

## Attachment A: DRAFT Conditions of Consent

<b>Date of 1<sup>st</sup> modification:</b>	13 June 2018
<b>Details of 1<sup>st</sup> modification:</b>	Section 4.55(2) application to modify the design and staging of an approved seniors housing development comprising a residential care facility comprising 122 beds and five buildings containing a total of 168 independent living units.
<b>Conditions Added:</b>	70A
<b>Conditions Deleted:</b>	2a and 2b
<b>Conditions Modified:</b>	1, 2, 3, 5, 31, 45, 83, 84 and 85
<b>Date of 2<sup>nd</sup> modification:</b>	23 July 2019
<b>Details of 2<sup>nd</sup> modification:</b>	Section 4.55(1A) to change the use of the café to a community room and use as a marketing and display suite on a temporary basis during the construction and pre-sales period.
<b>Conditions Added:</b>	2(d), 2(e) and 2A
<b>Conditions Deleted:</b>	Nil
<b>Conditions Modified:</b>	1, 71 and 72
<b>Date of 3<sup>rd</sup> modification:</b>	3 September 2019
<b>Details of 3<sup>rd</sup> modification:</b>	Section 4.55(1A) to amend condition 24 waste management relating to the design of the internal road
<b>Conditions Added:</b>	Nil
<b>Conditions Deleted:</b>	Nil
<b>Conditions Modified:</b>	24 (d)
<b>Date of this modification:</b>	Insert date of SNPP determination
<b>Details of this modification:</b>	Section 4.55(2) to modify Independent Living Units within Buildings A and B associated with Stage 3 of the approved development
<b>Conditions Added:</b>	2(f), 19A, 20A and 29A
<b>Conditions Deleted:</b>	26 and 74
<b>Conditions Modified:</b>	1, 3(c), 5(a), 24, 31(d), 45(e), 47, 70, 70A, 71 and 77

**GENERAL CONDITIONS**

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

*Note: For the purpose of this consent, the term 'applicant' means any person who has the authority to act on or the benefit of the development consent.*

*Note: For the purpose of this consent, any reference to an Act, Regulation, Australian Standard or publication by a public authority shall be taken to mean the gazetted Act or Regulation or adopted Australian Standard or publication as in force on the date that the application for a construction certificate is made.*

**1. Approved Plans and Supporting Documentation (modified)**

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

*Stage 3 Approved Plans (Section 4.55(2) application – DA/394/2015/E) – These approved plans supersede any previously approved plans for Buildings A and B:*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>
Dwg No. A1100, Rev. B	Site Plan	Group GSA	26/10/22
Dwg No. A2000, Rev. C	GA Plan – Basement 02	Group GSA	05/12/22
Dwg No. A2001, Rev. C	GA Plan – Basement 01	Group GSA	05/12/22
Dwg No. A2002, Rev. C	GA Plan – A-Ground Level & B-Lower Ground	Group GSA	05/12/22
Dwg No. A2003, Rev. B	GA Plan – A-Level 01 & B-Ground Level	Group GSA	26/10/22
Dwg No. A2004, Rev. B	GA Plan – A-Level 02 & B-Level 01	Group GSA	26/10/22
Dwg No. A2005, Rev. B	GA Plan – A-Level 05 & B-Level 04	Group GSA	26/10/22
Dwg No. A2006, Rev. B	GA Plan – A-Roof & B-Level 5	Group GSA	26/10/22
Dwg No. A2007, Rev. B	GA Plan –B-Roof	Group GSA	26/10/22
Dwg No. 2010, Rev. B	Building A – Ground Level	Group GSA	26/10/22
Dwg No. 2011, Rev. B	Building A – Level 1	Group GSA	26/10/22
Dwg No. 2012, Rev. B	Building A – Level 2	Group GSA	26/10/22
Dwg No. 2013, Rev. B	Building A – Level 3	Group GSA	26/10/22
Dwg No. 2014, Rev. B	Building A – Level 4	Group GSA	26/10/22
Dwg No. 2015, Rev. B	Building A – Level 5	Group GSA	26/10/22
Dwg No. 2016, Rev. B	Building A – Roof	Group GSA	26/10/22
Dwg No. 2017, Rev. B	Building B – Lower Ground	Group GSA	26/10/22
Dwg No. 2018, Rev. B	Building B – Ground Level	Group GSA	26/10/22
Dwg No. 2019, Rev. B	Building B – Level 1	Group GSA	26/10/22
Dwg No. 2020, Rev. B	Building B – Level 2	Group GSA	26/10/22
Dwg No. 2021, Rev. B	Building B – Level 3	Group GSA	26/10/22
Dwg No. 2022, Rev. B	Building B – Level 4	Group GSA	26/10/22
Dwg No. 2023, Rev. B	Building B – Level 5	Group GSA	26/10/22
Dwg No. 2024, Rev. B	Building B – Roof	Group GSA	26/10/22
Dwg No. A3001, Rev. B	Building A & B – West Elevation	Group GSA	26/10/22

Dwg No. A3002, Rev. B	Building A & B – East Elevation	Group GSA	26/10/22
Dwg No. A3003, Rev. B	Building A – North Elevation	Group GSA	26/10/22
Dwg No. A3004, Rev. B	Building A – South Elevation	Group GSA	26/10/22
Dwg No. A3005, Rev. B	Building A – East Elevation	Group GSA	26/10/22
Dwg No. A3006, Rev. B	Building A – West Elevation	Group GSA	26/10/22
Dwg No. A3007, Rev. B	Building A – North Elevation	Group GSA	26/10/22
Dwg No. A3008, Rev. B	Building A – South Elevation	Group GSA	26/10/22
Dwg No. A3009, Rev. B	Building A – East Elevation	Group GSA	26/10/22
Dwg No. A3010, Rev. B	Building A – West Elevation	Group GSA	26/10/22
Dwg No. A3100, Rev. B	Site Sections	Group GSA	26/10/22
Dwg No. A3101, Rev. A	Buildings A & B – South North Section	Group GSA	26/10/22
Dwg No. A3102, Rev. A	Buildings A – South North Section	Group GSA	26/10/22
Dwg No. A3102B, Rev. A	Buildings A – East West Section	Group GSA	26/10/22
Dwg No. A3103, Rev. A	Buildings B – South North Section	Group GSA	26/10/22
Dwg No. A3103B, Rev. B	Buildings B – East West Section	Group GSA	26/10/22
Dwg No. A3104, Rev. A	Ramp Sections	Group GSA	26/10/22
Dwg No. 3A105, Rev. B	Entry Driveway Ramp	Group GSA	26/10/22
Dwg No. A4100, Rev. A	Typical Balcony	Group GSA	26/10/22
Dwg Nos. C100, 100, 001, 002, 101-106, 201-206, 301-306, 500-503, 601, 602, 701 (inclusive)	Stage 3 Landscape Plans and Details Revision B	Site Image Landscape Architects	24/10/22

*Approved Plans:*

<b>Plan No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Dated</b>
A-002 DA- 01	Existing site analysis plan	Morrison Design Partnership	14 Feb 2017
A-003 DA-02	Proposed Site Analysis Plan	Morrison Design Partnership	13 March 2017
A-020 DA- 01	Site Master Plan	Morrison Design Partnership	2 Feb 2017
A-031 DA- 01	Site Plan – Existing Building Survey Overlay	Morrison Design Partnership	2 Feb 2017
A- 060 DA-02	Site Plan and basement plans, Blocks D & E RL 175.800	Morrison Design Partnership	24 March 2017
A- 061 DA-01	Site Plan and Basement Plans, Block A & B 177.600, Block D & E RL 179.00	Morrison Design Partnership	24 March 2017
A- 062 DA-04	Site Plan & Basement Plan – Blocks A, B & C RL 184.000, Block D RL 182.2 & E RL 183.00	Morrison Design Partnership	13 March 2018
A- 063 DA-03	Site Plan – Block A & B RL 184, Block C & D RL 185.4-186.0	Morrison Design Partnership	13 March 2018
A- 064 DA-03	Site Plan – Block A, B & C RL 187.2 Block D RL 188.6 & Block E RL 186.2	Morrison Design Partnership	13 March 2018
A- 100 DA-01	ILU Block Floor Plans – Block A & B	Morrison Design Partnership	15-Feb-2017

A- 101 DA-05	ILU Block C Floor Plans	Morrison Design Partnership	13 March 2018
A- 102 DA-01	ILU Block D Floor Plans	Morrison Design Partnership	15-Feb-2017
A- 103 DA-01	ILU Block E Floor Plans	Morrison Design Partnership	15-Feb-2017
A-104 DA-01	Roof Plans Block A, B & D	Morrison Design Partnership	15-Feb-2017
A-105 DA-02	Roof Plan of Block C & E	Morrison Design Partnership	13 March 2018
A- 300 DA-03	Site Section 1, 2 & 3	Morrison Design Partnership	27/04/2018
A- 301 DA-03	Site Section 4, 5 & 6	Morrison Design Partnership	27/04/2018
A- 302 DA-03	Site Section 7, 8 & 9	Morrison Design Partnership	27/04/2018
<del>A- 400 DA-03</del>	<del>Café</del>	<del>Morrison Design Partnership</del>	<del>15-Feb-2017</del>
A-400 DA 05 (added)	Community Room	Morrison Design Partnership	14 May 2019
A-410 DA-01	Community Facilities Building Floor Plan	Morrison Design Partnership	15-Feb-2017
2842 AR- 100 DA-02	RACF Building Basement Floor Plan	Morrison Design Partnership	11 Aug 2015
2842 AR- 101 DA-02	RACF Building Ground Floor Plan	Morrison Design Partnership	11 Aug 2015
2842 AR- 102 DA-02	RACF Building First Floor Plan	Morrison Design Partnership	11 Aug 2015
2842 AR- 103 DA-02	RACF Building Roof Plan	Morrison Design Partnership	11 Aug 2015
2842 AR- 200 DA-03	Elevations and Sections RACF	Morrison Design Partnership	14 Aug 2015
000 Issue B	Landscape - Coversheet and Key Plan	Site Image	3/3/17
100 Issue B	Landscape Masterplan	Site Image	3/3/17
101 Issue B	Landscape Plan 1	Site Image	3/3/17
102 Issue B	Landscape Plan 2	Site Image	3/3/17
103 Issue B	Landscape Plan 3	Site Image	3/3/17
104 Issue B	Landscape Plan 4	Site Image	3/3/17
105 Issue B	Landscape Plan 5	Site Image	3/3/17
106 Issue B	Landscape Plan 6	Site Image	3/3/17
501 Issue B	Hardscape Details	Site Image	3/3/17
502 Issue B	Softscape Details	Site Image	3/3/17
503 Issue B	Softscape Details and Planting Schedule	Site Image	3/3/17
504 Issue B	Softscape Details and Planting Schedule	Site Image	3/3/17
001-013	Landscape DA Additional Information	Site Image	14/8/15

*Supporting Documentation (Section 4.55(2) application – DA/394/2015/E:*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
Civil Drawings – Stage 3 – Project No. 22-000013, Rev A	Calibre Group	14/03/22
Stormwater Response	Calibre Group	07/09/22
BCA Report	Blackett Maguire Goldsmith	31/03/22
BASIX Certificate No. 1272554M – Buildings A and B	Aspire Sustainability Consulting	03/03/22
Arboricultural Impact Report Issue D	Landscape Matrix	23/03/22
Nose Impact Assessment	Pulse White Noise Acoustics	03/12/21
Access Report	Accessible Building Solutions	22/02/22
Waste Management Plan	Dickens Solutions	03/22
Traffic and Parking Assessment	The Transport Planning Partnership	04/03/22

*Supporting Documentation (Section 4.55(2) application – DA/394/2015/A):*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
A-306 DA01 - Solar Study - Block C	Morrison Design Partnership	02/03/2018
A0010 DA04 – Shadow Diagram Sheet 1	Morrison Design Partnership	14/03/2018
A0011 – DA05 – Shadow Diagram Sheet 2	Morrison Design Partnership	14/03/2018
A0012 – DA05 – Shadow Diagram Sheet 3	Morrison Design Partnership	14/03/2018
2021768601C – Engineering Plans - Civil and Stormwater (17 pages)	Bonnaci Group Pty Ltd	Dec 2016
<del>Statement of Environmental Effects, Amended Section 4.55(2) modification</del>	<del>BBC Consulting Planners</del>	<del>14/03/2018</del>
<del>S96 Modification Commentary</del>	<del>Morrison Design Partnership</del>	<del>14/03/2018</del>
BASIX Certificate No. 596536M_04	Six b Design	4/05/2018
Architectural Design Report	Morrison Design Partnership	7/03/2018
S96 Amendment Schedule	Morrison Design Partnership	7/03/2018
2021768601C – Engineering Plans - Civil and Stormwater (17 pages)	Bonnaci Group Pty Ltd	Dec 2016
Stormwater Statement	Bonnaci Group Pty Ltd	8/03/2017
Waste Management Plan	Morrison Design Partnership	9/03/2017
Acoustic Review for s96	Acoustic Logic	22/03/2017
Traffic and Parking Assessment Letter for Section 96	The Transport Planning Partnership	21/03/2017
Bushfire Report – Section 96 modification	Blackash Bushfire Consulting	30/08/2017
Access Report	Accessible Building Solutions	24/03/2017
BCA Assessment Report (ref 160244)	Blackett Maguire Goldsmith	March 2017

*Supporting Documentation (original application):*

<b>Document Title</b>	<b>Prepared by</b>	<b>Dated</b>
<del>Statement of Environmental Effects</del>	<del>BBC Consulting Planners</del>	<del>April 2015</del>
<del>Additional Information</del>	<del>BBC Consulting Planners</del>	<del>17 Aug 2015</del>
Stormwater management Plan and Flood Report (R01266-SQF)	C & M Consulting Engineers	-

Hazmat Asbestos & Lead Paint Risk Assessment Audit Ref: 8580.21	Stokes Penna Building Compliance Pty Ltd	10 Oct 2012
Heritage Assessment of Endemic Trees	Mayne- Wilson & Associates	Feb 2015
Flora and Fauna Assessment	Ecological	3 Feb 2015
Arboricultural Impact Report	Landscape Matrix	9 April 2015
Traffic Impact Assessment	GTA Consultants	1 Apr 2015
Acoustic	Acoustic Logic	16 Jan 2015
Soil & Water Management Plan R01266-S&WMP Rev A	C & M Consulting Engineers	June 2015
Architectural Design Report	Morrison Design Partnership	8 Apr 2015
Access Report	Accessible Building Solutions	26 Feb 2015
Landscape Masterplan Design Report Issue B	Site Image	Aug 2015
Root Mapping Investigation	Landscape Matrix	12 Aug 2015
Waste Management Plan Rev 2	Morrison Design Partnership	12 Aug 2015
Bushfire Access Report	Blackash Bushfire Consulting	6 Aug 2015
Air Quality Assessment 70Q-15-0055-TRP-517880-0	Vipac Engineers & Scientists	9 March 2015
BCA Compliance	Blackett Maguire & Goldsmith	8 Apr 2015
Bushfire Assessment	Blackash Bushfire Consulting	21 Oct 2014
Contamination Assessment	Environmental Investigations	26 Apr 2006
Remediation Action Plan	Environmental Investigations	25 Sept 2007

## 2. Amendment of Plans (modified)

- a) Deleted
- b) Deleted
- c) To comply with Council's requirement to provide adequate parking and facilities for each stage, the staging plan is to be amended as follows:
  - i) Stage 1, the RACF building, is to include the internal roadway and associated stormwater works to the south of the building. This is to ensure that the basement to the RACF building is available for use as part of Stage 1 and adequate flood mitigation and stormwater drainage works are completed.
- d) The design of the community room must be in accordance with Drawing A-400 DA-05 dated 14 May 2019.
  - i) The reference to this building as a café on any other approved plans is to be read and a community room.
- e) Notwithstanding the staging shown on the approved staging plan being Drawing A-020 DA-01, dated 2 Feb 2017, the proposed community room can be constructed as a separate stage.
- f) The internal dimensions of the Waste and Recycling Compartments/Cupboards on each residential level of Buildings A and B are to be increased from 1800mm wide by 850mm deep to no less than 2100mm wide by 900mm deep. The door opening is to be increased from 1600mm to no less than 1800mm (double doors). Internal dimensions to include wall thickness, support columns, ventilation shafts etc.

These amended plans must be submitted with the application for the Construction Certificate.

**2A. Use of Community Room During Construction and Presales Period (added)**

- a) The community room as shown on Drawing A-400 DA-05, dated 14 May 2019 may be used as a marketing and display suite during the construction and presales period of the development.
- b) The marketing and display suite must only be in operation during the construction and presales period.
- c) The hours of operation of the marketing and display suite is restricted to the times listed below:  
  
Monday to Friday 9 am to 5 pm  
  
Saturdays 10am to 4pm
- d) The marketing and display suite must be converted to a community room prior to the issue of an Occupation Certificate.

**3. Removal of Existing Trees (modified)**

- a) Stage 1 - This development consent permits the removal of trees numbered 1, 6, 7, 11-16, 18, 25, 26, 41, 47-51, 57-62, 67-71, 78-83, 94, 96, 97, 109, 122, 129, 141, 147, 151, 171, 173, 174, 186, 190-192, 202-222, 225-235, 237-239, 246-253, 256, 257, 259, 273--277, 280-282, 285, 288, 291-293, 315, 318, 320, 321, 326A, 330, 353, 378, and 382 as identified in the Supplied Arboricultural Impact Assessment provided by Landscape Matrix dated 9 April 2015 (D05287420).
- b) Stage 2 – This development consent permits the removal of trees numbered 141, 147, 152, 175, 176, 177, 183, 202, 203, 204, 206, 254, 255, 261, 262, 291, 293, 339, 352, 354, 356, 358, 359, 391 and 394 as identified the Supplied Arboricultural Impact Assessment provided by Landscape Matrix dated 9 April 2015 (D05287420).
- c) Stage 3 - This development consent permits the removal of trees numbered 181, 184A, 184B, 202, 203, 204, 206, 254 and 255 as identified in the Arboricultural Impact Assessment Issue D, prepared by Landscape Matrix dated 23 March 2022 (D08440545).
- d) The removal of any other trees requires separate approval in accordance with the Tree and Vegetation Chapter 1B.6 Hornsby Development Control Plan 2013.

**3A. Retention of Trees 20, 21 and 93**

Tree Nos. 20, 21 and 93 are to be retained if the approved development is able to comply with the Australian Standard AS4970 Protection of Trees on Construction Sites in relation to those trees. If the approved setback of the building means that the development cannot comply with AS4970 in relation to Trees 20, 21 and 93 then they are approved to be removed. The project arborist is to provide certification on the ability to comply with AS4970 prior to the issuance of a construction certificate.

**3B. Relocation of Trees**

That all efforts be made to satisfactorily relocate Tree No. 17 and 67 to a more suitable location on the site in conjunction with Council's Tree Management Team.

**4. Pruning Works – Stage 1**

- a) This development consent only permits the pruning of tree(s) numbered 63 and 64 as identified the Arboricultural Impact Report Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- b) The recommended pruning works for tree/s numbered 63 and 64 will require the consent of the owner of that asset; No works are to be undertaken without that consent. Council acknowledges there is a requirement to provide scope to undertake the construction works. It is desirable that pruning works are only canopy lifting rather than excessive reduction.

All tree works consented will require supervision by a project Arborist (AQF5 qualified). All works are to be undertaken by an Arborist holding an AQF level 3 certification in Arboriculture.

**5. Pruning Works – Stage 2 and 3 (modified)**

- a) This development consent only permits the pruning of trees numbered 34, 35, 36 and 189 as identified the Arboricultural Impact Report Assessment Issue D, prepared by Landscape Matrix dated 23 March 2022 (D08440545).
- b) The recommended pruning works must be in the form of the following:
  - i) General crown maintenance as outlined in AS4373-2007.
  - ii) Canopy lifting of equal to 10% as outlined in AS4373-2007.
- c) All tree works consented will require supervision by a project Arborist (AQF5 qualified). All works are to be undertaken by an Arborist holding an AQF level 3 certification in Arboriculture.

**6. Construction Certificate**

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.
- b) A separate Construction Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act*.
- c) A separate Construction Certificate must be obtained from Council for all works within drainage easements vested in Council.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

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

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

**8. Fire sprinkler**

A Fire sprinkler system is to be installed in the RACF building to meet the requirements of Clause 22 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability (2004))*.



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

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

**10. Utility Services**

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

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

**11. Sydney Water – Quick Check**

This application must be submitted to a *Sydney Water* 'Quick Check Agent' or 'Customer Centre' for approval to determine whether the development would affect any *Sydney Water* infrastructure, and whether further requirements are to be met.

*Note: Refer to [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92 for assistance.*

**12. Dilapidation Report**

A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of Units 176 and 177 The Grange, 2 McAuley Place, Waitara.

**13. Identification of Survey Marks**

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

**14. Construction Traffic Management Plan**

To enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Traffic Management Plan and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements:

- a) A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.
- b) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- c) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.

- d) To prevent injury, accident and loss of property, 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.
- e) The Plan shall be generally in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-
  - i) Public notification of proposed works;
  - ii) Long term signage requirements;
  - iii) Short term (during actual works) signage;
  - iv) Vehicle Movement Plans, where applicable;
  - v) Traffic Management Plans;
  - vi) Pedestrian and Cyclist access and safety;
- f) The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- g) The plans shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development. The plan shall also include details of parking arrangements for all employees and contractors.
- h) 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.
- i) If there is a requirement to obtain a Work Zone, partial Road Closure or Crane Permit an application to Hornsby Shire Council is to be made prior to the issue the Construction Certificate

#### **15. Traffic Control Plan**

A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard AS1742.3 for all work on a public road. The Traffic Management Plan shall be submitted and approved by Council's Manager Traffic and Road Safety prior to the issue of a construction certificate. The TCP must detail the following:

- a) Arrangements for public notification of the works;
- b) Temporary construction signage;
- c) Permanent post-construction signage;
- d) Vehicle movement plans;
- e) Traffic management plans; and
- f) Pedestrian and cyclist access/safety.

#### **16. Pedestrian Access Management Plan**

A Pedestrian Access Management Plan (PAMP) detailing how pedestrian movements will be changed and managed during various stages of development, particularly during any partial or total

closure of footpaths on Pacific Highway. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.

#### **17. Overland Flow**

- a) The 100 year ARI flow path works are to be in accordance with the plans, Sk01 -03, revision 01, dated 30<sup>th</sup> July 2015, prepared by C & M Consulting Engineers and Hornsby Council's Civil Works Specifications, 2005. The outlet works shall be designed and constructed to ensure that the post development flow depth velocity product and extent of flooding to downstream properties remain same as predevelopment or improved.
- b) All building/flood protection wall abutting the overland flow shall be constructed to a minimum 0.5m above the 100 year ARI flow level and flood proofed in accordance with Floodplain Management Manual of NSW government. After completion of the works, a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, is to provide a compliance certificate.
- c) An overland flow risk management plan is to be submitted with a construction certificate application to Council.
- d) Fences across overland flow path shall be of swimming pool type fence or hinged at 0.5m above the 100 year ARI flood level.
- e) No trees are to be planted within the overland flow path.

*Note: Council is the only authority that can issue a construction certificate for construction of a stormwater line that is to be maintained by Council*

#### **18. Stormwater Drainage**

The stormwater drainage system for the development must be designed for an average recurrence interval (ARI) of 20 years and be gravity drained in accordance with the following requirements:

- a) Connected directly to a pit of Council's drainage system
- b) Be designed by a Chartered Professional Civil/ Hydraulic Engineer of the Institution of Engineers, Australia

#### **19. On Site Stormwater Detention**

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

- a) Storage capacity to accommodate volume from up to 20 years ARI (average recurrence interval) storms and a maximum discharge (when full) limited to 5 years pre development rate.
- b) Have a surcharge/inspection grate located directly above the outlet. Discharge from the detention system to be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- c) Where above ground system is proposed and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs to be installed.

- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.
- e) Detail calculations are to be shown in construction certificate plan.
- f) An overflow/escape path shall be incorporated in the design.

**19A. On Site Stormwater Detention - Stage 3 (added)**

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with Project No. 22-000013 Drawing No.C2-01 and Drawing No.C4-30 Revision A , prepared by Calibre Group, dated 14.03.2022 and the following requirements:

- a) Have a capacity of not less than 59.0 cubic metres, and a maximum discharge (when full) of 150 litres per second.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed; and
- e) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

**20. Water Quality/Bio Retention System**

- a) Stormwater discharging from the development site is to be treated to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets) and a quality treatment system is to be constructed.
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been completed in accordance with the approved construction plan and the measures will achieve the targets specified in the condition.

**20A. Water Quality/Bio Retention System – Stage 3 (added)**

- a) Stormwater discharging from the development site is to be treated generally in accordance with the MUSIC Model in Appendix B of the Stormwater Management Report Issue A, prepared by Calibre Group, dated 14.03.2022 to achieve the quality specified in Council's Development Control Plan 2012 (table 1C.1.2(b) Urban Stormwater Quality Targets) and a quality treatment system is to be constructed.
- b) Prior to occupation of the premises, a Chartered Civil/Hydraulic Engineer of the Institution of Engineers, Australia is to certify that works have been completed in accordance with the approved construction plan and the measures will achieve the targets specified in the condition.

## **21. Vehicular Crossing**

A separate application under the *Local Government Act, 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's *Civil Works Design 2005* and the following requirements

- a) Design levels at the front boundary must be obtained from Council for the design on the internal driveway;
- b) Any redundant crossings must be replaced with integral kerb and gutter;
- c) The footway area must be restored by turfing;
- d) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

*Note: An application for a vehicular crossing can only be made to one of Council's Authorised Vehicular Crossing Contractors. You are advised to contact Council on 02 9847 6940 to obtain a list of contractors.*

## **22. Internal Driveway/Vehicular Areas**

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with Australian Standards 2890.1, 2890.2, 3727 and the following requirements:

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

## **23. Road Works**

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

- a) Kerb and gutter shall be replaced along the frontage of Pacific Highway to the requirements of RMS.
- b) The existing footpath along Pacific Highway is to be removed and a new footpath constructed.

- c) The existing road pavement to be saw cut a minimum of 300 mm from the existing edge of the bitumen and reconstructed.
- d) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
- e) No work is to commence within the road reserve until approval under Section 138 of the Roads Act is obtained from Hornsby Shire Council. In this regard a construction certificate application is to be submitted to Council.
- f) For all works along Pacific Highway, stamped plans from the authority shall be submitted to Council with a construction certificate application.
- g) Necessary road occupancy permit is to be obtained from RMS to carry out works in Pacific Highway.

#### **24. Waste Management (modified)**

The following waste management requirements must be complied with:

- a) The approved on-going waste management system must not be amended without the written consent of Council.
- b) A dedicated bulky waste storage area of at least 8 square metres must be provided for each ILU building.
- c) Storage space must be provided for all equipment required for the operation of the waste management system, including a bin lifter(s), motorised bin carting equipment.
- d) The kerb around the internal road must be roll kerb (not step kerb). ~~There must be no garden beds, trees, shrubs or other raised object or landscaping feature within 1 metre of the side of the road – grass/lawn/footpath is acceptable.~~
- e) The median at the Pacific Highway entry to the site must be able to be driven over by waste collection vehicles.

*Note: Marking by paint is acceptable Step kerb is not acceptable.*

- f) There must be a waste facility (a waste and recycling compartment/cupboard or small room housing a 240Lgarbage bin and a 240 L recycling bin and 240 L FOGO bin) on each residential level of each lift core of each ILU building. Each waste facility must:
  - i) be accessible by persons with a disability while comfortably housing one 240 L garbage bin and one 240L recycling bin and one 240L FOGO bin; and
  - ii) have internal dimensions no less than 2100mm wide by 900mm deep; and
  - iii) have double door(s) and a door opening of no less than 1800mm.
  - iv) Includes mechanical ventilation to control odours and contaminants. The air handling system must not reduce the space required to store the bins.

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

- g) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:
  - i) An estimate of the types and volumes of waste and recyclables to be generated;

- ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;
  - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;
  - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.
- h) Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the loading areas and garbage collection areas comply with AS 2890.2 and the approved Development Consent plans and conditions.
- i) Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste management system or the waste collection vehicle travel path on site, then written clarification must be obtained from Council.
- j) Details of all changes to the waste management plans (including but not limited to, the waste and recycling compartments/cupboards, bin storage rooms, bin carting paths, bulky waste storage) must be submitted to Council's waste team (which can be contacted via [devmail@hornsby.nsw.gov.au](mailto:devmail@hornsby.nsw.gov.au)) for approval prior to the issue of a Construction Certificate.
- k) There must be no steps along any bin carting route. Ramps and service lifts are acceptable.
- l) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must not have access to the residential waste/recycling bins and vice versa. The bin storage area for the commercial bins in Building B must be caged off from the residential bin storage area.
- m) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all waste storage room(s) at the ground level of each Building have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
  - i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
  - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections.
  - iii) The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned.
  - iv) The room is to be provided with artificial light controllable both from outside and within the room.
  - v) The room is to be provided with a separate mechanical ventilation system to comply with AS 1668 – The use of mechanical ventilation and air-conditioning in buildings.
  - vi) The room is to be provided with temperature control devices (e.g., air-conditioning) to keep the room cold.
  - vii) The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

- viii) The doors are to be robust and lockable, with a door opening of no less than 1.8m. The doors must be able to be opened from inside the room without a key; and
- ix) The room is to satisfy the requirements of the Building Code of Australia

**25. Appointment of a Project Arborist – All Stages**

- a) A project arborist (AQF5 qualified) must be appointed to oversee the installation of tree trunk protection and tree protection zone fencing and must be in accordance with Australian Standard AS4970-2009 (1.4.4). The details of the project arborist is to be provided to Council and the PCA prior to the issuance of a construction certificate.
- b) The project arborist must monitor the integrity of the tree protection methods, recording any modifications or alterations to the tree protection zone fencing for the duration of the construction period.

**~~26. Traffic Management Boom Gate (deleted)~~**

~~A traffic management boom gate is to be located on Road No 4, between McAuley Place and the new internal road system. Details of the location of the boom gate is to be submitted to Council's Traffic Engineer for approval prior to the issuance of a construction certificate.~~

**26A. Sandstone Wall with Foundation Stones**

The building foundation stones currently located on a low sandstone wall in a garden area close to the current entry to the site shall be protected and removed using appropriate techniques to allow for storage prior to construction commencing. The heritage elements shall be restored and reinstated in an appropriate prominent location within the property. The location of the foundation stones are to be identified on the construction certificate plans.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS</b>
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**27. Erection of Construction Sign**

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

**28. Protection of Adjoining Areas**

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or



- c) Involve the enclosure of a public place or part of a public place.

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

## **29. Toilet Facilities**

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

## **29A. Garbage receptacle (added)**

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

## **30. Erosion and Sediment Control**

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

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

## **31. Tree Protection Zone Fencing (TPZ) (modified)**

- a) Tree barriers and protection zone fencing must be installed prior to the commencement of works on the site for each stage.
- b) Stage 1 - Tree protection fencing must be erected around trees numbered 1, 3, 4, 5, 24, 63, 64, 73, 85, 193, 194, 243, 242, 241, and 240 in accordance with required tree protection zones as identified in the Supplied Arboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).
- c) Stage 2 - Tree protection fencing must be erected around trees numbered 289, 290 335, 338, 360-376 in accordance with required tree protection zones as identified in the Supplied

Arboricultural Impact Assessment provided by Landscape matrix dated 9 April 2015 (D05287420).

- d) Stage 3 - Tree protection fencing must be erected around trees numbered 22, 24, 27, 30-39, 45, 46, 179, 180, 182, 183, 184, 185-189, 376-390 in accordance with required tree protection zones as identified in the submitted Arboricultural Impact Assessment Issue D, prepared by Landscape Matrix dated 23 March 2022 (D08440545).

**32. Tree Ground Protection – All Stages**

All Tree Protection Zones must have a layer of wood-chip mulch installed prior to works commencing and must be maintained throughout the period of construction at a depth of 150mm – 300mm using material that complies with Australian Standard AS4454.

**33. Tree Protection Certification**

The project arborist must submit to the Principal Certifying Authority a certificate/statement confirming that all tree protection measures have been installed in accordance with this consent and the specific requirements of Australian Standard AS4970-2009.

<b>REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION</b>
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**34. Construction Work Hours**

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances). No work is to be undertaken on Sundays or public holidays.

**35. Construction Vehicles**

All construction vehicles associated with the proposed development are to be contained on site or in an approved "Work Zone".

**36. Demolition**

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard 2601-2001 Demolition of Structures and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan.
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by WorkCover NSW in accordance with Chapter 10 of the Occupational Health and Safety Regulation 2001 and Clause 29 of the Protection of the Environment Operations (Waste) Regulation 2005; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

**37. Environmental Management**

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

**38. Street Sweeping**

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking from the site along the roads adjacent to the site frontages 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.

**39. Council Property**

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

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

**40. Disturbance of Existing Site**

During construction works, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

**41. Landfill**

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

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

**42. Excavated Material**

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

**43. Survey Report**

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

- a) Prior to the pouring of concrete at each level of the building certifying that:
  - i) The building, retaining walls and the like have been correctly positioned on the site; and
  - ii) The finished floor level(s) are in accordance with the approved plans.
- b) Confirming that the waste collection vehicle turning area complies with AS2890.1-2004 and AS20890.2-2002 for small rigid vehicles (SRV).

**44. Traffic Control Plan Compliance**

The development must be carried out in accordance with the submitted Traffic Control Plan (TCP).

**45. Maintenance and Monitoring of Tree Protection (modified)**

- a) All required tree protection measures must be monitored by the appointed project arborist to ensure that they are maintained in good condition for the duration of the construction period.
- b) The project arborist must supervise and record all works, including driveways and retaining walls, on the subject or adjoining properties within 6 metres of any trees required to be retained.
- c) Stage 1 - The project arborist must record the method(s) used to preserve the trees numbered 63, 64 for the duration of the proposed works and form part of final certification documentation.
- d) Stage 2 - The project arborist must record the method(s) used to preserve the trees numbered 289, 290 335, 338, 360-376 for the duration of the proposed works and form part of final certification documentation
- e) Stage 3 - The project arborist must record the methods used to preserve the trees numbered 22, 24, 27, 30-39, 45, 46, 179, 180, 182, 183, 184, 185-189, 376-390 for the duration of the proposed works and form part of final certification documentation.

**46. Work within Tree Protection Zones**

Consent is granted to undertake works within Tree Protection Zone of the trees prescribed at Condition 45 above with the following conditions:

- a) Driveway/concrete slabs (no-strip footing)
  - i) To facilitate the installation of the driveway, Tree protection fencing must only be adjusted to provide sufficient access and must minimise encroachment of a trees structural root zone.
  - ii) The driveway must be built on grade, with the use of piers to provide support to minimise compaction with the tree protection zone.
  - iii) Material being imported to the site to create level grade for driveway must be distributed by hand within the tree protection zone.
- b) Foundation/ Footings

Where the building foundation encroaches within the tree protection zone (of any retained tree), that portion of the foundation must be of a canter lever design.

c) Root Pruning

- i) The project arborist must monitor and assess the necessary root pruning in accordance with in Australian Standard AS4970-2009 Sections 3.3.4, 4.5.4 and 4.5.5.
- ii) The final certification submitted by the project arborist to the principal certifying authority must detail the methods used to preserve the trees e.g. application of nutrients/root development stimulants (fish emulsion).

d) Installing underground services

- i) The installation of any services within the nominated tree protection zone of any tree to be retained must utilise the thrust boring method.
- ii) Thrust boring must be carried out so that 'top of pipe' is a minimum 600mm depth beneath existing ground level.

e) Building materials and Site Waste

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

**47. Waste Management (modified)**

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

- a) The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*
- b) All waste on site is to be stored, handled and disposed of in such a manner as to not create air pollution, offensive noise or pollution of land and water as defined by the *Protection of Environment Operations Act 1997*
- c) Generation, storage, treatment and disposal of hazardous waste is conducted in accordance with the relevant waste legislation administered by the EPA and relevant Occupational Health and Safety legislation administered by WorkCover NSW
- d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it
- e) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses
- f) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works

- g) Additionally, written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:
  - i) The identity of the person removing the waste.
  - ii) The waste carrier vehicle registration.
  - iii) Date and time of waste collection.
  - iv) A description of the waste (type of waste and estimated quantity).
  - v) Details of the site to which the waste is to be taken.
  - vi) The corresponding weighbridge tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
  - vii) Whether the waste is expected to be reused, recycled or go to landfill.

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

- h) From the commencement of works on site, until such time as the final occupation certificate is issued, the applicant is required to monitor the construction area and the immediate vicinity regularly for litter and illegal dumping. The applicant is to arrange removal of said material where required to avoid contamination of waterways and bushland as well as mitigating any further instances or compounding of illegal dumping.
- i) The on-going collection of waste from occupied buildings must not be impeded by construction works.

<b>REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE</b>
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<i>Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.</i>
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**48. Fulfilment of BASIX Commitments**

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

**49. Fulfilment of Accessibility Commitments**

The applicant must demonstrate the fulfilment of accessibility commitments pertaining to the development as required by Clause 41 of *SEPP (Housing for Seniors or People with a Disability) 2004*.

**50. Damage to Council Assets**

To protect public property and infrastructure any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the proponent in accordance with Council's Civil Works Specifications.

**51. Maintain Canopy Cover**

Replacement Tree Planting is required under the following conditions:

a) **Green Offset Replacement Planting**

- i) To offset the loss of 8 significant Blue Gum High Forest trees removed under this consent, replacement tree planting must be with the species characteristic of Blue Gum High Forest (BGHF) such as *Angophora floribunda*, *Syncarpia glomulifera*, *Eucalyptus saligna*.
- ii) The offset ratio for remnant EEC is 5:1, requiring 40 medium to large trees are to be planted on the site.

b) **Location and Size of Plantings**

- i) Tree plantings for must be located 4 metres or greater from the foundation walls of the approved development.
- ii) At least 12 of the trees should be planted along the Pacific Highway frontage.
- iii) The pot size of the replacement tree(s) must be a minimum 25 litres.
- iv) The replacement tree(s) must be maintained until they reach the height of 3 metres.
- v) The replacement trees must be native to Hornsby Shire and must reach a mature height greater than 15 metres.
- vi) All tree stock must meet the specifications outlined in '*Specifying Trees*' (Ross Clark, NATSPEC Books).
- vii) Planting methods must meet professional (best practice) industry standards.

**52. Completion of Landscaping**

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

*Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au).*

**53. Project Arborist Certification**

A certificate from the appointed project arborist must be submitted with the application for the occupation certificate to the principal certifying authority stating compliance with the relevant conditions of this consent.

**54. Retaining Walls**

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

**55. External Lighting**

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

**56. Garbage Collection Easement**

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it, to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of garbage collection must be granted to Council by the owner of the land.

*Note: The easement must be in a form prescribed by Council and must include covenants to the effect that parties will not be liable for any damage caused to the subject land or any part thereof or to any property located therein or thereon by reason of the operation thereon of any vehicle or other equipment used in connection with the collection of garbage and to the effect that the owner for the time being of the subject land shall indemnify the Council, its servants, agents and persons authorised by it to collect garbage against liability in respect of any such claims made by any person whomsoever.*

**57. Unit Allotment Numbering**

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

**58. Site Remediation Verification**

The applicant must provide documentation from a suitably qualified environmental consultant verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites, the Contaminated Sites- Sampling Design Guidelines Contaminated Sites – Guidelines for the NSW Site Auditor Scheme and the recommendations of the Remedial Action Plan , Report No E807.1.1AA prepared by Environmental Investigations dated 25 September 2007.

**59. Preservation of Survey Marks**

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

**60. Works as Executed Plan**

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. 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.

**61. Creation of Easements**

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

- a) A restriction over the flow path for a 100 year average recurrence interval storm. The "*Restriction on the Use of Land*" over the affected lots is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without



the written permission of Council. The terms of this restriction must be obtained from Council.

- b) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed on-site detention and water quality treatment systems and outlet works, within the lot/s in favour of Council in accordance with Council's prescribed wording. The positions of the on-site detention system and water quality treatment system are to be clearly indicated on the title.
- c) To register the positive covenant and the restriction on the use of land, *"works-as-executed"* details of the on-site-detention system and water quality treatment system must be submitted verifying that the required storage and discharge rates and water quality treatment measures have been constructed in accordance with the design requirements. The details must show the invert levels of the on- site system together with pipe sizes and grades and details of water quality treatment measures. Any variations to the approved plans must be shown in red on the *"works-as-executed"* plan and supported by calculations

**62. Certification of WSUD Facilities**

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Shire Councils DCP.

**63. Completion of Works and Compliance Certificate**

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

**64. Food Premises**

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with Australian Standard 4674-2004 – Design and fit out of food premises, the *Food Act 2003*, and the Food Regulation 20010 and the Food Standards Code developed by Food Standards Australia New Zealand. Food Standards 3.3.1. 3.2.2 and 3.2.3 are mandatory for all food businesses.

*Note: Walls are to be of solid construction.*

**65. Grease Trap & Dry Basket Arrestor Installation**

An application must be submitted to *Sydney Water* for the installation of a grease trap and dry basket arrestor (floor and sink) in accordance with the *'Guidelines for the On-Site Pre-Treatment of Trade Wastewater Discharges – Sydney Water (May 2004)'*.

**66. Kitchen Exhaust Installation**

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

**67. Provision for National Broadband Network (NBN)**

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development.

A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

**68. Noise – Plant and Machinery**

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

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

**69. Safety and Security**

This site must include the following elements:

- a) The entry doors to the pedestrian foyers are to be constructed of safety rated glass to enable residents a clear line of sight before entering or exiting the residential apartments.
- b) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- c) Security gate access is to be provided to the car parking areas allowing residents-only access to private car spaces.
- d) The driveway and basement car parking must be illuminated with low luminance at all times.
- e) Security deadlocks are to be provided to each apartment door.
- f) Peep holes are to be provided to individual apartment doors to promote resident safety.

**70. Waste Management Details (modified)**

The following waste management requirements must be complied with:

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

*Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example the garbage chute system, volume handling equipment, bin lifter, motorised bin trolley or similar, recycling bin storage on each residential level, bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, etc.*

- b) The bin storage room(s) (residential and commercial) for each building must include water or a hose for cleaning, graded floors with drainage to sewer, robust doors, sealed smooth and impervious surfaces, adequate lighting, temperature control (air conditioning) and mechanical ventilation, and must be lockable.

- c) The residential waste facility at each residential level of each ILU building must include sealed and impervious surfaces, adequate lighting and mechanical ventilation.
- d) A report must be prepared by an appropriately qualified person, certifying the following:
  - i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

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

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

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

- iii) *All waste was taken to site(s) that were lawfully permitted to accept that waste.*
- e) Each unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste, with two separate 15-20 litre containers installed, one each for general waste and recyclable materials.

- f) Space must be provided for either individual compost containers for each unit or a communal compost container;

*Note: The location of the compost containers should have regard for potential amenity impacts.*

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

*Note: Ramps between different levels are acceptable*

- h) Signs stipulating "No parking" between specified times must be erected to prohibit parking in parking spaces required to be used as waste collection areas.

- i) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles no less than 9.7 m long with 5.5 m wheelbase.

*Note: encroachments of the vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces cannot be tolerated.*

- j) Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point(s) by waste removal services.
- k) Motorised bin lifting equipment must be provided to assist the site caretaker in the safe decanting of the 240 L garbage bins into the 660 L garbage bins.

- l) There must be sufficient vertical clearance to operate the bin lifter in the bin storage room in Building A and Building B.
- m) Motorised bin carting equipment must be provided to assist the site caretaker in the safe transfer of bins between the basement and ground levels.
- n) The means must be in place to prevent Commercial tenants from using the residential bins and prevent residents from using the commercial bins.

*Note: Separate lockable bin storage rooms/cages are acceptable. The Residential Aged Care Facility, communal facilities will have commercial bins, while the independent living units will have residential bins.*

- o) A dedicated bulky waste storage area of at least 8 square metres must be provided for each ILU building.

#### **70A. Privacy Measures (modified)**

To minimise privacy impacts between buildings, privacy screens are to be erected as follows:

- a) A 1.8m high louvered privacy screen is to be erected on the southern elevation of winter gardens serving units A105, A205, A305, A405, A505 in Building A.
- b) A 1.8m high louvered privacy screen is to be erected on the southern elevation of winter gardens serving units B105, B205, B305, B405, B505 in Building B.

<b>OPERATIONAL CONDITIONS</b>
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#### **71. Use of Premises (modified)**

The development approved under this consent shall be used for residential care facility building for 122 residents, independent living unit containing 167 dwellings, associated car parking, community facilities, community room, and not for any other purpose without Council's separate written consent.

#### **72. Hours of Operation (modified)**

- a) The hours of operation of the men's shed in Block E and the loading dock in the RACF building is restricted to those times listed below:

Monday to Saturday                      9 am to 5 pm

Sunday & Public Holidays              No work

- b) The hours of operation of the communal facilities on the ground floor in Block E and the community room is restricted to those times listed below:

Monday to Sunday                      8 am to 10 pm

#### **73. Car Parking and access**

- a) All car parking must be constructed and operated in accordance with Australian Standard AS/NZS 2890.1:2004 – Off-street car parking and Australian Standard AS2890.2:2002 – Off-street commercial vehicle facilities.
- b) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- c) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.

- d) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- e) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- f) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
- g) All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities. In particular note that clearance height 2500 min. is to be maintained from entry to parking space. Figure 2.7 of AS/NZS 2890.6:2009.
- h) A parking place for an ambulance, designed in accordance with Ambulance Service of NSW Ambulance Access requirements is to be located adjacent to the RACF.

**74. ~~Operation of the Traffic Management Boom Gate (deleted)~~**

- ~~a) A traffic management boom gate is to be located on Road 4.~~
- ~~b) An intercom system must be installed at the gate to enable visitors to enter and egress the premises at all times.~~
- ~~c) Residents and staff are to be provided with a swipe card or similar to provide for access at all times.~~
- ~~d) The boom gate is to be managed by the RACF building or caretaker.~~
- ~~e) The boom gate is to operate in at the morning and afternoon school peak traffic periods and at other times subject to monitoring and evidence of use by through traffic.~~

**75. Noise – Plant and Machinery**

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

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

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

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

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

**77. Waste Management (modified)**

- a) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas and signage, maintaining and checking all waste management equipment (e.g. bin cart, bin lifter), decanting rotational bins

into service bins, managing the communal composting area and worm farm, managing the bulky item storage areas, arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents and commercial tenants are informed and kept up to date on the use of the waste management system, and managing the parking spaces that are also used as waste collection areas. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.

- b) All commercial 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 on site.
- c) The commercial tenants must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- d) There must be a sufficient number of residential bins on site to contain the volume of waste and recycling expected to be generated between collection services. There must be a sufficient number of rotational bins on site for there to be a garbage bin and a recycling bin in each waste and recycling compartment/cupboard on each residential level of each building on collection days.
- e) The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.
- f) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages.
- g) All equipment required in the operation of the approved waste management system must be regularly checked and maintained in effective and efficient working order in accordance with the manufacturer's instructions by trained service technicians.
- h) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
- i) Vegetation adjacent to the driveway/accessway/roadway must be regularly pruned to maintain a 4.5m vertical clearance over the driveway/accessway/roadway and to ensure the vegetation does not encroach on the vehicular travel path.

## **78. Landscape Establishment**

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

**79. Maintenance of Wastewater Device**

All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the *Protection of the Environment Operations Act 1997*.

**80. 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.

**GENERAL TERMS OF APPROVAL – NSW RURAL FIRE SERVICE**

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 91A of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

**81. Bushfire Management – Asset Protection Zones**

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of *Planning for Bush Fire Protection 2006* and the NSW Rural Fire Service's document Standards for asset protection zones

**82. Bushfire Management – Water and Utilities**

Water, electricity and gas are to comply with the following requirements of section 4.1.3 of Planning for Bush Fire Protection 2006.

**83. Bushfire Management – Access**

- a) Internal Roads shall comply with the layout identified in the drawing titled 'Site Plan' prepared by Morrison Design Partnership Architects dated 02 February 2017 and referenced project No. 2954.
- b) New internal roads shall comply with the following requirements of Section 4.2.7 of 'Planning for Bushfire Protection 2006'.
  - i) Internal driveways shall be two wheel drive, sealed, all weather roads.
  - ii) Internal perimeter roads shall be provided with shoulders on each side, allowing traffic to pass in opposite directions.
  - iii) Traffic management devices shall be constructed to facilitate access by emergency service vehicles.
  - iv) A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches shall be provided.
  - v) Curves shall have a minimum inner radius of 6 metres and shall be minimal in number to allow for rapid access and egress.
  - vi) The minimum distance between inner and outer curves shall be 6 meters.
  - vii) Maximum grades shall not exceed 15 degrees and average grades shall not be more than 10 degrees.

- viii) Roads shall be clearly signposted and bridges clearly indicate load ratings.
- ix) The internal road surfaces and bridges shall have a capacity to carry fully loaded fire fighting vehicles (15 tonnes).

**84. Bushfire Management – Evacuation and Emergency Management**

A Bushfire Emergency Management and Evacuation Plan shall be prepared consistent with 'Developing Planning – A Guide to Developing a Bushfire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS3745 2010 Planning for Emergencies in Facilities.

**85. Bushfire Management – Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bushfire attack. To achieve this, the following conditions shall apply:

- a) New construction on the western and southern elevations of proposed Block D shall comply with section 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas -2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- b) New construction on the eastern and northern elevations of proposed Block D shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- c) New construction on the western and southern elevations of proposed Block E (community facilities) shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- d) New construction on the eastern and northern elevations of proposed Block E (Community Facilities) shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
- e) New construction on all elevations of proposed Blocks A, B and C shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.



## **CONDITIONS OF CONCURRENCE – NSW ROADS AND MARITIME SERVICES**

The following conditions of consent are from the nominated State Agency pursuant to Section 79B of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

### **86. Easement for Support**

Roads and Maritime has previously resumed and dedicated a strip of land as road along the Highway frontage of the subject property, as shown by grey colour on the attached Aerial - "X". Roads and Maritime has previously resumed an easement for support as shown by brown colour on the attached Aerial - "X" (Dealing H553494) (*Detailed in RMS letter dated 14 May 2015 Doc D05612178*)

Roads and Maritime has no other approved proposal that requires any part of the subject property for road purposes.

The subject property is within an area currently under investigation in relation to the proposed NorthConnex Project. In this regard NorthConnex can be contacted for further information - [enquires@northconnex.com.au](mailto:enquires@northconnex.com.au) or by call 1800997057.

Therefore:

- All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Highway boundary and clear of the identified easement;
- Access to Roads and Maritime easement is not denied; and
- The integrity of the easement is not compromised.

### **87. Northern Driveway Design and Construction**

The design and construction of the northern driveway on Pacific Highway shall be in accordance Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Services, Manager Developer Works State-wide Delivery, Parramatta (Ph: 8849 2138).

Detailed design plans of the proposed driveway are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

### **88. Deceleration Lane Pacific Highway**

The deceleration lane for northern access along Pacific Highway shall be designed to meet Roads and Maritime requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans. Roads and Maritime fees for administration,

plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

**89. Detailed Design Plans Required**

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management

Roads and Maritime Services

PO Box 973

Parramatta CBD 2124.

A plan checking fee will be payable, and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax 8849 2766.

**90. Sight Distance**

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades turn paths, sight distance requirements in relation to landscaping and/or fencing aisle widths aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2002 for heavy vehicle usage. Parking Restrictions may be required to maintain the required sight distances at the driveway.

**91. Road Traffic Noise**

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

**92. Construction zone restrictions**

All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Pacific Highway.

**- 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 2021*, 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.

*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**

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

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

*Tree protection measures and distances are determined using the Australian Standard AS4970:2009, "Protection of Trees on Development Sites".*

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

### **Disability Discrimination Act**

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

### **Covenants**

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

### **Dial Before You Dig**

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

### **Telecommunications Act 1997 (Commonwealth)**

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

### **Asbestos Warning**

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

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

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

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

Alternatively, telephone the *WorkCover* Asbestos and Demolition Team on 8260 5885.

### **Tree and Vegetation Preservation**

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

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

*Tree protection measures and distances are determined using the Australian Standard AS4970:2009, "Protection of Trees on Development Sites".*

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

### **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.

### **Food Authority Notification**

The *NSW Food Authority* requires businesses to electronically notify the Authority prior to the commencement of its operation.

*Note: NSW Food Authority can be contacted at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).*

### **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.*