

Attachment A: Recommended Conditions of Development Consent

GENERAL CONDITIONS

Condition

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
DA02 Rev A	Development Data	DTA Architects	29/08/2023	
DA03 Rev A	Demolition Plan	DTA Architects	29/08/2023	
DA04 Rev C	Site Plan	DTA Architects	06/12/2023	
DA05 Rev C	Basement Plan	DTA Architects	06/12/2023	
DA06 Rev C	Ground Floor Plan	DTA Architects	06/12/2023	
DA07 Rev B	First Floor Plan	DTA Architects	07/11/2023	
DA08 Rev B	Roof Plan	DTA Architects	07/11/2023	
DA09 Rev B	Sections	DTA Architects	07/11/2023	
DA10 Rev C	Sections	DTA Architects	06/12/2023	
DA11 Rev D	Elevations	DTA Architects	15/12/2023	
DA12 Rev C	Elevations	DTA Architects	06/12/2023	
DA13 Rev B	Driveway Profile Section	DTA Architects	07/11/2023	
L01 Rev.5	Landscape Plan	Inviewdesign	07/12/2023	
L02 Rev.5	Plant & Material Schedule	Inviewdesign	07/12/2023	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Civil Engineering Plans (10 Sheets) Issue F	Eclipse Consulting Engineers	25/03/2024	D08850710
Arboricultural Impact Assessment Report Ref: 230831	Urban Arbor Pty Ltd	31/08/2023	D08723441

Arboricultural Root Investigation Report Ref: 231130	Urban Arbor Pty Ltd	30/11/2023	D08783230
Geotechnical Investigation Report Ref: GE2411-DN001	Geo Engineering Pty Ltd	27/11/2023	D08783229
Design Review Report - Accessibility Rev.01	Mckenzie Group	04/08/2023	D08723437
Access Advice Notice	Mckenzie Group	14/11/2023	D08771753
Waste Management Plan	Alex Torville	10/10/2023	D08771748
Eremeran Parking Policy V1	Association of Education Projects Limited (AEPL)	10/11/2023	D08771745
Plan of Management V3	Association of Education Projects Limited (AEPL)	10/11/2023	D08771743
Traffic and Parking Assessment Ref: 230578.01FB	McLaren Traffic Engineering	30/08/2023	D08723482
Addendum to Traffic Report Ref: 230940.02FB	McLaren Traffic Engineering	17/11/2023	D08771741
Preliminary Demolition & Construction Management Plan	Rick Alloggia	15/08/2023	D08723467
Section J Compliance Report Rev. 1.4	Thermal Performance	07/08/2023	D08723466
Heritage Impact Statement	Sue Rosen Associates	August 2023	D08723457
Flora and Fauna Assessment Report v5.0	Narla Environmental	01/09/2023	D08723454
Regulatory Compliance Report Rev B	Mckenzie Group	11/08/2023	D08723449
BASIX Certificate No. 1247630M_04	Thermal Performance	08/08/2023	D08723446
Noise Impact Assessment Report No. 230407 Rev R8	Pulse White Noise Acoustics	09/08/2023	D08723439

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

2. Construction Certificate

1. A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works under this consent.

2. A separate approval must be obtained from Council for all works within the public road reserve under *S138 of the Roads Act 1993*.
3. 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.

3. 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, **\$52,160.00** must be paid towards the provision, extension or augmentation of public amenities or public services, based on development costs of **\$5,216,00.000**
2. The value of this contribution is current as of **30 April 2024**. 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:

$$\text{\$C}_{PY} = \frac{\text{\$C}_{DC} \times \text{CPI}_{PY}}{\text{CPI}_{DC}}$$

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_{PY}** is the latest release of the Consumer Price Index (Sydney - All Groups) at the date of Payment as published by the ABS.
- CPI_{DC}** 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:
 - a. Prior to the issue of the Subdivision Certificate where the development is for subdivision; or
 - b. Prior to the issue of the first Construction Certificate where the development is for building work; or
 - c. Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or
 - d. 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 Certifier 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 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.

4. Retaining Walls

To ensure the stability of the site, structural details of all required retaining walls must be submitted with the application of the Construction Certificate.

Reason: To ensure the stability of the site and adjoining properties.

5. Removal of Trees

1. This development consent permits the removal of tree(s) numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 19, 26, 29, 33, 34, 35, 36 and G1 as identified on page 36, Appendix 1A - Existing Site Plan contained in the Arboricultural Impact Assessment Report Ref: 230831, prepared by Urban Arbor Pty Ltd dated 31 August 2023.
2. No consent is granted for the removal of trees numbered 11, 12, 13, 14, 15, 18, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31 and 32 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.

6. Tree Pruning

This development consent does not permit the pruning of any trees.

Note: The pruning 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 minimise the impact on trees to be retained.

7. Amendment of Plans

The approved plans are to be amended as follows:

1. The internal dimensions of the bin storage bay must be increased from 2.0m x 3.4m to 2.6m x 3.4m. Internal dimensions do not include wall thickness, support columns etc, for which additional space must be provided.

Reason: to ensure there is sufficient bin storage space to meet the needs of future environmental legislation changes impacting waste services.

8. 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:

Other Department, Authority or Service	Document Title/ Ref	Dated	Council Reference
Transport for NSW (Sydney Trains)	CNR-60081 - Concurrence Letter	21/09/2023	D08744883

(NOTE: For a copy of the above referenced document/s, please see Application Enquiry System on Council's website 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.

BUILDING WORK BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

9. 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).

10. Utility Services

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

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

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

11. 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 under the Building and Development tab.

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

12. Dilapidation Report

1. Prior to the commencement of any works on site, the applicant must submit for approval by the Principal Certifier (with a copy forwarded to Council) a 'Dilapidation Report' detailing the structural condition of the adjoining properties:
 - a. Lot 3 DP 25833, No. 5 Stevens Street, Pennant Hills
 - b. Lot 14 DP 25833, No. 28 Yarrara Road, Pennant Hills
2. The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members, and other similar items. The report must be completed by a chartered structural/geotechnical engineer. A copy of the dilapidation report must be submitted to Council.
3. In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principal Certifier.

Note: This documentation is for record keeping purposes only and can be made available to an applicant or affected property owner should it be requested to resolve any dispute over damage to adjoining properties arising from works. It is

in the applicant's and adjoining owner's interest for it to be as detailed as possible.

Reason: To record the condition of adjoining properties and public land to resolve any dispute over damage from works.

13. Car Parking and Deliveries

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

1. All parking areas and driveways must be sealed to an all-weather standard, line marked and signposted.
2. Car parking, loading and manoeuvring areas must be used solely for nominated purposes.
3. Vehicles awaiting loading, unloading, or servicing must be parked on site and not on adjacent or nearby public roads; and
4. All vehicular entry on to the site and egress from the site must be made in a forward direction.

Reason: To ensure parking facilities and vehicle manoeuvring areas are designed in accordance with Australian Standards.

14. External Lighting

Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:

1. Comply with AS4282 Control of obtrusive effects of outdoor lighting.
2. Lighting must be placed at all entrances to and exits from the premises.
3. Lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas.
4. Lighting must not interfere with traffic safety.
5. Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
6. External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
7. Relevant council development control plan

The lighting plan must be submitted to the Principal Certifier prior to issue of the Construction Certificate.

Note: All above documents refer to the version in effect at the time the consent is granted.

Reason: To ensure external lighting is provided for safety reasons and to protect the amenity of the local area.

15. Appointment of a Project Arborist

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.

Details of the appointed project arborist must be submitted to Council and the PC with the application for the construction certificate/subdivision works certificate.

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

16. Waste Management Details

The following waste management requirements must be complied with:

1. In the event of any inconsistency with the approved plans and a condition of this consent, related to the waste management system or the waste collection vehicle, then written clarification must be obtained from Council.
2. The approved on-going waste management system must not be amended without the written consent of Council.
3. Details of all changes to the waste management plans (including but not limited to, bin storage, bin carting paths, bulky waste storage) must be submitted to Council's Waste Team (which can be contacted via devmail@hornsby.nsw.gov.au) for written approval prior to the issue of a Construction Certificate.
4. There must be no steps along any bin carting route. Ramps and service lifts are acceptable.
5. For all bin carting routes, the path must be smooth hard surface. (Concrete pavement for example is acceptable, but pebbles, stepping stones, grass etc is not acceptable).
6. A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the bin storage bay at the ground level has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and specifically the following requirements:
 - a. The doorway must not face the street and must be no less than 1.5m wide and be no further than 5 metres walking distance from the Yarrara

Road boundary. The doorway must be centred on the 3.4m long side of the bin storage bay.

- b. If the bin storage bay is fitted with doors, any door swing must not block access to the bins and must not block the pathway for moving bins to the collection vehicle. Swing doors should open outwards and must be able to be locked open. No bins are to be stored within the door swing. Lockable doors must be able to be opened from inside the bin bay without a key.
 - c. There must be no step or lip between the bin bay and the footpath.
 - d. The floor of the bin bay must transition smoothly through the door opening to the footpath.
 - e. 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 with walls.
 - f. The bin carting route from the bin storage bay to the street must not exceed a gradient of 1:14 and must be no less than 2.0m wide and must not include any steps.
 - g. The bin storage bay(s) must be integrated into the overall design of the development and landscaping to minimise impact on the streetscape and include screening by a visual barrier to a height of no less than 1.5 m. Screening must not rely on the growth of plants, but they may supplement it.
 - h. The internal dimensions of the ground level bin holding bay must be no less than 2.6m x 3.4m. Internal dimensions do not include wall thickness, support columns, ventilation shafts etc for which additional space must be allowed with consideration of the bin layout.
 - i. The bin storage bay must not be used for any other purposes. Meters, power poles, piping etc must not be located in the bin bay. The bin storage bay must be free from obstructions.
 - j. The bin storage bay must be well lit and have artificial lighting available 24 hours a day controlled by a switch located inside the room adjacent to the entrance doorway.
 - k. The bin storage bay(s) must include water or a hose for cleaning, and graded floors draining to garden or lawn (not stormwater or sewer) if unroofed or draining to sewer (not stormwater) if roofed. The hose cock must be located in a position where it cannot be damaged.
7. Each stage of the development must be capable of being serviced for waste collection prior to the completion of that stage. This capability must be retained throughout all subsequent stages of the development.

8. All occupied portions of the development must have a fully functional on-going waste management system that is capable of being serviced for waste collection during all demolition and construction stages.
9. 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:
 - a. An estimate of the types and volumes of waste and recyclables to be generated.
 - b. A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas.
 - c. How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed.
 - d. The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

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

Reason: to ensure all necessary infrastructure is provided for the efficient and effective management of waste for the full operational life of the development.

17. 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.

18. Food Premises Compliance

The fit out of the premises is to comply with the relevant provisions of the *Food Act 2003*, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

Note: Council's Public Health team can be contacted on 02 9847 6039.

Reason: To ensure the premises is designed and constructed for the safe preparation and storage of food.

19. 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.

20. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

1. All pipes shall have a minimum 1% grade unless the pipe is 225mm diameter or greater.
2. The educational establishment on existing Lot 12 (1-3 Stevens Street) shall be connected directly to Council's street drainage system in Stevens Street and the community facility on existing Lot 13 (26 Yarrara Road) shall be drained to the existing inter-allotment drainage system burdening:
 - a. Lot 14 DP 25833, No. 28 Yarrara Road, Pennant Hills
 - b. Lot 10 DP 1207996, No.52-54 Yarrara Road, Pennant Hills

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

21. 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:

1. Have a capacity of not less than 8 cubic metres, and a maximum discharge (when full) of 22 litres per second for Lot 13 (26 Yarrara Road) and 26 cubic metres storage volume and 58 litres per second discharge rate for Lot 12(1-3 Stevens Street).
2. Have a surcharge/inspection grate located directly above the outlet.
3. 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.
4. 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
5. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Reason: To manage stormwater flows to minimise potential flooding.

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 AS2890.1, AS2890.2, AS3727 and the following requirements:

1. Design levels at the front boundary shall be obtained from Council by lodging an “*Application for Boundary Levels*”.
2. The driveway be a rigid pavement.
3. Longitudinal sections along both sides of the access driveway shall be submitted to the Principal Certifier 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.
4. Prior to the issue of a construction certificate, a certificate from a qualified engineer shall be submitted to the Principal Certifier certifying that the access driveway, parking and services areas have been designed in accordance with Australian Standards AS 2890.1 and AS 2890.2.

Reason: To provide safe vehicle and pedestrian access.

23. Footpath

A separate approval must be obtained from Council for all works within the public road reserve under *S138 of the Roads Act 1993*. A concrete footpath must be designed across the full frontage of the subject site in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

1. The existing footpath being removed.
2. Pouring of the concrete footpath to the full frontage of the subject site in Stevens Street and Yarrara Road.
3. The land adjoining the footpath to be fully turfed.
4. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

Reason: To provide safe pedestrian movement.

24. Road Works

A separate approval must be obtained from Council for all works within the public road reserve under *S138 of the Roads Act 1993*. All road works approved under this consent must be designed in accordance with AUS-SPEC Specifications

(www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

1. The existing kerb and gutter and pavement along the full frontage in Stevens Street shall be removed and reconstructed with new concrete kerb and gutter, together with footpath formation, necessary drainage and sealing of road pavement between the existing pavement and lip of the gutter.
2. The existing road pavement to be saw cut a minimum of 600 mm from the existing edge of the bitumen and reconstructed.
3. All redundant vehicle crossings along the frontage in Yarrara Road shall be removed and reconstructed with integral kerb and gutter.

Reason: To ensure infrastructure works are designed and constructed to appropriate standards and requirements of the Roads Act 1993.

BEFORE BUILDING WORK COMMENCES

Condition	
25. Erection of Construction Sign	
<ol style="list-style-type: none">1. A sign must be erected in a prominent position on any site on which any approved work is being carried out:<ol style="list-style-type: none">a. Showing the name, address, and telephone number of the Principal Certifier 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; andc. 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.	
<i>Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).</i>	
26. 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:	
<ol style="list-style-type: none">1. Could cause a danger, obstruction, or inconvenience to pedestrian or vehicular traffic.2. Could cause damage to adjoining lands by falling objects; and/or3. 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.

27. Unexpected Finds Protocol

A site specific 'Unexpected Finds Protocol' is to be developed and submitted to Council. The Unexpected Finds Protocol must be made available for reference for all occupants and/or site workers in the event contamination is discovered, including asbestos.

Note: The Unexpected Finds Protocol 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 ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

28. 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*.

Reason: To ensure adequate toilet facilities are provided.

29. 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 Certifier. 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.

30. Waste Management Details

Prior to the commencement of any works, the on-going waste collection service must be cancelled, and the bins retrieved by the waste collection service provider.

Note: For residential properties, Council is the waste collection service provider.

Reason: To ensure domestic waste bins are not used for demolition and construction waste.

31. 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.

32. Installation of Tree Protection Measures

1. Trees to be retained must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
 - a. For the duration of demolition and construction works, in accordance with the Tree Protection Plan, Appendix 1B - Proposed Site Plan, page 37 of the Arboricultural Impact Assessment Report Ref: 230831, prepared by Urban Arbor Pty Ltd dated 30 August 2023.
2. Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
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. Tree crown protection measures are required and must be installed by the AQF 5 project arborist.
5. The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
6. Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
7. All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
8. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the woodchip must be covered with a layer of geotextile fabric and rumble boards.

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

33. Demolition and 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, principal 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. Pedestrian Access Management Plan (PAMP)
- 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. Council will review the PAMP, agree any modifications with the proponent and enforce the PAMP during construction.
4. 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 AS 2601-2001 - 'The 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.
5. 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.
- 6. 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.
- 7. 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 (4th 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)
- 8. A de-watering plan that describes all controls to be implemented for the disposal of water that accumulates within any site excavation areas.

9. 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.

DURING BUILDING WORK

Condition

34. 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.

35. 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.

36. 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.

37. Compliance with Environmental Management Plan (EMP)

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

Reason: To ensure the required site management measures are implemented during construction.

38. 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.

39. 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.

40. 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 dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier 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.

41. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the Principal Certifier:

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.
2. Confirming that the waste collection vehicle turning area complies with Australian Standard AS2890.1-2004 and AS20890.2-2002 for small rigid vehicles (SRV).

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

42. Waste Management

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:

1. The disposal of any demolition and construction waste must be undertaken in accordance with the requirements of the *Protection of Environment Operations Act 1997*.
2. 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*.

3. 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 SafeWork NSW.
4. All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
5. 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.
6. 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.
7. 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 Certifier within fourteen days of the date of completion of the works:
 - a. The identity of the person removing the waste.
 - b. The waste carrier vehicle registration.
 - c. Date and time of waste collection.
 - d. A description of the waste (type of waste and estimated quantity).
 - e. Details of the site to which the waste is to be taken.
 - f. 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).
 - g. 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.
8. 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.
9. The on-going collection of waste from occupied buildings must not be impeded by construction works.

Reason: to ensure waste is efficiently and effectively managed during the demolition and construction stages of the development

43. De-watering of Excavated Sites

Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage to neighbouring land and/or property.

Reason: To document the safe removal of water during work to protect the public and the surrounding environment.

44. 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.

45. 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.

46. 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 40 mm. Roots numbered 1, 4, 7, 8, 9 and 13 in the Arboricultural Root Investigation Report Ref: 231130 prepared by Urban Arbor Pty Ltd, dated 30 November 2023 must not be cut.
2. Where the building footprint enters or transects the Tree Protection Zones of trees to be retained, sensitive construction techniques in the form of screw pilings or piers, cantilevered or suspended slab design must be employed to create a 100mm clearance above existing soil grade.
3. Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
 - a. Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees must be overseen by the AQF 5 project arborist for the first 1m undertaken manually to locate roots and allow for pruning in accordance with condition No. 46(1).
 - b. Excavations for the construction and/or installation of the building in the Tree Protection Zone of trees to be retained on the approved plans must be supervised by the project arborist, undertaken manually to locate roots and allow for pruning in accordance with condition No. 46(1).
4. Grade changes in the form of filling, are permissible outside the Structural Root Zone in conjunction with piers and the use of gap graded soils.
5. Grade changes in the form of cutting are permissible outside the Structural Root Zone to the depth of required excavations following conditions 6 and 15.
6. To minimise impacts within the Tree Protection Zone (TPZ) of trees 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 utilise directional drilling only.
7. 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; and
 - b. Installation of geotextile fabric ground covering; and
 - c. Installation of scaffold boarding above the woodchip and geotextile fabric.

Reason: To protect trees during construction.

47. 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.

48. Maintenance of Public Footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

Reason: To maintain safe pedestrian movement.

49. 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.

50. 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.

51. 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 Principal Certifier and Council.

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

52. Compliance with Acoustic Report

All control measures nominated in the Noise Impact Assessment Report No. 23047 Rev 8R, prepared by Pulse White Noise Acoustics, dated 9 August 2023, must be implemented.

Reason: To ensure the operational measures implemented protect the amenity of the local area.

53. De-watering of Excavated Sites

Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage to neighbouring land and/or property.

Reason: To document the safe removal of water during work to protect the public and the surrounding environment.

54. Road Opening Permit

A road opening permit shall be obtained from the Council to permit a person to dig into Council assets, such as roads, footpaths and nature strips. The applicable fees for the restoration of any public asset by Council shall be at the applicant's full expense.

Reason: To ensure public infrastructure and property is maintained.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

55. Fulfilment of BASIX Commitments

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

Reason: Prescribed condition under section 75. EP&A Regulation.

56. Sydney Water - s73 Certificate

1. A compliance certificate must be obtained from Sydney Water, under Section 73 of the *Sydney Water Act 1994*. The Sydney Water assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to their mains. Sydney Water recommends that an early application for the certificate be made, as there may be assets to be built and this can take some time.
2. A Section 73 Compliance Certificate must be obtained from Sydney Water and submitted to the Principal Certifier before an Occupation Certificate or Subdivision Certificate will be issued.
3. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Note: Go to the [Sydney Water website](#) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Reason: To ensure compliance with the requirements of Sydney Water.

57. Retaining Walls

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

Reason: To ensure the stability of the site and adjoining land.

58. Boundary Fencing

1. The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the *Dividing Fences Act 1991*.
2. Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.
3. Boundary fencing to be installed in accordance with condition No. 59(1) and 59(2) except where amended by the acoustic fence required by the Noise Impact Assessment Report No. 23047 Rev R8 by Pulse White Noise Acoustics dated 9 August 2023.

Note: Alternative fencing may be erected subject to the written consent of the adjoining property owner(s).

Reason: To provide amenity to the site and adjoining development.

59. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifier, 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.

Reason: To protect the State's survey infrastructure.

60. Consolidation of Allotments

All allotments the subject of this consent must be consolidated into one allotment.

1. Lot 12 DP 1151463, No. 1-3 Stevens Street, Pennant Hills
2. Lot 13 DP 25833, No. 26 Yarrara Road, Pennant Hills

Note: The applicant is recommended to submit the plan of subdivision to consolidate allotments to the NSW Department of Lands at least 4-6 weeks prior to seeking an occupation certificate.

Reason: To ensure the orderly development of the site.

61. Replacement Tree Requirements

1. The trees approved for removal under this consent, being trees numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 19, 26, 29, 33, 34, 35 and 36 must be offset through replacement planting of a minimum of 20 trees. The planting palette of the Amended Landscape Plans is acceptable for this condition.
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 the 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.

62. 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.

63. Waste Management Details

The following waste management requirements must be complied with:

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

Note: Waste and recycling management facilities includes everything required for on-going waste management on the site. For example, the bin storage areas, bulky waste storage area, bin collection area, waste collection vehicle access, doors wide enough to fit the bin through, accessibility, bin carting routes etc.

2. A report must be prepared by an appropriately qualified person, certifying the following:

- a. A comparison of the estimated quantities of each demolition and construction 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

- b. 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.

- c. All demolition and construction waste has been taken to site(s) that were lawfully permitted to accept that waste.

3. The bin carting routes must be devoid of any steps and must be wholly within the site.

Note: Ramps between different levels are acceptable. The use of the public footpath is not acceptable.

4. Every kitchen must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers installed, one each for general waste and recyclable materials.
5. The bin storage bay(s) must be accessible by persons with a disability while comfortably housing all of the bins required to be stored there. The floor of the bin storage bay(s) must have a smooth and even surface that is finished so it is non-slip, sealed and impervious. The walls must be finished with smooth faced non-absorbent material capable of being cleaned. The bin storage bay(s) must include adequate lighting and ventilation. The bin storage bay(s) must include water or a hose for cleaning, and graded floors draining to garden or lawn (not stormwater or sewer) if unroofed or draining to sewer (not stormwater) if roofed.

Reason: to ensure all necessary infrastructure is provided for the efficient and effective management of waste for the full operational life of the development.

64. Final Certification - Landscaping

A certificate must be provided by a practicing landscape architect, horticulturalist or person with similar qualifications and experience to certify that all required landscaping works have been satisfactorily completed in accordance with the approved landscaping plan Landscape Plan and Plant & Material Schedule drawn by Inviewdesign dated 7 December 2023.

Reason: To ensure the required offset planting within landscaping works have been completed in accordance with the approved landscaping plan(s)

65. 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 Principal 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.

66. 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). 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.

67. Submission of Excavated Material Tipping Dockets to Principal Certifier

Tipping docket for the total volume of excavated material that is received from the licensed waste facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

Reason: To confirm appropriate disposal of excavated material.

68. Certification of Acoustic Measures

Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier and Council that the acoustic measures have been installed in accordance with the acoustic report approved under this consent.

Reason: To protect the amenity of the local area.

69. 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.

70. Certify Fit Out Complies with Food Safety Standards

Certification must be provided to the Principal Certifier (PC), prior to occupation, that the fit-out of the food premises has been completed in accordance with plans complying with food safety standards prescribed under the Food Act 2003, and the requirements of Australian Standard AS4674-2004 Design, construction and fit-out of food premises.

Reason: To ensure construction and fit-out of the premises is in accordance with the approved plans

71. Commercial Trade Wastewater

Approval must be obtained from Sydney Water for the installation of a grease trap or other pre-treatment devices, prior to discharging commercial trade wastewater.

Reason: To ensure the correct disposal of trade waste to protect the environment.

72. Construction and Installation of Ventilation System

Before the issue of an occupation certificate, a suitably qualified person must provide details to the principal certifier demonstrating that the mechanical exhaust

ventilation system has been constructed and installed in accordance with the approved plans.

Reason: To ensure the mechanical ventilation system has been constructed and installed as approved.

73. Certification of Geotechnical Requirements

A Certificate prepared by a suitability qualified geotechnical engineer is to be provided to the Principal Certifier (PC) certifying the completion of all works required by the Geotechnical Investigation Report Ref: GE2411-DN001 prepared by Geo Engineering Pty Ltd, dated 27 November 2023 prior to the issue of the Occupation Certificate.

Reason: To ensure all geotechnical recommendations are implemented to protect life and property.

74. Left In/Left Out Movements

1. The two way driveway is to have a splitter island and the kerb returns are to be angled to enforce left in/left out movements only.
2. The exit driveway from the drop off loop is to be angled to enforce a left turn out only.

Reason: To avoid vehicle conflict at the intersection

75. Redundant Vehicle Crossings

All redundant vehicle crossings from Stevens Street and Yarrara Road are to be removed.

Reason: To provide safe vehicle and pedestrian access.

76. Car Parking

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.

1. All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
2. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
3. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
4. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

Reason: To ensure compliance with the relevant Australian Standard

77. Parking for People with Disabilities

All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.

Reason: To ensure compliance with the relevant Australian Standard.

78. Bicycle Parking Spaces

Bicycle parking spaces are to comply with AS 2890.3-1993 Bicycle parking facilities.

Reason: To ensure compliance with the relevant Australian Standard.

79. Motorcycle Parking Spaces

Motorcycle parking spaces are to comply with AS/NZS 2890.1:2004 Figure 2.7.

Reason: To ensure compliance with the relevant Australian Standard.

80. 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.

81. 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).

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.

82. Creation of Easements

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

1. The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's

prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.

2. To register the OSD easement, the restriction on the use of land “works-as-executed” details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on *the “works-as-executed” plan* and supported by calculations.

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

Reason: To create legal entitlements to facilitate the proper use and management of land.

83. 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.

Reason: To ensure infrastructure is constructed and positioned in the approved location.

84. Preservation of Survey Marks

A certificate by a Registered Surveyor must be submitted to the Principal Certifier, 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.

Reason: To protect the State’s survey infrastructure.

85. Construction of Engineering Works.

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

Reason: To ensure engineering works are completed.

OCCUPATION AND ONGOING USE

Condition

86. Advertising Signs

The advertising signage approved under this consent must not be illuminated, flash, move or display electronic images.

Reason: To protect the visual amenity of the local area.

87. Hours of Operation (Educational Establishment)

The hours of operation of the premise are restricted to those times listed below:

1. School Term

Monday	8:30am to 11:30am and 3:30pm to 8pm
Tuesday	10am to 11am and 3:30pm to 6pm
Wednesday	10am to 11am and 3:30pm to 6pm
Thursday	10am to 11am and 3:30pm to 6pm
Friday	8:30am to 11:30am
Saturdays	10:30am to 12:30pm and 4pm to 8pm
Sunday & Public Holidays	Closed

2. School Holidays

Monday	8:30am to 11:30am and 6:30pm to 8pm
Tuesday	10am to 11am and 3:30pm to 6pm
Wednesday	8.30am to 11.30am and 3:30pm to 6pm
Thursday	10am to 11am and 3:30pm to 6pm
Friday to Sunday and Public Holidays	Closed

Reason: To protect the amenity of the local area.

88. Hours of Operation (Community Facility)

The hours of operation of the premise are restricted to those times listed below:

1. School Term

Monday	11:30am - 3:30pm
Tuesday	11.30am - 3:30pm
Wednesday	11.30am - 3:30pm
Thursday	11.30am - 3:30pm

Friday	12pm - 6pm
Saturdays	1pm - 3.30pm
Sunday & Public Holidays	Closed

2. School Holidays

Monday	11:30am - 3:30pm
Tuesday	11.30am - 3:30pm
Wednesday	11.30am - 3:30pm
Thursday	11.30am - 3:30pm
Friday to Sunday & Public Holidays	Closed

Reason: To protect the amenity of the local area.

89. Noise and Vibration

The ongoing use of the premises including any plant or equipment installed on the premises must not cause:

1. The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the Noise Policy for Industry 2017.
2. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.
3. Outdoor noise from amplified music, live music or public address systems is not permitted.

Reason: To protect the acoustic amenity of the local area.

90. Waste Management

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

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

must include a detailed description of the collection process which aligns with the submitted Operational Waste Management Plan.

3. Waste collection services must not take place between 8PM and 5AM weekdays or 8PM and 8AM on weekends and public holidays.

Note: Time-of-day service restrictions apply to commercial developments located near residential areas.

4. The management plan for the site must specifically include the management of waste generated on site, litter and dumped rubbish. The site management must be responsible for the prompt removal of litter and dumped rubbish.

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.

5. There must be a sufficient number of bins on site to contain the volume of waste and recycling expected to be generated between collection services.

6. The lid of each bin must be kept closed at all times, other than when waste is being deposited.

7. The land and adjoining areas are to be kept in clean and tidy conditions at all times.

8. The nominated kerbside collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. All mobile garbage bins that are left on the kerbside for collection must be taken back within the property boundary on the same day of service.

9. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages.

Note: Council may be able to assist with signage.

10. A site caretaker/cleaner must be employed and be responsible for moving bins where and when necessary, washing bins, cleaning and maintaining waste storage areas and signage, managing the communal composting area and worm farm, managing bulky waste, managing any clothing/donation bins, arranging collections where the service is not provided by Council (e.g. clothing bins, e-waste), arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), ensuring the commercial waste

and recycling is kept separate from the residential waste and recycling (and vice versa), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents and commercial tenants are informed and kept up to date on the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.

11. Waste collection services must be carried out by a side loader waste collection vehicle.

Reason: to ensure the efficient and effective on-going management of waste for the operational life of the development.

91. Maximum Number of Students

A maximum of 20 students are permitted on site at any one time.

Reason: To minimise the reliance on on-street car parking.

92. Residential Occupancy

1. Only teachers/volunteers working at the facility can reside on site.
2. A maximum of 9 residents are permitted to reside on site at any one time.

Reason: To ensure compliance with existing use rights and to minimise the reliance on on-street car parking.

93. Sight Distance

Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

Reason: To avoid vehicle conflict with pedestrians and cyclists.

94. Access for Garbage Vehicles

Access for garbage vehicles is to satisfy the requirements of Council's Waste Management Branch.

Reason: To ensure appropriate waste servicing of the development.

95. Ongoing Protection of remnant trees

All trees on site not approved for removal under this consent are required to be retained for conservation purposes. These trees have a legal obligation for their preservation and are excluded from the clearing provisions of the *10/50 Vegetation Clearing Code of Practice for New South Wales* in accordance with Clause 7.8 of the Code.

Reason: To inform current and future landowners that certain trees and vegetation are protected.

96. Compliance with Plan of Management

All control measures and procedures nominated in the Plan of Management prepared by Association of Educational Projects Limited (AEPL), dated 10 November 2023 must be implemented.

Reason: To ensure the operational measures implemented protect the amenity of the local area.

97. Noise and Vibration

The ongoing use of the premises including any plant or equipment installed on the premises must not cause:

1. The emission of noise that exceeds the background noise level by more than 5dBA when measured at, or computed for, the most affected point, on or within the boundary of the most affected receiver. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the Noise Policy for Industry 2017.
2. An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 Acoustics - Recommended design sound levels and reverberation times for building interiors.
3. Outdoor noise from amplified music, live music or public address systems is not permitted.

Reason: To protect the acoustic amenity of the local area.

98. Maintenance of Acoustic Fencing

All Acoustic barriers, including boundary fencing, must be maintained for the duration of the development. Responsibility for the maintenance of all acoustic barriers, including boundary fences, is the sole responsibility of the owner of the development, and shall continue into perpetuity should the premises be sold in the future, unless otherwise approved by Council.

Reason: To allocate responsibility for maintenance of the acoustic barrier fencing.

99. 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.

**DEMOLITION WORK
BEFORE DEMOLITION WORK COMMENCES**

Condition
<p>100. Erection of Construction Sign</p> <ol style="list-style-type: none">1. A sign must be erected in a prominent position on any site on which any approved work is being carried out:<ol style="list-style-type: none">a. Showing the name, address, and telephone number of the Principal Certifier 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; andc. 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. <p><i>Reason: Prescribed condition EP&A Regulation, section 70(2) and (3).</i></p>
<p>101. Asbestos Removal Signage</p> <p>Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p> <p><i>Reason: To alert the public to any danger arising from the removal of asbestos.</i></p>
<p>102. Protection of Adjoining Areas</p> <p>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:</p> <ol style="list-style-type: none">1. Could cause a danger, obstruction, or inconvenience to pedestrian or vehicular traffic.2. Could cause damage to adjoining lands by falling objects; and/or3. Involve the enclosure of a public place or part of a public place; and/or4. 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.

103. Hazardous Material Survey Before Demolition

Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.

Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.

The report must include at least the following information:

1. The location of all hazardous material throughout the site
2. A description of the hazardous material
3. The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust
4. An estimation of the quantity of each hazardous material by volume, number, surface area or weight
5. A brief description of the method for removal, handling, on-site storage, and transportation of the hazardous materials
6. Identification of the disposal sites to which the hazardous materials will be taken.

Note: The Hazardous Material Survey 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 require a plan for safely managing hazardous materials.

104. Unexpected Finds Protocol

A site specific 'Unexpected Finds Protocol' is to be developed and submitted to Council. The Unexpected Finds Protocol must be made available for reference for all occupants and/or site workers in the event contamination is discovered, including asbestos.

Note: The Unexpected Finds Protocol 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 ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

105. Notice of Commencement for Demolition

At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:

1. Name
2. Address,
3. Contact telephone number,
4. Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor,
5. The contact telephone number of council and
6. The contact telephone number of SafeWork NSW (4921 2900).

Note: The written notice to Council can be sent to devmail@hornsby.nsw.gov.au.

Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

106. 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*.

Reason: To ensure adequate toilet facilities are provided.

107. 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 Certifier. 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.

108. Installation of Tree Protection Measures

1. Trees to be retained must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:
 - a. For the duration of demolition and construction works, in accordance with the Tree Protection Plan, Appendix 1B - Proposed Site Plan, page 37 of the Arboricultural Impact Assessment Report Ref: 230831, prepared by Urban Arbor Pty Ltd dated 31 August 2023.
2. Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
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. Tree crown protection measures are required and must be installed by the AQF 5 project arborist.
5. The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
6. Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
7. All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
8. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the woodchip must be covered with a layer of geotextile fabric and rumble boards.

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

109. Demolition and 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, principal 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.
 - ii) The maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - iii) The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - iv) 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 AS 2601-2001 - 'The 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 (4th 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.

110. Waste Management Details

Prior to the commencement of any works, the on-going waste collection service must be cancelled, and the bins retrieved by the waste collection service provider.

Note: For residential properties, Council is the waste collection service provider.

Reason: To ensure domestic waste bins are not used for demolition and construction waste.

111. Garbage Receptacle

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.
4. 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.

DURING DEMOLITION WORK

Condition

112. 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.

113. 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.

114. Handling of Asbestos During Demolition

While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:

1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling, and disposal of any asbestos material.
2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and
3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

Reason: To ensure that the removal of asbestos is undertaken safely and professionally.

115. 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.

116. 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.

117. 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.

118. 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.

119. 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.

120. 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 dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier 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.

121. 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.

122. 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. Roots numbered 1, 4, 7, 8, 9 and 13 in the Arboricultural Root Investigation Report Ref: 231130 prepared by Urban Arbor Pty Ltd, dated 30 November 2023 must not be cut.
2. Where the building footprint enters or transects the Tree Protection Zones of trees to be retained, sensitive construction techniques in the form of screw pilings or piers, cantilevered or suspended slab design must be employed to create a 100mm clearance above existing soil grade.
3. Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
 - a. Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees must be overseen by the AQF 5 project arborist for the first 1m undertaken manually to locate roots and allow for pruning in accordance with condition No. 122(1).
 - b. Excavations for the construction and/or installation of the building in the Tree Protection Zone of trees to be retained on the approved plans must be supervised by the project arborist, undertaken manually to locate roots and allow for pruning in accordance with condition No. 122(1).
4. Grade changes in the form of filling, are permissible outside the Structural Root Zone in conjunction with piers and the use of gap graded soils.

5. Grade changes in the form of cutting are permissible outside the Structural Root Zone to the depth of required excavations following conditions 2 and 3.
6. To minimise impacts within the Tree Protection Zone (TPZ) of trees 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 utilise directional drilling only.
7. 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; and
 - b. Installation of geotextile fabric ground covering; and
 - c. Installation of scaffold boarding above the woodchip and geotextile fabric.

Reason: To protect trees during construction.

123. 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.

124. Maintenance of Public Footpaths

Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

Reason: To maintain safe pedestrian movement.

125. 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.

126. 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.

127. 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 Principal Certifier and Council.

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

128. Compliance with Acoustic Report

All control measures nominated in the Noise Impact Assessment Report No. 230407 Rev R8, prepared by Pulse White Noise Acoustics, dated 9 August 2023, must be implemented.

Reason: To ensure the operational measures implemented protect the amenity of the local area.

129. De-watering of Excavated Sites

Water that accumulates within an excavation must be removed and disposed of in a manner that does not result in the pollution of waters, nuisance to neighbouring properties, or damage to neighbouring land and/or property.

Reason: To document the safe removal of water during work to protect the public and the surrounding environment.

130. Road Opening Permit

A road opening permit shall be obtained from the Council to permit a person to dig into Council assets, such as roads, footpaths and nature strips. The applicable fees for the restoration of any public asset by Council shall be at the applicant's full expense.

Reason: To ensure public infrastructure and property is maintained

ON COMPLETION OF DEMOLITION WORK

Condition

131. 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 Principal 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.

132. Final Certification by Project Arborist

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

- a) All tree protection requirements complied with the as approved tree protection plan for the duration of demolition; and
- b) All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans; and
- c) Dates, times, and reasons for all site attendance; and
- d) All works undertaken to maintain the health of retained trees; and
- e) Details of tree protection zone maintenance for the duration of works.

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

Reason: To ensure compliance with tree protection commitments.