

Attachment A: Recommended Modified Conditions of Consent

Date of this modification:

Details of this modification:

Design modifications to an approved seniors living development, specifically modifications to a number of the design elements of the approved Independent Living Unit's (ILU's) including associated landscape and civil works and the addition of staging to the consent

Amended Description of Development:

Conditions Added: 21b), 59h), 59i), 107-153 (inclusive)

Conditions Deleted: 7A, 8A, 15g), 27, 28, 29, 29A, 58, 68, 71, 73, 74, 75, 78, 79, 80, 81, 82, 83, 84, 90, 91, 92, 95, 96, 97, 100, 103, 104, 105, 106

Conditions Modified: 3, 4, 18a), 23, 24, 25, 76, 85, 102

DEFERRED COMMENCEMENT

1. Integrated Bushfire and Vegetation Management Plan

- a) An Integrated Bushfire and Vegetation Management Plan shall be prepared for the Sydney Turpentine-Ironbark Forest and Blackbutt Gully Forest areas identified on Figure 1 - 'Vegetation communities and proposed offset areas within the subject site', prepared by Cumberland Ecology and annexed to the letter from Cumberland Ecology to Zhiva Living Dural Pty Ltd dated 16 October 2020 titled 'Future Proposed Ecological Management of 3 Quarry Road and 4 Vineys Road, Dural (Lot 2A DP 158064 and Lot 1 DP 230172)', and the drainage swale running from west to east through the site identified on the plans approved by condition 3 as amended in accordance with condition 4. The IBVMP shall consolidate matters to address the following:
 - i) Provide a map indicating the extent of the APZ.
 - ii) Establishment and ongoing management of the asset protection zone.
 - iii) Landscape planting including planting associated with offsetting requirements.
 - iv) Vegetation management.
- b) The IBVMP shall address the APZ requirements including:
 - i) Permanent marking of any inner and outer protection areas to delineate areas for ongoing management.
 - ii) Methodology for establishing and maintaining vegetation within the APZ:
 - a. Prioritise removal of weed species and retention of native species.
 - b. Retention of native vegetation in clumps where possible as described in the NSW RFS publications Planning for Bushfire Protection 2019 (Appendix 4) and Standards for asset protection zones.

- c. Use of hand tools around trees and vegetation to be retained.
- c) The IBVMP shall address the ongoing management of remnant vegetation and landscape planting requirements including:
 - i) Landscape planting as part of the offsetting requirements (including 34 Turpentine and other BGF and STIF understorey species).
 - ii) Landscape planting along the drainage swale.
 - iii) Provide a schedule of works and general specification that demonstrates ongoing management of the remnant vegetation to be retained, including:
 - the timing of landscape and vegetation management works
 - protocols for planting, establishment, maintenance and replacement
 - species, numbers, pot size and height of plants to be used; and
 Plant stock shall be sourced from a native nursery utilising Sydney basin stock.
- d) The IBVMP shall be implemented from the date of the Construction Certificate and will be in place for 3 years from the date of construction certificate. The IBVMP shall be reviewed upon completion of this initial 3 year period and updated for a further 5 years with a review and update every 5 years. Monitoring shall occur at a minimum of every 3 months for the first 3 years to ensure that weed control is well managed and plantings have established. Monitoring of the site after the initial 3 years shall occur annually. Reporting on the implementation of the IBVMP shall occur annually with the annual reports provided to Council.
- e) The IBVMP is to be submitted to Council for review and approval within 36 months of the date of this notice.

2. **Tree Protection Plan**

A Tree Protection Plan is to be prepared and shall include the following information:

- a) Cover page
- b) Summary of the Specification outlining its intended purpose
- c) Tree Data Section Table: Each tree is to be identified by both common name and botanical name, Tree Physical Dimensions: - height, canopy spread and diameter at breast height (DBH taken at 1.3m above ground), Safe Useful Life Expectancy (SULE), Tree Protection Zone (TPZ), Structural Root Zone (SRZ).
- d) Tree Protection Specification (Section) addressing the following subsections:
 - i) Specifications for the application of required tree protection measures as prescribed in AS 4970-2009.
 - ii) Specification of Remedial tree works pre and post development compliant with AS 4373-2007 and AS 4970-2009.
 - iii) Proposed inspection schedule to assess tree health and provide certification for the various stages of development such as site establishment, construction work, hard and soft landscaping practical completion and occupancy certification.
 - iv) Specification and Scheduling of necessary tree care/maintenance required before, during and post construction (such as watering and fertilising trees).

- e) Tree Protection Plans which incorporates the relevant tree protection requirements, but not limited to the following:
 - i) Location of protection fencing (written distance on plan of TPZ radius)
 - ii) Trees identified to have trunk and canopy protection measures (i.e. colour coded)
 - iii) TPZ areas to be mulched (in accordance with specifications or consent)
 - iv) Location Building storage materials
 - v) Location Building waste area's
 - vi) Location of installations of services and methodology to be used.
- f) Appendices Section which contains any documents referred to within the tree protection plan.
- g) Credentials and Conduct Statement: All reports are to include the name of the Arborist who undertook the site inspection and carried out the assessment, their qualifications and contact details and a statement consistent with clause 3.2.1 (located in the appendices)
- h) Such information must be submitted to Council within 36 months of the date of this notice.

This consent will lapse if the applicant fails to satisfy Council as to the matters specified in the conditions above within 42 months of the date of this notice. Upon Council's written satisfaction of the above information, the following conditions of development consent apply:

CONDITIONS THAT APPLY TO ALL STAGES

Note: Additional stage conditions applied from Condition No. 107 onwards

GENERAL CONDITIONS

3. 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

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>
Sheet No. 032	Staging Plan	AUDDA	14/09/22
Architectural Plans for <u>RACF Building Only</u>			
DA0.00 Revision B.1	Cover Sheet (RACF Building Only)	Marchese Partners	13.10.2020
DA1.01 Revision B.1	Site Plan (RACF Building Only)	Marchese Partners	13.10.2020
DA1.02 Revision B.1	Survey	Marchese Partners	13.10.2020
DA1.03 Revision B.1	Demolition Plan	Marchese Partners	13.10.2020
DA1.04 Revision B.1	Site Analysis (RACF Building Only)	Marchese Partners	13.10.2020
DA1.05 Revision B.1	Envelope Comparison (RACF Building Only)	Marchese Partners	13.10.2020
DA1.06 Revision B.1	Setbacks (RACF Building Only)	Marchese Partners	13.10.2020

DA1.07 Revision B.1	Roof Plan (RACF Building Only)	Marchese Partners	13.10.2020
DA2.01 Revision B.1	Level 194 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.02 Revision B.1	Level 197 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.03 Revision B.1	Level 199 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.04 Revision B.1	Level 203 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.05 Revision B.1	Level 206 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.06 Revision B.1	Level 209 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.07 Revision B.1	Level 212 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.08 Revision B.1	Level 215 (RACF Building Only)	Marchese Partners	13.10.2020
DA2.21 Revision B.1	Zone 1 Level 194	Marchese Partners	13.10.2020
DA2.22 Revision B.1	Zone 1 Level 197	Marchese Partners	13.10.2020
DA2.23 Revision B.1	Zone 1 Level 199	Marchese Partners	13.10.2020
DA2.24 Revision B.1	Zone 1 Level 203	Marchese Partners	13.10.2020
DA2.25 Revision B.1	Zone 1 Level 206	Marchese Partners	13.10.2020
DA2.26 Revision B.1	Zone 1 Level 209	Marchese Partners	13.10.2020
DA2.27 Revision B.1	Zone 1 Level 212	Marchese Partners	13.10.2020
DA2.28 Revision B.1	Zone 1 Level 215	Marchese Partners	13.10.2020
DA2.29 Revision B.1	Zone 2 Level 194	Marchese Partners	13.10.2020
DA2.30 Revision B.1	Zone 2 Level 197	Marchese Partners	13.10.2020
DA2.31 Revision B.1	Zone 2 Level 199	Marchese Partners	13.10.2020
DA2.32 Revision B.1	Zone 2 Level 203	Marchese Partners	13.10.2020
DA2.33 Revision B.1	Zone 2 Level 206	Marchese Partners	13.10.2020
DA2.34 Revision B.1	Zone 2 Level 209	Marchese Partners	13.10.2020
DA2.35 Revision B.1	Zone 3 Level 194	Marchese Partners	13.10.2020
DA2.36 Revision B.1	Zone 3 Level 197	Marchese Partners	13.10.2020
DA2.37 Revision B.1	Zone 3 Level 199	Marchese Partners	13.10.2020
DA2.38 Revision B.1	Zone 3 Level 203	Marchese Partners	13.10.2020
DA2.39 Revision B.1	Zone 3 Level 206	Marchese Partners	13.10.2020
DA3.01 Revision B.1	External Elevation (RACF Building Only)	Marchese Partners	13.10.2020
DA3.02 Revision B.1	Street Elevation (RACF Building Only)	Marchese Partners	13.10.2020
DA3.03 Revision B.1	Internal Elevation	Marchese Partners	13.10.2020
DA3.04 Revision B.1	Internal Elevation (RACF Building Only)	Marchese Partners	13.10.2020
DA3.05 Revision B.1	Internal Elevation	Marchese Partners	13.10.2020
DA3.06 Revision B.1	Internal Elevation	Marchese Partners	13.10.2020

DA3.07 Revision B.1	Internal Elevation	Marchese Partners	13.10.2020
DA3.08 Revision B.1	External Elevation (RACF Building Only)	Marchese Partners	13.10.2020
DA3.09 Revision B.1	Internal Elevation (RACF Building Only)	Marchese Partners	13.10.2020
DA4.01 Revision B.1	Sections A-B-C (RACF Building Only)	Marchese Partners	13.10.2020
DA4.02 Revision A8	Sections D-E	Marchese Partners	13.10.2020
DA4.03 Revision B.1	Section G-H-I (RACF Building Only)	Marchese Partners	13.10.2020
DA4.04 Revision B.1	Section J-K	Marchese Partners	13.10.2020
DA4.05 Revision B.1	Section L-L	Marchese Partners	13.10.2020
DA4.06 Revision X	Sections Through Ramps (RACF Building Only)	Marchese Partners	1.03.2019
DA7.01 Revision B.1	Material Board	Marchese Partners	13.10.2020
Modification Architectural Plans for ILU's - Buildings A to G			
A010, Rev. A	Level 194 Building Basement Setout Plan	AUDAA	16/12/22
A011, Rev. A	Level 199 Building Basement Setout Plan	AUDAA	16/12/22
A100, Rev. B	Site Development Plan	AUDAA	04/06/24
A102, Rev. A	Level 194, 195 Basement Parkings	AUDAA	16/12/22
A103, Rev. B	Level 199 Building A B D E	AUDAA	04/06/24
A104, Rev. B	Level 203 Building A B D E	AUDAA	04/06/24
A105, Rev. B	Level 206 Building A B D E	AUDAA	04/06/24
A106, Rev. B	Level 209 Building A B D E	AUDAA	04/06/24
A107, Rev. B	Level 212 Building A B D E	AUDAA	04/06/24
A108, Rev. B	Level 215 Building A B D E	AUDAA	04/06/24
A110, Rev. B	Level 199 Building C F/ Level 197 Building G	AUDAA	04/06/24
A111, Rev. B	Level 203 Building C F/ Level 199 Building G	AUDAA	04/06/24
A112, Rev. B	Level 206 Building C F/ Level 203 Building G	AUDAA	04/06/24
A113, Rev. B	Level 215 Building C F/ Level 206 Building G	AUDAA	04/06/24
A200, Rev. A	Building A Elevation	AUDAA	16/12/22
A201, Rev. A	Building A Elevation	AUDAA	16/12/22
A202, Rev. A	Building B Elevation	AUDAA	16/12/22
A203, Rev. A	Building B Elevation	AUDAA	16/12/22
A204, Rev. A	Building C Elevation	AUDAA	16/12/22

A205, Rev. A	Building D Elevation	AUDAA	16/12/22
A206, Rev. A	Building D Elevation	AUDAA	16/12/22
A207, Rev. A	Building E Elevation	AUDAA	16/12/22
A208, Rev. A	Building E Elevation	AUDAA	16/12/22
A209, Rev. A	Building F Elevation	AUDAA	16/12/22
A210, Rev. A	Building F Elevation	AUDAA	16/12/22
A211, Rev. A	Building G Elevation	AUDAA	16/12/22
A212, Rev. A	Building G Elevation	AUDAA	16/12/22
A300, Rev. A	Site Section Sheet 1	AUDAA	16/12/22
A301, Rev. A	Site Section Sheet 2	AUDAA	16/12/22
A302, Rev. A	Site Section Sheet 3	AUDAA	16/12/22
A303, Rev. A	Details Sheet 1	AUDAA	16/12/22
A304, Rev. A	Section Through ILU Ramp	AUDAA	16/12/22
A700, Rev. A	Building Finishes	AUDAA	16/12/22
Landscape Plans			
L-00 Issue I	Title Page (RACF Component of Site Only)	Site Design + Studios	08.02.2021
L-01 Issue I	Landscape Masterplan (RACF Component of Site Only)	Site Design + Studios	08.02.2021
L-02 Issue I	Design Intent Images	Site Design + Studios	08.02.2021
L-03 Issue I	Area A - Landscape Plan	Site Design + Studios	08.02.2021
L-04 Issue I	Area B - Landscape Plan (RACF Component of Site Only)	Site Design + Studios	08.02.2021
L-05 Issue I	Area C - Landscape Plan	Site Design + Studios	08.02.2021
L-06 Issue I	Planting Schedule (RACF Component of Site Only)	Site Design + Studios	08.02.2021
L-07 Issue I	Typical Details (RACF Component of Site Only)	Site Design + Studios	08.02.2021
L-08 Issue I	Grass Pave (Sure Pave Permeable Paving)	Site Design + Studios	08.02.2021
L-09 Issue G	Elevations (RACF Component of Site Only)	Site Design + Studios	08.02.2021
L-10 Issue D	Sections	Site Design + Studios	08.02.2021
L-11 Issue E	Elevations (RACF Component of Site Only)	Site Design + Studios	08.02.2021
L-12 Issue K	Landscape Area Calculations (RACF Component of Site Only)	Site Design + Studios	08.02.2021

L-13 Issue M	Riparian Plan	Site Design + Studios	08.02.2021
L-14 Issue I	Tree & Shrub Canopy Cover Calculations	Site Design + Studios	08.02.2021
LP22-34	Revised Landscape Intent - Site Overall	Deep Rainforest	11/06/24
SLI22-34	Revised Section Views 1	Deep Rainforest	11/06/24
SLI22-34, Sht-4	Revised Section Views 2	Deep Rainforest	11/06/24
SLI22-34, Sht-5	Standard Details	Deep Rainforest	21/12/23
LP22-34, Sht-1	Revised Schedule	Deep Rainforest	11/06/24
LP22-34, Sht-2	Revised Plant Images	Deep Rainforest	11/06/24
LP22-34, Sht-8	Design Intent Images	Deep Rainforest	11/06/24
LP22-34, Sht-9	Design Intent Images 2	Deep Rainforest	11/06/24
Civil Engineering Plans			
DAC01.01 Revision 10	Cover Sheet, Drawing Schedule and Locality Plan	Northrop	4.03.2019
DAC01.11 Revision 10	General Arrangement Plan (RACF Component of Site Only)	Northrop	4.03.2019
DAC02.01 Revision 10	Specification Notes	Northrop	4.03.2019
DAC03.01 Revision 9	Concept Sediment and Soil Erosion Control Plan	Northrop	4.03.2019
DAC03.11 Revision 40	Concept Sediment and Soil Erosion Control Details	Northrop	4.03.2019
DAC04.01 Revision 40	Concept Siteworks and Stormwater Management Plan – Sheet 1	Northrop	4.03.2019
DAC04.02 Revision 11	Concept Siteworks and Stormwater Management Plan - Sheet 2 (RACF Component of Site Only)	Northrop	4.03.2019
DAC04.03 Revision 44	Concept Siteworks and Stormwater Management Plan – Sheet 3	Northrop	4.03.2019
DAC05.01 Revision 40	Central Channel Plan and Longitudinal Section	Northrop	4.03.2019
DAC05.02 Revision 6	Central Channel Cross Sections – Sheet 1	Northrop	4.03.2019
DAC05.03 Revision 6	Central Channel Cross Sections – Sheet 02	Northrop	4.03.2019
DAC06.01 Revision 10	Detail - Sheet 01 (RACF Component of Site Only)	Northrop	4.03.2019

DAC06.02 Revision 10	Detail - Sheet 02 (RACF Component of Site Only)	Northrop	4.03.2019
DAC06.03 Revision 10	Detail - Sheet 03 (RACF Component of Site Only)	Northrop	4.03.2019
DAC06.04 Revision 8	Detail - Sheet 04 (RACF Component of Site Only)	Northrop	4.03.2019
DAC06.05 Revision 8	Detail - Sheet 05	Northrop	4.03.2019
DAC06.06 Revision 5	Detail - Sheet 06 (RACF Component of Site Only)	Northrop	4.03.2019
DAC06.07 Revision 5	Detail - Sheet 07	Northrop	4.03.2019
DAC06.08 Revision 5	Detail - Sheet 08	Northrop	4.03.2019
DAC07.01 Revision 10	Catchment Plan (RACF Component of Site Only)	Northrop	4.03.2019
SK06.01 Revision 8	Preliminary Services Masterplan (RACF Component of Site Only)	Northrop	9.10.20
SKC12.01 Revision 2	Concept External Siteworks Plan (RACF Component of Site Only)	Northrop	6.05.2019
SKC13.01 Revision 4	Concept Siteworks and Stormwater Management Plan - Sheet 01	Northrop	2.05.2019
SKC13.02 Revision 1	Concept Siteworks and Stormwater Management Plan - Sheet 02	Northrop	2.05.2019
SKC13.03 Revision 4	Concept Siteworks and Stormwater Management Plan - Sheet 03	Northrop	2.05.2019
22010-CI-010, Rev. 1	Site Plan	Cubo Consulting	15/12/22
22010-CI-011, Rev. 1	Driveway Plan - Sheet 1 of 3	Cubo Consulting	15/12/22
22010-CI-012, Rev. 1	Driveway Plan - Sheet 2 of 3	Cubo Consulting	15/12/22
22010-CI-013, Rev. 1	Driveway Plan - Sheet 1 of 3	Cubo Consulting	15/12/22
22010-CI-020, Rev. 2	Driveway Longsections - Sheet 1 of XXX	Cubo Consulting	20/12/23
22010-CI-021, Rev. 1	Driveway Longsections	Cubo Consulting	15/12/22
22010-CI-022, Rev. 1	Driveway Longsections	Cubo Consulting	15/12/22
22010-CI-023, Rev. 2	Driveway Longsections	Cubo Consulting	20/12/23
22010-CI-026, Rev. 1	Swale Longsections - Sheet 1 of 2	Cubo Consulting	15/12/22
22010-CI-027, Rev. 1	Swale Longsections - Sheet 2 of 2	Cubo Consulting	15/12/22
22010-CI-041, Rev. 1	Stormwater Plan - Sheet 1 of 3	Cubo Consulting	15/12/22
22010-CI-042, Rev. 1	Stormwater Plan - Sheet 2 of 3	Cubo Consulting	15/12/22
22010-CI-043, Rev. 1	Stormwater Plan - Sheet 3 of 3	Cubo Consulting	15/12/22
22010-CI-047, Rev. 1	OSD Tank North Plan	Cubo Consulting	15/12/22
22010-CI-049, Rev. 1	OSD Tank South Plan	Cubo Consulting	15/12/22
22010-CI-080, Rev. 1	Driveway Plan - Sheet 1 of 3	Cubo Consulting	15/12/22

22010-CI-081, Rev. 1	Driveway Plan - Sheet 2 of 3	Cubo Consulting	15/12/22
22010-CI-082, Rev. 1	Driveway Plan - Sheet 3 of 3	Cubo Consulting	15/12/22
22010-CI-090, Rev. 1	Bulk Earthworks Plan	Cubo Consulting	15/12/22
22010-CI-095, Rev. 1	Sediment Control Plan	Cubo Consulting	15/12/22
22010-CI-098, Rev. 1	Sediment Control Details - Sheet 1 of 2	Cubo Consulting	15/12/22
22010-CI-098, Rev. 1	Sediment Control Details - Sheet 2 of 2	Cubo Consulting	Undated

Supporting Documentation

Document Title	Prepared by	Dated
Flora and Fauna Assessment	Cumberland Ecology	March 2019
Ecological Assessment - Modification	Cumberland Ecology	14 June 2023
BASIX Certificate 1014630M_02 - RACF component of development applies	Chapman Environmental Services Pty Ltd	13 October 2020
BASIX Certificate No. 1395688M	Building Sustainability Assessments	16/06/23
Assessor Certificate - NatHERS	Building Sustainability Assessments	16/06/23
Operational Plan of Management	Zhiva Living	16 February 2021
Construction Management Plan	Northrop	5 February 2021
Access Assessment Report - RACF component of development applies	BCA Logic	4 March 2019
Access Report - Ref. 22312	Vista Architects	Undated
Operational Waste Management Plan (Rev. D) - RACF component of development applies	Elephants Foot	4 March 2019
Operational Waste Management Plan (Rev. I)	Elephants Foot	26 March 2024
Detailed Environmental Site Assessment	Environmental Consulting Services	16 April 2019
Arboricultural Impact Assessment	Urban Forestry	March 2019
Amended Arboricultural Impact Assessment	Urban Forestry	December 2023
Environmental Noise Impact Assessment	Acoustic Logic	9 April 2019

4. **Amendment of Plans**

- a) Prior to the issue of a construction certificate the approved plans are to be amended as follows for incorporation into the construction certificate:
 - i) ~~Parking space A06 is to become a shared zone. The lift servicing the swimming pool and café is to be both front and rear opening, and open to the RL202.15 (loading bay) level. There are to be double doors into the loading bay area. The purpose of this condition to facilitate deliveries to the café and swimming pool, and transfers of waste from these locations to the commercial waste room.~~

- ~~ii) The water elements that have been included on the landscape plans are to be either less than 300mm in depth or otherwise treated to ensure that compliance with the Swimming Pools Act is not breached.~~
- iii) The approved landscape plans are to be amended to include:
 - a. Details of Landscape water elements their finish, construction and quality;
 - b. A note that the Blackbutt Gully Forest (BGF) conservation area, the Sydney Turpentine Ironbark Forest (STIF) conservation area and the Riparian Corridor will be managed in accordance with the approved Integrated Bushfire and Vegetation Management Plan; and
 - c. Additional details, quantity of species and their proposed locations must be provided within the approved landscape plans and planting schedule prepared by Deep Rainforest, consistent with the originally approved landscape plans and planting schedule (Issue I) prepared by Site Design + Studios, dated 8 February 2021. The number of trees, shrubs, ground covers, grasses and ferns must not differ from the originally approved landscape plans/details.
- iv) The construction certificate plans are to incorporate all recommended acoustic attenuation measures set out in sections 5.5-5.9 and 6.3 of the Environmental Noise Impact Assessment referred to in Condition 3 above. The required height of lapped and capped acoustic fences/barriers is to be measured from the finished ground level at the boundary.
- ~~v) The approved landscape plans are to be amended to the extent necessary to achieve consistency with the requirements of the Rural Fire Service set out in condition 103 below.~~
- ~~vi) To enhance the protection of the tree numbered 10 as identified in the Arboricultural Impact Assessment (AIA) provided by Urban Forestry dated March 2019 (Council reference No. D07625272), the approved architectural plans and landscape plans are to be amended as follows:~~
 - ~~Landscape plans and architectural plans are to reflect the preferred setbacks to works including retaining walls as illustrated in the annotated marked up plan at Annexure 2 to the Supplementary Joint Arboricultural Report prepared by Catriona Mackenzie and Scott Wilkie dated 5 February 2021.~~
 - ~~Landscape specifications must be written to exclude any bulk cultivation or topsoil ripping in the Tree Protection Zone of T10 and other trees to be retained.~~
 - ~~The proposed combined underground service trench to the south of Tree 10 must be relocated to avoid any encroachment into the tree's 13m TPZ radius.~~
- vii) The construction certificate plans must include details of appropriate signage and collapsible/retractable bollards to all entry points of the emergency access perimeter roads along the western and eastern sides of the site from both Quarry and Vineys Road to prevent the accessways being used by vehicles other than emergency vehicles.
- b) These amended plans must be submitted with the application for the Construction Certificate.

5. Construction Certificate

- a) A construction certificate must be approved by either Council or a Private Certifying Authority (PCA) prior to the commencement of any works on the site approved under this development consent.
- b) The plans submitted with the application for the construction certificate must be consistent with the plans, as modified by any relevant condition, approved under this development consent.

6. **Appointment of a Project Arborist**

- a) A project arborist with AQF Level 5 qualifications must be appointed to provide monitoring and certification throughout the construction period based on a proposed construction inspection schedule.
- b) Details of the appointed project arborist must be submitted to Council and the PCA for registration with the application for the construction certificate.
- c) The project arborist must develop a construction inspection schedule to assess the following:
 - i) Tree health for the various stages of development such as site establishment (includes demolition and installation of tree protection measures).
 - ii) Construction works impacting the tree protection zone.
 - iii) Hard and soft landscaping.
- d) The construction inspection schedule must be held on site by the project supervisor for presentation upon request by Council; or
- e) The construction inspection schedule must be supplied to Council as part of the Construction Management Plan or Construction Certificate.

7. **Removal of Trees**

- a) This development consent permits the removal of tree(s) numbered 5, 6, 7, 8, 9, 11, 12, 13, 18, 20, 21, 25, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49 - 63 as identified in the Arboricultural Impact Assessment (AIA) provided by Urban Forestry dated March 2019 (Council reference No. D07625272).

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

7A. **Tree Pruning**

- a) This development consent only permits the pruning of tree(s) numbered T10.
- b) Works can be undertaken in the form of canopy modification as follows:

Tree number	Work prescribed
T10	Deadwooding

- i) All specified pruning works must be less than 10 percent.
- ii) All pruning work must be undertaken by an arborist with minimum AQF3 qualifications.

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.

8. Section 7.11 Development Contributions

- a) In accordance with Section 4.17(1) of the *Environmental Planning and Assessment Act 1979* and the *Hornsby Shire Council Section 7.11 Development Contributions Plan 2020-2030*, the following monetary contributions must be paid to Council to cater for the increased demand for community infrastructure resulting from the development:

Description	Contribution (4)
Roads	\$97,296.30
Open Space and Recreation	\$872,006.10
Community Facilities	\$537,076.70
Plan Preparation and Administration	\$7,531.45
TOTAL	\$1,513,910.55

being for 91 ILUs and a credit for two existing allotments.

- b) The value of this contribution is current as at 15 February 2021. If the contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.11 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

$$\frac{\$C_{PY}}{CPI_{DC}} = \frac{\$C_{DC} \times CPI_{PY}}{CPI_{DC}}$$

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 applicable in this Development Consent Condition.

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

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

8A. 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
NSW Rural Fire Service	NSW RFS Determination/GTA's Letter	23/04/24	D08893800
Natural Resources Access Regulator NSW	NRAR - Integrated Development Referral/GTA's	28/01/21	D08893797

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

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

9. Building Code of Australia

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

10. Contract of Insurance (Residential Building Work)

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

11. Notification of Home Building Act 1989 Requirements

Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notice of the following information:

- a) In the case of work for which a principal contractor is required to be appointed:
 - i) The name and licence number of the principal contractor; and
 - ii) The name of the insurer by which the work is insured under Part 6 of that Act.
- b) In the case of work to be done by an owner-builder:
 - i) The name of the owner-builder; and
 - ii) If the owner-builder is required to hold an owner-builder's permit under that Act, the number of the owner-builder's permit.

Note: If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being Council) has given Council written notification of the updated information.

12. Utility Services

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

- a) *Ausgrid (formerly Energy Australia)* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- b) *Telstra* - a letter of consent demonstrating that satisfactory arrangements have been made to service the proposed development.
- c) *Sydney Water* - 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 inTM through www.sydneypwater.com.au under the Building and Development tab.

13. Dilapidation Report

- a) A 'Dilapidation Report' is to be prepared by a 'chartered structural engineer' detailing the structural condition of buildings, retaining walls, driveways and any dam on the following adjoining properties:
 - i) No. 1 Quarry Road, Dural,
 - ii) No. 5 Quarry Road, Dural,
 - iii) No. 6 Vineys Road, Dural, and
 - iv) Nos. 835-837 Old Northern Road, Dural.
- b) A 'Dilapidation Report' is to be prepared by a chartered civil or structural engineer detailing the structural condition of Quarry Road between the subject site and Old Northern Road and utilities within that section of road and submitted to Hornsby Council before the commencement of any work.

14. 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". A copy of the Surveyor's identification work must be submitted to Hornsby Shire Council.

15. Internal Driveway/Vehicular Areas

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

- a) Design levels at the front boundary shall be obtained from Council via a separate application to Council for Crossing Levels.
- b) Design levels at the front boundary acquired from Council shall be utilised for design of the internal driveway engineering longitudinal sections.

- c) The driveway pavements and structures shall be designed by a chartered civil or structural Engineer.
- d) Driveway grades and transitions for changes of grade must not exceed the maximum design requirements of either AS2890.1-2004 or AS2890.2-2002 for the required vehicle type traversing the driveway.
- e) The pavement has a kerb to at least one side and a one-way cross fall with a minimum gradient of 2 percent and kerb inlets and pits a lintel and pit provided on grade and at low points.
- f) Retaining walls required to support the carriageways and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- g) ~~The provision of safety fencing where there is a level difference more than 0.3 metres, and where a 1:4 batter cannot be achieved, or where access to fast or deep 100 year average recurrence interval (ARI) storm flows must be protected against.~~
- h) Any blind aisle is to be constructed in accordance with the requirements of AS 2890.1.

16. Passing Bay in Vineys Road

- a) Prior to the issue of a construction certificate the design of a passing bay on the southern side of Vineys Road will be provided to Council in accordance with Sketch Plan titled Proposed Vineys Rd Passing Bay dated 7 May 2019 prepared by GTA Consultants in addition to an arboriculture assessment of the vegetation within that area for review and approval. The location of the passing bay will be some 90m to 100m south of Vineys Lane with waiting length of 10m, two 5m long tapers to the east and west, and providing for a total road width of approximately 6m for the 10m waiting length. The design which is to incorporate the recommendations of the arboricultural assessment and minimise the impact on adjacent trees and vegetation, will be submitted for approval of Council.
- b) The passing bay is to be designed in accordance with RTA Technical Direction TDT 2002/10 in consultation with Council's Traffic and Road Safety Branch and approved by the Local Traffic Committee.

17. Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Council's Stormwater Drainage (Design) Specification 0074 and the following requirements:

- a) Internal drainage systems shall cater for either the 20 year average recurrence interval (ARI) stormflows from upstream catchments where concrete piping is proposed, or cater for 100 year ARI stormflows from upstream catchments where surface drainage swales are proposed. Structures shall be designed and constructed to contain the design 100 year ARI flow on the subject site.
- b) Council's Quarry Road sag piped drainage system shall be extended generally in accordance with the drainage system shown on Northrop Plan DAC04.01 Rev 10 including kerb inlet pits, kerb and gutter and road shoulder construction.
- c) Piped (minor) drainage systems shall also include provision for the 100 year ARI (major) overland flow system within a surface drainage system adjacent, where piped drainage systems shall be assumed to be fully blocked.

- d) All major drainage systems shall include provision for at least 500 mm of freeboard between the 100 year ARI top water profile and basement ramp thresholds, habitable floor levels or soffit levels of overhead accessways and structures.
- e) Major surface drainage systems over accessible driveways or pathways must ensure peak design flow depth of stormflows do not exceed 200 mm at any location and velocity x depth product of the design flow does not exceed 0.4 m²/s.
- f) Drainage systems shall be connected directly to the internal watercourse drainage system with design of concrete pipe headwalls, stilling basins, overflow weirs and scour-free protection.
- g) Creation of a 3m wide Drainage Easement vested in Council over piped drainage systems draining Quarry Road catchment located on the eastern side of the site and proceeding north east from Quarry Road; and
- h) Pier and beam method construction for retaining and all structures adjacent Drainage Easements to the depth of the invert of proposed and existing concrete pipes.

18. **On Site Stormwater Detention and Water Quality Treatment System**

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

- a) Have a maximum discharge rate of the 5 year average recurrence interval (ARI) from the predeveloped site and have capacity to detain not less than the 20 year ARI stormflow from the site's catchment area.
- b) The system shall provide design and construction of a water quality treatment systems to ensure compliance with HDCP2013 Section 1C.1.2.k. water quality target requirements.
- c) Drainage calculations, a water quality treatment report prepared by the Engineer, and the electronic water quality treatment model must be submitted to the Principal Certifying Authority prior to release of any Construction Certificate.
- d) The system shall have a surcharge/inspection grate located directly above the outlet.
- e) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 65 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.
- f) Drainage systems shall be benched off to their outlet invert. No sumps are required at any location in the system; and
- g) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

19. **Safe Internal Access**

Internal driveways and accessways are to be designed by the civil engineer and constructed in accordance with the following requirements:

- a) Pedestrian accessways shall provide balustrading to retaining walls and bridges where a drop to the level below exceeds the safe threshold per Building Construction Codes Volume 2 Section 3.9.2.2.(a), or where the design 100 year ARI water depth exceeds 200mm or the design velocity x depth product exceeds 0.4 m²/s.

- b) Vehicular accessways shall provide vehicle barriers to retaining walls and bridges where a drop to the level below exceeds the safe threshold as indicated in AS2890.1-2004.

20. Road Works

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

- a) Design and construction of Council's standard 150 mm integral kerb and gutter on both the Quarry Road existing kerb alignment (to cater for proposed street drainage works), and the Vineys Road frontage of the site at an alignment 5.0 m from the boundary.
- b) The Vineys Road kerb and gutter design shall allow for a drainage swale to drain parts of Vineys Road between the site and the Vineys Road crest (adjacent 2 Vineys Road) to manage overland flows and drain to the proposed kerb and gutter construction.
- c) The Vineys Road kerb and gutter shall commence from east of the existing turpentine tree protection zone as identified in Concept External Site Works Plan SKC12.01 Revision 2. The kerb and gutter shall include the downstream side of the existing crossing point to No. 6 Vineys Road to ensure drainage swale capacity and ease of vehicular access.
- d) The Vineys Road drainage swales capable of draining the 100 year ARI shall be designed and constructed on both sides of Vineys Road between the Vineys Road crest and the existing sag drainage system adjacent No. 8 Vineys Road.
- e) Council's standard 300 mm thick flexible road shoulder construction shall be designed and constructed from a sawcut edge of the existing road pavement and the proposed kerb alignment and matched to existing road assets.
- f) Council's standard 100 mm thick concrete footpath shall be constructed across the Quarry Road frontage of the site with access ramps to match the proposed pedestrian refuge in Quarry Road.
- g) Unpaved areas within the road reserves shall be topsoiled and roll turfed.
- h) A separate application shall be made to Council for proposed road works required by the development consent pursuant to Section 138 *Roads Act 1993*. The applicant shall obtain a quote for Council's assessment and compliance inspection fees and these fees are to be paid in full with lodgement of the road works application.
- i) The proposed parking restrictions and installation of relevant signage within Quarry Road and Vineys Road must be approved by Council's Local Traffic Committee (LTC) prior to approval and release of the construction certificate.
- j) The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

21. Electrical Kiosks and Fire Booster

- a) Any electrical kiosks and fire booster assemblies must be located in unobtrusive locations away from vehicle and pedestrian entrances to the property. The utilities must be softened by a built screen and/or landscaping so as not to impact on the streetscape.
- b) Electrical kiosks and fire booster assemblies must not restrict sight distance from vehicles entering or exiting the site to pedestrians and cyclists travelling along footpaths.

22. Pedestrian Links within and from the site

Any proposed landscaping and/or fencing must not restrict safe sight distance from vehicles entering or exiting the site to pedestrians and cyclists travelling along the footpaths. Front boundary fencing is not to restrict sight lines to and from the driveway entrances and exits to the site.

23. Waste Management Details

The following waste management requirements must be complied with:

- a) Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste management system or the waste collection vehicle travel path on site, then an alternative design or travel path must be provided to Council for approval or written clarification obtained from Council.
- b) The approved on-going waste management system must not be amended without the written consent of Council.
- c) Details of all changes to the waste management plans (including but not limited to, the waste collection vehicle travel path, bin storage rooms, waste and 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 approval prior to the issue of a Construction Certificate.
- d) There must be no steps along any bin carting route.
- e) All bin manoeuvring aisles and bin carting routes must be no less than 1.55m wide.
- f) A Waste Management Plan Section One - Demolition Stage and Section Three - Construction Stage, covering the scope of the project stage and including the following details, is required to be submitted to Council:
 - i) An estimate of the types and volumes of waste and recyclables to be generated.
 - ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas.
 - iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed.
 - iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.

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

- g) The operational waste management system and the on-going collection of waste from completed stages must not be impeded by construction works.

~~The following waste management requirements must be complied with:~~

- ~~a) The residential component and non-residential component of the development must have separate self-contained waste management systems, including separate bin storage rooms. Commercial tenants must not have access to the residential waste / recycling bins and vice versa.~~
- ~~b) A suitably sized lockable storage space must be provided for the motorised bin carting equipment (bin tug and trolley).~~
- ~~c) There must be no steps along any bin carting route.~~

- d) ~~All bin manoeuvring aisles and bin carting routes (including door openings and paths) are to be no less than 1.55m wide.~~
- e) ~~The commercial waste room must have sufficient space for no less than 11 of 660L bins and aisle space to access and manoeuvre these bins.~~
- f) ~~The waste carting route from each auxiliary facility (e.g. swimming pool, café, cinema) to the commercial bin storage room must be no less than 1550 mm wide (including doorways), must be direct, and must be wholly within the site. The use of the public footpath to cart waste is not permitted.~~
- g) ~~There must be a bulky waste storage area of at least 16 square metres, near the loading bay.~~
- h) ~~There must be a waste room housing sufficient garbage bins and recycling bins for at least 3 days capacity for each lift core of each building. Every waste room and the bins within it must be accessible by persons with a disability.~~

Note: AS 1428.1 requires at least 800 mm clear doorway opening and 1.55m aisle width for wheelchair access.

- i) ~~A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage rooms (Residential Waste Rooms, ILU Waste Room, Commercial Waste Room, RACF Waste Room) have been designed to be constructed in accordance with the Waste Management Plan and including the following requirements:~~
 - i) ~~The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting;~~
 - ii) ~~The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface covered at all intersections;~~
 - iii) ~~The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned;~~
 - iv) ~~The room is to be provided with artificial light controllable within the room and adequate ventilation;~~
 - v) ~~The room is to be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.~~
 - vi) ~~The doors are to be robust and lockable, with a door opening of no less than 2m for commercial waste areas and the ILU waste room.~~
- j) ~~The access way (including ramp, vehicle turning area, loading dock/service bay and site entry/exit) to be used by waste collection vehicles servicing the ILU, must be designed in compliance with Australian Standard AS2890.2-2018 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles.~~

Note: AS2890.2-2018 includes a maximum gradient of 1:8 for reverse travel, a minimum vertical clearance of 4.5 m, and minimum loading dock/service bay dimensions of 3.5 m x 12.5m. These dimensions do not include wall thickness, support columns, ventilation shafts etc which must be added. AS2890.2-2018 also requires that when a loading dock/service bay is of minimum width a driver needs to be able to place the body of the vehicle or trailer into its final alignment at the point of entry into the bay.

- ~~k) The access way (including ramp, vehicle turning area, loading dock/service bay and site entry/exit) to be used by waste collection vehicles servicing the RACF, must be designed in compliance with Australian Standard AS2890.2-2018 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.~~

~~Note: AS2890.2-2018 includes a maximum gradient of 1:8 for reverse travel, a minimum vertical clearance of 3.5 m. These dimensions do not include wall thickness, support columns, ventilation shafts etc which must be added. AS2890.2-2018 also requires that when a loading dock/service bay is of minimum width a driver needs to be able to place the body of the vehicle or trailer into its final alignment at the point of entry into the bay.~~

- ~~l) A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the lower ground level as detailed in the Waste Management Plan. The design certificate is to specifically confirm that the:~~

- ~~i) Waste collection vehicle is able to access the lower ground level, adequately manoeuvre into position, load bins and exit the basement~~
- ~~ii) Vertical clearance of 4.5m is provided along the route of travel to/from external entry/exit points to ILU collection area, and a vertical clearance of no less than 3.5m is provided along the route of travel to/from external entry/exit points to RACF collection area~~
- ~~iii) Overhead pipes, ventilation shafts, cable trays or any other obstacle which interfere with the vertical clearance of the proposed waste vehicle must not be installed above the waste collection vehicle travel paths on site~~
- ~~iv) The waste collection vehicles must be able to manoeuvre in the basement with limited need for reversing~~
- ~~v) The grades of entry/exit must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle on the Quarry Road frontage and a Small Rigid Vehicle on the Vineys Road frontage.~~
- ~~vi) The floor of the basement has been designed to carry the load of the vehicle.~~

- ~~m) A Waste Management Plan Section One – Demolition Stage and Section Three – Construction Stage, covering the scope of this project and including the following details, is required to be submitted to Council:~~

- ~~i) An estimate of the types and volumes of waste and recyclables to be generated;~~
- ~~ii) A site plan showing sorting and storage areas for demolition and construction waste and the vehicle access to these areas;~~
- ~~iii) How excavation, demolition and construction waste materials will be reused or recycled and where residual wastes will be disposed;~~
- ~~iv) The total percentage (by weight) of demolition and construction waste that will be reused or recycled.~~

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

~~Note: Should there be any conflict between approved plans and/or consent conditions related to the waste management system or the waste collection vehicle travel path on site, then an alternate design or travel path must be provided to Council for approval.~~

24. **Certification of Traffic Engineer**

Prior to the issue of a Construction Certificate, a Certificate from an appropriately qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the accessways, parking modules, loading areas and garbage collection areas as applicable to the stage, comply with AS2890.1, AS2890.2 and the approved Development Consent plans and conditions.

25. **Construction Management Plan (CMP)**

To assist in the protection of the public, the environment and Council's assets, a Final Construction Management Plan (CMP), inclusive of a Construction Traffic Management Plan (CTMP) is to be submitted to Council for review and approval (**Option - combined for all stages or prior to each stage**). The CMP must be based on the Construction Management Plan prepared by Northrop, dated 5 February 2021 and be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer. The Final CMP must be submitted to Council's Compliance Team for approval at compliance@hornsby.nsw.gov.au prior to the issue of a Construction Certificate and include and be in accordance with the following requirements:

- a) A copy of the CMP ("the plan") shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.
- b) The plans must state the following:
 - i) A maximum of twenty-eight (28) heavy vehicles (i.e a maximum of 56 truck movements) will attend the site per day, a maximum of six (6) days per week.
 - ii) Heavy vehicle truck movements to and from the site will only occur between the hours of 7:00am and 8:00am, 9:30am and 2:30pm, and 4:00pm and 5:00pm to ensure avoidance with school zones and increased traffic congestion.
 - iii) That all heavy vehicle movements associated with the development will come from Old Northern Road.
 - iv) That all heavy vehicle movements associated with the development will enter and exit the site via Quarry Road, Dural.
 - v) That all vehicles associated with the development will not be parked, stopped or idling on streets surrounding the development during any stage of works.
 - vi) That an Acoustic Engineer/Noise Consultant will be engaged to undertake any noise logging required to be carried out, as required at any stage of works.
- c) The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.
- d) The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions.
- e) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.

- f) The Plan shall be in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 2018, Version 5" and detailing:
 - i) Public notification of proposed works;
 - ii) Long term signage requirements;
 - iii) Short term (during actual works) signage;
 - iv) Vehicle Movement Plans, where applicable;
 - v) Traffic Management Plans;
 - vi) Pedestrian and Cyclist access and safety
- g) The plans shall indicate traffic controls and shall provide pedestrian access and two-way traffic in the public road at all times.
- h) The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development.
- i) The plan shall include 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.
- j) The plan shall include swept path analysis for ingress and egress of the site throughout all stages of works, and also show the confirmed ingress and egress traffic routes from Quarry Road, Dural for all stages of works.
- k) The plan shall include site plans for all stages of works including the location of site sheds, unloading and loading areas, truck wash-down areas, and waste and storage areas being used.
- l) The plan shall include the total volume of any fill to be exported at the subject property throughout all stages.
- m) The plan shall include the total quantity and size of trucks for all exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
- n) The plan shall include the number of total truck movements to and from the site for each stage of works.
- o) The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated fill material.
- p) The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
- q) 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.
- r) 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 that an application to Hornsby Shire Council will be made.
- s) Noise and vibration management plans for excavation and construction works, inclusive of noise mitigation measures and respite periods for surrounding environment must be included as part of the CMP.

- t) Site plans showing the location of major plant refuelling and additional information on bunding for such activities, throughout each stage of works.
- u) Air and dust control measures must be included as part of the CMP.
- v) Details of how water quality will be monitored and maintained throughout all stages of development in accordance with the requirements of Council and the Protection of the Environment Operations Act 1997 must be included as part of the CMP.
- w) The CMP must include specific construction details and site plans relating to the stabilised access route required to traverse the water channel located on site, for all stages of works.

26. **Asbestos and Hazardous Materials Survey**

An Asbestos and Hazardous Materials Survey of the site is to be submitted to the Principal Certifying Authority prior to demolition works forming part of the Construction Certificate. The Survey is to be undertaken by an Occupational Hygienist accredited by the Australian Institute of Occupational Hygienists (AIOH) and in accordance with the Work Health and Safety Act 2011 and associated Regulations, including NATA accredited laboratory analysis for asbestos, lead, synthetic mineral fibres and polychlorinated biphenyls on the site and within the soil. Any recommendations identified as part of the Survey are required to be complied with as part of the site works and certification provided by the Occupational Hygienist submitted to the Principal Certifying Authority.

27. **Noise – Mechanical Plant Assessment**

~~A mechanical plant noise assessment for all proposed mechanical equipment and site specific equipment must be undertaken by a suitably qualified Acoustic Consultant and member of the Association of Australasian Acoustical Consultants (AAAC). A report certifying that the operation of all proposed equipment will not exceed background +5dB(A) at any boundary upon installation, must be submitted to the Principal Certifying Authority.~~

28. **Mechanical plant**

~~Prior to the issue of a construction certificate the following requirements shall be addressed on the plans:~~

- ~~a) All building window/door glazing systems shall satisfy the acoustic design performance requirements of the measures referred to in condition (4)(a)(iv) above. A compliance report for the installed windows/door systems is to be submitted prior to issue of any Occupation Certificate.~~
- ~~b) Ventilation requirements for the building with windows/doors closed and car park shall comply with applicable performance standards of the Building Code of Australia and Australian Standards. A compliance report for the ventilation systems is to be submitted prior to issue of any Occupation Certificate.~~

29. **Mechanical ventilation**

~~Prior to the issue of a construction certificate the plans and specifications are to be updated to ensure that the Independent Living Units identified on the plans “Windows Open / Windows Closed mark up” dated 8 May 2019 as “red” are mechanically ventilated to ensure that if the noise levels exceed the sleep disturbance criteria as a result of the operations on adjoining nursery operations at 5 Quarry Road or 2 Vineys Road during the night time period the Units can be ventilated mechanically.~~

29A. **Fire Sprinklers**

~~Details of the Fire sprinklers approved by this consent and proposed for the development of the Residential Care Facility are to be provided with the Construction Certificate Application.~~

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS

30. Construction Noise

Prior to the commencement of any site works, the Proponent shall undertake a noise assessment to identify all sensitive receivers where the construction noise levels exceed the Interim Construction Noise Guideline (ICNG) construction noise goals for that receiver.

The findings, recommendations and management controls from the noise assessment shall be documented in a Construction Noise Management Plan prepared by a suitably qualified Noise Consultant/Company and submitted to Council for Approval prior to commencement of any site works. For the duration of the site works noise must be managed in accordance with the approved Construction Noise Management Plan.

31. Construction Vibration

Prior to the commencement of any site works, the Proponent shall undertake a vibration assessment to identify all sensitive receivers including the adjoining child care centre where vibration limits exceed:

- a) Levels recommended by a registered Geotechnical/Structural Engineer with regards to structural damage buildings;
- b) German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- c) For human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human. Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

The findings and recommendations from the assessment shall be documented in a Construction Vibration Management Plan prepared by a suitably qualified Vibration Consultant/Company and submitted to Council for Approval prior to the commencement of any site works. For the duration of the works vibration must be managed in accordance with the approved Construction Vibration Management Plan.

32. Requirements Applicable to Management Plans for Construction Noise and Vibration

The Management Plans shall be consistent with the Final CMP (including CTMP) that is to be approved by Council under condition 25 above, and include site contact details, policies, procedures for reporting and managing community specific issues arising from site establishment/excavation/construction activities and procedures for handling complaints received.

This will involve the complaint being referred directly to the principal contractor or a designated person. If the principal contractor is not on site at the time, an entry in the site Consultation Management Book will be made to ensure appropriate action and monitoring is undertaken. A response would be required by the principal contractor to the complainant within 24 hours and to 'close out' the complaint. The complaint resolution will be recorded in the Consultation Management Book. The Consultation Management Book will be maintained on site and made available to Council on request.

33. Erection of Construction Sign

- a) A sign must be erected in a prominent position on any site on which any approved work is being carried out:

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

34. Protection of Adjoining Areas

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

- a) Could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic;
- b) Could cause damage to adjoining lands by falling objects; and/or
- c) Involve the enclosure of a public place or part of a public place.

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.

35. Toilet Facilities

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

36. Erosion and Sediment Control

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

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

37. Construction Management Plan Compliance

Any requirements prior to the commencement of works as detailed within the Council approved Construction Management Plan (CMP) and associated Construction Traffic Management Plan (CTMP) must be complied with, unless otherwise approved by Council.

38. 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: Council is the on-going waste collection service provider for residential properties.

39. Garbage receptacle

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

40. Appointment of Project Arborist and Bush Regenerator/Ecologist

The applicant shall notify Council of the details of the engaged Project Arborist and Bush Regenerator/Ecologist that will be involved with the environmental protection works during the construction of the approved development. These environmental experts will assist in ensuring compliance with the conditions of consent and provide monitoring reports to Council at various stages of the Project as identified with the forthcoming IBVMP.

41. Bushfire Management – Protection Zones

At the commencement of building works the asset protection zone will be delineated on the site by using permanent markers to identify the extent of the inner protection area and the outer protection area.

42. Vegetation Management – Protection Zones

At the commencement of building works the areas of remnant vegetation to be retained and managed in accordance with the approved IBVMP will be delineated on the site by using permanent markers to identify the extent of the protected area.

43. Installation of Tree Protection Fencing

- a) All trees numbered or to be retained 1, 2, 3, 10, 14, 15, 16, 17, 19, 23, 24, 26, 35, 37, 38 must have tree protection measures for the ground, trunk and canopy installed in accordance with the approved tree protection plan.
- b) As part of the Construction works the placement of tree protection fencing for trees numbered 1, 2, 3, 10, 14, 15, 16, 17, 19, 23, 24, 26, 35, 37, 38 must be in accordance with the amended construction tree protection plans.
- c) Tree protection fencing for the trees to be retained numbered 1, 2, 3, 10, 14, 15, 16, 17, 19, 23, 24, 26, 35, 37, 38 must be installed by the project arborist and consist of 1.8m high

temporary fencing panels installed in accordance with Temporary Fencing and Hoarding Standards AS4687-2007.

- d) The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids from entering the tree protection zone.
 - i) Tree Protection fencing must have identifying signs attached, with the lettering complying with AS1319.
- e) All tree protection fencing must have a TPZ radius must be as indicated on the Tree protection plan provided by the project Arborist in accordance with Condition 2 for the duration of the development proposal for trees numbered 1, 2, 3, 10, 14, 15, 16, 17, 19, 23, 24, 26, 35, 37, 38.
- f) Tree crown protection measures where required and recommended by the Tree Protection Plan are required and must be installed by the project arborist.
- g) Must be applied in accordance with the relevant requirements section 3.3.6 Crown protection of Australian Standard AS 4970-2009 Protection of Trees on Development Sites.
- h) The circumference of the Trunk and or branches for the relevant trees identified above as requiring tree protection fencing must be wrapped in hessian or similar material to provide cushioning for the installation of timber planks (50 x100mm or similar).
- i) Timber Planks must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.

44. **Tree Protection Zone - Ground Protection**

- a) All tree protection zones except those for trees 1, 2 and 3 must have a layer of wood-chip mulch at a depth of between 150mm and 300mm that complies with the relevant requirements of Australian Standard AS 4454 *Composts, Soil Conditioners and Mulches* installed prior to works commencing.
- b) Where fencing cannot be installed inside the TPZ the wood-chip must be covered with a layer of geotextile fabric and rumble boards to allow for small plant movement and/or placement of storage of material.

45. **Tree Protection Measures**

For trees being retained in Identified STIF community area being numbered 1,2,3 and unmapped trees and vegetation the installation of protections measures must be supervised by the project arborist as follows:

- a) Manual removal of existing old building materials.
- b) Installation of 1.8m high fencing panels in accordance with the Australian Standards for fencing and hoarding.
- c) Shade cloth attached to fencing to capture dust and other airborne particulates.
- d) Environmentally sensitive area signage attached to fencing panels.
- e) Western Boundary fencing starts from the edge of Vineys road extending south past tree numbered 7 up to the commencement of SurePave. Fencing panels must then be placed along the perimeter of the proposed driveway at a 0.5m set back up to the edge of Vineys Road. Fencing is then to extend along Vineys Rd edge to form an enclosure around trees numbered 1,2,3 and unmapped trees and vegetation.

- f) Fencing must only be modified by the project arborist for the construction for the manual construction of the drainage swale which transects the TPZ of trees number 1, 2 and 3.
- g) Completion of the drainage swale the protection fencing must then be reinstated by the project arborist.
- h) Provision of the above conditions to be demonstrated in a diagram.

46. Installation of Designated Haulage Roads

Where there is a designated access paths and haulage roads must be installed in accordance with the relevant requirements of Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

47. Protection Certification

To ensure that all tree protection measures are correctly installed, a certificate from the appointed project arborist must be submitted to the Principal Certifying Authority confirming compliance with the tree protection requirements of this consent.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

48. Storage of Flammable and Combustible Goods

Flammable and combustible liquids must be stored in accordance with *Australian Standard AS1940 – The Storage and Handling of Flammable and Combustible Liquids*. A temporary bund wall must be constructed around all work and liquid storage areas for the duration of all stages of works, to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110% of the largest container stored.

49. Construction Work Hours

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

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

50. 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:

- a) The cladding material on the buildings must be removed by a licenced asbestos removal contractor prior to demolition of the structures;
- b) 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
- c) 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
- d) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

51. **Environmental Management**

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

52. **Street Sweeping**

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

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

53. **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.

54. **Landfill**

This development consent does not permit the importation of any fill material for the purposes of structural or engineering construction, or landform modification. Any fill material for the purposes of structural or engineering construction, or landform modification required to be imported to the site, requires separate approval from Council.

55. **Excavated Material**

All excavated material removed from the site must be classified by a suitably qualified person in accordance with the Department of Environment, Climate Change and Water NSW *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste) Regulation 2014* prior to disposal to an approved waste management facility and be reported to the principal certifying authority prior to the issue of an Occupation Certificate.

56. **Unexpected finds**

Should the presence of asbestos, soil contamination or groundwater contamination be identified that was not recognised during the application process or identified within the Asbestos and Hazardous Materials Survey, the applicant must immediately stop works and notify the principal certifying authority and Council.

Note: the site falls under Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20) which requires consent should the remediation of contaminated land be required.

Works associated with this consent are not permitted to recommence on site until a Validation Report prepared by a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) and the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification is submitted to Council for review and written approval, verifying that the site has been remediated in accordance with the NSW Environment Protection Authority's Contaminated Sites Guidelines and the recommendations of the Remediation Action Plan.

57. **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.

58. **Survey Report – Finished Floor Level**

~~A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority 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.~~
- ~~c) — The gradients of the ramps used by the waste collection vehicles do not exceed 1:6.5~~
- ~~d) — The vertical clearance of the ILU waste collection vehicle travel path on site is no less than 4.5m.~~
- ~~e) — The vertical clearance of the RACE waste collection vehicle travel path on site is no less than 3.5m.~~
- ~~f) — There are no support columns, raised kerb or any other obstacles within the travel path of the waste collection vehicles on site.~~

59. **Waste Management Details**

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

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

- iii) Date and time of waste collection.
- iv) A description of the waste (type of waste and estimated quantity).
- v) Details of the site to which the waste is to be taken.
- vi) The corresponding tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
- vii) Whether the waste is expected to be reused, recycled or go to landfill.

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

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

60. **Traffic Control Plan Compliance**

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

61. **Prohibited Actions Within the Tree Protection Zone**

- a) In accordance with the AS4970-2009, the following be prohibited within the fenced area of TPZ:
 - i) Soil cut or fill including excavation and trenching.
 - ii) Soil cultivation, disturbance or compaction
 - iii) Stockpiling storage or mixing of materials
 - iv) The parking, storing, washing and repairing of tools, equipment and machinery.
 - v) The disposal of liquids and refuelling
 - vi) The disposal of building materials
 - vii) The siting of offices or sheds
 - viii) Any action leading to the impact on tree health or structure.

62. **Works Near Trees**

- a) No consent is granted for any works within the Structural Root Zone of trees numbered 1, 2, 3, 10, 14, 15, 16, 17, 19, 23, 24, 26, 35, 37, 38 other than landscaping works approved by landscape plans nominated by Condition 3 (as required to be amended under Condition 4).
- b) To maintain tree health and condition for trees numbered 1, 2, 3, 10, 14, 15, 16, 17, 19, 23,
- c) 24, 26, 35, 37, 38 on the approved plans, the appointed project arborist must monitor and record any and all necessary remedial actions required.

- d) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission with the application for the occupation certificate.

63. Maintaining Tree Protections Zones

The Tree Protection Zone must be maintained by the project arborist in accordance with section 4.6 requirements of Australian Standard AS 4970-2009 - "*Protection of Trees on Development Sites*"

64. Works within Tree Protection Zones

a) Root Pruning

All root pruning must be undertaken in accordance with the relevant requirements of Australian Standard AS 4970-2009 "*Protection of Trees on Development Sites*" - Sections 3.3.4, 4.5.4 and 4.5.5.

b) Driveway/concrete slabs (no-strip footing)

- i) The Vineys Road driveway must be constructed using the process:

To minimise soil compaction within the Tree Protection Zone/structural root zone of trees numbered 1, 2 and 3 on the approved plans, new driveway must be built above grade using sensitive construction techniques such as piers or screw pilings consistent with the relevant requirements of Australian Standard AS 4970-2009 Protection of trees on development sites.

- ii) To minimise soil compaction within the Tree Protection Zone of trees to be retained numbered 1, 2 and 3 on the approved plans, all imported material in the vicinity of the replacement driveway must be distributed by hand.

c) Excavation

Any necessary excavations within the Tree Protection Zone of trees numbered 1, 2 and 3 on the approved plans not associated with installation of services must be undertaken manually as prescribed in the Australian Standard AS 4970-2009 Protection of trees on development sites Section 4.5.5.

- i) Excavations for the installation of the driveway piers in the tree protection zone of trees numbered 1, 2 and 3 on the approved plans not associated with installation of services must be supervised by the project arborist and initially undertaken manually to a depth of 1.000 meter to locate roots and allow for cutting in accordance with the relevant requirements of Australian Standard AS 4970-2009 Protection of trees on development sites.

d) Changing of Grade

Grade Changes are permissible outside the Structural Root Zone in the form of fill in conjunction with piers or other sensitive methods of construction. All fill used must be consistent with Australian Standards "*Soils for Landscaping and Garden Use*" AS4419-2003.

e) Installing Services

To minimise impacts within the Tree Protection Zone (TPZ) of trees numbered 1, 2, 3, 10, 14, 15, 16, 17, 19, 23, 24, 26, 35, 37, 38 on the approved plans the installation of services must be undertaken as follows:

- i) The project arborist must monitor the installation of any underground services which enter or transect the tree protection zone of trees being retained.
 - ii) The installation of any underground services which either enter or transect the designated TPZ must utilise sensitive methods such as directional drilling.
- f) Installation of scaffolding
- Where possible scaffolding is required it must be erected outside the TPZ and in accordance with AS 4970-2009 section 4.5.6.

65. Building Materials and Site Waste

The filling or 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 or the prescriptive measures of Part 1B.6.1 Tree Preservation of the Hornsby Development Control Plan, 2013, of any tree to be retained.

66. Works near Trees Certification

The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.

Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

Note: Copies of monitoring documentation may be required by the PCA and/or Council.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

67. Fulfilment of BASIX Commitments

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

68. Consolidation

~~Consolidation of all lots the subject of the application and submission of the registered consolidation plan to the Principal Certifying Authority (PCA).~~

69. Sydney Water – s73 Certificate

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

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

70. 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 Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

71. ~~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 Hornsby Shire Council's DCP. A copy of the certificate must be submitted to Hornsby Council with the application to register the on-site detention and water quality treatment systems.~~

72. Preservation of Survey Marks

A certificate by a Registered Surveyor shall be submitted to the Principal Certifying Authority and Hornsby Shire Council, 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 certifying that the necessary re-establishment of any damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure".

73. ~~Works as Executed Plan~~

~~A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Hornsby Council for completed road assets, public utilities, kerb & gutter, road shoulder, pedestrian systems and public drainage systems. The completed works must include the pedestrian refuge and passing bay required by condition 16 of this consent, and the plan(s) must include certification that a suitable access pathway for the purposes of clause 26(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* has been provided in accordance with the drawing titled "Gradient Access to Bus Stop" (revision B) prepared by Marchese Partners dated 5 April 2019.~~

74. Creation of Easements

~~The following matter(s) must be nominated on the plan of subdivision under s88 of the *Conveyancing Act 1919*:~~

- ~~a) A Drainage Easement 3 metres wide over the public road drainage pipeline identified in condition 17 in favour of Council and in accordance with the terms set out in Memorandum B5341305V filed with the NSW Department of Lands;~~
- ~~b) A restriction over the 100 year average recurrence interval storm flow paths. The "Restriction on the Use of Land" over the affected areas is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council;~~
- ~~c) A "Restriction on the Use of Land" for any lot adjacent to the floodway, requiring the finished floor level of any habitable room to be not less than 500mm and the garage 300mm above the 100 year average recurrence interval storm level. The levels must be related to Australian Height Datum;~~
- ~~d) The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention, retention and water quality treatment 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 systems are to be clearly indicated on the title; and~~
- ~~e) To register the OSD easement, the restriction on the use of land "works-as-executed" details of the on-site detention and water quality treatment 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.

75. **Completion of Landscaping**

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

~~Note: Advice on suitable species for landscaping can be obtained from Council's planting guide 'Indigenous Plants for the Bushland Shire', available at www.hornsby.nsw.gov.au.~~

76. **Retaining Walls**

All retaining walls identified on the plans approved by Condition 3 or on the Construction Certificate Plans must be constructed as part of the development and prior to the issue of an Occupation Certificate, for each stage of the development.

77. **Boundary Fencing**

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*.

Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

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

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

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

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

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

79. **Occupation Certificate Requirement**

~~No Occupation Certificate for the dwellings shall be issued before an Occupation Certificate has been issued for the residential care facility or the facility is registered as a retirement village (within the meaning of the *Retirement Villages Act 1999*).~~

80. **External Lighting**

~~To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 – Control of the Obtrusive Effects of Outdoor Lighting*.~~

~~Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.~~

81. **Safety and Security**

- a) ~~Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard—Lock Sets) to restrict unauthorized access to the development.~~
- b) ~~Ground floor windows must be fitted with window locks that can be locked with a key.~~
- c) ~~A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.~~
- d) ~~The basement car park entry must be secured and controlled by secure access. The access control to include an audio/visual intercom system to allow visitor access to the parking area.~~
- e) ~~Lighting of pedestrian pathways throughout the development must comply with Australia and New Zealand Lighting Standard 1158.1—Pedestrian.~~
- f) ~~Sign posting and way finding to be clear so that emergency services are able to clearly identify location of a unit~~
- g) ~~Front fencing to be designed to allow casual surveillance at the frontage.~~

82. **Grease Trap Installation**

~~A permanent grease trap must be installed for all kitchen wastewater in accordance with the requirements of Australian Standard AS3500 1998, National Plumbing Code. A licensed plumber must submit a Certificate of Compliance to the principal certifying authority certifying that all plumbing and drainage works have been carried out in accordance with the prescribed standards.~~

83. **Kitchen Exhaust Installation**

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

84. **Garbage Collection Easement**

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

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

85. **Waste Management Details**

The following waste management requirements must be complied with:

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

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 route etc.

- b) For each completed stage, a report must be prepared by an appropriately qualified person, certifying the following:

- i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.
- ii) *Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report.*
- iii) 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.

- iv) All waste was taken to site(s) that were lawfully permitted to accept that waste.

- c) All bin carting routes must be devoid of any steps and must be wholly within the site.

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

- ~~d) Each residential unit must be provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers, one each for general waste and recyclable materials.~~

- ~~e) The residential waste rooms and the ILU waste room at the lower ground levels must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation, and must be lockable.~~

- ~~f) The commercial waste room and the RACF waste room at the lower ground level must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation, and must be lockable.~~

- ~~g) Space must be provided for either individual compost containers for each unit or a communal compost container.~~

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

- ~~h) The bin carting routes must be devoid of any steps and must be wholly within the site.~~

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

- ~~i) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely transport the bins around the site. This equipment must be suitable for the ramp grades along the bin carting route, the distances involved and the number of bins to be transported.~~

- ~~j) A trailer and tractor or similar equipment must be provided to enable the site caretaker to safely transport bulky waste from the residential units to the bulky waste storage room near the loading bay.~~

- ~~k) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle for servicing the ILU bins, must be carried out by a registered surveyor and submitted to the principal certifying authority. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Heavy rigid vehicles.~~

~~*Note: The maximum gradient is 1:6.5 and the minimum vertical clearance is 4.5m.*~~

- ~~l) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by SRV waste collection vehicle for servicing the RACF bins, must be carried out by a registered surveyor and submitted to the principal certifying authority. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Small rigid vehicles.~~

~~*Note: The maximum gradient is 1:6.5 and the minimum vertical clearance is 3.5m.*~~

- ~~m) A qualified Traffic Engineer must assess the safety of residents walking from lift A1 to Waste Room A1 (to deposit their waste and recycling into bins). All recommended risk mitigation measures must be implemented.~~

86. **Restriction as to User – Protection of Land from Future Development**

To inform current and future owners that the areas of native vegetation, revegetation and asset protection zone on the site is to be protected from future development, a Restriction as to User must be created under Section 88B of the *Conveyancing Act 1919* identifying that the area of the site identified on the approved plans is restricted from future development or disturbance of any kind. Specifically the Restriction as to User must encompass the asset protection zone and patches of retained remnant vegetation identified as Sydney Turpentine-Ironbark Forest and Blackbutt Gully Forest areas identified on Figure 1 – ‘Vegetation communities and proposed offset areas within the subject site’, prepared by Cumberland Ecology and annexed to the letter from Cumberland Ecology to Zhiva Living Dural Pty Ltd dated 16 October 2020 titled ‘Future Proposed Ecological Management of 3 Quarry Road and 4 Vineys Road, Dural (Lot 2A DP 158064 and Lot 1 DP 230172)’, and the drainage swale identified on the plans approved in condition 3 of this consent.

Note: The wording of the Restriction as to User must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.

87. **Placement of a Positive Covenant Requiring the Implementation of Asset Protection Zone**

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

- a) The creation of a “Positive Covenant” over the asset protection zone and retained patches of remnant vegetation (namely the BGF, STIF and drainage swale referred to in conditions 1 and/or 3 above) be managed in accordance with the Integrated Bushfire and Vegetation Management Plan (when approved by Council) as outlined within Section 4.1.3 and Appendix

4 of *Planning for Bushfire Protection 2019* and the *NSW Rural Fire Service's* document '*Standards for asset protection zones*'.

Note: The wording of the Positive Covenant must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.

88. **Final Certification**

- a) The AQF 5 Project arborist must submit to the principal certifying authority a certificate that states the following:
 - i) All the tree protection requirements comply with the tree protection plan.
 - ii) All completed works have been carried out in compliance with the conditions of consent and approved plans.
 - iii) Dates and times and reasons for site attendance.
 - iv) The post development condition of the health for the retained tree number 1.
 - v) Details necessary work to maintain tree health.
 - vi) Details of tree protection zone maintenance.
 - vii) Tree replacements meet NATSPEC guidelines and the approved landscape plan.
- Note: Copies of monitoring documentation may be requested throughout DA process.*
- b) A suitably qualified and experienced bush fire consultant must provide to the PCA certification of the implementation of the approved asset protection zone. The certification must be counter signed by the project Ecologist and AQF 5 Arborist.

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

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development. A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

90. **Food Premises**

~~The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with Australian Standard AS4674-2004 – Design and fit out of food premises, the Food Act 2003, and the Food Regulation 2015 and the Food Standards Code developed by Food Standards Australia New Zealand. Food Standards 3.2.2 and 3.2.3 are mandatory for all food businesses.~~

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

91. **Works within the Road Reserve**

~~No approval or consent is granted to any works beyond the boundary of the site.~~

~~Prior to the release of any occupation certificate, a pedestrian refuge is to be constructed on Quarry Road as per the approved plans, and a passing bay constructed on the southern side of Vineys Road in accordance with the plans and specifications approved by this consent and any approval under section 138 of the Roads Act 1993. All works within the road reserve will require a section 138 Roads Act 1993 approval.~~

92. **Fire Sprinklers**

~~Prior to the release of any occupation certificate, certification is to be provided that the required fire sprinklers approved by this consent have been installed and are operational.~~

OPERATIONAL CONDITIONS

93. **Restriction on Occupation of Seniors housing**

All accommodation approved by this consent may only be occupied by the following people, or categories of people, as required by clause 18 of *State Environmental Planning Policy (Housing for seniors or people with a disability) 2004*:

- a) seniors or people who have a disability,
- b) people who live within the same household with seniors or people who have a disability,
- c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.

The term "Seniors" includes:

- i) people aged 55 or more years,
- ii) people who are resident at a facility at which residential care (within the meaning of the Aged Care Act 1997 of the Commonwealth) is provided,
- iii) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

The term "people with a disability" means people of any age who have, either permanently or for an extended period, one or more impairments, limitations or activity restrictions that substantially affect their capacity to participate in everyday life.

94. **Use of Premises**

The development approved under this consent shall be used for 66 bed residential care facility, 91 self-contained dwellings (serviced self-care housing), associated car parking and associated communal facilities and not for any other purpose without Council's separate written consent. The serviced self-care housing must only be used in combination with the residential care facility or on a stand-alone basis if the premises is registered as a retirement village (within the meaning of the *Retirement Villages Act 1999*).

95. **Resident Services for Self-Contained Dwellings**

~~Resident Services are to be available to the occupants of the Self-Contained Dwellings and shall include:~~

- ~~a) — home delivered meals, and~~
- ~~b) — personal care and home nursing services, and~~
- ~~c) — assistance with housework and cleaning services.~~

96. **Dedicated Bus Service for Self-Contained Dwellings**

~~In accordance with Clause 43 of SEPP Seniors, the owner of the premises shall provide a dedicated bus service for the use of the residents of the development. This bus is to be capable of carrying at least 10 passengers and is to provide the following minimum service:~~

- a) ~~will drop off and pick up passengers at a local centre that provides residents with access to the following:~~
 - i) ~~shops, bank service providers and other retail and commercial services that residents may reasonably require, and~~
 - ii) ~~community services and recreation facilities, and~~
 - iii) ~~the practice of a general medical practitioner, and~~
- b) ~~that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.~~
- e) ~~The bus must not park at any time within the waste collection vehicle swept path (as indicated in the Loading Dock Swept Path Assessment by Stantec dated 14/12/2023).~~

97. **At-call Mini-Bus to operate on-site**

- a) ~~The owner of the premises is to provide an at-call mini-bus or golf buggy service for residents to be transported between the self-contained dwellings and the site's communal facilities.~~
- b) ~~The mini-bus or golf buggy must not park at any time within the waste collection vehicle swept path (as indicated in the Loading Dock Swept Path Assessment by Stantec dated 14/12/2023).~~

98. **Noise**

The cumulative noise generation from the use of the premises (including mechanical plant) is not to exceed background +5dB(A) when assessed as an Leq (15 minute) noise contribution at any point on the residential side of the common boundaries, or at any point in or on the adjacent residential properties.

99. **Noise**

- a) The use of mechanical plant including air conditioners, fans, compressors, condensers, etc shall not cause a sound pressure level measured as the $L_{Aeq\ 15\ minute}$ that exceeds the background level (measured as the $L_{A90\ 15\ minute}$ in the absence of the noise under consideration) by more than 5dBA at any time. The noise shall be assessed at boundary of the development site and/or on the balcony of any residential apartment within the development site and adjusted in accordance with EPA guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations and temporal content where necessary. In addition noise from any mechanical plant shall not to be audible within habitable room of any residence before 7.00am or after 10.00pm (Monday to Friday) or before 8.00am or after 10.00pm (Sat/Sun/Public Holidays).
- b) Noise from the operation of mechanical plant installed on the development site shall not cause 'offensive noise' as defined by the *Protection of the Environment Operations Act 1997* or contravene provisions of the *Protection of the Environment (Noise Control) Regulation 2008*.

100. **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.~~

101. **Swimming Pool Requirements**

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

- a) All waste water from the pool's filtration system must be piped to *Sydney Water's* sewer system. In the event that *Sydney Water's* sewer system is not accessible, a filtration system that does not require backwashing must be installed;
- b) The filtration motor and pump, or spa heater and blower unit must be housed in a soundproofed structure. Sound from the equipment must not exceed 5(dBA) above ambient noise levels at any residential property boundary;
- c) The swimming pool must be located a minimum of 6 metres from any existing wastewater disposal area as outlined in the "*Environment & Health Protection Guidelines – Onsite Sewage Management for Single Households (1998)*"; and
- d) The applicant must participate in the 'Static Water Supply Project' initiative of the NSW Fire Brigade, to make available the water in the swimming pool for use as a static water supply for fire fighting purposes by the NSW Fire Brigade or the NSW Rural Fire Service.

Note: On completion of the swimming pool, the applicant is to contact the local NSW Fire Brigade Station or NSW Rural Fire Service Station to arrange the installation of a static water supply identification plate.

102. **Waste Management**

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

- ~~a) All commercial tenant(s) must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.~~
- ~~b) All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.~~
- ~~c) Waste collections from the RACF (Nursing Home) must be carried out using a Small Rigid waste collection vehicle.~~
- ~~d) ILU management must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of bulky waste that are generated on site.~~
- e) A Work, Health & Safety (WHS) risk assessment is to be carried out by a suitably qualified person with qualifications in Work, Health & Safety Legislation with specific regard to waste management. The recommendations of the WHS Risk Assessment are to be implemented as required.
- ~~f) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, managing the loading bays to ensure that it is sufficiently available for all necessary waste collection services to take place, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), managing the clothing/donation bins, arranging collections where the service is not provided by Council (e.g. clothing bins, e-waste), arranging for shopping trolleys to be promptly returned to the local shopping centre(s), 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, ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), and ensuring all residents and commercial tenants are informed of 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.~~

- ~~g) The residential component and non-residential component of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.~~
- h) 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.
- i) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
- j) Vegetation adjacent to the driveway/accessway/roadway must be regularly pruned to maintain a 4.5m vertical clearance over the driveway/accessway/roadway and to ensure the vegetation does not encroach on the vehicular travel path.
- k) The waste collection vehicle travel path on site must not be obstructed or impeded by parked vehicles, bulky waste or any other object(s).

GENERAL TERMS OF APPROVAL - NSW RURAL FIRE SERVICE

Deleted and referenced in condition No. 8A.

103. Deleted

GENERAL TERMS OF APPROVAL - DEPARTMENT OF INDUSTRY: NATURAL RESOURCES ACCESS REGULATOR (NRAR)

Deleted and referenced in condition No. 8A.

104. Deleted

105. Deleted

106. Deleted

ADDITIONAL CONDITIONS THAT APPLY TO STAGE 1 ONLY

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

107. Waste Management Details

The following waste management requirements must be complied with:

- a) The access way and vehicular crossover to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles.

Note: AS2890.2-2002 includes a maximum gradient of 1:6.5 for forward travel and 1:8 for reverse travel, a minimum vertical clearance of 4.5 m, and minimum loading dock/service bay dimensions of 3.5 m x 12.5 m. These dimensions do not include wall thickness, support columns, ventilation shafts etc which must be added. AS2890.2-2002 also requires that when a loading dock/service bay is of minimum width a driver needs to be able to place the body of the vehicle or trailer into its final alignment at the point of entry into the bay.

- b) The pavement to be used by waste collection vehicles must be designed to accommodate tyre drag and scuffing and to carry the load of a heavy rigid vehicle.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

108. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete for the accessway certifying that:

- a) All civil works have been correctly positioned on the site; and
b) The gradients of the ramps used by the waste collection vehicles do not exceed 1:6.5.

REQUIREMENTS PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

109. Waste Management Details

The following waste management requirements must be complied with:

A survey of the finished access way to be used by HRV waste collection vehicle for servicing the site, must be carried out by a registered surveyor and submitted to the principal certifying authority. The survey is to include dimensions and gradients. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Heavy rigid vehicles.

Note: The maximum gradient is 1:6.5.

110. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Hornsby Council for completed road assets, public utilities, kerb & gutter, road shoulder, pedestrian systems and public drainage systems. The completed works must include the pedestrian refuge and passing bay required by condition 16 of this consent, and the plan(s) must include certification that a suitable access pathway for the purposes of clause 26(2) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* has been provided in accordance with the drawing titled "Gradient Access to Bus Stop" (revision B) prepared by Marchese Partners dated 5 April 2019.

111. Works within the Road Reserve

No approval or consent is granted to any works beyond the boundary of the site.

Prior to the release of any occupation certificate, a pedestrian refuge is to be constructed on Quarry Road as per the approved plans, and a passing bay constructed on the southern side of Vineys Road in accordance with the plans and specifications approved by this consent and any approval under section 138 of the *Roads Act 1993*. All works within the road reserve will require a section 138 Roads Act 1993 approval.

ADDITIONAL CONDITIONS THAT APPLY TO STAGE 2A AND 2B ONLY

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

112. Waste Management Details

The following waste management requirements must be complied with:

- a) The residential component (independent living units) and non-residential component (auxiliary facilities) of the development must have separate self-contained waste management systems, including separate bin storage rooms. Commercial tenants must not have access to the residential waste / recycling bins and vice versa.
- b) A suitably sized lockable storage space must be provided for the motorised bin carting equipment (bin tug and trolley).
- c) The commercial waste room (for the auxiliary facilities) must have sufficient space for no less than 11 of 660L bins and aisle space to access and manoeuvre these bins.
- d) The waste carting route from each auxiliary facility (e.g. swimming pool, café, cinema) to the commercial bin storage room must be no less than 1550 mm wide (including doorways), must be direct, and must be wholly within the site. The use of the public footpath to cart waste is not permitted.
- e) There must be a bulky waste storage area of at least 16 square metres, near the loading bay.
- f) There must be a waste room housing sufficient garbage bins and recycling bins for at least 3 days capacity for each lift core of each building. Every waste room and the bins within it must be accessible by persons with a disability.

Note: AS 1428.1 requires at least 850 mm clear doorway opening and 1.55m aisle width for wheelchair access.

- g) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage rooms (Residential Waste Rooms, ILU Waste Room, Commercial Waste Room) have been designed to be constructed in accordance with the Waste Management Plan and including the following requirements:
 - i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections with walls.
 - iii) The ceilings and walls must be finished with sealed smooth faced non-absorbent material capable of being cleaned.
 - iv) The room 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.

- v) The room must be provided with adequate forced ventilation in compliance with AS1668.4-2012 The use of ventilation and air-conditioning in buildings, including an exhaust flow rate of 5 litres per second per square metre of floor area with a minimum rate of 100 litres per second and no less than 6 air changes per hour. The room exhaust venting must be located away from doors, windows and air intakes of other rooms. Ventilation may alternatively be provided by permanent unobstructed natural ventilation openings direct to the building exterior, not less than 1/20 of the floor area.
- vi) The room must be provided with a cleaner's sink (allow 600mm wide by 500mm deep) and an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock located in a position where it cannot be damaged.
- vii) Noise associated with the waste room is not to give rise to "offensive noise" as defined under the Protection of the Environment Operations Act 1997.
- viii) The doors must be robust, close fitting and self-closing. The doors must be lockable and be able to be opened from inside the room without a key. The communal bin storage rooms must have doors no less than 850mm wide for accessibility and to allow the 240L bins through. The commercial waste room and the ILU waste room (from where bins are serviced) must have double doors no less than 1700mm wide. The doors must not be obstructed by bin placement. The door swing must not block access to the bins and must not block the pathway for moving bins to the waste collection room or waste collection vehicle. The doors should open outwards and must be able to be locked open.
- ix) The room must be designed and constructed to prevent the entry of insects, vermin, birds and other nuisance species.
- x) The communal bin storage room must be designed to restrict or deter access by non-residents.
- xi) Fire protection measures (e.g., extinguishers, sprinklers, alarms) must be in accordance with the National Construction Code.
- xii) Construction must be in compliance with the National Construction Code.
- xiii) Bin storage rooms must not be used for any other purpose. Meters, piping, power boards, equipment used in the management of waste etc must not be stored or located in bin storage rooms. The bin storage rooms must be free from obstructions.
- h) The access way (including ramp, vehicle turning area, loading dock/service bay and site entry/exit) to be used by waste collection vehicles servicing the ILU, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles.

Note: AS2890.2-2002 includes a maximum gradient of 1:6.5 for forward travel and 1:8 for reverse travel, a minimum vertical clearance of 4.5 m, and minimum loading dock/service bay dimensions of 3.5 m x 12.5 m. These dimensions do not include wall thickness, support columns, ventilation shafts etc which must be added. AS2890.2-2002 also requires that when a loading dock/service bay is of minimum width a driver needs to be able to place the body of the vehicle or trailer into its final alignment at the point of entry into the bay.
- i) A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste from the independent living units and auxiliary facilities

can be directly collected from the lower ground level as detailed in the Waste Management Plan. The design certificate is to specifically confirm that the:

- i) Heavy rigid waste collection vehicles are able to access the lower ground level, adequately manoeuvre into position, load bins and exit the basement.
- ii) Vertical clearance of no less than 4.5m is provided along the route of travel to/from external entry/exit points to the ILU waste room and commercial waste room.
- iii) Overhead pipes, ventilation shafts, cable trays or any other obstacle must not be installed above the waste collection vehicle travel paths on site unless the floor to ceiling height has been increased above 4.5m to allow for ceiling mounted objects and a 4.5m vertical clearance is achieved. Vertical clearance is the distance from the floor to the lowest ceiling mounted object (e.g., pipes, cable trays, lighting, roller door, ventilation ducting) and not the floor to ceiling height.
- iv) The waste collection vehicles must be able to manoeuvre in the basement with limited need for reversing.
- v) The grades of entry/exit must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle.
- vi) The floor of the basement has been designed to carry the load of the vehicle.
- j) The bin storage room for Building A Lift 2 Level 199.38 must have internal dimensions no less than 2.3m by 6.1m. The bin storage room for Building G Lift 10 Level 194.4 must have internal dimensions no less than 2.3m by 5.1m. 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.
- k) Residents accessing the bin storage room for Building D Lift 4 Level 201 must be prevented from accessing the loading bay area (for example by locked doors).

113. **Noise - Mechanical Plant Assessment**

A mechanical plant noise assessment for all proposed mechanical equipment and site specific equipment must be undertaken by a suitably qualified Acoustic Consultant and member of the Association of Australasian Acoustical Consultants (AAAC). A report certifying that the operation of all proposed equipment will not exceed background +5dB(A) at any boundary upon installation, must be submitted to the Principal Certifying Authority.

114. **Mechanical Plant**

Prior to the issue of a construction certificate the following requirements shall be addressed on the plans:

- a) All building window/door glazing systems shall satisfy the acoustic design performance requirements of the measures referred to in condition (4)(a)(iv). A compliance report for the installed windows/door systems is to be submitted prior to issue of any Occupation Certificate.
- b) Ventilation requirements for the building with windows/doors closed and car park shall comply with applicable performance standards of the Building Code of Australia and Australian Standards. A compliance report for the ventilation systems is to be submitted prior to issue of any Occupation Certificate.

115. **Mechanical Ventilation**

Prior to the issue of a construction certificate the plans and specifications are to be updated to ensure that the Independent Living Units identified on the plans “Windows Open / Windows Closed mark up” dated 8 May 2019 as “red” are mechanically ventilated to ensure that if the noise levels exceed the sleep disturbance criteria as a result of the operations on adjoining nursery operations at 5 Quarry Road or 2 Vineys Road during the night time period the Units can be ventilated mechanically.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

116. Survey Report

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete for the accessway 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.
- c) The gradients of the ramps used by the waste collection vehicles do not exceed 1:6.5 and comply with AS2890.2 for rates of change of grade for a heavy rigid vehicle.
- d) The vertical clearance of the ILU waste collection vehicle travel path on site is no less than 3.5m. Vertical clearance is the distance from the floor to the lowest ceiling mounted object (e.g. pipes, cable trays, lighting, roller door, ventilation ducting) and not the floor to ceiling height. The floor to ceiling height must be increased above 3.5m to allow for ceiling mounted objects or the floor plan designed so no objects need to be mounted above the waste collection vehicle travel path.
- e) There are no support columns, raised kerb or any other obstacles within the travel path of the waste collection vehicles on site.

REQUIREMENTS PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

117. Garbage Collection Easement

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

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

118. Waste Management Details

The following waste management requirements must be complied with:

- a) Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must obtain Council's approval of the waste and recycling management facilities provided in the development and ensure arrangements are in place for domestic bin delivery and waste collection by Council for the independent living units, and for the delivery of commercial bins and regular commercial waste collection by a private contractor for the auxiliary facilities to commence within 7 days of occupation.

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 route etc.

- b) Integrated within the kitchen design, dual pull-out under bench waste bins must be incorporated in the joinery of the kitchen. Every residence must be provided with two containers approximately 15-30L each, one each for general waste and recycling, stored within a kitchen cupboard.
- c) The residential waste rooms, the ILU waste (collection) room, and the commercial waste room (for the auxiliary facilities) at the lower ground levels must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation, and must be lockable.
- d) Space must be provided for either individual compost containers for each unit or a communal compost container.

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

- e) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely transport the bins around the site. This equipment must be suitable for the ramp grades along the bin carting route, the distances involved and the number of bins to be transported. The storage area for this equipment must be lockable.
- f) A trailer and tractor or similar equipment must be provided to enable the site caretaker to safely transport bulky waste from the residential units to the bulky waste storage room near the loading bay.
- g) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by HRV waste collection vehicle for servicing the ILU bins, must be carried out by a registered surveyor and submitted to the principal certifying authority. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to the principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Heavy rigid vehicles.

Note: The maximum gradient is 1:6.5 and the minimum vertical clearance is 4.5m.

- h) A qualified Traffic Engineer must assess the safety of residents walking from lift A1 to Waste Room A1 (to deposit their waste and recycling into bins). All recommended risk mitigation measures must be implemented.
- i) All lockable doors and gates, both pedestrian and vehicular, that are required to be opened by Council's waste collection contractor in the provision of waste collection services, must be able to be opened using a pin code. That is, locks requiring keys, remote controls, key fobs etc are not acceptable.

119. **Consolidation**

Consolidation of all lots the subject of the application and submission of the registered consolidation plan to the Principal Certifying Authority (PCA).

120. 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 Hornsby Shire Council's DCP. A copy of the certificate must be submitted to Hornsby Council with the application to register the on-site detention and water quality treatment systems.

121. Creation of Easements

The following matter(s) must be nominated on the plan of subdivision under s88 of the *Conveyancing Act 1919*, prior to the issue of a Occupation Certificate:

- a) A Drainage Easement 3 metres wide over the public road drainage pipeline identified in condition 17 in favour of Council and in accordance with the terms set out in *Memorandum B5341305V* filed with the *NSW Department of Lands*;
- b) A restriction over the 100 year average recurrence interval storm flow paths. The "*Restriction on the Use of Land*" over the affected areas is to prohibit the alteration of the final floodway shape and the erection of any structures, including fencing, in the floodway without the written permission of Council. The terms of this restriction must be obtained from Council;
- c) A "*Restriction on the Use of Land*" for any lot adjacent to the floodway, requiring the finished floor level of any habitable room to be not less than 500mm and the garage 300mm above the 100 year average recurrence interval storm level. The levels must be related to *Australian Height Datum*;
- d) The creation of an appropriate "*Positive Covenant*" and "*Restriction as to User*" over the constructed on-site detention, retention and water quality treatment 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 systems are to be clearly indicated on the title; and
- e) To register the OSD easement, the restriction on the use of land "*works-as-executed*" details of the on-site-detention and water quality treatment 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.

Prior to the release of any occupation certificate, certification is to be provided that the required fire sprinklers approved by this consent have been installed and are operational.

122. Completion of Landscaping

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

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

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

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

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

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

124. External Lighting

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

125. Safety and Security

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.
- c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.
- d) The basement car park entry must be secured and controlled by secure access. The access control to include an audio/visual intercom system to allow visitor access to the parking area.
- e) Lighting of pedestrian pathways throughout the development must comply with Australia and New Zealand Lighting Standard 1158.1 – Pedestrian.
- f) Sign posting and way finding to be clear so that emergency services are able to clearly identify location of a unit
- g) Front fencing to be designed to allow casual surveillance at the frontage.

126. Grease Trap Installation

A permanent grease trap must be installed for all commercial kitchen wastewater in accordance with the requirements of *Australian Standard AS3500 1998, National Plumbing Code*. A licensed plumber must submit a Certificate of Compliance to the principal certifying authority certifying that all plumbing and drainage works have been carried out in accordance with the prescribed standards.

127. Kitchen Exhaust Installation

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

128. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard AS4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2015 and the Food Standards*

Code developed by Food Standards Australia New Zealand. Food Standards 3.2.2 and 3.2.3 are mandatory for all food businesses.

Note: Walls are to be of solid construction.

129. Fire Sprinklers

Prior to the release of any occupation certificate, certification is to be provided that the required fire sprinklers approved by this consent have been installed and are operational.

OPERATIONAL CONDITIONS

130. Resident Services for Self-Contained Dwellings

Resident Services are to be available to the occupants of the Self Contained Dwellings and shall include:

- a) home delivered meals, and
- b) personal care and home nursing services, and
- c) assistance with housework and cleaning services.

131. Dedicated Bus Service for Self-Contained Dwelling

In accordance with Clause 43 of SEPP Seniors, the owner of the premises shall provide a dedicated bus service for the use of the residents of the development. This bus is to be capable of carrying at least 10 passengers and is to provide the following minimum service:

- a) will drop off and pick up passengers at a local centre that provides residents with access to the following:
 - i) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
 - ii) community services and recreation facilities, and
 - iii) the practice of a general medical practitioner, and
- b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.
- c) The bus must not park at any time within the waste collection vehicle swept path (as indicated in the Loading Dock Swept Path Assessment by Stantec dated 14/12/2023).

132. At-call Mini-Bus to operate on site

- a) The owner of the premises is to provide an at-call mini-bus or golf buggy service for residents to be transported between the self-contained dwellings and the site's communal facilities.
- b) The mini-bus or golf buggy must not park at any time within the waste collection vehicle swept path (as indicated in the Loading Dock Swept Path Assessment by Stantec dated 14/12/2023).

133. 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.

134. Waste Management

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

- a) The residential component (independent living units) and non-residential/commercial component (auxiliary facilities) of the development must have separate and self-contained waste management systems, including separate bin storage rooms. Commercial tenants must be prevented (via signage, locked doors and other means) from using the residential waste/recycling bins and vice versa.
- b) The operator(s) of the auxiliary facilities must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site by the auxiliary facilities.
- c) The operators of the auxiliary facilities must have a sufficient number of commercial bins to contain the volume of waste and recycling expected to be generated between collection services by the auxiliary facilities.
- d) There must be a sufficient number of residential bins on site to contain the volume of waste and recycling expected to be generated between collection services by the independent living units (ILU).
- e) The lid of each bin must be kept closed at all times, other than when waste is being deposited.
- f) ILU management must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of bulky waste that are generated on site.
- g) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, managing the loading bays to ensure that it is sufficiently available for all necessary waste collection services to take place, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish, ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), managing the clothing/donation bins, arranging collections where the service is not provided by Council (e.g. clothing bins, e-waste), arranging for shopping trolleys to be promptly returned to the local shopping centre(s), 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, ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), and ensuring all residents and commercial tenants are informed of 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.
- h) A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the bins around the site and must be available for use for the life of the development. This equipment must be suitable for the ramp grades along the bin carting route and the approved bin sizes.
- i) All equipment required in the operation of the approved waste management system must be regularly checked and maintained in effective and efficient working order in accordance with the manufacturer's instructions by trained service technicians.
- j) Should there be no accessible path of travel from an independent living unit to their allocated bin storage/waste room (for example if the lift is not operable), then staff must assist residents

by taking their waste to the bin storage room via the stairs or provide some other suitable arrangement.

- k) The property owner, business owner or manager via an authorised representative, must explain to all new tenants and employees their waste management roles and responsibilities and the waste management policies and procedures of the site, including but not limited to the following, as applicable:
- i) an explanation and demonstration of how to dispose of each type of waste. Waste types may include items for supplier take back schemes (e.g. crates, pallets), recyclables (e.g. paper/cardboard, plastic packaging, plastic containers, metals), activity specific wastes (e.g. medical waste, food waste), liquid wastes (e.g. waste oil), bulky waste (e.g. broken furniture), other wastes (e.g. printer cartridges, batteries, textiles), and general waste.
 - ii) an explanation of the purpose of the different container types/bin colours.
 - iii) an explanation of how to clean and separate out recyclables from general Waste items, including removing leftovers from food receptacles and a direction not to place recyclables in plastic bags.
 - iv) a walk through of all waste storage and collection facilities relevant to their roles and responsibilities.
 - v) an explanation of all relevant signage.
 - vi) an explanation of how bulky waste is managed and how/when/where such items are to be presented for collection.
 - vii) any relevant written information/educational flyers from Council or relevant collection contractor.
 - viii) direction to sources of additional information such as Council's website; and
 - ix) an explanation and demonstration of how bins are to be presented for collection (if relevant).

This must be done within 48 hours of occupiers taking up residence and staff taking up employment in the development, or such other reasonable time period nominated by the Management Board/Committee.

ADDITIONAL CONDITIONS THAT APPLY TO STAGE 3 ONLY

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

135. Waste Management Details

- a) The access way (including ramp, vehicle turning area, loading dock/service bay and site entry/exit) to be used by waste collection vehicles servicing the RACF, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for small rigid vehicles.

Note: AS2890.2-2002 includes a maximum gradient of 1:6.5 for forward travel and 1:8 for reverse travel, a minimum vertical clearance of 3.5 m. These dimensions do not include wall thickness, support columns, ventilation shafts etc which must be added. AS2890.2-2002 also requires that when a loading dock/service bay is of minimum width a driver needs to be able

to place the body of the vehicle or trailer into its final alignment at the point of entry into the bay.

- b) A design certificate and detailed plans are to accompany the Construction Certificate application that confirms that the waste from the RACF building can be directly collected from the lower ground level as detailed in the Waste Management Plan. The design certificate is to specifically confirm that the:
- i) Waste collection vehicle is able to access the lower ground level, adequately manoeuvre into position, load bins and exit the basement.
 - ii) Vertical clearance of no less than 3.5m is provided along the route of travel to/from external entry/exit points to the waste room.
 - iii) Overhead pipes, ventilation shafts, cable trays or any other obstacle must not be installed above the waste collection vehicle travel paths on site unless the floor to ceiling height has been increased above 3.5m to allow for ceiling mounted objects and a 3.5m vertical clearance is achieved. Vertical clearance is the distance from the floor to the lowest ceiling mounted object (e.g. pipes, cable trays, lighting, roller door, ventilation ducting) and not the floor to ceiling height.
 - iv) The waste collection vehicles must be able to manoeuvre in the basement with limited need for reversing.
 - v) The grades of entry/exit must not exceed the maximum grades of AS2890.2 for a small rigid vehicle.
 - vi) The floor of the basement has been designed to carry the load of the vehicle.
- c) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the Residential Aged Care Facility waste storage room has been designed to be constructed in accordance with the Waste Management Plan and including the following requirements:
- i) The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
 - ii) The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections with walls.
 - iii) The ceilings and walls must be finished with sealed smooth faced non-absorbent material capable of being cleaned.
 - iv) The room 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.
 - v) The room must be provided with adequate forced ventilation in compliance with AS1668.4-2012 The use of ventilation and air-conditioning in buildings, including an exhaust flow rate of 5 litres per second per square metre of floor area with a minimum rate of 100 litres per second and no less than 6 air changes per hour. The room exhaust venting must be located away from doors, windows and air intakes of other rooms. Ventilation may alternatively be provided by permanent unobstructed natural ventilation openings direct to the building exterior, not less than 1/20 of the floor area.
 - vi) The room must be provided with a cleaner's sink (allow 600mm wide by 500mm deep) and an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock located in a position where it cannot be damaged.

- vii) Noise associated with the waste room is not to give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.
- viii) The doors must be robust, close fitting and self-closing. The doors must be lockable and be able to be opened from inside the room without a key. The RACF waste room must have double doors no less than 1700mm wide for ease of access and to allow the 660L bins through. The doors must not be obstructed by bin placement. The door swing must not block access to the bins and must not block the pathway for moving bins to the waste collection room or waste collection vehicle. The doors should open outwards and must be able to be locked open.
- ix) The room must be designed and constructed to prevent the entry of insects, vermin, birds and other nuisance species.
- x) The RACF bin storage room must be designed to restrict or deter access by non-residents.
- xi) Fire protection measures (e.g., extinguishers, sprinklers, alarms) must be in accordance with the National Construction Code.
- xii) Construction must be in compliance with the National Construction Code.
- xiii) Bin storage rooms must not be used for any other purpose. Meters, piping, power boards, equipment used in the management of waste etc must not be stored or located in bin storage rooms. The bin storage rooms must be free from obstructions.
- xiv) The room must have a floor area of no less than 30 square metres.

136. **Noise Mechanical Plan Assessment**

A mechanical plant noise assessment for all proposed mechanical equipment and site specific equipment must be undertaken by a suitably qualified Acoustic Consultant and member of the Association of Australasian Acoustical Consultants (AAAC). A report certifying that the operation of all proposed equipment will not exceed background +5dB(A) at any boundary upon installation, must be submitted to the Principal Certifying Authority.

137. **Mechanical Plant**

Prior to the issue of a construction certificate the following requirements shall be addressed on the plans:

- a) All building window/door glazing systems shall satisfy the acoustic design performance requirements of the measures referred to in condition (4)(a)(iv) above. A compliance report for the installed windows/door systems is to be submitted prior to issue of any Occupation Certificate.
- b) Ventilation requirements for the building with windows/doors closed and car park shall comply with applicable performance standards of the Building Code of Australia and Australian Standards. A compliance report for the ventilation systems is to be submitted prior to issue of any Occupation Certificate.

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION

138. **Survey Report**

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete for the accessway 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.
- c) The gradients of the ramps used by the waste collection vehicles do not exceed 1:6.5 and comply with AS2890.2 for rates of change of grade for a heavy rigid vehicle.
- d) The vertical clearance of the ILU waste collection vehicle travel path on site is no less than 3.5m. Vertical clearance is the distance from the floor to the lowest ceiling mounted object (e.g. pipes, cable trays, lighting, roller door, ventilation ducting) and not the floor to ceiling height. The floor to ceiling height must be increased above 3.5m to allow for ceiling mounted objects or the floor plan designed so no objects need to be mounted above the waste collection vehicle travel path.
- e) There are no support columns, raised kerb or any other obstacles within the travel path of the waste collection vehicles on site.

139. **Fire Sprinklers**

Details of the Fire sprinklers approved by this consent and proposed for the development of the Residential Care Facility are to be provided with the Construction Certificate Application.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

140. **Garbage Collection Easement**

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

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

141. **Waste Management Details**

The following waste management requirements must be complied with:

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

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 route etc.

- b) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by SRV waste collection vehicle for servicing the RACF bins, must be carried out by a registered surveyor and submitted to the principal certifying authority. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to the Principal certifying authority from a qualified

Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for Small rigid vehicles.

Note: The maximum gradient is 1:6.5 and the minimum vertical clearance is 3.5m.

- c) The Residential aged care facility waste room at the lower ground level must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation, and must be lockable.
- d) All lockable doors and gates, both pedestrian and vehicular, that are required to be opened by the waste collection contractor in the provision of waste collection services, must be able to be opened using a pin code. That is, locks requiring keys, remote controls, key fobs etc are not acceptable.

142. 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 Hornsby Shire Council's DCP. A copy of the certificate must be submitted to Hornsby Council with the application to register the on-site detention and water quality treatment systems.

143. Completion of Landscaping

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

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

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

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

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

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

145. Occupation Certificate Requirement

No Occupation Certificate for the dwellings shall be issued before an Occupation Certificate has been issued for the residential care facility or the facility is registered as a retirement village (within the meaning of the *Retirement Villages Act 1999*).

146. External Lighting

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with *Australian Standard AS 4282 Control of the obtrusive effects of outdoor lighting*.

- b) Certification of compliance with this Standard must be obtained from a suitably qualified person and submitted to the PCA with the application for the Construction Certificate.

147. Safety and Security

- a) Fire exit doors to the development must be fitted with single cylinder locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorized access to the development.
- b) Ground floor windows must be fitted with window locks that can be locked with a key.
- c) A graffiti management plan must be incorporated into the maintenance plan for the development for graffiti to be removed within a forty-eight hour period.
- d) The basement car park entry must be secured and controlled by secure access. The access control to include an audio/visual intercom system to allow visitor access to the parking area.
- e) Lighting of pedestrian pathways throughout the development must comply with Australia and New Zealand Lighting Standard 1158.1 – Pedestrian.
- f) Sign posting and way finding to be clear so that emergency services are able to clearly identify location of a unit.
- g) Front fencing to be designed to allow casual surveillance at the frontage.

148. Grease Trap Installation

A permanent grease trap must be installed for all commercial kitchen wastewater in accordance with the requirements of *Australian Standard AS3500 1998, National Plumbing Code*. A licensed plumber must submit a Certificate of Compliance to the principal certifying authority certifying that all plumbing and drainage works have been carried out in accordance with the prescribed standards.

149. Kitchen Exhaust Installation

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

150. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard AS4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 2015 and the Food Standards Code developed by Food Standards Australia New Zealand*. *Food Standards 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

151. Fire Sprinklers

Prior to the release of any occupation certificate, certification is to be provided that the required fire sprinklers approved by this consent have been installed and are operational.

OPERATIONAL CONDITIONS

152. 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.

153. **Waste Management**

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

- a) The Residential Aged Care and auxiliary facilities must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site by the RACF and auxiliary facilities.
- b) The Residential Aged Care and auxiliary facilities must have a sufficient number of commercial bins to contain the volume of waste and recycling expected to be generated between collection services by the Residential Aged Care and auxiliary facilities.
- c) Waste collections from the Residential Aged Care Facility (Nursing Home) and associated auxiliary facilities must be carried out using a Small Rigid waste collection vehicle.

- END OF CONDITIONS -