

DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

Condition

1. Approved Plans and Supporting Documentation

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

Approved Plans

Project No.	Plan No.	Plan Title	Drawn by	Dated	Council Reference
	17436 DP	Plan of Subdivision	Andrew Lionel Whitfield	09/05/2025	
2023103	DA-0000 rev. P5	Cover Sheet	Place Studio	30/07/2025	
2023103	DA-0002 P5	Site plan	Place Studio	30/07/2025	
2023103	DA-0005 P5	Demolition plan	Place Studio	30/07/2025	
2023103	DA-0006 P5	Cut and Fill	Place Studio	30/07/2025	
2023103	DA-0010 P5	Site Elevation & Section	Place Studio	30/07/2025	
2023103	DA-2000 P14	GA-Ground Floor Plan	Place Studio	30/07/2025	
2023103	DA-2001 P8	DA-Level 01 Plan	Place Studio	30/07/2025	
2023103	DA-2002 P9	Roof Plan	Place Studio	30/07/2025	
2023103	DA-2003 P8	Site Lines Plan	Place Studio	30/07/2025	
2023103	DA-2100 P2	Access – Site A – Ground Floor Plan	Place Studio	30/07/2025	
2023103	DA-2101 P2	Access – Site B – Ground Floor Plan	Place Studio	30/07/2025	
2023103	DA-2103 P2	Access – Site A – Level 01 Plan	Place Studio	30/07/2025	
2023103	DA-2104 P2	Access – Site B – level 01 Plan	Place Studio	30/07/2025	

Project No.	Plan No.	Plan Title	Drawn by	Dated	Council Reference
2023103	DA-3000 P6	Streetscape Elevations	Place Studio	30/07/2025	
2023103	DA-3002 P6	Building Elevations A	Place Studio	30/07/2025	
2023103	DA-3003 P6	Building Elevations A	Place Studio	30/07/2025	
2023103	DA-3004 P6	Building Elevations B	Place Studio	30/07/2025	
2023103	DA-3005 P6	Building Elevations B	Place Studio	30/07/2025	
2023103	DA-3006 P6	Building Elevations C	Place Studio	30/07/2025	
2023103	DA-3007 P6	Building Elevations C	Place Studio	30/07/2025	
2023103	DA-4000 P6	Building Sections	Place Studio	30/07/2025	
2023103	DA-4001 P6	Building Sections	Place Studio	30/07/2025	
2023103	DA-4002 P6	Building Sections	Place Studio	30/07/2025	
2023103	DA-5002 P5	Landscape Path/Fence	Place Studio	30/07/2025	
LPDA 24 - 182	LP-01 issue I	Hardscape Plan	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-02 issue I	Plant Schedule and Specification	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-03 issue I	Landscape Plan - Block A & B	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-04 issue I	Landscape Plan - Block B & C	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-05 issue I	Landscape Plan - Block B & C	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-06 issue I	Planting Palette	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-07 issue I	Landscape Details	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-08 issue I	Fence Details	Conzept Landscape Architects	29/07/2025	
LPDA 24 - 182	LP-09 Issue I	Sections	Conzept Landscape Architects	29/07/2025	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Acoustic Report: S-2024101500	Thermal Environmental	18/12/2024	D09091286
Access Design Review: 118602	Jensen Hughes	22/01/2025	D09091285
Preliminary Engineering Drawings: 23530	Telford Civil	07/08/2025	D09187412
Demolition & Construction Waste Management Plan	Low Impact Development Consulting	19/12/2024	D09091304
Survey Plan No. 17346	Norton Survey Partners	22/12/2023	D09091324
CPTED Report	GLN Consulting	24/02/2025	D09094999
Traffic Impact Assessment: GT23097	Genesis Traffic	30/07/2025	D09182580
Stormwater Concept Plans No. 23530 issue B	Telford Civil	18/07/2025	D09182581
BCA & Access Assessment Report: 118602	Jensen Hughes	31/07/2025	D09182591
Preliminary Site Investigation: 2759-PSI-01-151024.v2f	Sydney Environmental Group	11/07/2025	D09182720
Waste Management Plan and Operation Guide	Low Impact Development Consulting	29/07/2025	D09182578
BASIX Certificate No. 1785815M_02	Thermal Environmental Engineering Pty Ltd	03/03/2025	D09091295
Nathers Certificate No. A80A3MRAQZ	Thermal Environmental Engineering Pty Ltd	03/03/2025	D09091294
Arborist Report and Tree Protection Plan	TLC Tree Solutions	17/02/2025	D09091291
Outdoor Air Quality Assessment: 2759-OAQ-01-151024.v1f	Sydney Environmental Group	15/10/2025	D09091288
Public Domain Works Civil Engineering Plans Footpath upgrades	Telford Civil	17/01/2025	D09091298
Public Domain Works Civil Engineering Plans Pram ramps	Telford Civil	07/08/2025	D09187412

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

2. Amendment of Plans

1. To comply with Councils requirement in terms of privacy, the approved plans are to be amended as follows:
 - a. The first-floor level privacy screens must be extended to the areas marked in red on Plan No. DA-2003 rev. P8, Site Lines Plan prepared by Place Studio dated 30/07/2025.

- b. All privacy screens must have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen
 - c. The 'Landscape Trellis along boundary' as identified on Plan No. DA-2003 rev. P8, Site Lines Plan prepared by Place Studio dated 30/07/2025 must have a maximum height of 2.4m above existing ground line and have no individual openings more than 30mm wide and have a total of all openings less than 30% of the surface area of the screen.
2. These amended plans must be submitted with the application for the Construction Certificate.

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

3. Construction Certificate

- 1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
- 2. A separate Subdivision Works Certificate must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act 1993*.
- 3. A separate Subdivision Works Certificate must be obtained from Council for all works within drainage easements vested in Council.
- 4. The Subdivision Certificate plans must be consistent with the Development Consent plans.
- 5. The Construction Certificate plans must be consistent with the Development Consent plans.

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

4. Retaining Walls

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

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

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

5. Building Code of Australia

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

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

6. Fire System Boosters and Pumps

When a fire rated wall is required to provide protection for fire hydrants, sprinkler boosters or pumps that are situated forward of the building line, an architectural plan shall be submitted to Council for written approval demonstrating any screening treatment proposed that protects the visual amenity of the streetscape. The architectural plan shall be drawn to scale, detail the location, appearance and type of screening treatment proposed.

Architectural details can be forwarded to Hornsby Certifiers at: hornsbycertifiers@hornsby.nsw.gov.au.

Reason: To ensure adequate protection is provided to NSW Fire & Rescue and to minimise the visual impact on the streetscape.

7. Fire Safety Schedule

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

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

8. 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.

Reason: Prescribed condition EP&A Regulation section 69(2).

9. Site Soil Characterisation

1. On completion of site demolition works and prior to the issue of a Construction Certificate, a Site Investigation must be prepared by a certified consultant as recognised under the Certified Environmental Practitioners Scheme - Site Contamination (CEnvP (SC)) / the Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification and submitted to the Principal Certifier and Council.
2. The Site Investigation must be carried out in accordance with the NSW Environment Protection Authority's Contaminated Sites Guidelines and the National Environment Protection Measure (Assessment of Site Contamination) 2013 (NEPM ASC 2013) and shall include a sampling and analysis program to assess the site against the adopted criteria identified in the Stage 1 Preliminary Site Investigation, Report No: 2759-PSI-01-151024.v2, prepared by Sydney Environmental Group, dated 11 July 2025 (TRIM: D09182720).
3. The Site Investigation must include a statement verifying the site is suitable for its approved use OR, should the Site Investigation identify contamination exceeding criteria prescribed by the NEPM ASC 2013 and in accordance with the NSW Environment Protection Authority's Contaminated Sites Guidelines, a Remedial Action

Plan shall be prepared for the subject site by a certified consultant recognised under the CEnvP (SC)/CPSS CSAM certification scheme and the Remedial Action Plan must be approved by Council via Council's Online Services Portal prior to the commencement of the required remediation works.

4. Any remediation works required to ensure the site meets the adopted criteria identified in the Stage 1 Preliminary Site Investigation, prepared by Sydney Environmental Group, dated 11 July 2025 (TRIM: D09182720) must be carried out in accordance with the Council approved Remediation Action Plan and a Validation Report prepared by a certified consultant recognised under the CEnvP (SC)/CPSS CSAM certification scheme in accordance with the NSW Environment Protection Authority's Contaminated Sites Guidelines and NEPM ASC 2013 shall be submitted to the Principal Certifier and Council prior to the issue of a Construction Certification.
5. The Site Investigation or Validation Report must include a statement verifying the site is suitable for its approved use.

Note: The Site Investigation and, if applicable Remediation Action Plan and Validation Report, must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Applications > New Applications > Under 'Application Types': Management Plans.

Reason: To ensure the land is suitable for its intended use.

10. 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 Certifier for the development to which the work relates (not being Council) has given Council written notice of the following information:

1. In the case of work for which a principal contractor is required to be appointed:
 - a. The name and licence number of the principal contractor; and
 - b. The name of the insurer by which the work is insured under Part 6 of that Act.
2. In the case of work to be done by an owner-builder:
 - a. The name of the owner-builder; and
 - b. 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 Certifier for the development to which the work relates (not being Council) has given Council written notification of the updated information.

Reason: Prescribed condition EP&A Regulation section 71(2) and (3).

11. Utility Services

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

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

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

12. Waste Management Details

The following waste management requirements must be complied with:

1. The approved operational waste management system must not be amended without the written consent of Council.
2. A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all bin carting routes (including but not limited to from the communal bin storage rooms to the street) are continuous accessible paths of travel in accordance with AS1428 Design and Access for Mobility and have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - a. The path must be smooth hard non-slip surface. Concrete pavement or tiles for example are acceptable, but carpet, mulch, pebbles, stepping stones, grass etc are not acceptable.
 - b. The path must be no less than 2.0 metres wide (including through any gates or doors).
 - c. The path must be sufficiently wide to allow the waste, bins and any carting equipment to easily pass through without scraping (especially around corners/bends, through gates/doors and past parked cars).
 - d. There must not be any steps, lips, kerbs, walls or other obstacles or obstructions on any bin carting route. Ramps and service lifts are acceptable.
 - e. The gradient must be no steeper than 1:14 for 240L bins and 1:30 for 660L or 1100L bins.
 - f. The route must be safe and well lit.
 - g. The pavement for the bin carting route must extend beyond the site boundary across the verge to connect with the public footpath and road and terminate with a kerb ramp.
 - h. Bin carting routes must be direct and as short as possible.
 - i. Bin carting routes must not cross into a private lot or pass through any habitable room.
3. A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that each communal bin storage room has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:
 - a. The room(s) must be roofed.

- b. The communal bin storage and bulky waste storage rooms must not be used for any other purposes. Meters, communications and electrical control boards/panels, piping and other obstacles must not be located in waste rooms. Waste rooms must be free from obstructions.
- c. Any ceiling mounted objects (e.g. fire sprinkler system, ventilation ducting) must not interfere with waste management operations and must not be so low as to render the room a hard hat zone under Workplace health and safety legislation (Acts, Regulations and codes of practice).
- d. The floor must be constructed of concrete at least 75mm thick and adequately graded to drain to sewer through a Sydney Water approved drainage fitting with bucket trap. It must not discharge into a stormwater drain.
- e. The floor must be finished so that it is non-slip when wet, sealed and impervious, and has a smooth and even surface coved at all intersections with walls.
- f. There must be no step or lip between the room and the access path. The floor of the room must transition smoothly through the door opening to the pathway.
- g. The ceilings and walls must be masonry or other thermally insulated fire-rated material finished with sealed smooth faced durable non-absorbent material capable of being cleaned.
- h. The room(s) must be well lit and have artificial lighting available 24 hours a day controlled by a switch located inside the room adjacent to the entrance doorway.
- i. The room(s) must be provided with adequate ventilation in compliance with AS1668.2 *The use of ventilation and air-conditioning in buildings Part 2: Mechanical ventilation* or AS1668.4 *The use of ventilation and air-conditioning in buildings Part 4: Natural ventilation*.
- j. Noise associated with the room is not to give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.
- k. The room(s) must be provided with a cleaner’s sink (allow 600mm wide by 500mm deep) and an adequate supply of water with hose cock located in a position where it cannot be damaged.
- l. The doors must be robust, close fitting and self-closing. The doors must be lockable and be able to be opened from inside the room without a key. The communal bin storage room must have double doors with door opening no less than 2000mm wide. The doors must not be obstructed by bin placement. The door swing must not block access to the bins and must not block the pathway for moving bins to the waste collection room or waste collection vehicle. The doors should open outwards 180 degrees and must be able to be locked open.
- m. The room(s) must be designed and constructed to prevent the entry of insects, vermin, birds and other nuisance species.
- n. The room(s) must be designed to restrict or deter access by non-residents.
- o. Fire protection measures (e.g., extinguishers, sprinklers, alarms) must be in accordance with the National Construction Code.

- p. Fire escape routes must not pass through the room.
 - q. Construction must be in compliance with the National Construction Code.
 - r. The room(s) must be integrated into the overall design of the development and landscaping to minimise impact on the streetscape.
 - s. The room(s) must provide screening of the bins by a visual barrier to a height of no less than 1.5 m. Screening must not rely on the growth of plants, but they may supplement it. Bins must not be visible from the public domain.
 - t. Each bin storage room must have sufficient space for all the bins for every dwelling allocated to use it. All bins must be placed side-by-side and every bin must be accessible by persons with a disability – no stacking bins 2 or more deep, and the aisle must be no less than 1.5m wide. Allow 75mm between bins for ease of manoeuvring them in and out of position and to avoid damage to walls from scraping.
 - u. The internal dimensions of the communal bin storage room(s) must be in accordance with the approved plans. Internal dimensions do not include wall thickness, support columns, ventilation shafts etc for which additional space must be allowed with consideration of the bin layout.
4. A dedicated bulky waste storage room of no less than 8 square metres for each building.
- Note: Bulk waste storage is acceptable on the grassed section adjacent each bin storage room.*
5. Integrated within the kitchen design, dual pull-out under bench waste bins must be incorporated in the joinery of the kitchen. Every residence must be provided with two containers approximately 15-30L each, one each for general waste and recycling, stored within a kitchen cupboard.

Note: 240L bins are 600mm wide, 750mm deep and 1100mm high. Allow 75mm between bins for ease of manoeuvring them in and out of position and to avoid damage to walls from scraping.

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

13. Sydney Water Building Plan Approval

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Note: Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Reason: To ensure the development complies with the requirements of Sydney Water.

14. Stormwater Drainage

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

1. Connected directly to Council's Street drainage system at Sinclair Avenue.
2. Overland flow or any bypass from the stormwater drainage systems on site must be spread evenly over the site so as not to discharge water in a concentrated manner onto adjoining land.
3. The stormwater drainage system must be designed by a qualified hydraulic engineer.

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

15. Stormwater Drainage Connection

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

1. Connected to an existing Council piped drainage system with the following requirements:
 - a. A separate Application must be made to Council for 'Approval to Connect Stormwater Drainage Outlet to Council's System' with all fees paid, prior to connecting to Council's drainage system.
 - b. The connection to Council's drainage pit or pipeline in accordance with Councils Design Standard Drawing No. 6 must be inspected by a Council Engineer from Council's Planning Division.
 - c. Note: An inspection booking can be made by calling Council on 9847 6760 quoting the Application reference number commencing SD
 - d. A Traffic Control Plan (TCP) must be prepared by a qualified traffic controller in accordance with the Roads & Traffic Authority's Traffic Control at Worksites Manual 1998 and Australian Standard AS1742.3 Traffic control for works on roads for all work on a public road. The TCP must detail the following:
 - i. Arrangements for public notification of the works.
 - ii. Where a drainage connection is proposed within a Classified Road, a copy of the relevant Road Occupation License approved by the Traffic Management Centre with dates and times of proposed Occupations.
 - iii. Temporary construction signage.
 - iv. Vehicle movement plans.
 - v. Traffic management plans; and
 - vi. Pedestrian and cyclist access/safety.
 - e. Where public assets and utilities are impacted by proposed works, the Applicant shall relocate or reconstruct the asset or utility in accordance with the relevant standard at the Applicant's cost.

- f. Prior to the issue of an Occupation Certificate a Compliance Certificate must be obtained from Council for the connection to Council's drainage system.

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

16. On-Site Stormwater Detention systems

The proposed on-site stormwater detention systems must be designed by a chartered civil engineer in accordance with the following requirements:

1. Have the following storage capacity (cubic metres) and a maximum discharge (when full) (litres per second).

OSD	Storage Volume (m³)	Maximum Discharge (l/s)
Tank A	25.62	41
Tank B	58.85	51
Tank C	13.98	30

2. Have a surcharge/inspection grate located directly above the outlet.
3. Discharge from the detention system must be controlled via 1 metre length of pipe, not less than 50 millimetres diameter or via a stainless plate with sharply drilled orifice bolted over the face of the outlet discharging into a larger diameter pipe capable of carrying the design flow to an approved Council system.
4. Where above ground and the average depth is greater than 0.3 metres, a 'pool type' safety fence and warning signs must be installed; and
5. Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

Reason: To manage stormwater flows to minimise potential flooding.

17. Water Savings Urban Design

A Water Saving Urban Design (WSUD) is to be constructed generally in accordance with the submitted "Stormwater Concept Plans" prepared by Telford Civil Consulting Engineers, Revision "I", dated 30 July 2025. The Water Quality Targets as detailed within the report and Hornsby Development Control Plan 2024 are to be achieved in the design and supported by a MUSIC model.

Reason: To manage the quantity and quality of stormwater to better protect the local environment and waterways.

18. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, and a Construction Certificate issued in accordance with Australian Standards AS2890.1, AS2890.2, AS3727 and the following requirements:

1. Design levels at the front boundary shall be obtained from Council if a Principal Certifier is engaged to obtain a construction certificate for these works.
2. Design levels at the front boundary be obtained from Council.
3. The driveway be a rigid pavement.

4. The driveway grade must not exceed 25 percent and changes in grade must not exceed 8 percent.
5. The driveway pavement be a minimum 3 metres wide, 0.15 metres thick reinforced concrete with SL82 steel reinforcing fabric and a 0.15 metre sub-base.
6. 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.
7. A common turning area to service the proposed development in accordance with Australian Standards AS 2890.1 to ensure vehicles can enter and leave the site in a forward direction. A right of access shall be created over the turning area to ensure access is maintained at all times.
8. Construction of pedestrian access designed to help prevent slip and fall shall be designed and constructed with the future access driveway. Pedestrian grades steeper than 12.5% shall be provided with surface texturing, brushing or cleats to satisfy Class V: R11 ramps in accordance with Australian Standards AS 4586-2004 Clause 5.2.
9. Longitudinal sections along both sides of the access driveway shall be submitted to the Principal Certifier in accordance with the relevant sections of AS 2890.1. The maximum grade shall not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades. Any transition grades shall have a minimum length of 2 metres. The longitudinal sections shall incorporate the design levels obtained by Council.

Reason: To provide safe vehicle and pedestrian access.

19. Vehicle Crossings

A separate application under the *Local Government Act 1993* and the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

1. Design levels at the front boundary must be obtained from Council for the design of the internal driveway.
2. Any redundant crossings must be replaced with integral kerb and gutter.
3. The footway area must be restored by turfing.
4. Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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

Reason: To provide safe vehicle and pedestrian access.

20. Road Opening Permit

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

Note: The Road Opening Permit must be applied for via Council's Online Services Portal at: <https://www.hornsby.nsw.gov.au/property/build/apply-for-a-permit/road-openings>

Reason: To ensure public infrastructure and property is maintained.

21. Road Works

All road works approved under this consent must be designed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions), and the access requirements of SEPP (Housing) 2021, Part 5, Division 4, Clause 93 (C) and the following requirements:

1. The bus stop relocation and associated road works must be in accordance with Local Traffic Committee Approval LTC 17/2025.
2. There concrete kerb ramps are to be constructed within the road verge to service the proposed development and relocated bus stops must be in accordance with the Public Domain Works Civil Engineering Plans prepared by Telford Civil, dated 07/08/2025 (D09187412).
3. The western side of the intersection of Roach Avenue and Kentwell Avenue are to be removed and reconstructed in accordance with Public Domain Works Civil Engineering Plans, prepared by Telford Civil, dated 17 January 2025 (D09091298).
4. The existing road pavement to be saw cut a minimum of 600 mm from the existing edge of the bitumen and reconstructed.
5. The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
6. The land adjoining the footpath to be fully turfed.
7. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority.

A separate Subdivision Works Certificate (SWC) or Subdivision Roads Act Application (SRA) must be obtained from Council for all works within the public road reserve under S138 of the *Roads Act 1993*.

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

22. Construction Management Plan

Before commencement of any works and prior to issue of a Construction Certificate, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF Level 5 arborist and approved by Council's Compliance Team via Council's Online Services Portal.

The Construction Management Plan (CMP) must include the following details:

1. Description of the works

- a. A description of the scope of works for all stages of development.
 - b. Site plans for all stages of works including the location of site sheds, concrete pump, and crane locations, unloading, and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
 - c. The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - d. A statement confirming that no building materials, work sheds, vehicles, machines, or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
 - e. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
 - f. The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Prescribed Certifying Authority or Hornsby Shire Council in order to ensure the above.
 - g. The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, Principal Certifier, and any emergency details during and outside work hours.
2. A Construction Traffic Management Plan (CTMP) including the following:
- a. The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
 - b. The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
 - c. The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
 - i. Public notification of proposed works.
 - ii. Long term signage requirements.
 - iii. Short term (during actual works) signage.
 - iv. Vehicle Movement Plans, where applicable.
 - v. Traffic Management Plans.
 - vi. Pedestrian and Cyclist access and safety.
 - d. Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.
 - e. Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping

of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.

- f. Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.
 - g. Swept path analysis for ingress and egress of the site for all stages of works.
 - h. The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.
 - i. The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
 - j. The maximum number of trucks travelling to and from the site on any given day for each stage of works.
 - k. The maximum number of truck movements on any given day during peak commuting periods for all stages of works.
 - l. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
3. A Construction Waste Management Plan detailing the following:
- a. A table of information detailing cut and in-situ fill calculations for all stages for works. The table must include specified dimensions (WxLxD) and total cubic metres
 - b. Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.
 - c. A scaled site plan including levels of the extent of cut and fill on the site, forming part of the proposed development.
 - d. Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS 2601–2001 – ‘The Demolition of Structures’, and the Protection of the Environment Operations (Waste) Regulation 2005.
 - e. General construction waste details including construction waste skip bin locations and litter management for workers.
4. A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with the conditions of this consent and consistent with the approved Arboricultural Impact Assessment including tree location plan/s, detailing the following:
- a. A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.
 - b. Construction methodology to avoid damage to trees proposed to be retained during construction works.

- c. Specifications on tree protection materials used and methods within the TPZ or SRZ.
 - d. Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees
- 5. A Construction Noise and Vibration Management Plan (CNMP) which includes:
 - a. Existing noise and vibration levels within the proximity of the proposed development site.
 - b. Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.
 - c. An assessment of the predicted air-borne and ground borne noise emissions from proposed demolition, earthworks and construction activities to establish any potential exceedances of the Noise Affected and Highly Affected project specific Noise Management Levels accordance with DECC's Interim Construction Noise Guideline, 2009.
 - d. The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.
 - e. Noise management measures and reasonable and feasible work practices to be implemented to meet the Noise Affected NML in accordance with ICNG.
 - f. In the case of exceedances of the Highly Affected NMLs during standard work hours, details of restrictions/respite periods to be implemented in accordance with ICNG.
 - g. Vibration management controls.
 - h. Details of a complaints handling process for the surrounding neighbourhood for each stage of works.
- 6. Soil and Water Management Plan (SWMP) prepared by a suitably qualified environmental consultant/soil scientist in accordance with the *Managing Urban Stormwater - Soils & Construction, 2004 Manual*, and submitted to Council. The SWMP is to detail the sediment and erosion control measures to be implemented during all construction stages of the development and shall incorporate a plan to scale of 1:500 or larger, and the following Site survey which identifies contours and approximate grades and the direction(s) of fall; A Soil and Water Management Plan (SWMP) prepared by a suitably qualified consultant in accordance with the *Managing Urban Stormwater - Soils & Construction, 2004 Manual*. The SWMP must detail the sediment and erosion control measures to be implemented during the construction of the proposed development including the following:
 - a. Site survey which identifies contours and approximate grades and the direction(s) of fall.
 - b. Locality of site and allotment boundaries.
 - c. Location of adjoining road(s) and all impervious surfaces.
 - d. Location of site within catchment including an estimate of flows through the site.

- e. Existing vegetation and site drainage.
 - f. Nature and extent of clearing, excavation and filling.
 - g. Diversion of run off around disturbed areas.
 - h. Location and type of proposed erosion and sediment control measures.
 - i. Location of site access and stabilisation of site access.
 - j. Location of material stockpiles.
 - k. Detailed staging of construction works (breaking down of catchment disturbed).
 - l. Maintenance program for erosion and sediment control measures, including sediment retention basin(s).
 - m. All design criteria and calculations used to size sediment and erosion control measures, including sediment retention basin(s).
 - n. Location and engineering details for sediment retention basin(s).
 - o. Construction standard drawings for each type of sediment and erosion control measure proposed.
 - p. A de-watering plan that describes all controls to be implemented for the disposal of water that accumulates within any site excavation areas and sediment retention basin(s), including:
 - i. Details of treatment methods to be employed to water prior to disposal/discharge from excavation/basin(s).
 - ii. Water quality objectives and method to determine water quality objectives have been met before disposal/discharge of water from excavation/basin(s).
 - iii. Location of discharge points and / or disposal areas of water from excavation/basin(s).
 - q. Proposed site rehabilitation and landscaping.
 - r. The SWMP Plan(s) must not be inconsistent with the required Site Management Plan(s).
7. The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, Principal Certifier, and any emergency details during and outside work hours.

Note: Advice on developing a suitable construction management plan can be obtained from Council's guides available at <https://www.hornsby.nsw.gov.au/property/build/construction>.

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

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

23. Acoustic Design Verification - Mechanical Services and Plant

1. Before the issue of a construction certificate, detailed designs for all mechanical services and plant must be prepared by a suitably qualified person specifying all mechanical services and plant and acoustic attenuation measures required to be installed to the development to ensure the cumulative external noise emissions from operation of all mechanical services and plant, including balcony air conditioning units, do not cause the emission of noise that exceeds the 'EPA NGLG Noise Limits, $L_{eq}(15min)$ ' criteria specified in Table 4 of the Acoustic DA Assessment, Revision 04, prepared by Thermal Environmental, dated 18/12/2025 (TRIM: D09091286).
2. Written certification by an Acoustic Consultant who is a member of the Association of Australasian Acoustical Consultants (AAAC), verifying the mechanical services and plant design is appropriate to meet the above specified criteria, must be submitted to the Principal Certifier and Council prior to issue of a construction certificate.

NOTE: In addition to the acoustic criteria specified in this consent, the provisions of the NSW Protection of the Environment Operations (Noise Control) Regulation 2017 apply to the operation of certain noise emitting plant and equipment on residential premises, including air conditioners, which must not be audible in habitable rooms of any residential premises during specified night-time hours.

Reason: To ensure that detailed professional plans of the mechanical services and plant are submitted before the issue of a construction certificate.

24. CPTED

This site must include the following elements:

1. An intercom system must be installed at gate locations to ensure screening of persons entering the units.
2. The entry doors to the pedestrian foyer are to be constructed of safety rated glass to enable residents a clear line of site before entering or exiting the residential apartments.
3. Lighting is to be provided to pathways, building foyer entries, driveways and common external spaces.
4. CCTV cameras must be installed at the entry and exit point and the around the mailbox.
5. The communal open spaces within the site must be illuminated with high luminance by motion sensor lighting.
6. The driveway and car parking must be illuminated with low luminance at all times.
7. Security deadlocks are to be provided to each apartment door; and
8. Peep holes are to be provided to individual apartment doors to promote resident safety.

Reason: To ensure the development achieves the Crime Prevention Through Environmental Design requirements to protect the amenity of the local area and local residents.

25. Appointment of a Project Arborist

1. To ensure the trees that must be retained are protected, a project arborist with AQF Level 5 qualifications must be appointed to assist in ensuring compliance with the

conditions of consent and provide monitoring reports as specified by the conditions of consent.

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

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

BEFORE DEMOLITION OR BUILDING WORK COMMENCES

Condition

26. Hazardous Material Survey Before Demolition

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

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

The report must include at least the following information:

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

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

Reason: To require a plan for safely managing hazardous materials.

27. Unexpected Finds Protocol

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

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

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

28. Waste Management Details

Before any work commences, the on-going waste collection service must be cancelled, and the bins retrieved by the waste collection service provider.

Note: For residential properties, contact Council to cancel waste services and return bins.

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

29. Notice of Commencement for Demolition

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

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

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

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

30. Asbestos Removal Signage

Before demolition or remediation work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.

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

31. Site Sign

1. A sign must be erected in a prominent position on any site on which any approved work involving excavation, erection or demolition of a building is being carried out detailing:
 - a. The name, address, and telephone number of the Principal Certifier.
 - b. The name of the principal contractor (if any) for any demolition or building work and a telephone number on which that person may be contacted outside working hours; and
 - c. Unauthorised entry to the work site is prohibited.

2. The sign must be maintained during excavation, demolition and building work is being carried out and must be removed when the work has been completed.

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

32. Protection of Adjoining Areas

1. A temporary hoarding, fence or awning must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:
 - a. Could cause a danger, obstruction, or inconvenience to pedestrian or vehicular traffic.
 - b. Could cause damage to adjoining lands by falling objects; and/or
 - c. Involve the enclosure of a public place or part of a public place; and/or
 - d. Have been identified as requiring a temporary hoarding, fence, or awning within the Council approved Construction Management Plan (CMP); and.
2. Council's separate written approval is required prior to the erection of any temporary hoarding, fence or awning on or over public land. The erection of a hoarding must be applied for via Council's Online Services Portal together with details showing the location and type of hoarding.

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

3. Where any part of the road or footpath is required to be occupied or closed during any stage of works, including demolition, excavation, construction or remediation, a temporary full / partial road or footpath closure permit must be approved by Council. The permit must be applied for via Council's Online Services Portal.

Note: A Temporary Road/ Footpath Closure application must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Under 'Roads, Traffic and Parking': Temporary Full/ Partial Road Closure.

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

33. Toilet Facilities

1. To provide a safe and hygienic workplace, toilet facilities must be available or be installed at the works site before works begin and must be maintained until the works are completed at a ratio of one toilet for every 20 persons employed at the site.
2. Each toilet must:
 - a. Be a standard flushing toilet connected to a public sewer; or

- b. Be a temporary chemical closet approved under the Local Government Act 1993;
or
- c. Have an on-site effluent disposal system approved under the Local Government Act 1993.

Reason: To ensure adequate toilet facilities are provided.

34. Erosion and Sediment Control Measures

Install and maintain adequate sediment and erosion control measures for the duration of all works, until such a time that sediment, sediment laden water or any other material/substance can no longer migrate from the premises. The measures are to be installed and maintained in such a manner as to prevent sediment, sediment-laden water, or any other materials and substances migrating from the site onto neighbouring land, the roadway, waters and/or into the stormwater system, and in accordance with:

- 1. The publication Managing Urban Stormwater: Soils and Construction 2004 (4th edition) - 'The Blue Book'.
- 2. *Protection of the Environment Operations Act 1997*; and
- 3. The approved plans

Controls are to be monitored and adjusted where required throughout the works to ensure compliance with the above

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.

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

35. Installation of Tree Protection Measures

- 1. Trees to be retained as identified in the Arboricultural (Tree) Report must have tree protection measures for the ground, trunk and canopy installed and maintained by the project arborist for the duration of demolition and construction works in accordance with 6.1 Site / Tree Protection Plan in the Arboricultural (Tree) Report provided by TLC Tree Solutions dated 17th February 2025 (TRIM: D09091291).
- 2. Tree protection fencing, crown protection measures and trunk protection for the trees to be retained must be installed by the engaged AQF5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard Temporary fencing and hoardings (AS4687)
- 3. The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates and liquids from entering the TPZ.
- 4. All TPZs must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.

5. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the TPZs, the woodchip must be covered with a layer of geotextile fabric and rumble boards.
6. Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.
7. All TPZ must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.
8. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the TPZ, the woodchip must be covered with a layer of geotextile fabric and rumble boards.

Reason: To protect trees during construction.

36. Garbage Receptacle

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

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

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

DURING DEMOLITION AND BUILDING WORK

Condition

37. Hours of Work

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

Reason: To protect the amenity of neighbouring properties.

38. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with the site-specific Hazardous Substances Survey and Management Plan prepared in accordance with **Condition 26 of** this consent and Australian Standard AS2601-2001 The demolition of structures and the following requirements:

1. Demolition material must be disposed of to an authorised recycling and/or waste disposal site and/or in accordance with an approved waste management plan; and

2. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the Work Health and Safety Regulation 2017 and be appropriately transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; and
3. On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

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

39. Maintain waste removal records

For all waste removal from the site, written records must be maintained detailing the following information. Such information must be made available to Council at its request and is to be submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works with the Construction/Demolition Waste Report:

1. The identity and driver's licence details of the person removing the waste.
2. The waste carrier vehicle registration.
3. Date and time of waste collection.
4. A description of the waste (type of waste and estimated quantity).
5. Details of the site to which the waste is to be taken.
6. The corresponding weighbridge tip docket/receipt from the site to which the waste was transferred (noting date and time of delivery, vehicle registration, description (type and quantity) of waste).
7. 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.

Reason: To ensure waste removed from the site is appropriately disposed of and to protect the environment and local amenity during work.

40. Storage and Removal of Waste

1. All demolition and/or construction waste must be stored in a waste receptacle and be removed from the site at frequent intervals. Materials are to be wholly contained within the waste receptacle and not overflowing.
2. All garbage and recyclable materials generated during work must be stored in a waste receptacle and be removed from the site at frequent intervals. Materials are to be wholly contained within the waste receptacle and not overflowing.
3. All waste must be stored within the boundaries of the development site at all times.

4. Litter and illegal dumping must be promptly removed from public land adjacent to the development site.

Reason: To ensure the site is maintained to an appropriate standard cleanliness and prevent any nuisance or danger to health, safety or the environment.

41. Bin Carting Route

Prior to the pouring of the concrete floor of the communal bin storage room and the adjoining footpath, the principal certifying authority must receive a report prepared by a registered surveyor certifying that:

1. The floor level of the communal bin storage room is at the same level as the footpath at the connecting door opening(s) so that the floor of the garbage room can smoothly connect directly to the footpath without forming a step or lip or other floor obstruction at the door opening.
2. The gradient of the communal bin storage room floor and the footpath along the bin carting route does not exceed 1:14 at any point.

Reason: To ensure appropriate access for waste collection.

42. Handling of Asbestos

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

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

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

43. Environmental Management (Air Pollution)

The Applicant must take all reasonable steps to minimise dust generated during all works (including remediation, demolition, earthworks and construction) authorised by this consent. During works, the Applicant must ensure that:

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

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

44. Bus Stop Relocation

The applicant must contact CDC Bus Company a minimum 2 weeks prior to the completion of the relocated bus stops to ensure the bus company can erect appropriate signage.

Reason: To ensure adequate signage is installed by the bus company.

45. Street Sweeping

During works (including remediation, demolition, earthworks and construction) and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site.

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

Note: The above Item does not permit for sediment and/or any other materials/substances to exit the site in a way that constitutes water pollution as defined in the Protection of the Environment Operations Act 1997 or in a manner that contravenes other conditions in this consent.

Reason: To minimise impacts to the natural environment.

46. Council Property

To ensure that the public reserve is kept in a clean, tidy, and safe condition during remediation, demolition, excavation and construction works:

1. No building materials, skip bins, concrete pumps, cranes, machinery, temporary traffic control, signs or vehicles associated with the development shall be stored or placed on Council's footpath, nature strip, roadway, park or reserve without the prior approval being issued by Council under section 138 of the *Roads Act 1993*.
2. All work, loading and unloading associated with the development are to occur entirely within the property boundaries, unless otherwise approved by Council under section 138 of the *Roads Act 1993*.

Reason: To protect public land.

47. Disturbance of Existing Site

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

Reason: To protect the natural features of the site.

48. Soil Management (Excavation and Fill)

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

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier or Council (where a principal certifier is not required).
2. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.
3. Prior to fill material being imported to the site, a Waste Classification Certificate shall be obtained from a suitably qualified environmental consultant confirming all fill material imported to the site must be:
 - a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or
 - b. A material identified as being subject to a resource recovery exemption by the NSW EPA, or
 - c. A combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.
4. The required Waste Classification Certificate must be provided to the Principal Contractor prior to fill being imported to the site and made available to Council at its request.

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

49. Removal of Trees

1. This development consent permits the removal of twenty-nine numbered 4-13 inclusive, 16-31 inclusive, 34, 39 and 40 as identified in Section 6.1 Site / Tree Protection Plan in the Arboricultural (Tree) Report provided by TLC Tree Solutions dated 17th February 2025 (TRIM: D09091291).
2. No consent is granted for the removal of trees numbered 1-3 inclusive, 14, 15, 32, 33, 35-38, 41, 42, 43 and 44 as these trees contribute to the established landscape amenity of the area/streetscape.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1.2.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2024.

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

50. Survey Report

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

1. Prior to the pouring of concrete at each level of the building certifying that:

- a. The building, retaining walls and the like have been correctly positioned on the site; and
- b. The finished floor level(s) are in accordance with the approved plans.

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

51. Waste Management

All work must be carried out in accordance with the approved waste management plan.

Reason: To ensure the management of waste to protect the environment and local amenity during construction.

52. Maintenance of Public Footpaths

1. Public footpaths must be maintained for the duration of works to ensure they are free of trip hazards, displacements, breaks or debris to enable pedestrians to travel along the footpath safely.
2. Where any part of the road or footpath is required to be occupied or closed during any stage of works, including demolition, excavation, construction or remediation, a temporary full / partial road or footpath closure permit must be approved by Council. The permit must be applied for via Council's Online Services Portal.

Note: A Temporary Road/ Footpath Closure application must be lodged via Council's Online Services Portal at: <https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx> and by selecting the following menu options: Under 'Roads, Traffic and Parking': Temporary Full/ Partial Road Closure.

Reason: To maintain safe pedestrian movement.

53. Construction and Demolition Waste Report

Within 14 days of the completion of each stage of works, a report must be prepared by an appropriately qualified person and submitted to the principal certifying authority (and made available to Council at its request), certifying the following:

1. A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report, including what can be done to improve the management of waste in future projects.

2. That at least 80% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 80% diversion from landfill cannot be achieved in the Construction or Demolition Stage, the Report is to include the reasons why this occurred, what can be done to improve diversion from landfill in future projects 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.

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

Note: Records of waste removed from the site must be matched to tipping dockets/receipts from recycling depots, transfer stations and landfills to verify the destination of all waste removed from the site (which are to be attached to the report), along with a licence check or similar verification that the site was lawfully permitted to accept that waste.

Reason: to verify all waste removed from the site was appropriately disposed of.

54. Compliance with Construction Management Plan

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

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

55. Prohibited Actions within the Fenced Tree Protection Zone

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

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

Reason: To protect trees during construction.

56. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for all trees to be retained in accordance with the conditions of this consent.

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

57. Maintaining Tree Protection Measures

Tree Protection Measures must be maintained by the project arborist in accordance with the conditions of this consent for the duration of works.

Reason: To protect trees during construction.

58. Approved Works within Tree Protection Zone Incursions

1. Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF5 project arborist and must be undertaken as follows:
 - a. Using sharp secateurs, pruners, handsaws, or chainsaws with the final cut being clean.
 - b. The maximum diameter of roots permitted to be cut is 40mm.
2. Where the building footprint enters or transects the TPZ of trees to be retained, sensitive construction techniques in the form of screw pilings or piers, cantilevered or suspended slab design must be employed to create a 100mm clearance above existing soil grade.
3. Approved excavations within the TPZ of trees to be retained and not associated with installation of services must be undertaken as follows:
 - a. Excavations associated with the basement and building footprint and within the TPZ of trees to be retained must be overseen by the AQF5 project arborist for the first 500mm undertaken manually to locate roots and allow for pruning in accordance with condition No. 58(1)(i)(ii).
 - b. Excavations for the construction and/or installation of the house/deck/driveway/piers in the TPZ of trees to be retained on the approved plans must be supervised by the project arborist for the first 500mm undertaken manually to locate roots and allow for pruning in accordance with condition No. 58(1)(i)(ii).
4. To minimise impacts within the TPZ of trees on the approved plans, the installation of services must be undertaken as follows:
 - a. The AQF5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.
 - b. The installation of any underground services which either enter or transect the designated TPZ must be undertaken manually.
 - c. For manually excavated trenches the AQF5 project arborist must designate roots to be retained. Manual excavation may include the use of pneumatic and hydraulic tools.
5. Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:
 - a. Installation of a 100mm deep layer of woodchip; and
 - b. Installation of geotextile fabric ground covering; and
 - c. Installation of scaffold boarding above the woodchip and geotextile fabric; and
 - d. Installation of scaffold boarding above the woodchip and geotextile fabric.

Reason: To protect trees during construction.

59. Building Materials and Site Waste

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

Reason: To protect trees during construction.

60. Unexpected Finds

Should the presence of asbestos or soil contamination, not recognised during the application process be identified during any stage of works, the applicant must immediately notify the Principal Certifier and Council (compliance@hornsby.nsw.gov.au).

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

61. De-watering of Excavated Sites

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

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

62. Vehicular Crossing

A separate application under the Local Government Act 1993 and the Roads Act 1993 must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with AUS-SPEC Specifications (www.hornsby.nsw.gov.au/property/build/aus-spec-terms-and-conditions) and the following requirements:

1. Design levels at the front boundary must be obtained from Council for the design of the internal driveway.
2. Any redundant crossings must be replaced with integral kerb and gutter.
3. The footway area must be restored by turfing.
4. The road shoulder adjacent to the crossing must be constructed insert text metres wide, splayed at 45 degrees with a minimum pavement thickness 150mm DGB 20 and sealed with 25mm AC10.
5. Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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

Reason: To provide safe vehicle and pedestrian access.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE

Condition

63. Sydney Water - Section 73 Compliance Certificate

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

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

Reason: To ensure the development complies with the requirements of Sydney Water.

64. Certification of WSUD Facilities

Prior to the issue of an Occupation/Subdivision Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Development Control Plan 2024.

Reason: To ensure compliance with WSUD commitments.

65. House Numbering

The house numbering for this subdivision shall be:

Lot	Street Number	Street Name	Street Type	Locality
Lot 1	11	Barrett	Avenue	Thornleigh
Lot 2	1	Barrett	Avenue	Thornleigh

Reason: To maintain property numbering in accordance with Australian Standards.

66. Damage to Council Assets

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

Reason: To ensure public infrastructure and property is maintained.

67. Creation of Easements

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

1. An inter-allotment drainage easement(s) over each of the burdened lots.

2. The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention and WSUD systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system is to be clearly indicated on the title.
3. To register the OSD easement, the restriction on the use of land "works-as-executed" details of the on-site-detention system must be submitted verifying that the required storage and discharge rates have been constructed in accordance with the design requirements. The details must show the invert levels of the on-site system together with pipe sizes and grades. Any variations to the approved plans must be shown in red on the "works-as-executed" plan and supported by calculations.

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

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

68. Construction of Engineering Works.

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

Reason: To ensure engineering works are completed.

69. Subdivision Certificate Requirements

A subdivision certificate application is required to be lodged with Council containing the following information:

1. A surveyor's certificate certifying that all structures within the subject land comply with the development consent in regard to the setbacks from the new boundaries.
2. A surveyor's certificate certifying that all services, drainage lines or access are located wholly within the property boundaries. Where services encroach over the new boundaries, easements are to be created.
3. Certification that the requirements of relevant utility authorities have been met.
4. A surveyor's certificate certifying finished ground levels are in accordance with the approved plans.

Note: Council will not issue a subdivision certificate until all conditions of the development consent have been completed.

Note: At the present time Hornsby Shire Council is the only authority that can be appointed as a PCA for subdivision works within the Shire.

Reason: Prescribed condition - EP&A (Development Certification and Fire Safety) Regulation section 54.

70. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying*

and Spatial Information Act 2002 and following the Surveyor General's Directions No.11 Preservation of Survey Infrastructure.

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

71. Subdivision - Lodgement of Plans

Evidence that a plan of subdivision creating the proposed lots has been lodged with the NSW Land Registry Services (NSW LRS) must be submitted to Council or the Principal Certifier.

Reason: To ensure the allotment is legally created prior to development.

72. Fulfilment of BASIX Commitments

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

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

73. Fire Safety Statement - Final

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

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

74. Replacement Tree Requirements

1. The trees approved for removal under this consent, being trees numbered 4-13 inclusive, 16-23 inclusive, 25-31 inclusive, 34, 39 and 40 must be offset through replacement planting of a minimum of 14 trees.
2. All replacement plantings must be species selected from the List of Trees Indigenous to Hornsby Shire document available for viewing on the Hornsby Council's website <https://www.hornsby.nsw.gov.au/environment/flora-and-fauna/trees/trees-on-my-property>
3. The location and size of tree replacement planting must comply with the following:
 - a. All replacement trees must be located in either the front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
 - b. The pot size of the replacement trees must be a minimum 45 litres.
 - c. All replacement trees must be a minimum of 3 metres in height.
 - d. All replacement trees must have the potential to reach a mature height greater than 12 metres.

Reason: To ensure replacement planting to maintain tree canopy.

75. Final Certification by Project Arborist

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

1. All tree protection requirements complied with the as approved tree protection plan for the duration of demolition and/or construction works; and
2. All completed works relating to tree protection and maintenance have been carried out in compliance with the conditions of consent and approved plans; and
3. Dates, times, and reasons for all site attendance; and
4. All works undertaken to maintain the health of retained trees.
5. A statement to confirm that tree replacement planting meets Australian Standard for Tree stock for landscape use (AS2303); and
6. Details of tree protection zone maintenance for the duration of works.

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

Reason: To ensure compliance with tree protection commitments.

76. Waste Management Facilities

The following waste management requirements must be complied with:

1. The use must not commence and any Occupation Certificate must not be issued before the Private Certifier has received written notification from an authorised Council waste officer that (1) all waste and recycling management facilities provided in the development have been inspected and (2) confirming that these facilities have been constructed in accordance with the approved plans and consent conditions, and (3) that the development can be serviced safely by Council's standard waste collection vehicles, and (4) that all defects have been addressed to Council's satisfaction.

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

2. Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must have written evidence that:
 - a. Arrangements have been made with and confirmed by Council for the delivery of domestic bins for the residential dwellings, and for the commencement of Council's scheduled domestic waste management services upon issue of the Occupation Certificate.
 - b. Arrangements are in place for a site caretaker/cleaner to commence employment at the site before or no later than 7 days after the issue of the Occupation Certificate.
3. For every dwelling, integrated within the kitchen design, dual pull-out under bench waste bins must be incorporated into the joinery of the kitchen. Every residence must

be provided with two containers approximately 15-30 litres each, one each for general waste and recycling, stored within a kitchen cupboard.

4. Space must be provided for either individual compost containers for each dwelling or a communal compost container.
5. Note: The location of the compost containers should have regard for potential amenity impacts.
6. All bin carting routes must be devoid of steps.

Note: Ramps and service lifts between different levels are acceptable.

7. There must be a dedicated on-site communal bulky waste storage area of at least 8 square metres for each building.
8. All lockable doors and gates, both pedestrian and vehicular, that are required to be opened by Council's waste collection contractor in the provision of waste collection services, must be able to be opened using a pin code. That is, locks requiring keys, remote controls, key fobs etc are not acceptable.
9. The doors to the communal bin storage rooms must be robust, close fitting and self-closing. The doors must be lockable and capable of being opened from the inside without a key. The doors must be able to be opened using a PIN code. Any door swing must not block access to the bins and must not block the pathway for moving bins to the collection vehicle. Swing doors should open outwards 180 degrees and must be able to be locked open. No bins are to be stored within the door swing.
10. The floor covering must not be carpet along the waste carting route from each residential dwelling on every residential level to the waste disposal facilities and waste storage room(s) including in lift(s). Tiles, linoleum, sealed concrete or other sealed smooth hard surface is acceptable.
11. "No Parking 5AM-3PM Mon-Fri" signs must be installed restricting parking as specified in the Waste Management and Operation Guide, Low Impact Development Consulting, dated 29/07/2025 (D09182578).
12. All bin storage room(s) and bulky waste storage room(s) must be free from meters, power boards, piping and any other obstructions.
13. The communal bin storage rooms must include a cleaner's sink with water for cleaning, graded floors with drainage to sewer, smooth sealed and impervious surfaces, and have artificial lighting, ventilation in compliance with AS1668, robust door(s) and must be lockable (but able to be opened from inside the room without a key).

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

77. Completion of external works and waste infrastructure

1. Prior to any Occupation Certificate being issued (including staged development with Occupation Certificates limited to a portion of the development) or the use commencing, whichever is earlier, all external works including but not limited to the vehicular

crossover and footpath, must be completed. A temporary vehicular crossover is not acceptable.

2. For staged occupation or where the Occupation Certificate will be limited to a portion of the development:
 - a. Prior to the issue of the occupation certificate or the use commencing, whichever is earlier, the waste management system for the portion of the development covered by the occupation certificate, must be completed. The waste management system includes but is not limited to the bin storage facilities, bulky waste storage, the road/accessway and vehicular crossover, loading bay and bin carting paths, as applicable.
 - b. Once any dwelling has been occupied or the use has commenced, whichever is earlier, access by the waste collection vehicle and personnel to provide waste collection services for that dwelling or use, must be maintained in a condition acceptable to Council during all subsequent construction stages.

Reason: to ensure appropriate access for waste collection.

78. Certification of Acoustic Measures

Before the issue of an occupation certificate, a suitably qualified person must provide a compliance report to the Principal Certifier and Council demonstrating the following:

1. The sound insulation and construction requirements specified in Sections 2.1 and 2.2 of the Acoustic DA Assessment, Revision 04, prepared by Thermal Environmental, dated 18/12/2025 (TRIM: D09091286) have been met and achieve the recommended internal noise levels in accordance with Table 1 of the Acoustic DA Assessment.
2. All mechanical services and plant and acoustic attenuation measures have been installed in accordance with the detailed designs and acoustic verification submitted under **Condition 23 (Acoustic Design Verification)** of this consent.

Reason: To protect the amenity of the building occupants and the local area.

79. Submission of Excavated Material Tipping Dockets to Principal Certifier

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

Reason: To confirm appropriate disposal of excavated material.

80. Unit Numbering

All units are to be numbered consecutively commencing at No.1. The strata plan lot number is to coincide with the unit number, e.g Unit 1 = Lot 1. The allocation of unit numbering must be authorised by Council prior to the numbering of each unit in the development.

Reason: To maintain property numbering in accordance with Australian Standards.

81. Damage to Council Assets

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

Reason: To ensure public infrastructure and property is maintained.

82. Completion of Landscaping

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

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

Reason: To ensure compliance with landscaping commitments.

83. Retaining Walls

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

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

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

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

1. Seniors or people who have a disability,
2. People who live within the same household with seniors or people who have a disability; and
3. Staff employed to assist in the administration of and provision of services to accommodation provided under Part 5 of State Environmental Planning Policy (Housing) 2021.

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

Reason: To ensure the development is occupied by seniors or people who have a disability.

85. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for the completed kerb ramps, reconstructed footpaths and kerb and gutter. The plan(s) must be accompanied by a certificate from a registered surveyor/ civil engineer certifying that all footpaths and kerb ramps have been constructed to comply with the access requirements of SEPP (Housing) 2021, Part 5, Division 4, Clause 93 (C), from the subject site to the bus stops.

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

86. Construction of Engineering Works.

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

Reason: To ensure engineering works are completed.

87. Certification of WSUD Facilities

Prior to the issue of an Occupation Certificate a certificate from a Civil Engineer is to be obtained stating that the WSUD facilities have been constructed and will meet the water quality targets as specified in the Hornsby Development Control Plan 2024.

Reason: To ensure compliance with WSUD commitments.

88. Fire Safety Statement - Final

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

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

ONGOING USE

Condition

89. Domestic Waste Management

Waste management within the development must be in accordance with the approved Waste Management Plan and the following requirements:

1. The development must operate in full compliance with Council's waste management collection requirements.
2. There must be enough bins on site to contain the volume of waste and recycling expected to be generated between collection services.
3. The lid of each bin must be kept closed at all times, other than when waste is being deposited.
4. A site caretaker must be employed and be responsible for transferring bins where and when required, washing bins, cleaning and maintaining waste storage areas and signage, managing the communal composting area and worm farm, managing the bulky item storage area, transferring bulky waste from the bulky waste storage room to the collection point, arranging collections where the service is not provided by Council (e.g. clothing, e-waste, soft plastics), 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.), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents are informed and kept up to date on the use of the waste management system.

5. 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 and aligning with days of Council's scheduled collections.
6. No bins are to be located or placed outside of the approved waste storage area(s) at any time except for collection purposes.
7. The communal bin storage rooms are to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins. Bulky waste must not obstruct access.
8. 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 disposal points and 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, and identifying where bulky waste is to be stored. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages. Contact details for the site caretaker/cleaner/manager are to be provided at each waste disposal point (bin storage room/area) to enable residents to report waste management issues (e.g. bins overflowing).

Note: Council may be able to assist with signage.

9. The Owners Corporation or property owner via an authorised representative, must explain and demonstrate to all new tenants their roles and responsibilities and the waste management policies and procedures of the development, including but not limited to the following:
 - a. an explanation and demonstration of how to dispose of each type of waste. Waste types may include, as applicable, items for supplier take back schemes (e.g. crates, pallets, tyres), recyclables (e.g. paper/cardboard, plastic packaging, plastic containers, metals), activity specific wastes (e.g. medical waste, food waste), liquid wastes (e.g. waste oil), bulky waste (e.g. broken furniture), problem wastes (e.g. batteries, printer cartridges, paint), other wastes (e.g. soft plastics, e-waste, textiles, clothing), and general waste (to landfill).
 - b. an explanation of the purpose of the different container types/bin colours, including what goes into each.
 - c. an explanation of how to clean and separate out recyclables from general waste items, including removing leftovers from food receptacles and a direction not to place recyclables in plastic bags.
 - d. a walk-through of all waste disposal, storage and collection facilities relevant to their roles and responsibilities.
 - e. an explanation of all relevant signage.
 - f. an explanation of how bulky waste is managed and how/when/where such items are to be presented for collection.
 - g. an explanation of how to dispose of packaging and boxes left over after moving in or purchasing large items.

- h. any relevant written information/educational flyers from Council.
 - i. direction to sources of additional information such as Council's website.
 - j. an explanation and demonstration of how bins are to be presented for collection (if relevant).
 - k. A copy of the by-laws or equivalent and requiring the Occupier to confirm in writing that they have read and understood its terms (if relevant).
 - l. This must be done within 2 working days of occupiers taking up residence in the development. Records of this training must be maintained and provided to Council upon request.
10. The Owners Corporation or property owner via an authorised representative, must report back to owners and occupiers at regular intervals (no less than annually) regarding the how well waste streams have been separated into the correct bins, proper use of the bulky waste system, any investigations and corrective actions for non-conformances, and any other operational waste issues.
11. In these consent conditions, recycling and recyclables refers to all waste streams that are recycled (including but not limited to mixed recycling (glass and plastic bottles, steel and aluminium cans etc), paper/cardboard, food organics, and garden organics) and are collected separately from general waste (garbage) that goes to landfill. 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.

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

- End of Conditions -