into a larger diameter pipe capable of

carrying the design flow to an approved Council system. All pits shall be benched off to their outlet's inverts.

- d) The OSD volumes are above aground and the average depth is greater than 0.3 metres, therefore 'pool type' safety fences and warning signs are to be installed.
- e) Engineering plans for the on-site detention basins shall be prepared and approved for construction with the release of a Construction Certificate in Stage 1.

17. Mid-Dural Road Drainage

In order to dispose of stormwater safely from the site, the following works shall be designed in Stage 1 in accordance with Council's *Design and Construction Specification 2005* at the Applicant's cost:

- a) The eastern side on-site detention system shall be drained with a minimum 375 mm diameter reinforced concrete pipe to an extension of Council's drainage line in the road sag adjacent 390 Galston Road.
- b) The existing Council's drainage pit being connected shall be removed and replaced with Council's standard extended kerb inlet pit and matched to finished surface levels,
- c) The western side on-site detention system shall be drained to a piped drainage system in Mid-Dural Road draining to the west, using Council's standard kerb inlet pits and reinforced concrete pipe. The drainage line shall be extended along the Mid-Dural Road shoulder zone so that access to neighbouring properties is unimpeded and there is adequate fall to allow pipe flows to be deposited safely with a headwall and graded table drain (refer *Design and Construction Specification 2005* and *Rural Road Design, Austroads Inc. 1997, Ch5*).
- d) Pursuant to the *Roads Act 1993*, the road drainage plans must be submitted to Roads and Maritime Services as Roads Authority for consideration and approval prior to release of the Stage 1 Construction Certificate.

18. Road Works

All road works approved under this consent must be constructed prior to the occupation of Stage 2 in accordance with Council's *Civil Works Design and Construction Specification, 2005* and the following requirements:

- a) All centre medians, pedestrian refuges, left turn deceleration lanes, road pavement and resealing work, bus shelters and associated shoulder pavement and sealing works to be designed and constructed generally in accordance with the approved plans.
- b) To provide adequate mobility, Council standard 80mm thick concrete footpaths are to be constructed within the road verge across the Mid-Dural and Galston Road frontages of the site and connected with the site's internal pathways.
- c) For safety, the Galston and Mid-Dural Road frontages of the site shall be adequately illuminated with Council's standard luminaires in accordance with AS1158.
- d) Signage, line marking and services relocation must be shown on the construction plans.

- e) Pursuant to the *Roads Act 1993*, the roads works plans must be submitted to NSW RTA's Sydney Project Services, Parramatta Branch, for consideration and approval prior to release of the Stage 1 Construction Certificate. Lodgement of construction plans with RTA may incur additional fees for inspections, processing costs and performance bonds.
- f) 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.
- g) The RTA conditions Nos 66 to 78 must be met at ~~Stage 1~~ Stage 2.

19. Vehicular Crossings

A separate application under the *Roads Act 1993* must be submitted to Roads and Maritime Services for the installation of two new concrete vehicular crossings and gutter laybacks and the removal of any redundant crossings in ~~Stage 1~~ Stage 2. The vehicular crossings must be constructed in accordance with the following requirements:

- a) Any redundant crossings to be removed and matched to finished ground levels.
- b) The footway area to be restored by turfing.
- c) The road shoulder adjacent to the crossing to be constructed to match the carriageway, splayed at 45 degrees with a minimum standard shoulder pavement and sealed with 40mm AC10, as required.
- d) Approval obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

20. Traffic Control Plan

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the *Roads and Traffic Authority's Traffic Control at Worksites Manual 1998* and *Australian Standard 1742.3* for all work on a public road for Stage 1 works as required and be submitted to Council. The TCP must detail the following:

- a) Arrangements for public notification of the works.
- b) The footway area to be restored by turfing.
- c) Permanent post-construction signage.
- d) Vehicle movement plans.
- e) Traffic management plans.
- f) Pedestrian and cyclist access/safety.

21. Contaminated Land

- a) A detailed investigation of the proposed development site must be prepared by a suitably qualified environmental consultant prior to the issue of a construction certificate for Stage 1. Such investigation must be undertaken in accordance with NSW Environment Protection Authority's *Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites and Sampling Design Guidelines*.

- b) A Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council should the detailed investigation reveal contamination exceeding criteria prescribed by the NSW Environmental Protection Authority's *Contaminated Sites - Guidelines for the NSW Site Auditor Scheme*.
- c) A validation report must be prepared by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's *Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites - Sampling Design Guidelines* validating that the proposed development has been remediated and is suitable for its intended use.

22. Bin Placement Areas

Garden beds, tree and shrub plantings along the main internal road for each Stage must not impinge on the area required to place bins for servicing, being 2 bins per dwelling and allowing minimum 1 metre main internal road frontage per bin and minimum 820mm depth. Only lawn or paving is acceptable within the bin placement areas.

23. Bin Storage

The bin storage area in each garage in all Stages (with minimum internal dimensions of 820mm deep by 2000mm wide) must be in addition to the garage area required by *Australian Standard AS/NZS 2890.1:2004 - Off-street car parking*.

23A. Waste Management Details

A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage room within the temporary and permanent community centre complies with the following requirements:

- a) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
- b) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface covered at all intersections.
- c) The walls and any ceilings must be finished with smooth faced non-absorbent material capable of being cleaned.
- d) The room is to be provided with artificial light controllable within the room and adequate ventilation.
- e) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- f) Liquid waste must be stored in a bund and any spills must not enter the sewer or stormwater. A separate caged area is required within the bin room for the banded oil storage. Similarly, the clinical/medical/sharps waste bin must also be stored within a separate caged area.
- g) The bin storage room must have door(s) wide enough and positioned so that 660L bins can fit through.

- h) The doors are to be robust and lockable (but able to be opened from the inside without a key), with a door opening of the permanent facility must be no less than 2.0m.

Note that 660L bins are 1370mm wide, 850mm deep, 1260mm high; allow 75 mm between bins for ease of manoeuvring and to avoid damage to walls and doors from bins scraping against them; increase the allowance between bins to 200mm if there are to be brackets on bins for bin tugs.

24. Vegetation Management Plan

The applicant shall prepare a Vegetation Management Plan (VMP) for the area of Sydney Turpentine Ironbark Forest (STIF) located at the Mid-Dural road frontage prior to the issue of a construction certificate for Stage 1. The plan shall be prepared by a qualified and experienced bush regeneration company and be submitted to Council's Bushland and Biodiversity Team for review prior to approval.

The VMP shall be prepared in accordance with Council's *Guidelines for the preparation of Vegetation Management and Restoration Plans 2008* (available on Council's website) and shall include:

- a) Management and eradication of introduced environmental and noxious weeds including Blackberry, Cotoneaster and *Lantana camara* using approved bush regeneration techniques.
- b) Strategies for the encouragement of natural regeneration on site from the soil seed bank.
- c) Revegetation works, where required, using a diversity of locally indigenous species. Include details of appropriate planting density, source of planting stock, species to be planted, site preparation works, mulching, watering of plants and maintenance of revegetation area.
- d) Use of any topsoil translocation as recommended within the *Flora and Fauna Assessment prepared by Clarke Dowdle and Associates* dated May 2011.
- e) Erosion, sediment and stormwater runoff controls.
- f) Details of any access tracks and other structures (i.e. fencing).
- g) Appropriate map of the site showing all areas to be managed and restored under the Plan.
- h) Schedule of works including timeframes and responsibilities for management actions.
- i) Monitoring, performance criteria and reporting details.
- j) Provide minimum qualifications and experience of contractors implementing the plans.
- k) Linkages to the approved Landscape Plan (*Landscape and Planting Plan - LS01 Issue E & LA03 Issue D prepared by Taylor Brummer Pty Ltd*).
- l) Details of qualification and experience of the company preparing the plan.

The VMP shall be implemented in perpetuity and will require it to be placed on the title of the property (e.g. 88B instrument of the *Conveyancing Act 1919*) in order to ensure compliance beyond the release of the Occupation Certificate for Stages 1, 2 and 3. The initial weed

clearing works, revegetation and continued maintenance of the STIF area is undertaken by appropriately qualified persons to ensure the ecological importance of that community is maintained.

25. Car Parking and Deliveries

All car parking for each Stage must be constructed and operated in accordance with *Australian Standards AS 2890.1 - 2004 - Off Street Car Parking* and *Australian 2890.2 - 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) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.

26. Mid-Dural Road Works

A detailed design for the pedestrian refuge island, bus stops, access driveway and median island on Mid Dural Road as shown on plan No. 103976 IE04 H, be provided to Council and approved by Roads and Maritime Services (RMS) prior to a Construction Certificate in Stage 1. The design of the facilities shall be in accordance with the RMS guidelines, technical directions and Austroads standards.

27. Galston Road Works

A detailed design for the pedestrian refuge island, bus stops, access driveway and median island on Galston Road as shown on plan No. 103976 IE04 H, be provided to council and approved by the RMS prior to a construction certificate for Stage 1. The design of the facilities shall be in accordance with RMS guidelines, technical directions and Austroads standards.

27A. Construction Management Plan

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.

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.
- d) A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:
 - 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.
 - iv) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
- e) A Construction Noise and Vibration Management Plan (CNMP) which includes:
 - i) Existing noise and vibration levels within the proximity of the proposed development site.
 - ii) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - iii) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
 - iv) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
 - v) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.

- vi) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- f) Identification of approved sediment and erosion control measures.
- g) The CMP must detail the contact information for developers, builder, private certifier and any emergency details during and outside work hours.

27B. Acoustic Treatment and Certification Permanent Community Centre

Acoustic treatment must be installed for the proposed community centre in accordance with the recommendations contained within the Acoustic Impact Assessment prepared by PKA Acoustic Consulting, dated 1 October 2020, **the Addendum to the Acoustic Report, prepared by PKA Acoustic Consulting, dated 23 February 2021, Addendum 2 to the Acoustic Report, prepared by PKA Acoustics dated 16/2/22** and the following requirements:

- ~~a) All windows to be fixed and inoperable within community centre to control noise emissions from the centre to nearby sensitive receivers.~~
- ~~b) All glazed elements of the community centre must be minimum Rw 34 and entry doors be minimum Rw 32. The Rw rating is required for the complete glazing and frame assembly. The window glass and frame system are to have a laboratory tested acoustic performance (in accordance with Australian Standard AS1191 Acoustics - Method for laboratory measurement of airborne sound insulation of building elements) meeting the requirements.~~
- c) Acoustic barriers of gap free solid construction with a minimum acoustic performance of Rw 20 must be installed in accordance with the Addendum 2 to Acoustic Report, prepared by PKA Acoustic Consulting, dated 16/2/22, reference PKA11395 (TRIM: D08352688).

27C. Acoustic Treatment and Certification Temporary Community Centre

Acoustic treatment must be installed for the proposed temporary community centre in accordance with the recommendations contained within the Acoustic Impact Assessment - Temporary Community Centre prepared by PKA Acoustic Consulting, dated 12 October and the following requirements:

- a) All windows to be fixed and inoperable within community centre to control noise emissions from the centre to nearby sensitive receivers.
- b) All windows in the figure the community centre must be minimum Rw 28. This can be achieved by using 5mm laminated thick glass and acoustic seals. The Rw rating is required for the complete glazing and frame assembly. The window glass and frame system are to have a laboratory tested acoustic performance (in accordance with *Australian Standard AS1191 Acoustics - Method for laboratory measurement of airborne sound insulation of building elements*) meeting the requirements.

27D. Mechanical Equipment

A mechanical plant noise assessment for all proposed mechanical equipment and site specific equipment must be undertaken by a suitably qualified Acoustic Consultant and a

report certifying that the operation of all proposed equipment will not exceed 5dB(A) above background at any boundary upon installation, be submitted to the PCA.

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

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

- a) Showing the name, address and telephone number of the principal certifying authority for the work;
- b) Showing the name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
- c) Stating that unauthorised entry to the work site is prohibited.

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

29. Toilet Facilities

Toilet facilities must be available or provided at the works site for each Stage before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site. Each toilet must:

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

30. Erosion and Sediment Control

Erosion and sediment control measures must be provided and maintained throughout the construction period for each Stage 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.

31. Tree Protection Barriers

Temporary tree protection fencing must be erected around trees numbered Tree Group 11 to be retained at a five metre (5m) setback and in accordance with AS 4970-2009 (Section 4).

Temporary tree protection fencing must be erected around the group of trees and significant bushland located at the north, Mid-Dural road frontage of the property trees numbered 52, 51, 50, 49, 48, 47, 46, 45, 44, 43, 42, 41, 40, 39, 38, 37, 36, 35, 34, 33, 32, 31, 29, 28, 26 at a

minimum distance of six metres (6m) and in accordance with AS4970-2009 (Section 4) as they relate to each stage.

The tree fencing must be constructed of 1.8 metre 'cyclone chainmesh fence' and maintained for the duration of the construction of Stages 1 and 2 of the development.

Note: A certificate from a qualified Arborist is to be submitted to the Principal Certifying Authority stating that all tree protection measures are in accordance with AS 4970-2009 (Section 4) prior to commencement of works. The Arborist report is to specify the time the tree protection fencing is to be left in place for.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

32. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday.

No work is to be undertaken on Sundays or public holidays.

33. Tree Protection Barriers

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

All works (including driveways and retaining walls) within six metres (6m) of any trees required to be retained (whether or not on the subject property, and pursuant to this consent or the *Tree Preservation Order*) must be carried out under the supervision of an 'AQF Level 5 Arborist' and a certificate submitted to the principal certifying authority detailing the method(s) used to preserve the tree(s).

Note: Except as provided above, the applicant is to ensure that no excavation, including sub-surface trenching for stormwater or other services or the Aerated Waste-water Treatment System (AWTS), filling or stockpiling of building materials, parking of vehicles or plant, disposal of cement slurry, waste water or other contaminants is to occur within the Tree Protection Zone (Advanced Treescape Consulting dated May 2011) of any tree to be retained.

34. Bushland Protection During Construction

To ensure the protection of bushland during construction, the applicant must ensure the following:

- a) The installation of 1.8 metre high chain wire fencing at a minimum distance of six metres (6m) from the significant bushland located at the north, Mid-Dural road frontage of the property for Stages 1 and 2.
- b) The northern end of the property (Mid-Dural Road) shall not be used for vehicle access and egress during construction except on the approved formed road to be completed with Stage 1.
- c) No stockpiling of soils or material within the fenced STIF zone.

Note: The site contains Sydney Turpentine Ironbark Forest (STIF) which is listed as an 'Endangered Ecological Community' under the 'Threatened Species Conservation Act 1995'.

The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Office of Environment and Heritage' where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

Actions such as tree removal, understorey slashing or mowing, removal of dead trees within this vegetation would likely impact upon this endangered ecological community. Such action would qualify as illegal picking or disturbing the habitat and could render any person who carried out such action as LIABLE FOR PROSECUTION

35. Removal of Hollow Bearing Trees

Prior to the approved removal of hollow bearing trees located within each Stage the applicant is to carry out the following actions to prevent harm to native wildlife:

- a) Ensure the trees are removed in sections by a qualified Tree Surgeon just prior to dusk when roosting animals would be alert and likely to disperse 'naturally' from the site. Ensure that trees are knocked several times (with a hammer etc.) to alert any roosting animals of the possibility of danger. Ensure that all tree hollows are examined prior to and immediately after their removal to ensure roosting animals are free from danger.
- b) WIRES (Wildlife Rescue) volunteers can be contacted on (02) 8977 3333 or Wildlife Services Sydney Metropolitan volunteers can be contacted on (02) 9413 4300. Information on animal nesting boxes can be gained from WIRES, Kalkari Information Centre in Kuring-Gai Chase National Park, or Birds Australia web site - www.birdsaustralia.com.au

36. 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 each Stage of the development.

37. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along Mid-Dural Road and Galston Road during works and until the site is established.

The street cleaning services must undertake a street 'scrub and dry' method of service and not a dry sweeping service that may cause sediment tracking to spread or cause a dust nuisance.

38. Council Property

During construction works for all Stages, 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.

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

39. Earthworks

A certificate shall be submitted by a suitably qualified chartered geotechnical engineer for each Stage certifying the fill has been compacted in accordance with Council's Design and Construction Specification 2005.

40. Disturbance of existing Site

During construction works for each Stage, 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.

41. Landfill

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

42. 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.

43. Waste Management Plan

Demolition work and construction of all Stages of the development must be carried out in accordance with a Waste Management Plan prepared in accordance with Council's Waste Minimisation and Management Development Control Plan and Guide for the Demolition Stage (Section One) and the Construction Stage (Section Three) of the development.

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.

Refer also to Condition No. 49.

43A. Compliance With Construction Management Plan

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

43B. Unexpected Finds

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

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| REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE |
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44. Services to be provided by Retirement Village

The applicant must demonstrate that there are contracts in place which require the retirement village operator to provide on-site services to the development prior to the issue of an occupation certificate for Stages 1A and 1 as follows:

- a) The operator of the retirement village must provide on-site meals, cleaning services, home maintenance, transport, personal care, access to emergency medical care and nursing care to residents of the development who require those services. Those services are to be provided for the life 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) A 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 or registered strata by-laws.
- e) The Management Plan must be in place prior to the issue of an Occupation Certificate.
- f) A suitably qualified person is to be contracted for servicing the water supply system in accordance with manufacturers and suppliers' specifications. The water supply system must be certified accordingly every 12 months.

~~44A. Water Supply System~~

~~The operator of the retirement village must ensure that the site's water supply system is constructed and operated in accordance with relevant Australian Standards. The following requirements relate to the water supply system:~~

- ~~a) The water supply system is to include a potable supply system and a fire management system.~~
- ~~b) The potable supply system is to include the following key components:

 - ~~i) Sydney water supply mains connection.~~
 - ~~ii) On site storage reservoir with a minimum of 1 day's peak potable water demand.~~
 - ~~iii) Booster pump and control system to ensure adequate water pressure reaches all residential areas of the site in accordance with relevant Australian Standards. The control system should include suitable alarms which actuate when a pump failure occurs or a when water level reaches < 5 % capacity in the storage reservoir.~~~~
- ~~c) The fire management system is to include the following key components:

 - ~~i) Sydney water supply mains connection.~~
 - ~~ii) On site storage reservoir with a minimum of 4 hours supply at 10 L/s.~~
 - ~~iii) A separate 100 mm minimum diameter supply main.~~
 - ~~iv) A hydrant system spaced in accordance with relevant Australian Standards.~~
 - ~~v) Booster pump and control system to ensure adequate water pressure reaches all hydrants. The control system should include suitable alarms which actuate when a pump failure occurs or a when water level reaches < 5 % capacity in the storage reservoir. The booster pump can be either the same pump as the water supply system or a separate pump.~~~~
- ~~d) At completion of construction of the water supply system, a system operators manual shall be prepared and annexed to the Management Plan (refer Condition No. 44).~~
- ~~e) The water supply system shall be serviced in accordance with manufacturers and suppliers' specifications and shall be certified annually by a suitably qualified professional. Tanks should be dewatered and cleaned at a frequency not less than 10 years.~~

44B. Temporary Bus Stop

Construction of a temporary bus stop located to the south of the Galston Road vehicular entrance to be completed in Stage 1A.

44C. Private Bus Service

A Private bus service must be provided in Stage 1A by the village operator and maintained until the completion of permanent public bus stops in Stage 2 have been completed.

45. Community Centre

- a) The approved temporary community centre must be completed and ready for occupation prior to the issue of an occupation certificate for Stage 1 (including an interim occupation certificate) for any dwelling within the development.

- b) The approved community centre must be completed and ready for occupation prior to the issue of an occupation certificate for Stage 3 (including an interim occupation certificate) for any dwelling within the development.

46. Fulfilment of BASIX Commitments

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

47. Sydney Water - s73 Certificate

A s73 Certificate must be obtained from *Sydney Water* in Stage 1.

48. Damage to Council Assets

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

49. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88B or s88E of the *Conveyancing Act 1919* in Stage 1:

- 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 variation to the approved plans must be shown in red on the "*works-as-executed*" plan and supported by calculations.
- c) Implementation of the VMP as required under condition 24.
- d) The creation of an appropriate "Positive Covenant" and "Restriction As To User" over the land ensuring that each dwelling is occupied by persons who satisfy the provisions of Clause 8 or 9 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- e) For the purposes 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.

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.

Note 2: Council must be nominated as the authority to release, vary or modify any easement, restriction or covenant.

49A. Restriction on Occupation - Housing for Seniors or People with a Disability

A restriction as to user must be created under s88E of the *Conveyancing Act 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

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

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

50. Works as Executed Plan

A works-as-executed plan(s) as they relate to each Stage must be prepared by a registered surveyor and submitted to Hornsby Shire Council for completed road pavement, kerb and gutter, public assets and drainage systems, signage, markings, driveways and on-site detention systems. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

51. Site Remediation Verification

The applicant must provide documentation from a suitably qualified environmental consultant verifying that each of the site Stages 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 Remedial Action Plan, prior to the issue of an occupation certificate for each Stage.

~~52. Wastewater System Approval~~

~~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), prior to the issue of an occupation certificate for Stage 1.~~

53. Certification for Waste Management

A report(s) must be prepared by the principal contractor and submitted to the principal certifying authority prior to the issue of the Subdivision/Occupation Certificate for each Stage, certifying that:

- 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) All waste was taken to site(s) that were lawfully permitted to accept that waste;
- d) Either
 - i) The Waste Management Plan Section One - Demolition Stage and Section Three - Construction Stage were implemented and at least 60% waste generated was reused or recycled; or
 - ii) 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.
- e) The Report(s) is based on 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 have been attached to the Report.
- f) The author(s) of the report declared that the report is true in every particular and is not misleading.

54. Waste/Recycling Cupboard

Each dwelling/kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of a minimum one day's waste/recycling generation with separate containers for general waste and recyclable materials.

55. Completion of Landscaping

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

56. Food Premises

The fit out and operation of any part of the temporary and the permanent community building forming part of Stage 1 and Stage 3 works to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 - Design and fit out of food premises*, *The Food Act 2003*, and the *Food Regulation 2004*.

Note: Reference should also be made to the Food Safety Standards and the 'Safe Food Australia - A Guide to the Food Safety Standards 2nd Edition January 2001'.

57. Grease Trap Installation

A permanent grease trap must be installed for all community centre 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.

58. Kitchen Exhaust Installation

A kitchen exhaust system for the temporary and the permanent community building forming part of Stage 1 and Stage 3 must be designed and installed to effectively prevent air pollution in accordance with the *Protection of the Environment Operations Act 1997*.

59. Works in Galston Road

Central median islands and pedestrian refuges are to be constructed in Galston and Mid-Dural Roads subject to detailed design and approval process by the RTA and Council and shall be completed prior to the issue of an occupation certificate for ~~Stage 1~~ Stage 2.

60. Works in Mid-Dural Road

Bus stops with bus shelters and connecting footways are to be constructed in Galston and Mid-Dural Roads, subject to detailed design and approval process by the RTA and Council and shall be completed prior to the issue of an occupation certificate for ~~Stage 1~~ Stage 2.

61. s94 Infrastructure Contributions

The payment to Council of a contribution of \$716,470.95 for 76 additional dwellings towards the cost of infrastructure identified in Council's *Development Contributions Plan 2007-2011*. Staged prorate payment to be made for the equivalent number of dwellings for Stage 1A, Stage 1, Stage 2 and Stage 3 prior to the issue of an Occupation Certificate for the respective Stage.

Note: The contribution is calculated at the rate of \$9,953.56 x 76 Seniors House dwellings and includes a credit of \$40,000 for the site's two existing allotments as calculated at the 19 October 2011. 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.

61A. Earthworks Certification

Certification must be obtained from an appropriately qualified and registered professional geotechnical engineer prior to the issue of an Occupation Certificate for Stage 1 that the batter fill adjacent to the southern boundary of the site is structurally adequate and stable. Any remediation or revegetation works required must be completed and certified prior to the issue of the Occupation Certificate Stage 1. All copies of reports must be submitted to Council.

61B. Acoustic Certification

On completion of all works and prior to the issue of an Occupation Certificate, the certifier is to be provided with a certificate from a qualified acoustic consultant certifying that all acoustic works have been completed in accordance with the recommendations contained within the Acoustic Impact Assessment - temporary community centre prepared by PKA Acoustic Consulting, dated 12 October 2020, the Acoustic Impact Assessment prepared by PKA

Acoustic Consulting , dated 1 October 2020, the **Addendum to the Acoustic Report, prepared by PKA Acoustic Consulting, dated 23 February 2021** and the **Addendum 2 to the Acoustic Report, prepared by PKA Acoustics dated 16 February 2022** and this consent.

61C. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority

Tipping dockets for the total volume of excavated material that are received from the licensed waste facility must be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

61D. Occupation Certificate for Stage 1A

Prior to issuing an Occupation Certificate for Stage 1A (temporary community centre and dwellings 3 -10) conditions of consent 44, 44B, 44C, 45(a), 46, 47, 55, 61, 61E must be satisfied. The remaining conditions in stage 1 must be satisfied prior to the Occupation Certificate for Stage 1B.

Note: The Stage 1A works are shown on Site Plan - Stages 1a & 1b (drawing MODI-01), prepared by Vigor Master dated 16/09/2021.

61E. On-Site Detention System Certification

Prior to the issue of an Occupation Certificate for each stage of the development, a certificate from a qualified engineer shall be provided to the Principal Certifying Authority certifying that the on-site detention system has been constructed generally in accordance with Appendix 12 - Civil Engineering Concept Design Report dated 2 July, 2010 by Meinhardt Infrastructure and Environment Pty Ltd, having regard to the storage volume, discharge rate and safety requirements relevant to the particular stage of the development.

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| OPERATIONAL CONDITIONS |
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62. Noise

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

63. 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.

64. Commercial Waste

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

65. 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.

65A. Use of the Temporary Community Centre

- a) No more than 50 patrons are permitted to use the temporary community centre at one time.
- b) No outdoor areas are permitted to be used as a part of the temporary community centre.
- c) Use of the temporary community centre is restricted to between 7am - 9pm.
- d) The use of amplified music equipment and live performances are not permitted.
- e) All windows and entry doors must remain closed during the use of the community centre.
- f) Use of the temporary community centre must cease following the completion of the permanent community centre and the facility be converted back to 2x independent living units.

65B. Use of the Permanent Community Centre

- a) Live performances are not permitted to occur within the community centre
- b) Use of the outdoor areas of the community centre is restricted to between 7am - 6pm
- c) Use of the indoor areas of the community centre is only permitted between 7am-9pm
- d) All windows and entry doors must remain closed during the use of the community centre.
- e) Patrons are not permitted to access or utilise the rooftop.

65C. 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.

65D. Swimming Pool Requirements

The construction and operation of the swimming pool must comply with the provisions of the *Swimming Pool Act 1992*, the *Swimming Pool Regulation 2008*, *Australian Standards AS1926.1-3 Swimming Pool Safety* and the following requirements:

- a) All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not accessible, a filtration system that does not require backwashing must be installed; and
- b) The filtration motor and pump, or spa heater and blower unit must be housed in a soundproofed structure. Sound from the equipment must not exceed 5(dBA) above ambient noise levels at any residential property boundary.

65E. Internal Access Road (Villa Nos. 18-25)

The internal access road serving Villa Nos. 18-25 must be one-way only travelling in a westerly direction. The access road must be appropriately signposted and marked as one-way only. The accessway must also include “no parking” signage along its entire length.

CONDITIONS OF CONCURRENCE - ROADS AND TRAFFIC AUTHORITY

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.

66. A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flow on Galston Road and Mid-Dural Road during construction activities.
67. Any redundant driveways shall be removed and replaced with a footway.
68. Road traffic noise should be mitigated in accordance with the EPA Environmental Criteria for Road Traffic Noise.
69. The driveways are to be constructed to only allow left in / left out vehicular access to the site.
70. To reinforce the left in / left out vehicular access, a central median must be constructed for a minimum of 15 metres on both sides of the driveway. The central median is to be a minimum of 600mm wide and constructed prior to occupation.
71. The design and construction of the median to be to RTA, Austroads and Australian Standards specifications.
72. The design to be submitted to the RTA for approval prior to the issue of the Construction Certificate.
73. The applicant to provide kerb and gutter to the full frontage of the property on Mid-Dural Road and Galston Road.
74. A footpath is to be provided to the full frontage of the property on Mid-Dural Road and Galston Road.
75. A pedestrian refuge is to be provided on Mid-Dural Road and Galston Road. Design to Austroads and RTA specification. Plans must be submitted to the RTA prior to the Construction Certificate.
76. Bus stops to be provided on both sides of Mid-Dural Road and Galston Road. These stops are to be designed in accordance with Austroads.
77. All signposting on Mid-Dural Road and Galston Road is to be approved by the RTA prior to installation, including but not limited to ‘No Stopping’ restrictions at the pedestrian refuge and ‘Bus Zone’ signage.
78. A minimum of two bus shelters must be provided.
79. The design and construction of the interim Stage 1 and 2 left-in/left-out vehicular access 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. Detailed design plans of the proposed Stage 1 and 2 interim 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. 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.

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

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

Long Service Levy

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

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

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

Tree and Vegetation Preservation

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

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

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

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

Disability Discrimination Act

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

Covenants

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

Advertising Signage - Separate DA Required

This consent does not permit the erection or display of any advertising signs. Most advertising signs or structures require development consent. Applicants should make separate enquiries with Council prior to erecting or displaying any advertising signage.

Dial Before You Dig

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

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

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

House Numbering

House numbering can only be authorised by Council. Before proceeding to number each premise in the development, the allocation of numbers is required to be obtained from Council's Planning Assessment Report: PPSSNH-283 - DA/484/2011/K

Division. The authorised numbers are required to be displayed in a clear manner at or near the main entrance to each premise.

Council Notification - Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.

Attachment B: Architectural Plans by Vigor Master – (As amended)

Attachment C: Statement of Environmental Effects – Vigor Master