

# Attachment A: Recommended Conditions of Development Consent

## GENERAL CONDITIONS

### 1. Approved Plans and Supporting Documentation

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

#### *Approved Plans*

| Plan No.              | Plan Title                    | Drawn by                 | Dated      | Council Reference |
|-----------------------|-------------------------------|--------------------------|------------|-------------------|
| DA-A10-XX-01 Issue 6  | Proposed Site Plan            | BVN Architecture Pty Ltd | 03/05/2023 |                   |
| DA-A20-XX-01 Issue 5  | Proposed Site Plan – Precinct | BVN Architecture Pty Ltd | 03/05/2023 |                   |
| DA-A30-XX-01 Issue 5  | Demolition Elevation          | BVN Architecture Pty Ltd | 05/10/2023 |                   |
| DA-B10-00-01 Issue 9  | GA Plan – Level 01            | BVN Architecture Pty Ltd | 05/10/2023 |                   |
| DA-B10-01-01 Issue 9  | GA Plan – Level 02            | BVN Architecture Pty Ltd | 05/10/2023 |                   |
| DA-B10-02-01 Issue 9  | GA Plan – Level 03            | BVN Architecture Pty Ltd | 05/10/2023 |                   |
| DA-B10-03-01 Issue 9  | GA Plan – Roof                | BVN Architecture Pty Ltd | 05/10/2023 |                   |
| DA-C10-XX-01 Issue 10 | Elevations – North and South  | BVN Architecture Pty Ltd | 06/10/2023 |                   |
| DA-C10-XX-02 Issue 8  | Elevations – East & West      | BVN Architecture Pty Ltd | 06/10/2023 |                   |
| DA-D10-XX-01 Issue 8  | Sections – Sheet 1            | BVN Architecture Pty Ltd | 06/10/2023 |                   |

#### *Supporting Documentation*

| Document Title  | Prepared by                   | Dated      | Council Reference |
|---|-------------------------------|------------|-------------------|
| Survey Plan Sheets 1-5  | LTS                           | 16/02/2023 | D08669562         |
| Development Application   Fire Engineering   Statement of Support Ref: 22240-DA-001-D | Minerva Group (NSW) Pty Ltd   | 12/05/2023 | D08669543         |
| Geotechnical Investigation Report No. 16111-GR-1-1                                    | Alliance Geotechnical Pty Ltd | 19/12/2022 | D08669544         |

| <b>Document Title</b>  | <b>Prepared by</b>                              | <b>Dated</b> | <b>Council Reference</b> |
|--|---|--------------|--------------------------|
| Heritage Impact Statement<br>Version: Final Report, Issue 4  | Curio Projects                                  | 11/05/2023   | D08669546                |
| Landscape Plans Dwg No.<br>0.0.01, 1.0.01, 2.0.01, 2.0.02,<br>3.0.01, 9.0.01 Issue E                             | LSA Design                                      | 30/05/2023   | D08669547                |
| Noise Impact Assessment<br>Project No. P00573 Issue 3  | E-LAB Consulting                                | 24/05/2023   | D08669548                |
| Waste Classification Report<br>Ref: 16111-ER-1-1   | Alliance Geotechnical<br>Pty Ltd                | 10/03/2023   | D08669553                |
| Dwg No. S-01-01 Building<br>Services - Site Connections<br>Rev B   | SCP Engineers and<br>Development<br>Consultants | 24/04/2023   | D08669555                |
| Traffic Impact Assessment<br>(TIA) Ref: 20.132r05v03   | Traffix   | 18/05/2023   | D08669558                |
| Waste Management Plan  | Oakhill College                                 | Undated      | D08669560                |
| Access Compliance<br>Assessment Report No.<br>10195/Rev1   | AED Group                                       | 11/05/2023   | D08669563                |
| Civil and Stormwater Plans,<br>Dwg No. C-01-01, C-01-02,<br>C-02-10, C-03-10, C-03-51,<br>C-06-61, C-06-01 Rev B | SCP Engineers and<br>Development<br>Consultants | 12/05/2023   | D08669564                |
| Civil Design Report<br>Ref: S201020-CV-RP-01-B   | SCP Engineers and<br>Development<br>Consultants | 25/06/2020   | D08669565                |
| Civil Design Report<br>Ref: S220210-CV-RP-01-C   | SCP Engineers and<br>Development<br>Consultants | 19/05/2023   | D08669538                |
| Civil and Stormwater Plans<br>Dwg No. C-01-01 Rev 3, C-<br>03-01 Rev 20, C-05-01 Rev<br>14, C-05-62 Rev 4        | SCP Engineers and<br>Development<br>Consultants | 28/11/2022   | D08669566                |
| Arboricultural Impact<br>Appraisal and Method<br>Statement Ref: Oakhill<br>College_AIA and MS                    | Naturally Trees                                 | 23/03/2023   | D08669568                |
| BCA Compliance Assessment<br>Report No. 10195/Rev 02   | AED Group                                       | 09/05/2023   | D08669569                |
| Bushfire Assessment  | Peterson Bushfire                               | 09/08/2023   | D08706774                |
| Sustainability Design<br>Statement Rev_03  | Rewild Agency                                   | 03/05/2023   | D08669542                |

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that apply to the development.*

## **2. Removal of Trees**

1. This development consent permits the removal of trees numbered 1A, 1C, 1B, 102 and 103 as identified on the Tree Management Plan, Dwg TMP01 (page 27 of the Arboricultural Impact Appraisal and Method Statement Ref: Oakhill College\_AIA and MS), prepared by Naturally Trees dated 23/03/2023.
2. Tree No. T104 must be transplanted to another location on the site.
3. No consent is granted for the removal of trees numbered 1D, 105 and 108 as these trees contribute to the established landscape amenity of the area/streetscape.

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

*Reason: To identify only those trees permitted to be removed.*

## **3. Construction Certificate**

1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
2. The Construction Certificate plans must be consistent with the Development Consent plans.

*Reason: To ensure that detailed construction certificate plans are consistent with the approved plans and supporting documentation.*

## **4. Section 7.12 Development Contributions**

1. In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the Hornsby Shire Council Section 7.12 Development Contributions Plan 2019-2029, \$173,360.00 must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of \$17,336,000.
2. The value of this contribution is current as of 14 September 2023. If the contributions are not paid within the financial quarter that this consent is granted, the contributions payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.12 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\begin{array}{ccc} \$C_{PY} & = & \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}} \end{array}$$

Where:

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

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

**CPI<sub>Py</sub>** is the latest release of the Consumer Price Index (Sydney – All Groups) at the date of Payment as published by the ABS.

**CPI<sub>Dc</sub>** is the Consumer Price Index (Sydney – All Groups) for the financial quarter at the date of this Development Consent.

3. The monetary contributions shall be paid to Council:
- Prior to the issue of the Subdivision Certificate where the development is for subdivision; or
  - Prior to the issue of the first Construction Certificate where the development is for building work; or
  - Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
  - Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

*Note: Should the cost of works increase at Construction Certificate stage, a revised contribution amount will be calculated in accordance with the Hornsby Shire Council Section 7.12 Development Contributions Plan.*

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

*Note: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over \$10 million can be deferred to prior to Occupation Certificate.*

*Note: The Hornsby Shire Council Section 7.12 Development Contributions Plan may be viewed at [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au) or a copy may be inspected at Council's Administration Centre during normal business hours.*

*Reason: To address the increased demand for community infrastructure resulting from the approved development.*

## **5. Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

| <b>Other Department, Authority or Service</b> | <b>Document Title/ Ref</b>          | <b>Dated</b> | <b>Council Reference</b> |
|---|-------------------------------------|--------------|--------------------------|
| NSW Rural Fire Service                        | Letter ref: DA20230615002589-CL55-1 | 06/09/2023   | D08724685                |

*(NOTE: For a copy of the above referenced document/s, please see Application Enquiry System on Council's website [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au))*

*Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.*

## BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

### 6. Building Code of Australia

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

*Reason: Prescribed condition - EP&A Regulation section 69(1).*

### 7. Fire Safety Schedule

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction certificate application. The schedule shall distinguish between existing and proposed fire safety measures.

*Reason: To ensure all fire safety measures are identified to protect life and property.*

### 8. Sydney Water – Approval

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

*Note: Building plan approvals can be obtained online via Sydney Water Tap In™ through [www.sydneywater.com.au](http://www.sydneywater.com.au) under the Building and Development tab.*

*Reason: To ensure the development is provided with the relevant utility services.*

### 9. 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.

*Reason: To identify and protect the State's survey infrastructure.*

### 10. 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:

1. Connected to the existing internal drainage system.
2. The stormwater drainage system must be designed by a qualified hydraulic engineer.

*Reason: To ensure appropriate provision for management and disposal of stormwater.*

## 11. Construction Management Plan (CMP)

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist and submitted to Council's Compliance Team via Council's Online Services Portal for review and written approval.

The CMP must include the following details:

1. Description of the works
  - a) A description of the scope of works for all stages of development.
  - b) Site plans for all stages of works including the location of site sheds, concrete pump and crane locations, unloading and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
  - c) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
  - d) A statement confirming that no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
  - e) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
  - f) The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
  - g) The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, private certifier and any emergency details during and outside work hours.
2. A Construction Traffic Management Plan (CTMP) including the following:
  - a) The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
  - b) The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
  - c) The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
    - 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

- d) Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
- e) Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- f) Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
- g) Swept path analysis for ingress and egress of the site for all stages of works.
- h) The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
- i) The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
- j) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
- k) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
- l) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.

3. A Construction Waste Management Plan detailing the following:

- a) A table of information detailing cut and in-situ fill calculations for all stages for works. The table must include specified dimensions (WxLxD) and total cubic metres.
- b) Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
- c) A scaled site plan including levels of the extent of cut and fill on the site, forming part of the proposed development.
- d) Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS2601-2001 Demolition of Structures, and the Protection of the Environment Operations (Waste) Regulation 2005.
- e) General construction waste details including construction waste skip bin locations and litter management for workers.

4. A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:

- a) A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
  - b) Construction methodology to avoid damage to trees proposed to be retained during construction works.
  - c) Specifications on tree protection materials used and methods within the TPZ or SRZ.
  - d) Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.
5. A Construction Noise and Vibration Management Plan (CNMP) which includes:
- a) Existing noise and vibration levels within the proximity of the proposed development site.
  - b) Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
  - c) The maximum level of noise and vibration predicted to be emitted during each stage of construction.
  - d) The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
  - e) Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.
  - f) Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
6. An Erosion and Sediment Control Plan (ESCP) that describes all erosion and sediment controls to be implemented in accordance with the publication Managing Urban Stormwater: Soils & Construction (4<sup>th</sup> Edition), which includes:
- a) A site survey which identifies contours and approximate grades and the direction(s) of fall.
  - b) Locality of site and allotment boundaries.
  - c) Location of adjoining road(s) and all impervious surfaces.
  - d) Location of site access and stabilisation of site access.
  - e) Provision for the diversion of run off around disturbed areas.
  - f) Location of material stockpiles.
  - g) Proposed site rehabilitation and landscaping; staging of construction works.
  - h) Maintenance program for erosion and sediment control measures.
  - i) Provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site)
7. A de-watering plan that describes all controls to be implemented for the disposal of water that accumulates within any site excavation areas.



8. The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, principal certifier and any emergency details during and outside work hours.

*Note: The CMP must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Applications > New Applications > Under 'Application Types': Management Plans.*

*Reason: To document construction measures to protect the public and the surrounding environment.*

## **12. Appointment of a Project Arborist**

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

*Reason: To ensure appropriate monitoring of tree(s) to be retained.*

## **BEFORE WORK COMMENCES**

## **13. Erection of Construction Sign**

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

*Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).*

## **14. 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:

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

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

*Reason: To ensure public safety and protection of adjoining land.*

#### **15. Toilet Facilities**

1. 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.
2. Each toilet must:
  - a) Be a standard flushing toilet connected to a public sewer; or
  - b) Be a temporary chemical closet approved under the *Local Government Act 1993*; or
  - c) Have an on-site effluent disposal system approved under the *Local Government Act 1993*.

*Reason: To ensure adequate toilet facilities are provided.*

#### **16. 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 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition), 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.*

*Reason: To minimise impacts on the water quality of the downstream environment.*

#### **17. Garbage Receptacle**

A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.

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

*Reason: To maintain the site in a clean condition and protect local amenity.*

#### **18. Installation of Tree Protection Measures**

1. Trees to be retained as identified on the Tree Management Plan, Dwg TMP01 prepared by Naturally Trees dated 23/03/2023 must have tree protection measures for the ground, trunk and canopy installed under the supervision of the project arborist as follows:

- a) For the duration of demolition works, in accordance with the Tree Management Plan, Dwg TMP01 prepared by Naturally Trees dated 23/03/2023.
  - b) For the duration of construction works, in accordance with Tree Management Plan, Dwg TMP01 prepared by Naturally Trees dated 23/03/2023.
2. Tree protection fencing for the trees to be retained must be installed under the supervision of the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
3. The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.
4. All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.

*Reason: To protect trees during construction.*

## DURING DEMOLITION AND CONSTRUCTION WORKS

### 19. Construction Work Hours

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

*Reason: To protect the amenity of neighbouring properties.*

### 20. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 Demolition of structures and the following requirements:

1. 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; and
2. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the Work Health and Safety Regulation 2017 and be appropriately transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; and
3. On construction sites where any building contains 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.

*Reason: To ensure the appropriate removal and disposal of demolition materials.*

### 21. Environmental Management (Air Pollution)

The Applicant must take all reasonable steps to minimise dust generated during all works authorised by this consent. During construction, the Applicant must ensure that:

1. Exposed surfaces and stockpiles are suppressed by regular watering.

2. All trucks entering or leaving the site with loads have their loads covered.
3. Trucks associated with the development do not track dirt onto the public road network.
4. Public roads used by these trucks are kept clean; and
5. Land stabilisation works are carried out progressively on site to minimise exposed surfaces.

*Reason: To minimise impacts to the natural environment and public health.*

## **22. Site Access for Construction Vehicles**

To protect residential amenity of the surrounding low density residential environment, all construction vehicle access must be via Old Northern Road, with no construction access permitted via Armidale Crescent or Foley Place for the duration of works.

*Reason: To minimise amenity impacts to surrounding properties.*

## **23. Street Sweeping**

During works and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site.

The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

*Reason: To minimise impacts to the natural environment.*

## **24. 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.

*Reason: To protect public land.*

## **25. Disturbance of Existing Site**

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

*Reason: To protect the natural features of the site.*

## **26. Soil Management (Excavation and Fill)**

While site work is being carried out, the Principal Certifier or Council (where a principal certifier is not required) must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier or Council (where a principal certifier is not required).

2. Tipping docket for the total volume of excavated material that are received from the licensed waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate.
3. Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming all fill material imported to the site must be:
  - a) Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or
  - b) A material identified as being subject to a resource recovery exemption by the NSW EPA, or
  - c) A combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.
4. The required Waste Classification Certificate must be provided to the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

*Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.*

#### **27. Survey Report**

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

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

*Reason: To ensure buildings are positioned in the approved location and at the correct height.*

#### **28. Compliance with Construction Management Plan**

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

*Reason: To ensure implementation of construction measures to protect the public and the surrounding environment.*

#### **29. Building Materials and Site Waste**

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent of any tree to be retained.

*Reason: To protect trees during construction.*

### **30. Unexpected Finds**

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

*Reason: To ensure the appropriate removal and disposal of contaminated materials.*

### **31. Prohibited Actions within the Fenced Tree Protection Zone**

The following activities are prohibited within the approved fenced tree protection zones unless otherwise approved by Council:

1. Soil cutting or filling, including excavation and trenching.
2. Soil cultivation, disturbance, or compaction
3. Stockpiling storage or mixing of materials
4. The parking, storing, washing, and repairing of tools, equipment, and machinery.
5. The disposal of liquids and refuelling
6. The disposal of building materials
7. The siting of offices or sheds
8. Any action leading to the impact on tree health or structure.

*Reason: To protect trees during construction.*

### **32. Maintaining the Health of Trees Approved for Retention**

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees to be retained on the approved plans.

*Reason: To ensure appropriate monitoring of tree(s) to be retained.*

### **33. Maintaining Tree Protection Measures**

Tree Protection Measures must be maintained by the project arborist in accordance with Condition No. 18 and 28 of this consent for the duration of works.

*Reason: To protect trees during construction.*

### **34. Approved Works within Tree Protection Zone Incursions**

1. Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
  - a) Using sharp secateurs, pruners, handsaws or chainsaws with the final cut being clean.
  - b) The maximum diameter of roots permitted to be cut is 40mm.
2. No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans, are permitted.
3. To minimise impacts within the Tree Protection Zone (TPZ) of trees to be retained on the approved plans, the installation of services must be undertaken as follows:

- a) The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
  - b) The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
  - c) For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
4. Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
- a) Installation of a 100mm deep layer of woodchip.

*Reason: To protect trees during construction.*

### **35. Building Materials and Site Waste**

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, wastewater or other contaminants must be located outside the tree protection zones as prescribed in the conditions of this consent of any tree to be retained.

*Reason: To protect trees during construction.*

## **BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

### **36. Replacement Tree Requirements**

- 1. The trees approved for removal under this consent, being trees numbered 1A, 1B, 1C, 102 and 103 must be offset through replacement planting of a minimum of 5 trees.
- 2. All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees>
- 3. The location and size of tree replacement planting must comply with the following:
  - a) All replacement trees must be located in either front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
  - b) The pot size of the replacement trees must be a minimum 45 litres.
  - c) All replacement trees must be a minimum of 3 metres in height.
  - d) All replacement trees must have the potential to reach a mature height greater than 10 metres.

*Reason: To ensure replacement planting to maintain tree canopy.*

### **37. Final Certification**

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

- 1. All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works; and

2. All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans; and
3. Dates, times, and reasons for all site attendance; and
4. All works undertaken to maintain the health of retained trees; and
5. Details of tree protection zone maintenance for the duration of works.

*Note: Copies of monitoring documentation may be requested throughout the development works.*

*Reason: To ensure compliance with tree protection commitments.*

#### **38. Damage to Council Assets**

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

*Reason: To ensure public infrastructure and property is maintained.*

#### **39. Fire Safety Statement – Final**

In accordance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, upon completion of the building, the owner must provide Council with a certificate in relation to each fire safety measure implemented in the building.

*Reason: To ensure all fire safety measures are implemented to protect life and property.*

#### **40. Asbestos Clearance Certificate**

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Certifier prior to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

*Reason: To ensure the appropriate removal and disposal of contaminated materials and the site is suitable for its approved use.*

#### **41. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority**

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

*Reason: To confirm appropriate disposal of excavated material.*

#### **42. 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 Development Control Plan 2013.

*Reason: To ensure compliance with WSUD commitments.*



**43. Certification of RFS Requirements**

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

*Reason: To ensure all bushfire protection measures are implemented to protect life and property.*

|                    |
|--------------------|
| <b>ONGOING USE</b> |
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**44. 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.

*Reason: To ensure fire safety measures are maintained to protect life and property.*

**- END OF CONDITIONS -**