

DRAFT CONDITIONS OF CONSENT

SCHEDULE 1

Date of 1st modification:	31 May 2023
Details of 1st modification:	To modify the material palette of approved development and amend various conditions relating to the consent
Conditions Added:	Nil
Conditions Deleted:	Nil
Conditions Modified:	2, 25d) and f), 27a), 28e) iv), 65e), 66, 83 and 84c)

Date of this modification:	
Details of this modification:	To modify the location and extent of rooftop photovoltaic panels and external mechanical louvres, to modify the stormwater drainage design and to modify various conditions to provide for construction in stages including a temporary road.
Conditions Added:	2A, 57A
Conditions Deleted:	1
Conditions Modified:	2, 3, 4, 5, 6, 7, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 37, 39, 40, 41, 42, 43, 44, 45, 48, 50, 51, 53, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79 and 80

CONDITIONS OF APPROVAL

1. ~~Deferred Commencement~~ DELETED

~~Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979, this consent does not operate until written confirmation of the satisfaction of the following requirements is issued by the consent authority:~~

- ~~a) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Any changes to the state road drainage network shall be supported by drainage calculations, modelling and pre and post development stormwater impacts clearly identified.~~

~~Please send all documentation to: development.sydney@transport.nsw.gov.au.~~

~~Upon Council's written satisfaction of the above information, the following conditions of development consent apply:~~

GENERAL CONDITIONS

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

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

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

2. **Approved Plans and Supporting Documentation (modified - Mod A & B)**

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

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA-020 Issue 2	Existing and Demolition Plan West	Jackson Teece	12/09/2024	
DA-021 Issue 2	Existing and Demolition Plan East	Jackson Teece	12/09/2024	
DA-030 Issue 3	Site Plan	Jackson Teece	12/09/2024	
DA-031 Issue 3	Staging Plan	Jackson Teece	21/11/2024	
DA-035 Issue 3	Site Accessibility Plan - Buildings 8-28	Jackson Teece	12/09/2024	
DA-036 Issue 2	Site Accessibility Plan - Buildings 12, 19, 21-27	Jackson Teece	12/09/2024	

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
DA-050 Issue 2	Building Separation and Visual Privacy Plans Buildings 8, 9A and 9B	Jackson Teece	10/26/18	D08496675
DA-052 Issue 2	Section Cross References	Jackson Teece	10/01/19	D08496675
DA-053 Issue 1	Section Cross References	Jackson Teece	10/18/19	D08496675
DA-109 Issue 1	Floor Plan Basement Levels	Jackson Teece	10/17/18	D08496675
DA-110 Issue 2	Floor Plan Ground Level	Jackson Teece	10/17/18	D08496675
DA-111 Issue 2	Floor Plan Levels 1 and 2 Typical	Jackson Teece	10/17/18	D08496675
DA-112 Issue 3	Roof Plan - Buildings 8 and 9B	Jackson Teece	12/09/2024	
DA-114 Issue 2	Floor Plan Ground Level	Jackson Teece	10/17/18	D08496675
DA-115 Issue 2	Floor Plan Level 1 and 2 Typical	Jackson Teece	10/17/18	D08496675
DA-117 Issue 3	Roof Plan -Building 9A	Jackson Teece	12/09/2024	
DA-127 Issue 1	Floor Plan	Jackson Teece	10/17/18	D08496675
DA-128 Issue 1	Roof Plan	Jackson Teece	11/26/18	D08496675
DA-160 Issue 1	Floor Plan	Jackson Teece	10/17/18	D08496675
DA-161 Issue 1	Roof Plan	Jackson Teece	11/02/18	D08496675
DA-162 Issue 1	Floor Plan	Jackson Teece	11/16/18	D08496675
DA-163 Issue 2	Roof Plan	Jackson Teece	11/16/18	D08496675
DA-164 Issue 1	Floor Plan	Jackson Teece	10/17/18	D08496675
DA-165 Issue 2	Roof Plan	Jackson Teece	10/17/18	D08496675
DA-200 Issue 2	Street Elevations	Jackson Teece	10/17/18	D08496675
DA-205 Issue 3	Elevations - Building 8	Jackson Teece	12/09/2024	
DA-206 Issue 3	Elevations - Building 9A	Jackson Teece	12/09/2024	
DA-207 Issue 3	Elevations - Building 9B	Jackson Teece	12/09/2024	
DA-216 Issue 3	Elevations and Material Palette (amended)	Jackson Teece	14/02/23	D08661791

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
DA-251 Issue 2	Plan Section and Elevations	Jackson Teece	11/15/18	D08496675
DA-252 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	D08496675
DA-253 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	D08496675
DA-255 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	D08496675
DA-256 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	D08496675
DA-257 Issue 2	Plan, Section and Elevations	Jackson Teece	11/21/18	D08496675
DA-258 Issue 2	Plan, Section and Elevations	Jackson Teece	10/17/18	D08496675
DA-300 Issue 2	Site Sections	Jackson Teece	10/17/18	D08496675
DA-301 Issue 2	Site Sections	Jackson Teece	10/17/18	D08496675
DA-351 Issue 2	DA Detailed Sections	Jackson Teece	09/19/19	D08496675
DA-352 Issue 1	DA Detailed Sections	Jackson Teece	09/20/19	D08496675
DA-353 Issue 1	DA Detailed Sections	Jackson Teece		D08496675
DA-354 Issue 1	DA Detailed Sections	Jackson Teece		D08496675
DA-355 Issue 2	DA Detailed Sections	Jackson Teece	09/23/19	D08496675
DA-356 Issue 2	DA Detailed Sections	Jackson Teece	09/23/19	D08496675
DA-357 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	D08496675
DA-358 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	D08496675
DA-359 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	D08496675
DA-360 Issue 1	DA Detailed Sections	Jackson Teece	09/23/19	D08496675
DA-368 Issue 1	DA Detailed Sections	Jackson Teece	19/12/19	D08496675
DA-500 Issue 2	Plans Apartment Types	Jackson Teece	10/26/18	D08496675
DA-501 Issue 1	Plans Apartment Types	Jackson Teece	10/26/18	D08496675
DA-502 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	D08496675

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
DA-510 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	D08496675
DA-511 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	D08496675
DA-512 Issue 1	Plans Apartment Types	Jackson Teece	10/17/18	D08496675
LD_DA001 Rev 2	Landscape Master Plan & Design Vision	Land Form Studios	18/09/24	
LD_DA002 Rev 1	Legend and Notes	Land Form Studios	07/09/21	D08496675
LD_DA003 Rev 1	Landscape Character and Materials	Land Form Studios	07/09/21	D08496675
LD_DA004 Rev 1	Planting Character	Land Form Studios	07/09/21	D08496675
LD_DA010 Rev 2	Tree Management Plan 1	Land Form Studios	18/09/24	
LD_DA011 Rev 2	Tree Management Plan 2	Land Form Studios	18/09/24	
LD_DA100 Rev 3	Landscape Plan Sheet 1	Land Form Studios	18/09/24	
LD_DA101 Rev 3	Landscape Plan Sheet 2	Land Form Studios	18/09/24	
LD_DA200 Rev 1	Planting Plan Legend Notes	Land Form Studios	07/09/21	D08496675
LD_DA201 Rev 2	Planting Schedules	Land Form Studios	15/02/22	D08496675
LD_DA202 Rev 1	Planting Plan 1	Land Form Studios	07/09/21	D08496675
LD_DA203 Rev 1	Planting Plan 2	Land Form Studios	07/09/21	D08496675
LD_DA204 Rev 1	Planting Plan 3	Land Form Studios	07/09/21	D08496675
LD_DA205 Rev	Planting Plan 4	Land Form Studios	07/09/21	D08496675
LD_DA206 Rev 1	Planting Plan 5	Land Form Studios	07/09/21	D08496675
LD_DA207 Rev 2	Planting Plan 6	Land Form Studios	15/02/22	D08496675
LD_DA400 Rev 1	Typical Sections	Land Form Studios	15/02/22	D08496675
C005 Rev P3	Soil and Water Management Plan Sheet 1	Ptc.	August 2021	D08496675
C006 Rev P2	Soil and Water Management Details	Ptc.	August 2021	D08496675

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
C007 Rev P1	Soil and Water Management Control Details	Ptc.	August 2021	D08496675
C008 Rev P3	Soil and Water Management Plan Sheet 2	Ptc.	August 2021	D08496675
C009 Rev P2	Soil and Water Management Plan Sheet 3	Ptc.	August 2021	D08496675
C010 Rev P3	Bulk Earthworks Plan	Ptc.	August 2021	D08496675
C011 Rev P4	Bulk Earthworks Plan Sheet 2	Ptc.	August 2021	D08496675
C012 Rev P3	Bulk Earthworks Plan Sheet 3	Ptc.	August 2021	D08496675
C020 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 1	Ptc.	August 2021	D08496675
C021 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 2	Ptc.	August 2021	D08496675
C022 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 3	Ptc.	December 2018	D08496675
C023 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 4	Ptc.	August 2021	D08496675
C025 Rev P2	Bulk Earthworks Longitudinal Sections Sheet 5	Ptc.	August 2021	D08496675
C030 Rev P6	General Arrangement Plan	Ptc.	September 2024	
C031 Rev P6	Siteworks and Stormwater Drainage Plan Sheet 1	Ptc.	September 2024	
C032 Rev P6	Siteworks and Stormwater Drainage Plan Sheet 2	Ptc.	September 2024	
C033 Rev P6	Siteworks and Stormwater Drainage Plan Sheet 3	Ptc.	September 2024	
C034 Rev P6	Siteworks and Stormwater Drainage Plan Sheet 4	Ptc.	September 2024	
C035 Rev P3	Siteworks and Stormwater Drainage Plan Sheet 5	Ptc.	August 2021	D08496675
C036 Rev P3	Siteworks and Stormwater Drainage Plan Sheet 6	Ptc.	August 2021	D08496675
C037 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 7	Ptc.	August 2021	D08496675
C038 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 8	Ptc.	August 2021	D08496675

<i>Plan No.</i>	<i>Plan Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Council Reference</i>
C039 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 9	Ptc.	August 2021	D08496675
C040 Rev P1	Siteworks and Stormwater Drainage Plan Sheet 10	Ptc.	August 2021	D08496675
C041 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 11	Ptc.	August 2021	D08496675
C042 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 12	Ptc.	August 2021	D08496675
C043 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 13	Ptc.	August 2021	D08496675
C044 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 14	Ptc.	August 2021	D08496675
C045 Rev P2	Siteworks and Stormwater Drainage Plan Sheet 15	Ptc.	August 2021	D08496675
C050 Rev P2	Siteworks and Stormwater Drainage Details Sheet 1	Ptc.	August 2021	D08496675
C051 Rev P2	Siteworks and Stormwater Drainage Details Sheet 2	Ptc.	August 2021	D08496675
C052 Rev P2	Siteworks and Stormwater Drainage Details Sheet 3	Ptc.	August 2021	D08496675
C055 Rev P6	Proposed Stormwater Catchment Plan	Ptc.	September 2024	
C060 Rev P3	Overall Pavement Plan	Ptc.	August 2021	D08496675
C065 Rev P2	Typical Road Cross Sections	Ptc.	August 2021	D08496675
C070 Rev P2	Pavement Details Sheet 1	Ptc.	August 2021	D08496675
C071 Rev P2	Pavement Details Sheet 2	Ptc.	August 2021	D08496675
C080 Rev P2	Stormwater Drainage Longitudinal Sections	Ptc.	August 2021	D08496675
C220 Rev P2	Temporary Road Plan	Ptc.	September 2024	
C221 Rev P2	Temporary Road Long Section	Ptc.	September 2024	
C222 Rev P2	Temporary Road Cross Sections Sheet 1	Ptc.	September 2024	
C223 Rev P2	Temporary Road Cross Sections Sheet 2	Ptc.	September 2024	
C224 Rev P2	Temporary Road Cross Sections Sheet 3	Ptc.	September 2024	
C225 Rev P2	Temporary Road Cross Sections Sheet 4	Ptc.	September 2024	
C230 Rev P2	Civil Works Staging and Stormwater Concept Plan	Ptc.	September 2024	
C260 Rev P2	Sediment and Erosion Control Staging Concept Plan Sheet 1	Ptc.	September 2024	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
C261 Rev P2	Sediment and Erosion Control Staging Concept Plan Sheet 2	Ptc.	September 2024	
C262 Rev P2	Sediment and Erosion Control Staging Concept Plan Sheet 3	Ptc.	September 2024	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
DA Noise Impact Assessment	Acoustic Logic	3/09/2021	D08261048
BASIX Certificate No. 1116364M_02	JHA Consulting Engineers (NSW) Pty Ltd	14/09/2021	D08260968
BASIX Certificate No. 1116722M_02	JHA Consulting Engineers (NSW) Pty Ltd	14/09/2021	D08260971
Arboricultural Impact Assessment	Tree Wise Men	16/09/2021	D08260960
Addendum to Arboricultural Impact Assessment	Tree Wise Men	20/11/2024	D09017519
Sampling and Analysis Quality Plan for Proposed Detailed Site Investigation (Contamination) 86630.03.R.006.Rev1	Douglas Partners Pty Ltd	29/07/2022	D08467940
Site Management Plan 86630.03.R.009.Rev1	Douglas Partners Pty Ltd	29/07/2022	D08467942
Remediation Construction Traffic Management Plan Rev A reference 301401185	Stantec	11/07/2022	D08467939
Remediation Construction Traffic Management Plan Rev B reference 301401185	Stantec	26/08/2024	D08978148
Remediation Action Plan 86630.03.R.004.Rev6	Douglas Partners Pty Ltd	29/07/2022	D08467937
Remediation Action Plan 86630.03.R.004.Rev 7	Douglas Partners Pty Ltd	15/11/2024	D09017517
EPA Auditor Interim Advice 04 reference 122004 IA4 1Aug22	Geosyntec Consultants Pty Ltd	1/08/2022	D08467922
Detailed Site Investigation (Contamination) 86630.03.R.007.Rev1	Douglas Partners Pty Ltd	29/07/2022	D08467911
Asbestos Management Plan	Douglas Partners Pty Ltd	3/08/2022	D08467910
Conservation Management Plan	Paul Davies Architects	Feb 2019	D08261036

Document Title	Prepared by	Dated	Council Reference
Potential Impacts of Proposed Development on Sydney Metro Tunnels	Douglas Partners	7/09/2021	D08261034
Geotechnical Investigation and Waste Classification	Douglas Partners	Sept 2021	D08261032
Flora and Fauna Assessment	Ecoplaning	17/09/2021	D08261030
Construction Management Plan	RJA Projects	6/09/2021	D08261981
Construction Management Plan	RJA Projects	11/09/2024	
Construction Traffic Management Plan	Stantec	16/09/2021	D08260984
Construction Traffic Management Plan	Stantec	26/08/2024	
BCA Assessment Report	Blackett Macguire and Goldsmith	Sept 2021	D08260974
Air Quality Assessment	SLR	Sept 2021	D08260953
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	14/09/2021	D08260950
Waste Management Plan	UFD	15/09/2021	D08260949
Waste Management Plan	Applicant	13/09/2021	D08260948
Stormwater Management Report	Ptc.	15/09/2021	D08260944

2A. Amendment of Plans (new - Mod B)

To comply with Councils requirement in terms of landscaping, the approved plans are to be amended as follows:

- a) An additional landscape plan is to be provided to demonstrate how the temporary road will be replaced with landscaping (such as turf) after the temporary road is removed.

These amended plans must be submitted with the application for the Construction Certificate related to Stage 1.

Reason: To require minor amendments to the approved plans and supporting documentation following assessment of the development.

3. Removal of Trees (modified - Mod B)

This development consent permits the removal of 55 trees as identified in the "Attachment A Tree Schedule" and as identified on the Tree Protection Plan contained within the Arboricultural Impact Assessment prepared by Tree Wise Men, dated 16 September 2021 with **tree removal permitted on a staged basis as described in Condition 57A and in accordance with the staging plans described in Condition 2 of this Consent.**

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 2024.

4. Construction Certificate (modified - Mod B)

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any construction works **related to each of Stages 1, 2, 3 4 and 5** under this consent.
- b) The Construction Certificate plans must be consistent with the Development Consent plans.

PRIOR TO COMMENCEMENT OF ANY REMEDIATION WORKS

5. Site Management Plan (SMP) (modified - Mod B)

Prior to the commencement of any **relevant** remediation works, the Site Management Plan (SMP), prepared by Douglas Partners Pty Ltd, dated 29 July 2022, reference 86630.03.R.009.Rev1 (TRIM: D08467942) is to be amended and submitted to Council for approval, **incorporating the approved staging of remediation works corresponding with the area of the relevant Stage(s) shown on the approved Staging Plan, Drawing No. DA-031 as listed in Condition 2 and the Remediation Areas Plan, Drawing No. 3, Revision 2, dated 15 November 2024, Appended B to the approved Remediation Action Plan, Revision 7 prepared by Douglas Partners Pty Ltd, dated 20 November 2024 and including the following:**

a) Environmental Management Plan (EMP)

An Environmental Management Plan (EMP) is to be prepared by a suitably qualified Environmental Consultant in association with the certified land contamination consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP(SC)) or the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, detailing the actions that will be taken to protect the environment for the duration of remediation works, and all responsible parties ensuring compliance with the document. The Plan is to be in accordance with the publication 'Managing Urban Stormwater - Landcom (March 2004)' and the Protection of the Environment Operations Act 1997 by way of implementing appropriate measures, and should include but not be limited to:

- i. Water quality and soil management, including but not limited to sediment and erosion control measures.
- ii. Air quality.
- iii. Noise management, including excavation noise mitigation measures will be implemented.
- iv. Waste Management.

b) Construction Management Plan (CMP)

A Construction Management Plan, including a Construction Traffic Management Plan (CTMP) and scaled construction plans is to be prepared by a suitably qualified traffic engineer and endorsed by the certified land contamination consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP(SC)) or the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification, detailing the following:

- i. A copy of plans shall be submitted to Council detailing the proposed stages of remediation and arrangement of all construction machines and vehicles being used at the same time during all remediation stages.
- ii. The CMP plans shall be in accordance with all associated contamination reports provided to Council.
- iii. The plan shall include site plans for remediation works including the location of site sheds, unloading and loading areas, waste and storage areas being used.
- iv. The plan shall include details of parking arrangements for all employees and contractors, including layover areas for large trucks during remediation. 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.
- v. In order to prevent injury, accident and loss of property, a statement must be included within the Plan confirming that no building materials, work sheds, vehicles, machines or the like shall remain in the road reserve area during remediation without the written consent of Hornsby Shire Council.
- vi. Survey plan showing site sheds, concrete pump location, crane location and existing survey marks during remediation.
- vii. The Plan shall be in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998".
- viii. The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements during remediation works.
- ix. The plan shall include swept path analysis for ingress and egress of the site during remediation.
- x. The plan shall include the total volume of fill to be imported to the subject site during remediation.
- xi. The plan shall include the total volume of fill to be exported at the subject property during remediation.
- xii. The plan shall include the total quantity and size of trucks for all importation and exportation of fill on site during remediation works, and a breakdown of total quantities of trucks.
- xiii. The plan shall include the number of total truck movements to and from the site during remediation.
- xiv. The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material during remediation works.
- xv. The plan shall include the maximum number of trucks travelling to and from the site on any given day for the duration of remediation works.
- xvi. The plan shall include the maximum number of truck movements on any given day during peak commuting periods during remediation works.
- xvii. 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.

- xviii. The plan must include the location details of the source site of any proposed fill to be imported for site remediation purposes.
- xix. The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Certifying Authority or Hornsby Shire Council in order to ensure remediation works are undertaken in accordance with the CMP.
- xx. The plan must include a tree protection plan, prepared by a minimum AQF 5 arborist, where remediation works intersect with the tree protection zone of any tree to be retained.
- xxi. Confirmation that a street 'scrub and dry' service will be in operation during remediation works.

REQUIREMENTS DURING REMEDIATION WORKS

6. Implementation of the Remediation Action Plan (modified - Mod B)

The site must be remediated in accordance with the Remedial Action Plan, prepared by Douglas Partners Pty Ltd, dated ~~29 July 2022~~, reference ~~86630.03.R.004.Rev6.Remediation Action Plan (TRIM: D08467937)~~, **Revision 7, dated 20 November 2024, reference: Project 86630.03** including the following:

- a) The applicant must engage 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 to supervise all aspects of site remediation and validation in accordance with the approved Remediation Action Plan.
- b) Should unidentified contamination which alters previous conclusions about site contamination be identified during site works, Council and the Principal Certifying Authority must be immediately notified.
- c) Should any variations to the approved Remediation Action Plan be required, an addendum Remediation Action Plan must be 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 and be provided to Council for approval.
- d) Remediation may be undertaken on a staged basis as described in Condition 57A of this Consent.

7. Compliance with the Remediation Action Plan (RAP) (modified - Mod B)

The Council approved Remediation Action Plan, **Revision 7** prepared by Douglas Partners Pty Ltd, dated ~~29 July 2022~~, **dated 20 November 2024, reference: Project 86630.03** must be complied with for the duration of works, unless otherwise approved by Council.

8. Compliance with Site Management Plan (SMP)

The Council approved Site Management Plan (SMP) must be complied with for the duration of works, unless otherwise approved by Council.

9. Waste Transport and Disposal Records

Records must be always maintained on site in a dedicated Waste Register in accordance with the Site Management Plan and Remediation Action Plan. In addition to the record keeping requirements listed in the Site Management Plan and Remediation Action Plan, the register must note as a minimum:

- a) Truck registration numbers for trucks importing and exporting waste from the site,
- b) Time and date of truck access to the site,
- c) Waste dockets detailing the type and quantity of waste being imported or exported,
- d) Copies of tipping dockets received from the licensed waste facility, Waste Classification Certificates for waste imported and exported from site,
- e) Records of waste disposal obtained from NSW EPA's 'Waste Locate' system.
- f) All records must be made available to Council upon request.

REQUIREMENTS PRIOR TO THE ISSUE OF A RELEVANT CONSTRUCTION CERTIFICATE

10. Building Code of Australia (modified - Mod B)

Detailed plans, specifications and supporting information is required to be submitted to the certifying authority **related to each of Stages 1, 2, 3 4 and 5** detailing how the proposed building work achieves compliance with the *National Construction Code - Building Code of Australia*. All building work must be carried out in accordance with the requirements of the *National Construction Code - Building Code of Australia*.

11. 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.

12. 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.
- a) 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.

13. Erosion and Sediment Control Plan (ESCP) (modified - Mod B)

In order to protect the adjoining land and downstream water quality from sedimentation, an Erosion and Sediment Control Plan (ESCP) **related to each of Stages 1, 2, 3, 4, 5** is to be prepared by a suitably qualified consultant in accordance with the *Managing Urban Stormwater - Soils & Construction, 2004 Manual*, and submitted to Council for approval. The ESCP is to detail the sediment and erosion control measures to be implemented during all stages of construction and is to be submitted incorporating a plan to scale of 1:500 or larger and supporting information.

The following must be addressed within the ESCP:

- a) Site survey which identifies contours and approximate grades and the direction(s) of fall.
- b) Locality of site and allotment boundaries.
- c) Location of adjoining road(s) and all impervious surfaces.
- d) Existing vegetation and site drainage.
- e) Nature and extent of clearing, excavation and filling.
- f) Location and type of proposed erosion and sediment control measures.
- g) Location of site access and stabilisation of site access.
- h) Provision for the diversion of run off around disturbed areas.
- i) Location of material stockpiles.
- j) Proposed site rehabilitation and landscaping; staging of construction works; and
- k) Maintenance program for erosion and sediment controls measures.

All design criteria and calculations used to size sediment and erosion control measures should be shown, and construction standard drawings are to be provided on each type of sediment and erosion control measure proposed.

14. Waste Transport and Disposal Records (modified - Mod B)

Prior to the issue of a Construction Certificate **related to each of Stages 1, 2, 3, 4 and 5**, all relevant documentation to satisfy all regulatory requirements related to the transportation of waste must be provided to the Principal Certifier and Council, including but not limited to transport certificates, consignment numbers and records of waste disposal through NSW EPA's 'Waste Locate' system.

15. Validation Report (modified - Mod B)

- a) Prior to the issue of a Construction Certificate, a Validation Report **related to each of Stages 1, 2, 3, 4 and 5** must be 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, verifying **the corresponding site area** has been remediated in accordance with the NSW Environment Protection Authority's *Contaminated Sites Guidelines*, the *National Environment Protection (Assessment of*

Site Contamination) Measure 2013 (NEPM) and the recommendations of the Council approved Remediation Action Plan. The Validation Report must state that the ~~site~~ **Remediation Area(s) identified on the Remediation Areas Plan, Drawing No. 3, Revision 2, dated 15.11.2024, Appended B to the approved Remediation Action Plan, Revision 7 prepared by Douglas Partners Pty Ltd, dated 20 November 2024 (TRIM D09017517) corresponding to the relevant Stage(s) of the approved development** site has been remediated and is suitable for its approved use.

- b) ~~The~~ A Validation Report must be submitted to the Principal Certifying Authority and a copy provided to Council prior to the issue of a Construction Certificate **related to each of Stages 1, 2, 3, 4 and 5 of the approved development.**
- c) Waste Transport and Disposal Records must be appended to the Site Validation Reports.

Note: Where applicable, a single Validation Report is sufficient to provide confirmation of successful remediation for one or more Stages and confirm the Remediation Areas corresponding to each of the related Stages are suitable for their approved use.

16. **Site Audit Report / Site Audit Statement (modified - Mod B)**

Prior to issue of a Construction Certificate for each of Stages 1, 2, 3, 4 and 5 of the approved development, a Site Auditor accredited under the NSW EPA's Site Auditor's Scheme must be appointed to independently review the Site Validation Report and submit to Council a Site Audit Report identifying whether the ~~the site~~ **Remediation Area(s) identified on the Remediation Areas Plan, Drawing No. 3, Revision 2, dated 15.11.2024, Appended B to the approved Remediation Action Plan, Revision 7 prepared by Douglas Partners Pty Ltd, dated 20 November 2024 (TRIM D09017517) corresponding to the relevant Stage(s) of the approved development** has been appropriately remediated in accordance with the NSW Environment Protection Authority's *Contaminated Sites Guidelines*, the *National Environment Protection (Assessment of Site Contamination) Measure 2013 (NEPM)* and the recommendations of the Council approved Remediation Action Plan and meets the standard appropriate for the proposed land use.

Note: A list of accredited site auditors under the Contaminated Land Management Act 1997 is available on NSW EPA's website at: <https://www.epa.nsw.gov.au/your-environment/contaminated-land/site-auditor-scheme/accredited-site-auditors>.

Note: Where applicable, a single Site Audit Report may provide confirmation of successful remediation for one or more Stages of the approved development.

17. **Long Term Environmental Management Plan (modified - Mod B)**

- a) Where ~~the a~~ Validation Report identifies the need for implementation of a Long Term Environmental Management Plan (LTEMP), the plan must be 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 and be submitted to Council for approval prior to the issue of ~~the a~~ Construction Certificate **for the related development Stage.**
- a) The LTEMP must detail the nature and location of the contamination and prescribe how the contaminants will be managed and/or monitored, and the parties responsible for the long-term management and/or monitoring of the site.

- b) If the Validation Report identifies that on site containment of contamination is required, the LTEMP must specifically outline the construction details, and the management and monitoring requirements of the containment cell to ensure it is maintained appropriately, its integrity remains intact and to avoid migration of contamination, inclusive of a contingency plan in the event that the containment cell fails.
- c) The LTEMP must be prepared in accordance with:
 - i. NSW Contaminated Land Planning Guidelines,
 - ii. Relevant Environment Protection Authority (EPA) endorsed guidelines,
 - iii. National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013).

18. **Acoustic and Vibration Certification (modified - Mod B)**

- a) To ensure an acceptable level of Acoustic Amenity within residential spaces, certification is to be provided by a suitably qualified Acoustic Consultant confirming that the construction certificate plans **related to each of Stages 1, 2, 3, 4 and 5 of the approved development** are compliant with the recommendations listed in Part 4.6 Complying Constructions of the DA Noise Impact Assessment Report, prepared by Acoustic Logic, dated 3/09/2021.
- b) If, during the course of preparation construction certificate documentation, it becomes evident that a complying construction recommendation listed in section 4.6 of the DA Noise Impact Assessment Report, prepared by Acoustic Logic, dated 3/09/2021, cannot be met, an alternate solution is permitted **ONLY** if accompanied by certification from a suitably qualified Acoustic Consultant that the alternate solution will comply with the requirements of Section 102(3) of State Environmental Planning Policy (Infrastructure) 2007.
- c) Certification is to be provided to the PCA with the application for the construction certificate **for each of Stages 1, 2, 3, 4 and 5 of the approved development**.

19. **Utility Services (modified - Mod B)**

With any application for a construction certificate, the applicant must submit written evidence of the following service provider requirements **related to each of Stages 1, 2, 3, 4 and 5 of the approved development**:

- 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.

20. **Sydney Water - Approval (modified - Mod B)**

With any application for a construction certificate, 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 **related to each of Stages 1, 2, 3, 4 and 5 of the approved development**.

Note: Building plan approvals can be obtained online via Sydney Water Tap in™ through www.sydneywater.com.au under the Building and Development tab.

21. Identification of Survey Marks (modified - Mod B)

Prior to the issue of a construction certificate **related to each of Stages 1, 2, 3, 4 and 5** for 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.

22. Appointment of a Project Arborist (modified - Mod B)

- a) To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the conditions of consent and provide monitoring reports as specified by the conditions of consent **related to each of Stages 1, 2, 3, 4 and 5**.
- b) Details of the appointed project arborist must be submitted to Council and the PC with the relevant application for the construction certificate/subdivision works certificate.

23. Fire Safety Schedule (modified - Mod B)

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

24. Retaining Walls (modified - Mod B)

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

25. Stormwater Drainage (modified - Mod A & B) (modified - Mod B)

The stormwater drainage system **related to each of Stages 1, 2, 3, 4 and 5** of the development must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

- a) Connected directly to an on-site detention and water quality treatment system and subsequently the internal drainage system.
- b) Existing depressions and watercourses proposed to convey catchment areas from upstream shall be designed and constructed to contain the major overland 100-year Average Recurrence Interval (ARI) storm event.
- c) All proposed habitable floor levels and basement walls sited in depressions shall be protected with a surface drainage system (designed with inlet blockage factors in accordance with Section 5.4.10 Australian Standards AS 3500.3.2021 and as amended from time to time) capable of draining at least the 100-year ARI storm event and disposing of same in a downstream piped drainage system.
- d) All habitable floor levels and openings in buildings proposed adjacent any depression shall have a minimum freeboard of 500 mm above the design 100-year ARI storm flow level. Details to be provided on construction plans.

- e) The RMS/TfNSW drainage system shall be piped to contain the 20-year Average Recurrence Interval storm event with a 100-year ARI overland flow provided above them.
- f) Accessible pathways within areas of concentrated design flow shall be designed and constructed to ensure they comply with Category H2 or better, from the hazard design requirements of AIDR Guideline 7-3, Flood Hazard, to ensure safe access. Hydrologic and hydraulic design, calculations and details are to be submitted with construction plans and provided to the access expert for consideration and approval.
- g) The lagoon shall have weirs designed and constructed to cater for outflows of the 100-year Average Recurrence Interval storm from upstream catchments, to ensure a minimum 500 mm freeboard to adjacent habitable floor levels or berm crest levels as applicable, and a minimum 300 mm freeboard to adjacent basement ramp crest levels.
- h) Internal drainage systems be piped to contain the 20-year Average Recurrence Interval storm event.
- i) The roof and stormwater drainage system from any existing building proposed to remain to be connected to the proposed internal drainage system.

26. On Site Stormwater Detention (modified - Mod B)

An on-site stormwater detention system **related to each of Stages 1, 2, 3, 4 and 5 of the development** must be designed by a chartered civil engineer and constructed in accordance with the following requirements:

- a) Be designed and constructed in accordance with the plans and report prepared by PTC Consulting Engineers.
- b) Have a surcharge/inspection grate located directly above the outlet.
- c) Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
- d) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

27. Internal Driveway/Vehicular Areas (modified - Mod A & B)

The driveway and parking areas on site **related to each of Stages 1, 2, 3, 4 and 5 of the development** must be designed and Construction Certificate issued in accordance with Australian Standards AS2890.1, AS2890.2, AS3727, AS 2890.6 and the following requirements:

- a) The internal roads and driveways shall be constructed of rigid / flexible pavement.
- b) Retaining walls required to support the carriageway and the compaction of all fill batters to be in accordance with the requirements of a chartered structural engineer.
- c) The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.

- d) The driveway and parking areas must be constructed prior to issue of the Occupation Certificate **related to each of Stages 1, 2, 3, 4 and 5 of the development.**

28. Waste Management Details (modified - Mod A & B)

The following waste management requirements must be complied with **respect to each of Stages 1, 2, 3, 4 and 5 of the development:**

- a) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all bin carting routes have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i. Must be smooth hard surface.
 - ii. Must be no less than 2.0m wide (including through any gates or doors);
 - iii. Must be devoid of steps.
 - iv. Must have a gradient no steeper than 1:14 for 240L bins and 1:30 for 660L or 1100L bins except where motorised bin carting equipment is to be used.
 - v. Must be an accessible path of travel for persons with a disability in accordance with Australian Standards AS1428 Design and access for mobility except where motorised bin carting equipment is to be used.
- b) For each residential flat building (Buildings B8, B9A, B9B) there must be a dedicated bulky waste storage area of at least 8 square metres internal area provided at the basement level.
- c) A suitably sized lockable storage space must be provided for the motorised bin carting equipment (bin tug and trolley).
- d) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all waste storage room(s) for the residential flat buildings have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i. The floor is to be constructed of concrete at least 75mm thick and adequately graded to drain to a Sydney Water approved drainage fitting.
 - ii. The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections.
 - iii. The ceilings and walls must be finished with smooth faced non-absorbent material capable of being cleaned.
 - iv. The room is to be provided with artificial light controllable 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. The doors must be able to be opened from inside the room without a key.
- e) The communal bin storage rooms for Buildings B8, B9A and B9B at the basement level must:

- i. Be accessible by persons with a disability (in accordance with AS1428 Design and access for mobility) after the garbage bins and recycling bins are installed; and
- ii. Comfortably house the required number of bins (17 of 240 L bins for Building B8; 14 of 240 L bins for Building B9A; 15 of 240L bins for Building B9B) with every bin being accessible (no stacking of bins 2 or more deep); and
- iii. Have door(s) wide enough and positioned so that the largest bin (240L) can fit through; and
- iv. Be located no more than 35 m walking distance from each dwelling. The walking path from each dwelling to the bin storage room must be an accessible path of travel.

Note: 240L bins are 600mm wide by 750mm deep; allow for ease around the bin - 75mm is recommended. The door must be wide enough and positioned such that all the bins can fit through. Aisle width of 1.55m is required for accessibility. Every bin must be able to be accessed (no stacking of bins two or more deep).

- f) A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste storage area for each villa has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - i. The bin storage must be integrated into the overall design of the development and landscaping to minimise impact on the streetscape and include screening to a height of no less than 1.5 metres.
 - ii. The floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections.
 - iii. The walls and any ceilings must be finished with smooth faced non-absorbent material capable of being cleaned.
 - iv. The bin storage is to be provided with artificial light controllable within the room and adequate ventilation.
 - v. The internal dimensions of the bin storage must be no less than 0.9m deep x 2.0m wide. Internal dimensions do not include wall thickness, support columns, ventilation shafts etc for which additional space must be allowed with consideration of the bin dimensions and layout.
 - vi. The bin storage area must be accessible by persons with a disability in accordance with AS1428 Design for Access and Mobility.
 - vii. The door(s) must be wide enough and positioned so that all three bins can fit through with ease. (240L bins can only move forwards and backwards, not sideways. Sideways movements require the bin to be lifted. Bins must not have to be lifted into position);
- g) The temporary bin holding area for Building B12 (Community Pavilion) located at Building B19 (administration building) must have sufficient space for the 4 of 240L bins for B12 and must not impede access to the 5 of 240L bins for B19.
- h) A design certificate from a qualified traffic engineer and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from the loading bay as detailed in the Waste Management Plan and the Traffic Report. The design certificate is to specifically confirm that the:

- i. Waste collection vehicle is able to enter the site in a forward direction, adequately manoeuvre into position near the bins, load bins and exit the site in a forward direction.
 - ii. Vertical clearance of 4.5m is provided along the entire route of travel of the waste collection vehicle on site and loading bay.
 - iii. The installation of ceiling mounted cable trays, pipes, ducting, lights, signs etc will not reduce the vertical clearance of the waste collection vehicle travel path on site to less than 4.5m.
 - iv. The waste collection vehicle must be able to manoeuvre on site with limited need for reversing.
 - v. The grades along the entire travel path of the waste collection vehicle on site must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle.
 - vi. The vehicle ground clearance is sufficient to prevent scraping.
 - vii. All pavement has been designed to carry the load of the heavy rigid vehicle.
- i) 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.

29. Certification of Traffic Engineer (modified - Mod B)

Prior to the issue of a Construction Certificate **related to each of Stages 1, 2, 3, 4 and 5 of the development**, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS2890.1, AS2890.2 and the approved Development Consent plans and conditions.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION OR CONSTRUCTION WORKS

30. 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.

31. Heritage Requirements - Photographic Archival Recording

To document the history of the site, the following actions must occur prior to the commencement of any works on site:

- a) The completion of a photographic archival recording of the buildings to be demolished prior to the commencement of demolition works.
 - i. The photographic archive must be undertaken in accordance with Heritage NSW guidelines for archival photographic recording, and the archive submitted to Hornsby Shire Council.
 - ii. Buildings demolished in the Kilvinton Village previously recorded under DA/648/2021 are not required to be re-archived. Copies of previous reports are to be provided to the PCA and Hornsby Shire Council.

32. Protection of Adjoining Areas (modified - Mod B)

A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works **relevant to each of Stages 1, 2, 3, 4 and 5** 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; and/or
- d) 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.

33. Installation of Tree Protection Measures (modified - Mod B)

To protect the health and longevity of trees to be retained as identified in the Tree Protection Plan, prepared by Tree Wise Men, dated 16 September 2021 any **trees to be retained within, or immediately adjacent to, each stage of works as described in Condition 57A** of this Consent, must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:

- a) Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
- b) The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the tree protection zone.

- c) The location of fencing and setback to trees to be retained is to be determined by the project arborist in accordance with the Tree Protection Plan
- d) Any tree crown protection measures required and must be installed by the AQF 5 project arborist.
- e) The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- f) Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
- g) All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm unless otherwise directed by the project arborist.

34. Toilet Facilities (modified - Mod B)

- a) To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site **relevant to each of Stages 1, 2, 3, 4 and 5** before works begin **within that relevant stage** 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.

35. Erosion and Sediment Control (modified - Mod B)

To protect the water quality of the downstream environment, erosion and sediment control measures must be provided and maintained throughout the construction period **relevant to each of Stages 1, 2, 3, 4 and 5** 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 **of the relevant works** 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.

36. Waste Management Details (modified - Mod B)

- a) Prior to the commencement of each stage of works, the on-going waste collection service to the buildings to be demolished must be cancelled and the bins retrieved by the waste collection service provider.
- b) The on-going collection of waste from occupied buildings must not be impeded by construction works.

37. Garbage receptacle (modified - Mod B)

- a) A garbage receptacle must be provided at the work site before works begin **relevant to each of Stages 1, 2, 3, 4 and 5** and must be maintained until all works are completed.

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

REQUIREMENTS DURING DEMOLITION AND CONSTRUCTION
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38. 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.

39. Demolition (modified - Mod B)

To protect the surrounding environment, all demolition works **relevant to each of Stages 1, 2, 3, 4 and 5** must be carried out in accordance with Australian Standard AS2601-2001 Demolition of structures and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and
- b) 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
- c) On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

40. Environmental Management (modified - Mod B)

To prevent sediment run-off, excessive dust, noise or odour emanating from the site during the construction, the site **relevant to each of Stages 1, 2, 3, 4 and 5** must be managed in accordance with the publication *'Managing Urban Stormwater - Landcom (March 2004)* and the *Protection of the Environment Operations Act 1997*.

41. Waste Management Details (modified - Mod B)

Requirements of the approved Waste Management Plan shall be complied with during all **relevant** site preparation works, demolition and throughout all **relevant** construction works **relevant to each of Stages 1, 2, 3, 4 and 5**. 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 SafeWork NSW.
- d) All waste generated (including excavated materials) which cannot be reused or recycled must be transported to a facility which can lawfully accept it.
- e) All materials and resources that are to be stored on site during construction works are contained on the site. The provisions of the *Protection of Environment Operations Act 1997* must be complied with when placing/stock piling loose material, disposal of concrete waste or activities which have potential to pollute drains and water courses.
- f) The storage of waste and recycling containers must be within the boundaries of the development site at all times. Public footways and roads must not be used for the storage of any waste and must be kept clear of obstructions during all construction works.
- g) Additionally, written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works:
 - i) The identity of the person removing the waste.
 - ii) The waste carrier vehicle registration.
 - iii) Date and time of waste collection.
 - iv) A description of the waste (type of waste and estimated quantity).
 - v) Details of the site to which the waste is to be taken.
 - vi) The corresponding weighbridge tip docket/receipt from the site to which the waste is transferred (noting date and time of delivery, description (type and quantity) of waste).
 - vii) Whether the waste is expected to be reused, recycled or go to landfill.

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

42. Compliance with Environmental Management Plan (modified - Mod B)

The Council approved Environmental Management Plan must be complied with for the duration of works **relevant to each of Stages 1, 2, 3, 4 and 5**, unless otherwise approved by Council.

43. Compliance with Construction Management Plan (modified - Mod B)

The Council approved Construction Management Plan must be complied with for the duration of works, **relevant to each of Stages 1, 2, 3, 4 and 5** unless otherwise approved by Council.

44. Street Sweeping (modified - Mod B)

- a) During works and until exposed ground surfaces across the site **relevant to each of Stages 1, 2, 3, 4 and 5** have been stabilised, street sweeping must be undertaken following sediment tracking from the site along any adjoining road.
- b) The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

45. Bushland Protection During Construction (modified - Mod B)

To ensure the protection of bushland during construction **relevant to each of Stages 1, 2, 3, 4 and 5**, the applicant must:

- a) install tree protection fencing as required by this consent; and
- b) clean machinery of soil and debris before entering the site to prevent the spread of weeds and fungal pathogens.

Note: The site contains Blue Gum High Forest which is listed as an 'Endangered Ecological Community' under the 'Threatened Species Conservation Act 1995'. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Department of Environment and Climate Change' where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

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

46. 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.

47. Landfill

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

48. Excavated Material (modified - Mod B)

All excavated material removed from the site must be classified by a suitably qualified environmental consultant in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* and *Protection of the Environment Operations (Waste)*

Regulation 2014 prior to disposal to a licensed waste management facility. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the principal certifying authority prior to the issue of an Occupation Certificate **relevant to each of Stages 1, 2, 3, 4 and 5**.

49. Survey Report

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

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

50. Waste Management (modified - Mod B)

- a) All work **relevant to each of Stages 1, 2, 3, 4 and 5** must be carried out in accordance with the approved waste management plan.
- b) Stockpiling, cutting and sanding must be performed a minimum of 10 metres from Tom Thumb Lagoon and be screened by sediment fencing.

51. Maintenance of Public Footpaths (modified - Mod B)

Public footpaths must be maintained for the duration of works **relevant to each of Stages 1, 2, 3, 4 and 5** to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.

52. Unexpected Finds

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

53. Disturbance of Existing Site (modified - Mod B)

During construction works **relevant to each of Stages 1, 2, 3, 4 and 5**, the existing ground levels of open space areas and natural landscape features, including natural rock-outcrops, vegetation, soil and watercourses must not be altered unless otherwise nominated on the approved plans.

54. Prohibited Actions within the Fenced Tree Protection Zone

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

- a) Soil cutting or filling, including excavation and trenching.
- b) Soil cultivation, disturbance or compaction
- c) Stockpiling storage or mixing of materials

- d) The parking, storing, washing and repairing of tools, equipment and machinery.
- e) The disposal of liquids and refuelling
- f) The disposal of building materials
- g) The siting of offices or sheds
- h) Any action leading to the impact on tree health or structure.

55. Maintaining the Health of Trees Approved for Retention (modified - Mod B)

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for trees to be retained **relevant to each of Stages 1, 2, 3, 4 and 5 of the development.**

56. Maintaining Tree Protection Measures (modified - Mod B)

Tree Protection Measures must be maintained to the satisfaction of the project arborist for the duration of works **relevant to each of Stages 1, 2, 3, 4 and 5 of the development.**

57. Approved Works within Tree Protection Zone Incursions

- a) Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
 - i. Using sharp secateurs, pruners, handsaws or chainsaws with the final cut being clean.
 - ii. The maximum diameter of roots permitted to be cut is 50mm.
- b) Where the building footprint enters or transects the Tree Protection Zones of trees to be retained, sensitive construction techniques in the form of screw pilings or piers, cantilevered or suspended slab design must be employed to create a 100mm clearance above existing soil grade unless the project arborist provides certification to the PCA that such measures are not required to protect tree health and longevity.
- c) Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
 - i. Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees to be retained must be overseen by the AQF 5 project arborist for the first 1m and be undertaken to locate roots and allow for pruning in accordance.
- d) No changes of grade within the Tree Protection Zone of trees to be retained is permitted, unless expressly identified on the approved plans.
- e) Grade changes in the form of filling, are permissible outside the Structural Root Zone in conjunction with piers.
- f) To minimise impacts within the Tree Protection Zone (TPZ) of trees to be retained, the installation of services must be undertaken as follows:
 - i. The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
 - ii. The installation of any underground services which either enter or transect the designated TPZ must utilise directional drilling only

OR

- iii. The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
- iv. For manually excavated trenches the AQF 5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
- g) Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - i. Installation of a 100mm deep layer of woodchip; and
 - ii. Installation of geotextile fabric ground covering; and
 - iii. Installation of scaffold boarding above the woodchip and geotextile fabric.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

57A. Staged Construction (added - Mod B)

This development consent permits construction in stages, generally in accordance with the staging plans listed in Condition 2 of this Consent as described as follows:

- a) Stage 1 comprising: tree removal, construction of three (3) apartment buildings (Buildings B8, B9A and B9B), alterations to James Cook Drive, construction of a temporary road connecting Clarke Drive and Western Drive and associated landscaping and civil infrastructure works including stormwater connections within the Stage 3 footprint.
- b) Stage 2 comprising: tree removal, demolition of buildings, construction of five (5) villas (Buildings B21B, B22 and B23), an administration building (Building 19), a café (Building 12) and associated landscaping and civil infrastructure works, including an on-site detention tank and stormwater connections within the Stage 3 footprint.
- c) Stage 3 comprising: tree removal, landscaping works and any remaining demolition works within the Stage 3 footprint.
- d) Stage 4 comprising: tree removal, demolition of buildings, construction of six (6) villas (Buildings B25, B26 and B27) and associated landscaping and civil infrastructure works, including an on-site detention tank and stormwater connections within the Stage 3 footprint.
- e) Stage 5 comprising: tree removal, demolition of a building, construction of a pair of villas (Building B28) and associated landscaping and civil infrastructure works, including an on-site detention tank and stormwater connections within the Stage 3 footprint.

Stage 1 shall be constructed prior to any other stage and Stages 2-5 may be constructed in any order.

58. Fulfilment of BASIX Commitments (modified - Mod B)

The applicant must demonstrate the fulfilment of BASIX commitments **relevant to each of Stages 1, 2, 3, 4 and 5 of the development** pertaining to the development.

59. Certification of Internal Driveways and Parking Areas (modified - Mod B)

Prior to the issue of ~~the~~ an Occupation Certificate **relevant to each of Stages 1, 2, 3, 4 and 5 of the development**, a certificate is to be obtained by an appropriately qualified Traffic Engineer certifying that the access ways, loading areas and parking areas **for that stage of works** comply with Australian Standards AS 2890.1, AS 2890.2 and AS 2890.6.

60. Sydney Water - s73 Certificate (modified - Mod B)

A s73 Certificate **relevant to each of Stages 1, 2, 3, 4 and 5 of the development** 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.

61. Certification of WSUD Facilities (modified - Mod B)

Prior to the issue of an Occupation Certificate **relevant to each of Stages 1, 2, 3, 4 and 5 of the development** a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed **for that stage of work** and will meet the water quality targets as specified in the Hornsby Development Control Plan 2013.

62. Completion of Landscaping (modified - Mod B)

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 **relevant to each of Stages 1, 2, 3, 4 and 5** 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.

63. Replacement Tree Requirements (modified - Mod B)

- a) The trees approved for removal under this consent, must be offset through replacement planting of a minimum of **188 trees to be planted progressively relevant to each of Stages 1, 2, 3, 4 and 5 accordance with the approved landscape plans listed in Condition 2 of this Consent.**
- a) All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website <http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees> or be trees listed on the approved landscaping plans.
- b) The location and size of tree replacement planting must comply with the following:
 - The pot size of the replacement trees must be a minimum 45 litres.
 - All replacement trees that have the potential to grow to more than 8 metres in height must be a minimum of 3 metres in height at planting.

64. Final Certification (modified - Mod B)

For works **relevant to each of Stages 1, 2, 3, 4 and 5**, the AQF 5 Project arborist must submit to the Principal Certifying Authority a certificate that includes the following:

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

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

65. Safety and Security (modified) (modified - Mod A & B)

To ensure safety and security of residents, **relevant to each of Stages 1, 2, 3, 4 and 5** the development must include the following elements:

- a) An intercom system must be installed at gate locations to ensure screening of persons entering the units.
- b) The entry doors to the pedestrian foyer is to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.
- c) Wayfinding signage is to be provided within the ground floor lobby indicating the direction of the front entrance, any communal open space and lift.
- d) Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
- e) Security gate access is to be provided to the basement car parking areas allowing residents only access to private car spaces.
- f) CCTV cameras must be installed at the entry and exit points to the building (including the front entrance and basement entry and the around the mailbox.
- g) The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.
- h) The driveway and basement car parking must be illuminated with low luminance at all times.
- i) Storage cages provided within basements must have floor to ceiling non transparent mesh material (or other suitable non transparent material) attached to the inside of the cages to prevent views into storage cage areas.
- j) Security deadlocks are to be provided to each apartment door.
- k) Peep holes are to be provided to individual apartment doors to promote resident safety.

66. Unit Numbering (modified - Mod A & B)

All units are to be numbered consecutively commencing at No.1. The allocation of unit numbering must be authorised by Council prior to the numbering of each units **relevant to each of Stages 1, 2, 3, 4 and 5** in the development.

67. Car Parking (modified - Mod B)

All car parking **relevant to each of Stages 1, 2, 3, 4 and 5** must be constructed and operated in accordance with Australian Standard AS/NZS2890.1:2004 Off-street car parking and Australian Standard AS2890.2:2002 Off-street commercial vehicle facilities.

- a) All parking areas and driveways are to be sealed to an all-weather standard, line marked and signposted.
- b) Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
- c) Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
- d) All vehicular entry on to the site and egress from the site shall be made in a forward direction.
- e) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths.
- f) Bicycle parking spaces are to be designed in accordance with AS2890.3-1993 Bicycle parking facilities.
- g) Motorcycle parking spaces are to be designed in accordance with AS/NZS2890.1:2004 Figure 2.7.

68. Damage to Council Assets (modified - Mod B)

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions). Rectification works must be undertaken prior to the issue of an Occupation Certificate **relevant to each of Stages 1, 2, 3, 4 and 5 of the development**, or sooner, as directed by Council.

69. Creation of Easements (modified - Mod B)

The following easements are to be created on the title of the property in accordance with *Conveyancing Act 1919*:

- a) **At Stage 1**, a drainage easement over the relocated RMS pipeline in accordance with the requirements of the TfNSW.
- b) **At Stage 1**, a drainage easement over the overland flow path associated with the RMS easement for a 100 year average recurrence interval storm.
- c) **Where relevant to each of Stages 1, 2, 3, 4 and 5 of the development** the creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention systems, water quality system and outlet works, within the lots in favour of Council in accordance with Council's prescribed

wording. The position of the on-site detention and water quality systems is to be clearly indicated on the title.

- d) **Where relevant to each of Stages 1, 2, 3, 4 and 5 of the development** to register the OSD easement, the restriction on the use of land “works-as-executed” details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the “works-as-executed” plan and supported by calculations.
- e) For the purpose of waste collection **relevant to each of Stages 1, 2, 3, 4 and 5**, 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. The waste collection easement must be registered with the NSW Land Registry Services prior to issue of the occupation certificate.

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

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.

70. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority (modified - Mod B)

Tipping dockets for the total volume of excavated material **removed within the boundary of the relevant Stage area** that are received from the licensed waste facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate **for each of Stages 1, 2, 3, 4 and 5 of the approved development.**

Note: These requirements apply in addition to Condition 14 requiring waste transport and disposal dockets for transport of waste (relating to remediation works) to be provided to the Principal Certifying Authority and Council prior to issue a Construction Certificate for each of Stages 1, 2, 3, 4 and 5 of the approved development.

71. Waste Management Details (modified - Mod B)

- a) Prior to an Occupation Certificate being issued **relevant to any of Stages 1, 2, 3, 4 and 5** or the use commencing, whichever is earlier, the Principal Certifying Authority must ensure arrangements are in place for delivery of bins for the on-going use of the site and for regular scheduled commercial waste collection services to commence within 7 days of occupation.
- b) **Relevant to each of Stages 1, 2, 3, 4 and 5** a report must be prepared by an appropriately qualified person, certifying the following:
 - i. A comparison of the estimated quantities of each demolition and construction 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.
 - iv. *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.*
 - v. All demolition and construction waste has been taken to site(s) that were lawfully permitted to accept that waste.
- c) Prior to issue an Occupation Certificate for each **of the relevant Stages 1, 2, 3, 4 and 5**, it must be demonstrated **that** the bin carting routes ~~must be~~ **are** devoid of any steps and ~~must be~~ **are** wholly within the site.
- Note: Ramps between different levels are acceptable. The use of the public footpath is not acceptable.*
- d) Prior to issue an Occupation Certificate **for each of the relevant Stages 1, 2, 3, 4 and 5**, it must be demonstrated that every kitchen ~~must be~~ **is** provided with an indoor waste/recycling cupboard for the interim storage of waste with two separate 15-20 litre containers installed, one each for general waste and recyclable materials.
- e) **Prior to issue an Occupation Certificate, where relevant to each of Stages 1, 2, 3, 4 and 5, it must be demonstrated** the bin storage room(s) for the residential flat buildings must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surfaces, robust door(s), adequate lighting and ventilation, and **that the rooms** must be lockable.
- f) **Prior to issue an Occupation Certificate for each of the relevant Stages 1, 2, 3, 4 and 5, it must be demonstrated** A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by the waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority and to Council. The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to Council and 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 (for layout, dimensions, manoeuvring clearances, gradients, rates of change of grade, vertical clearance, vehicle ground clearance).
- g) **Prior to issue an Occupation Certificate for each of the relevant Stages 1, 2, 3, 4 and 5**, A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the bins around the site. This equipment must be suitable for the ramp grades along the bin carting route and the approved bin sizes.

72. Restriction on Occupation - Housing for Seniors or People with a Disability (modified - Mod B)

Prior to issue an Occupation Certificate where relevant to each of Stages 1, 2, 3, 4 and 5, 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.

73. External Lighting (modified - Mod B)

- a) To protect the amenity of adjacent premises, all external lighting must be designed and installed in accordance with Australian Standard AS4282 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 Occupation Certificate **Prior to issue an Occupation Certificate where relevant to each of Stages 1, 2, 3, 4 and 5.**

74. Works as Executed Plan (modified - Mod B)

Prior to issue an Occupation Certificate relevant to each of Stages 1, 2, 3, 4 and 5 of the development, A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed road pavement, kerb & gutter, public drainage systems, driveways and on-site detention system. The plan(s) must be accompanied by a certificate from a registered surveyor certifying that all pipelines and associated structures lie wholly within any relevant easements.

75. Redundant RMS Easement (modified - Mod B)

Prior to issue an Occupation Certificate for Stage 1 of the development, the redundant RMS drainage easement is to be extinguished.

76. Demolition of Structures (modified - Mod B)

All structures identified for demolition on the approved demolition plans must be demolished **Prior to issue an Occupation Certificate relevant to each of Stages 1, 2, 3, 4 and 5 of the development.**

77. Preservation of Survey Marks (modified - Mod B)

Relevant to each of Stages 1, 2, 3, 4 and 5 of the development, a certificate by a Registered Surveyor must be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development or otherwise the re-establishment of

damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No.11 Preservation of Survey Infrastructure.

78. Construction of Engineering Works (modified - Mod B)

All engineering works identified in this consent are to be completed and a Compliance Certificate issued prior to the release of the Occupation Certificate or Subdivision Certificate **relevant to each of Stages 1, 2, 3, 4 and 5 of the development.**

79. Fire Safety Schedule (modified - Mod B)

A schedule of all proposed essential fire safety measures to be installed in the building (e.g. hydrants, hose reels, emergency warning systems etc.) shall be submitted with the construction certificate application **where relevant to each of Stages 1, 2, 3, 4 and 5 of the development.**

80. Provision for National Broadband Network (NBN) (modified - Mod B)

Relevant to each of Stages 1, 2, 3, 4 and 5, 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.

OPERATIONAL CONDITIONS

81. Noise

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

82. 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' certifying each essential service installed in the building.

83. Compliance with Long Term Environmental Management Plan (modified - Mod A)

If the Validation Report required as part of Condition 17(a) requires the preparation of a Long-Term Environmental Management Plan it must be complied with for the duration of works, unless otherwise approved in writing by Council.

84. Waste Management (modified - Mod A)

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

- a) The approved Waste Management Plan is to be implemented throughout the ongoing use of the development.
- b) There must be a sufficient number of bins on site to contain the volume of waste and recycling expected to be generated between collection services.

- c) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas and signage, maintaining and checking all waste management equipment (e.g. bin cart), managing the loading dock to ensure that it is sufficiently available for all necessary waste collection services to take place, managing the bulky item storage area(s), arranging the prompt removal of dumped rubbish, arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents and commercial tenants are informed and kept up to date on the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.
- d) Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages.
Note: Council may be able to assist with signage.
- e) 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.
- f) All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
- g) 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.

GENERAL TERMS OF APPROVAL - TRANSPORT FOR NEW SOUTH WALES

The following conditions of consent are General Terms of Approval from the nominated State Agency pursuant to Section 4.47 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

85. General

- a) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- b) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
- c) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Castle Hill Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

86. Prior to issue of any Construction Certificate

- a) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited height or depth), along the Castle Hill Road boundary, access to the TfNSW easements are not to be denied; and the integrity of the TfNSW easements are not to be compromised.
- b) The civil works on Castle Hill Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au.
- c) Detailed design plans of the proposed works are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- d) A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.
- e) The developer is required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.
- f) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.
- g) The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.
- h) If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.
- i) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au.
- j) A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- k) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements in relation to landscaping and/or fencing, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2-2018.

87. Prior to issue of any Occupation Certificate

A stormwater easement in favour of TfNSW shall be created within the private lots allowing TfNSW future access for maintenance of the stormwater infrastructure.

CONDITIONS OF CONCURRENCE - SYDNEY METRO

The following conditions of consent are from the nominated State Agency pursuant to Section 4.13 of the *Environmental Planning and Assessment Act 1979* and must be complied with to the satisfaction of that Agency.

88. Engineering

- a) All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
 - i. Report on Geotechnical Investigation and Waste Classification (Doc No. R.001, Revision 2) prepared by Douglas Partners dated 14 September 2021.
 - ii. Geotechnical Tunnel Impact Assessment - Potential Impacts of Proposed Development on Sydney Metro Tunnels (Doc No. 86630.03.R.003.Rev0, Revision 0) prepared by Douglas Partners dated 7 September 2021.
 - iii. Structural Plan Certification (Doc No. 214955_1) prepared by LTS dated 25 November 2021.
 - iv. RFI Response Letter (Ref No. 9890D.2DK_RFI#1-Sydney Metro) prepared by DFP Planning Consultants dated 29 November 2021.
 - v. Structural Assessment (Ref No. 2021920) prepared by Bonacci Group (NSW) Pty Ltd dated 26 November 2021.
 - vi. Cross section drawings prepared by Jackson Teece:
 - (i) Dwg No. SK-500 (Issue 1) dated 23 November 2021
 - (ii) Dwg No. SK-501 (Issue 1) dated 23 November 2021
 - (iii) Dwg No. SK-502 (Issue 1) dated 23 November 2021

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.
- b) The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

89. Electrolysis

Prior to the issue of a Construction Certificate, the Applicant must incorporate in the development all the measures recommended in the Electrolysis Risk Report (CCE Ref: W21460/NSW-P000675, Revision 0) prepared by Corrosion Control Engineering dated 5 November 2021. A copy of the electrolysis report is to be provided to the Certifier with the application for a Construction Certificate. Prior to issuing a Construction Certificate for the development, the Certifier must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation.

- END OF CONDITIONS -

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

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

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation (LSC) at www.longservice.nsw.gov.au.

Note: The rate of the Long Service Levy is 0.25% of the total cost of the work (including GST).

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

Tree and Vegetation Preservation

Hornsby Development Control Plan 2024 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in State Environmental Planning Policy (Biodiversity and Conservation) 2021 and the *Environmental Planning and Assessment Act 1979*.

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

Fines may be imposed for non-compliance with the *Hornsby Development Control Plan 2024*.

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

Covenants

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

Disability Discrimination Act

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

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact Before You Dig Australia (BYDA) at www.byda.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

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