

SYDNEY NORTH PLANNING PANEL

Panel Reference	PPSSNH-68
DA Number	DA/153/2018/A
LGA	Hornsby Shire Council
Proposed Development	Section 4.56 application to modify several conditions of the consent including the deferred commencement conditions in Schedule A and the operational conditions in Schedule B of the consent
Street Address	Lot 2 & 3 DP 225754 and Lot 1 DP 135398, Nos. 589-591 Old Northern Road Glenhaven and No. 593 Old Northern Road Glenhaven
Applicant	Anglican Retirement Villages C/-DFP Planning
Owner	Anglican Retirement Villages
Date of DA Lodgement	30 January 2020
Number of Submissions	Nil
Recommendation	Approval
Regional Development Criteria) (Schedule 7 of the SEPP (State and Regional Development) 2011)	Original cost of works over \$30 million
List of All Relevant s4.15(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 55 – Remediation of Land • State Regional Environmental Plan No. 20 Hawkesbury Nepean River, • Hornsby Local Environmental Plan • Hornsby Development Control Plan
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Annexure A - Conditions of Consent • Approved Site Plans • Site Survey • Stockpile Location Plan
Report prepared by	Caroline Maeshian
Report date	13 May 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.22)?	No
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

ASSESSMENT REPORT AND RECOMMENDATION

EXECUTIVE SUMMARY

- The application is for modification of the approved development for demolition of existing structures, site remediation, earthworks, vegetation clearing and the construction of a seniors housing development in five stages. The approved application relates to Lots 2 and 3 in DP 225754, and Lot 1 in DP 135398, also known as Nos. 589-593 Old Northern Road, Glenhaven.
- The proposed modification is substantially the same development as approved pursuant to Section 4.56 of the *Environmental Planning and Assessment Act, 1979* and is generally satisfactory in respect to the design principles of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.
- No submissions have been received in respect of the application.
- It is recommended that the application be approved.

RECOMMENDATION

THAT pursuant to Section 4.56 of the *Environmental Planning and Assessment Act 1979*, Development Application No. DA/153/2018 for demolition of existing structures, site remediation, earthworks, vegetation clearing and the construction of a seniors housing development in five stages at Lots 2 and 3 in DP 225754, and Lot 1 in DP 135398, Nos. 589-593 Old Northern Road, Glenhaven be amended as detailed in Schedule 1 of this report.

BACKGROUND

On 23 February 2018, Development Application No. DA/153/2018 was lodged for the demolition of existing structures, site remediation, earthworks, vegetation clearing and the construction of a seniors housing development in five stages.

On 28 August 2018, the Applicant commenced proceedings in the Land and Environment Court appealing Council's deemed refusal of Development Application No. DA/153/2018.

On 23 October 2018, a conciliation conference was presided over by Commissioner Bish. Following the conciliation conference, an agreement under s 34(3) of the *Land and Environment Court Act 1979* was reached between the parties. As a consequence, on 3 December 2018, the proceedings were disposed and the application approved by the Land and Environment Court subject to conditions. A copy of the Court conditions of consent are attached.

On 30 January 2020, a Section 4.56 application was lodged to amend various conditions of consent of Development Application No. DA/153/2018. This application is the subject of this report.

On 18 March 2020, the applicant submitted a registered s88b easement instrument to satisfy the deferred commencement Condition No. A under Schedule A of DA/153/2018.

The adjoining land uses include a seniors housing village “Glenhaven Green” operated by the applicant to the northwest at Nos. 599-607 Old Northern Road Glenhaven, with rural residential lots at Nos. 595 and 597 Old Northern Road located between the site and the retirement village. An Amber Tiles retail premises adjoins to the southeast, with rural residential lots to the side and rear.

The area on the opposite side of Old Northern Road is within The Hills Local Government Area and comprises large residential lots zoned E4 Environmental Living with a minimum lot size of 4000m², that typically accommodate large homes. The E4 Environmental Living zone is generally 1 lot in depth, behind which are conventional residential lots.

The site is in the vicinity of bus stops on Old Northern Road serviced by Bus Routes 637 and 638 with connection to Castle Hill and Pennant Hills. There is a south-bound bus-stop to the site frontage (referred to as bus stop No.3) and a north-bound bus stop for return trips located to the south near Gilbert Road some 350m from the property.

APPROVED DEVELOPMENT

The approved development application (DA/153/20185) involves the demolition of existing structures, site remediation works, earthworks, tree and vegetation removal and the construction of a seniors housing development in 5 stages.

The approved development comprises the following components:

- A part 2/3 storey residential aged care facility (RACF) containing 79 beds.
- The approved RACF would contain onsite services including consulting rooms, physio/rehab, hairdresser and café.
- Construction of 76 single storey self-contained dwellings.
- Basement and at grade car parking for the RACF.
- At grade car parking for the self contained dwellings.

The following works are also proposed:

- Remediation works.
- Construction of an internal road network, including a bridge over a riparian corridor, retaining walls and stormwater infrastructure;
- Construction of a driveway with left in/ left out access to Old Northern Road and additional road works in Old Northern Road to create a deceleration lane and right hand turn bay, landscaping, bus stop and footpath;
- Landscaping across the site;
- Retention of the existing dam, and works to reshape the dam;
- Fencing to the front and side boundaries; and
- Signage, including an illuminated front entry sign.

MODIFICATION

The Section 4.56 application seeks to modify the conditions of development consent for DA/153/2018. The main purpose of this modification application is to restructure the consent to allow the remediation works to be carried out prior to issue of a Construction Certificate.

The applicant provided the following statement with respect to the proposed modification:

1. To overcome discrepancies in Schedule A and B in relation to the timing of remediation works. Consent has been granted for remediation and completion of remediation is captured in deferred commencement condition C which cannot be satisfied unless there is an operative consent.

The consent therefore needs restructuring to shift the remediation component to the operational conditions in Schedule B to overcome this problem.

2. To clarify Condition B in Schedule A in relation to the sewerage system approval which has been clarified with Council to refer to any easements or approvals from the Roads and Maritime Services (RMS) or The Hills Shire Council in relation to the sewer connection under Old Northern Road and the public pathway in The Hills Shire Council local government area. Council has agreed that this deferred commencement condition can be relocated to Schedule B as a matter to be addressed prior to the issue of a construction certificate.

3. The remediation and removal of stockpiles are closely related works and will be carried out together. These two works will be carried out prior to, and separately from, the remaining 5 stages of the approved works.

Amendments to other conditions in Schedule B relating to remediation and removal of stockpiles are proposed to isolate those works from other matters that need to be satisfied prior to the issue of a construction certificate.

The tables below detail each condition in Schedules A and B that are proposed to be amended.

Schedule of Amendments to Schedule A – Deferred Commencement Conditions

Condition No.	Original condition	Proposed amendment to Condition
B	Sewerage System Approval - All necessary consents, approvals and easements required for the connection of the development to the Sydney Water Sewerage system to the west of Old Northern Road Glenhaven have been obtained and written evidence of the same has been submitted to the Council.	Delete Condition B from Schedule A and relocate condition to Schedule B. The main purpose of this modification application is to restructure the consent to allow the remediation works to be carried out. If Condition B remains in Schedule A, then it will still take time to liaise with RMS regarding any necessary consents or easements which will delay when remediation can commence. It is proposed to relocate this requirement to a condition to be satisfied prior to the issue of any Construction Certificate.
C	An airborne asbestos fibre monitoring report prepared by a suitably qualified Environmental Consultant , inclusive of a clearance certificate prepared by a Safework NSW Licensed Asbestos Assessor validating that airborne asbestos fibre monitoring was undertaken along the boundaries of the site and	Delete Condition C from Schedule A and relocate to new condition 7A.

Condition No.	Original condition	Proposed amendment to Condition
	within the site prior to, during and upon completion of remediation works and that no unacceptable risk from airborne asbestos was identified for the duration of the remediation works.	

Schedule of Amendments to Schedule B – Operative Conditions

Condition No.	Original condition	Proposed amendment to Condition
4(A)	Construction Certificate A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.	Condition 4(A) to be modified to read as follows: A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent <u>with the exception of remediation works and removal of stockpiles.</u>
5	A Site Audit Statement issued by a NSW EPA accredited Site Auditor , and an accompanying Site Audit Report documenting the information reviewed by the auditor and providing the basis for the conclusions contained within the site audit statement is required to be submitted to the Council for approval following remediation of the site, and prior to the appointment of a Private Certifying Authority. The Site Audit Statement must certify that the site is suitable for the proposed use.	Retain this condition and replicate this condition as a new condition 7B as one of the matters to be satisfied prior to the appointment of a Private Certifying Authority (consistent with the wording of the original condition). Condition 5 would be retained but noted as being unused so that the condition numbering of the remainder of the consent is unaffected.

REQUIREMENTS PRIOR TO THE APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA)

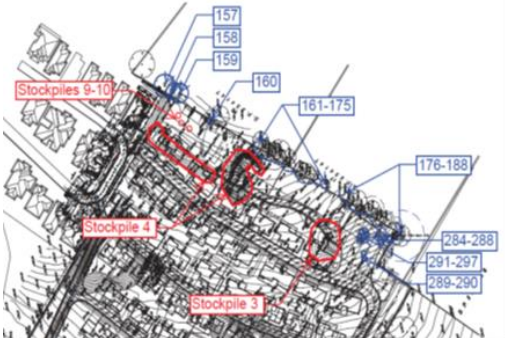
Condition No.	Original condition	Proposed amendment to Condition
6	Environmental Site Management Plan A Detailed Environmental Site Management Plan prepared by a suitably qualified environmental consultant must be submitted to Council for approval, detailing the actions that will be taken to protect the environment for the duration of all stages of the development and all responsible parties ensuring compliance with the document. This is to occur prior to the issuance of a construction certificate and appointment of the PCA. The Plan is to be in accordance with the publication 'Managing Urban Stormwater – Landcom (March 2004) and the Protection of the Environment Operations Act 1997 by way of implementing appropriate measures and should include but not be limited to: a) Water and soil management, including but not limited to sediment and erosion control measures; b) Air quality; c) Noise management, including how rock sawing/rock breaking noise mitigation measures will be implemented; d) Waste Management.	The remediation and removal of stockpiles is a discrete set of works and the ESMP for those works will have a narrower range of considerations compared to the bulk earthworks and construction stages of the development. The condition is therefore proposed to be modified to create separate ESMPs for the two main phases of work. <u>1. Remediation and removal of stockpile works prior to commencement of those works; and</u> <u>2. Demolition and construction works prior to the issuance of a construction certificate and appointment of the PCA.</u>

Condition No.	Original condition	Proposed amendment to Condition
7	<p>Construction Management Plan (CMP)</p> <p>In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Construction Traffic Management Plan (CTMP) and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements. This is to occur prior to the issuance of a construction certificate and appointment of the PCA.</p> <p>A. A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.</p> <p>B. The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.</p> <p>C. The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions. This shall include, but not be limited to the removal of the removal of the caravan parking and fire trail from within the 10m buffer zone from the STIF adjacent to the rear (northern) boundary.</p> <p>D. In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.</p> <p>E. The Plan shall be in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:-</p> <ul style="list-style-type: none"> 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; <p>F. The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.</p>	<p>This condition is proposed to be modified to prepare separate CMPs and CTMPs for the remediation / stockpile removal and the demolition / construction phases of the works.</p> <p>This will allow for management measures to target those two phases of work. There are a number of miscellaneous amendments to each sub-condition to reflect the two plans.</p> <p>Condition to be modified to include <u>separate CMP / CTMPs be prepared for remediation / removal of stockpiles and the demolition / construction stages of the work.</u></p> <p>Sub-condition u has been added and is a transfer of Condition 60. The existing EPA and WorkCover frameworks regulate unexpected contaminants found during construction and therefore there is sufficient regulation in place to deal with unexpected finds. The CMPs (when prepared) can outline the applicable regulations and procedures so that the contractors have a working document to reference. The text in Condition 60 has been adjusted in light of the above comments and captured into the new sub-condition 'U'.</p> <p><i>U. The plans are to include an Unexpected Finds Protocols outlining the applicable regulations, procedures to be implemented, and the parties responsible for such implementation, in the event that asbestos or soil contamination is identified during the construction process. The Principal Certifying Authority is to be notified of unexpected finds of asbestos or soil contamination.</i></p>

Condition No.	Original condition	Proposed amendment to Condition
	<p>G. The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development.</p> <p>H. The plan shall include details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.</p> <p>I. The plan shall include swept path analysis for ingress and egress of the site throughout all stages of works.</p> <p>J. The plan shall include site plans for all stages of works including the location of site sheds, unloading and loading areas, waste and storage areas being used.</p> <p>K. The plan shall include the total volume of fill to be imported to the subject site throughout all stages to achieve approved levels.</p> <p>L. The plan shall include the total volume of fill to be exported at the subject property throughout all stages.</p> <p>M. The plan shall include 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.</p> <p>N. The plan shall include the number of total truck movements to and from the site for each stage of works.</p> <p>O. The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.</p> <p>P. The plan shall include the maximum number of trucks travelling to and from the site on any given day for each stage of works.</p> <p>Q. The plan shall include the maximum number of truck movements on any given day during peak commuting periods for all stages of works.</p> <p>R. The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.</p> <p>S. 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.</p>	

Condition No.	Original condition	Proposed amendment to Condition
	T. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and that an application to Hornsby Shire Council will be made.	
New Condition 7A	<p>Remediation and Validation Report shall be prepared by a suitably qualified Environmental Consultant, following the disposal of onsite waste soil stockpiles and remediation of the site in accordance with the approved Geo-Logix Remedial Action Plan. The Remediation and Validation Report shall include clearance certificate(s) prepared by a Safework NSW Licensed Asbestos Assessor and records of airborne asbestos fibre monitoring undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works. Implemented airborne asbestos fibre monitoring measures must be sufficient to identify any unacceptable risk from airborne asbestos for the duration of the remediation works</p>	<p>This is a new condition to reflect the relocation of Condition C from Schedule A.</p> <p>In accordance with the NSW regulatory framework, the recording of airborne asbestos fibre monitoring is included in the Remediation and Validation Report submitted to the NSW EPA accredited Site Auditor. The requirement for a monitoring report has therefore been amended to refer to a Remediation and Validation Report.</p> <p>This condition would operate in conjunction with re-numbered Condition 7B which requires a Site Audit Statement issued by an NSW EPA accredited Site Auditor to confirm that the site is suitable for the proposed use.</p> <p>Condition 24 also requires compliance with any conditions of the Site Audit Statement to be issued prior to the issue of a construction certificate.</p> <p>These two conditions would operate together to provide the necessary evidence to Council that the site is remediated to a standard suitable for the approved use before a Construction Certificate is issued.</p>
REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS		
33	<p>Tree Protection Measures</p> <p>A. All trees numbered 157, 158, 159 and 287-297 must have tree protection measures for the ground, trunk and canopy installed in by the project arborist.</p> <p>B. Trees numbered 157, 158, 159 and 287-297 Tree Protection fencing must be installed with a radius as specified in the submitted Arboricultural Impact Assessment provided by Stuart Pittendrigh dated August 2018 (TRIM:07514255).</p> <p>C. All tree protection fencing for trees numbered 160-188 must have a minimum TPZ radius of 10 metres as listed in Hornsby Shire Council Development Control-General Controls 1C clause e.</p> <p>D. Tree protection fencing for the trees to be retained must consist of 1.8m high temporary fencing panels installed in accordance with Temporary Fencing and Hoarding Standards AS4687-2007.</p> <p>E. The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids from entering the tree protection zone.</p>	<p>Condition 33 is proposed to be amended to split the tree protection measures between the remediation / stockpile removal works and all other works.</p> <p>During the removal of the stockpiles the trees closest to the works are those at the northern end of the site (essentially along the northern boundary and the cluster of trees in the north-eastern corner. Those tree protection measures can be installed first.</p> <p>The remaining tree protection measures for retained trees elsewhere on the site can be installed prior to the remaining works commencing.</p>

Condition No.	Original condition	Proposed amendment to Condition
	<p>F. Tree Protection fencing must have identifying signs attached, with the lettering complying with AS1319.</p> <p>G. All tree protection fencing must be maintained at the prescribed radius for the duration of the development proposal.</p> <p>H. All installation of tree protection fencing must be supervised and certified by the project arborist.</p>	
34	<p>Tree and Branch Protection</p> <p>A. Tree numbered 287-297 must have trunk protection applied to the circumference of the trunk and must be wrapped in hessian material to provide cushioning for the installation of timber planks.</p> <p>B. Timber planks of 50mm x100mm in size must be spaced at 100mm intervals around the trunk of the tree, atop the hessian material and must be attached using adjustable ratchet straps.</p>	Condition to be amended to require more detailed tree protection measures to apply to the works after remediation / stockpile removal when the earthworks and construction works for the remainder of the site commence.
35	<p>Tree Protection Zone - Ground Protection</p> <p>A. The tree protection zone for the tree numbered 159-188 and 287-297 must have a layer of geotextile fabric installed which is then covered with wood-chip mulch at a depth of between 150mm and 300mm from natural ground level that complies with the relevant requirements of Australian Standard AS 4454 – “Composts, Soil Conditioners and Mulches” installed prior to works commencing.</p> <p>B. Rumble boards must be installed over the wood-chip mulch to allow for small plant.</p>	Same proposed amendments as per Condition 34.
37	<p>Environmental Management Plan</p> <p>Any requirements prior to the commencement of works as detailed within the Council approved Environmental Management Plan must be complied, unless otherwise approved by Council.</p>	The condition is proposed to be amended to clarify that the condition relates to the Environmental <u>Site</u> Management Plan required by Condition 6, and to pluralise the reference to be consistent with the proposed amendments to Condition 6.
38	<p>Construction Management Plan Compliance</p> <p>Any requirements prior to the commencement of works as detailed within the Council approved Construction Management Plan (CMP) and associated Construction Traffic Management Plan (CTMP) must be complied with, unless otherwise approved by Council.</p>	The reference to the CMP and CTMP in the condition is proposed to be pluralised to be consistent with the proposed amendments to Condition 6.
39	<p>Waste Management Details</p> <p>Prior to the commencement of any works, the on-going waste collection service must be cancelled and the bins retrieved by the waste collection service provider.</p> <p><i>Note: Council is the on-going waste collection service provider for residential properties.</i></p>	<p>The remediation and stockpile removal will not require the current uses of the land to cease.</p> <p>The condition is proposed to be amended to make it clear that Council’s waste collection service would continue until demolition of those buildings takes place.</p>

Condition No.	Original condition	Proposed amendment to Condition
REQUIREMENTS DURING REMEDIATION, DEMOLITION AND CONSTRUCTION		
41	<p>Compliance with Environmental Management Plan</p> <p>The Council approved Environmental Management Plan per Condition No.6 must be complied with for the duration of works, unless otherwise approved by Council.</p>	<p>The terminology is amended to be consistent with Condition 6.</p>
44	<p>Works Near Trees</p> <p>A. No consent is granted for any excavation within the Tree Protection zones of trees numbered 159-188 and 287 and 297.</p> <p>B. Consent is granted to remove the stock piled material within the Tree Protection zones of trees numbered 159-188.</p> <p>C. The removal of the stock piled material within the Tree Protection zones of trees numbered 159-188 must be undertaken using a skid steer loader.</p> <p>D. To maintain tree health and condition for the trees numbered 159-188 on the approved plans, the appointed project arborist must monitor and record any and all necessary remedial tree health actions required.</p> <p>E. A certificate must be submitted to the principal certifying authority by the AQF Level 5 Arborist detailing the method(s) used to preserve these tree(s) during the course of construction.</p> <p>F. The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission to the Certifier prior to the issue of an Occupation Certificate.</p>	<p>The applicant seeks to amend condition 44(C) to read as follows:</p> <p>C. The removal of the stock piled material within the Tree Protection zones of trees numbered 159-188 and <u>289-297</u> must be undertaken using a <u>long arm excavator positioned outside the 10m TPZ</u>.</p> <p>The applicant's consultant Geo-Logix has advised that skid-steers are prone to tearing up grass or other ground cover due to their tight turning radii and the number of movements required to move a volume of soil, which is contrary to the purpose of the condition. As an alternative Geo-Logix recommends a long arm excavator be used as this can be positioned with its tracks on the stockpile and/or outside the 10m TPZ. The long arm excavator could pull back the stockpile with a smooth-edged 'mud' bucket, minimising groundcover disturbance and eliminating potential tree strikes. The location of stockpiles and trees numbering have been illustrated by the applicant in the image below. The tree number referencing has been amended to include the cluster of trees near Stockpile 3.</p> 
45	<p>Maintaining Tree protection zones</p> <p>The area within the Tree protection zones must be maintained as follows:</p> <p>A. Mulch must be maintained at a depth of 150-300mm.</p> <p>B. To maintain soil moisture levels the TPZ must be monitored by the project arborist.</p> <p>C. Temporary irrigation or watering systems must be installed and maintained by the project arborist.</p>	<p>The applicant seeks to amend this condition to be consistent with the amendments proposed to Condition 33 requiring the area within the Tree protection zones to be maintained after remediation / stockpile removal works are completed, and prior to the commencement of any other works.</p>

Condition No.	Original condition	Proposed amendment to Condition
48	<p>Works near trees certification</p> <p>a) The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.</p> <p>Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.</p>	<p>This amendment is to be consistent with the amendments proposed to Condition 33 and require separate certification for the fencing installed prior to the remediation and stockpile removal and for tree protection measures relating to other works.</p>
60	<p>Should the presence of asbestos or soil contamination, not recognised during the application process be identified, the applicant must immediately notify the principal certifying authority, Council and the NSW EPA accredited Site Auditor.</p>	<p>The applicant seeks to delete this condition and relocate and reword the condition to 7(U).</p>
REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE		
63	<p>Staged Construction</p> <p>The development is to be constructed in the following sequential Stages as illustrated in Plan DA006D Site Plan – Areas by Calder Flower Architects dated 26.10.18 and summarised below:</p> <p>Stage A - Remediation of Land, Earthworks, Stormwater Management, All Public roadworks and footpaths, Private roadworks, Sewer Connection, Vegetation Management Plan.</p> <p>Stage B - Residential Aged Care Facility, associated carparking and landscaping and pedestrian footpaths.</p> <p>Stage C - 26 self contained dwellings, associated carparking and landscaping and the accessible pedestrian footpath link from the dwellings through stages D and E to the Residential Aged Care Facility and to Old Northern Road as depicted on the Accessibility Masterplan Dwg 16 by Taylor Brammer dated 29.10.18.</p> <p>Stage D – 25 self contained dwellings, associated carparking and landscaping</p> <p>Stage E - 25 self contained dwellings, associated carparking and landscaping</p>	<p>The applicant seeks to amend Condition 63 by removing remediation from Stage A.</p>

ASSESSMENT

The development application has been assessed having regard to *the Greater Sydney Region Plan*, ‘A Metropolis of Three Cities’, the ‘North District Plan’ and the matters for consideration prescribed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). The following issues have been identified for further consideration.

1. STATUTORY CONTROLS

Section 4.15(1)(a) requires Council to consider “*any relevant environmental planning instruments, draft environmental planning instruments, development control plans, planning agreements and regulations*”.

1.1 Environmental Planning and Assessment Act 1979 - Section 4.56

The proposal constitutes an amendment under Section 4.56 of the *Environmental Planning and Assessment Act 1979*. Pursuant to Section 4.56, Council may consider an application to amend development consent granted by the Court provided that, *inter alia*:

- (a) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, and*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (c) *it has notified, or made reasonable attempts to notify, each person who made a submission in respect of the relevant development application of the proposed modification by sending written notice to the last address known to the consent authority of the objector or other person, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*
- (1A) *In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

With respect to (a), the modifications result in amendments to conditions to allow for the remediation works to be undertaken prior to the issue of a Construction Certificate. The modified proposal does not involve an increase in the approved footprint or the height of buildings. Therefore, it is considered that the proposal as amended is substantially the same as the development originally approved.

In accordance with Section 4.56(1)(b), (c) and (d) the amended application was notified from 5 February 2020 to 5 March 2020 and no submissions were received.

In accordance with Section 4.56 (1A), the report below addresses matters of relevance to the modified development.

1.2 Hornsby Local Environmental Plan 2013

The proposed development has been assessed having regard to the provisions of the *Hornsby Local Environmental Plan 2013 (HLEP)*.

1.2.1 Zoning of Land and Permissibility

The site is within the RU2 Rural Landscape Zone under the *HLEP*. The objectives of the zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

The approved development is defined as 'seniors housing' under the *HLEP*. Seniors housing is prohibited under the *HLEP* in the RU2 Rural Landscape zone, however, Clause 4(12) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004 (SEPP Seniors))* provides that the subject site is taken to be "land that adjoins land zoned primarily for urban purposes" and the proposed development can be considered under *SEPP Seniors*. The approved development is permissible under *SEPP Seniors* and relied upon a site compatibility certificate (SCC) issued under *SEPP Seniors*. A further SCC is not required for the proposed modification application.

1.2.2 Height

The land is subject to a maximum building height of 10.5m on the Building Height Map. The modification does not propose to amend the approved height of the development and no further assessment is required in this regard.

1.2.3 Earthworks

Clause 6.2 of the *HLEP* states that consent is required for proposed earthworks on site. Before granting consent for earthworks, Council is required to assess the impacts of the works on adjoining properties, drainage patterns and soil stability of the locality.

The proposed modification would not require any additional earthworks and therefore no further assessment is required in this regard.

1.3 State Environmental Planning Policy (Housing for Seniors or People with a Disability 2004 (SEPP Seniors))

SEPP Seniors is the prevailing planning instrument for the development of housing for aged and disabled persons in NSW and provides for hostels, residential care facility, self-contained dwellings and multi-storey dwellings, on land zoned for urban purposes. *SEPP Seniors* includes land use planning

provisions, design principles, development standards and standards specific to meet the housing needs of seniors and people with a disability. The proposed modification does not involve an amendment to the design of the development and is therefore consistent with respect to *SEPP Seniors* design principles.

The approved development is permissible under *SEPP Seniors* and relied upon a site compatibility certificate issued under *SEPP Seniors*. Clause 24 of *SEPP Seniors* provides that a consent authority must not consent to a development application unless it is satisfied that there is a current site compatibility certificate (SCC) in place. Clause 24 of *SEPP Seniors* applies to development applications and does not apply to an application to modify a development consent, therefore a further SCC is not required for proposed modification application.

Clause 28 of *SEPP Seniors* requires adequate arrangements to be made for the disposal of wastewater. The original application was accompanied by a plan showing a long private sewer rising line proposed to be constructed within Old Northern Road. Sydney Water cannot permit the location of the private sewer rising main within the water main street allocation along Old Northern Road without the developer obtaining all the necessary approvals. On this basis, deferred commencement condition No. B under “Schedule A” was imposed. The intention of this condition is to ensure that the necessary consents, approvals and/or easements from The Hills Shire Council, Hornsby Shire Council, RMS and/or Gas, electricity etc. are in place in relation to the construction and location of the private sewer connection under Old Northern Road.

Condition B reads as follows:

B. Sewerage System Approval - *All necessary consents, approvals and easements required for the connection of the development to the Sydney Water Sewerage system to the west of Old Northern Road Glenhaven have been obtained and written evidence of the same has been submitted to the Council.*

The applicant has requested that the above condition be relocated from Schedule A to Schedule B to allow the remediation works to be carried out. It is acknowledged that it would take time to obtain the necessary consents or easements from the relevant authorities. It is therefore recommended that this condition relocated to condition No. 26A to be satisfied prior to issue of a Construction Certificate.

1.4 Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River

The site is located within the catchment of the Hawkesbury Nepean River. Part 2 of this Plan contains general planning considerations and strategies requiring Council to consider the impacts of development on water quality, aquaculture, recreation and tourism.

The original consent includes conditions relating to sediment and erosion control measures and stormwater management and is considered acceptable.

1.5 State Environmental Planning Policy (Infrastructure) 2007

The site has a frontage to Old Northern Road. The original application was referred to NSW Roads and Maritime Services (RMS) pursuant to Schedule 3 as more than 75 dwellings were proposed within the vicinity of Old Northern Road. The proposal would not result in changes to the vehicular access to Old Northern Road. Accordingly, no further assessment is required in this regard.

1.6 State Environmental Planning Policy No. 55 Remediation of Land

The approved development includes remediation works. As part of the original documents submitted with DA/153/2018, a Detailed Site Investigation Report, prepared by Geo-Logix, identified asbestos containing material stockpiles located across the site.

The main purpose for the proposed modifications is to allow for the remediation of the land and stockpile removal to be carried out under Schedule B (Operative Conditions). Associated with the remediation is the removal of the stockpiles which are classified as waste requiring offsite disposal.

The following details are provided of each condition in Schedules A and B that are proposed to be amended:

Condition No.	Original condition	Proposed Amendments	Council comments
C under Schedule A	An airborne asbestos fibre monitoring report prepared by a suitably qualified Environmental Consultant, inclusive of a clearance certificate prepared by a Safework NSW Licensed Asbestos Assessor validating that airborne asbestos fibre monitoring was undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works and that no unacceptable risk from airborne asbestos was identified for the duration of the remediation works.	<p>The applicant has advised that deferred commencement Condition C in Schedule A, poses a hindrance to being able to carry out the remediation works.</p> <p>The applicant seeks to delete Condition C from Schedule A and add new condition 7B.</p>	<p>Agreed in principle to create a new Condition 7A, however, condition has been edited to ensure the condition is enforceable.</p> <p>Condition No. 7A would read as follows:</p> <p><i>7A. Remediation and Validation Report</i></p> <p><i>A Remediation and Validation Report shall be prepared by a suitably qualified Environmental Consultant, following the disposal of stockpiles and site remediation in accordance with the approved Remediation Action Plan.</i></p> <p><i>The Remediation and Validation Report shall include a clearance certificate(s) prepared by a Safework NSW Licensed Asbestos Assessor with records of airborne asbestos fibre monitoring undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works. Implemented airborne asbestos fibre monitoring measures must be sufficient to identify any unacceptable risk from airborne asbestos for the duration of the remediation works. The Remediation and Validation Report must detail the measures taken to mitigate any identified unacceptable risks from airborne asbestos.</i></p>

Schedule of Amendments to Schedule B – Operative Conditions

Condition No.	Original condition	Proposed Amendments	Council comments
4(A)	<p>Construction Certificate</p> <p>A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent.</p>	<p>Condition 4(A) to be modified as follows:</p> <p>A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent <u>with the exception of remediation works and removal of stockpiles.</u></p>	<p>Agree with the additional sentence added to this condition as proposed by the Applicant.</p>
5	<p>A Site Audit Statement issued by a NSW EPA accredited Site Auditor, and an accompanying Site Audit Report documenting the information reviewed by the auditor and providing the basis for the conclusions contained within the site audit statement is required to be submitted to the Council for approval following remediation of the site, and prior to the appointment of a Private Certifying Authority. The Site Audit Statement must certify that the site is suitable for the proposed use.</p>	<p>Retain this condition and replicate this condition as a new condition 7B as one of the matters to be satisfied prior to the appointment of a Private Certifying Authority (consistent with the wording of the original condition).</p>	<p>This condition is recommended to be deleted.</p> <p>It is proposed to be slightly reworded and relocated to Condition No. 7B.</p>
6	<p>Environmental Site Management Plan</p> <p>A Detailed Environmental Site Management Plan prepared by a suitably qualified environmental consultant must be submitted to Council for approval, detailing the actions that will be taken to protect the environment for the duration of all stages of the development and all responsible parties ensuring compliance with the document. This is to occur prior to the issuance of a construction certificate and appointment of the PCA. The Plan is to be in accordance with the publication 'Managing Urban Stormwater – Landcom (March 2004) and the Protection of the Environment Operations Act 1997 by way of implementing appropriate</p>	<p>The remediation and removal of stockpiles is a discrete set of works and the ESMP for those works will have a narrower range of considerations compared to the bulk earthworks and construction stages of the development. The condition is therefore proposed to be modified to create separate ESMPs for the two main phases of work.</p> <p><u>1. Remediation and removal of stockpile works prior to commencement of those works; and</u></p> <p><u>2. Demolition and construction works prior to the issuance of a construction certificate and appointment of the PCA.</u></p>	<p>Agree as proposed by the Applicant.</p>

Condition No.	Original condition	Proposed Amendments	Council comments
	<p>measures and should include but not be limited to:</p> <p>a) Water and soil management, including but not limited to sediment and erosion control measures;</p> <p>b) Air quality;</p> <p>c) Noise management, including how rock sawing/rock breaking noise mitigation measures will be implemented;</p> <p>d) Waste Management.</p>		
7	<p>Construction Management Plan (CMP)</p> <p>In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan, including a Construction Traffic Management Plan (CTMP) and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements. This is to occur prior to the issuance of a construction certificate and appointment of the PCA.</p> <p>A. A copy of the plans shall be submitted for consideration and written approval by Hornsby Shire Council prior to the release of the Construction Certificate.</p> <p>B. The plans shall detail the order of construction works and arrangement of all construction machines and vehicles being used at the same time during all stages.</p> <p>C. The CTMP plans shall be in accordance with the approved Development Application plans and the Development Consent conditions. This shall include, but not be limited to the removal of the</p>	<p>This condition is proposed to be modified to prepare separate CMPs and CTMPs for the remediation / stockpile removal and the demolition / construction phases of the works.</p> <p>This would allow for management measures to target those two phases of work. There are a number of miscellaneous amendments to each sub-condition to reflect the two plans.</p> <p>Condition to be modified to include <u>separate CMP / CTMPs be prepared for remediation / removal of stockpiles and the demolition / construction stages of the work.</u></p> <p>Sub-condition U has been added and is a transfer of Condition 60. The existing EPA and WorkCover frameworks regulate unexpected contaminants found during construction and therefore there is sufficient regulation in place to deal with unexpected finds. The CMPs (when prepared) can outline the applicable regulations and procedures so that the contractors have a working document to reference. The text in Condition 60 has been adjusted in light of the above comments and captured into the new sub-condition 'U'.</p> <p><i>U. The plans are to include an Unexpected Finds Protocols outlining the</i></p>	<p>Council agrees in concept to the proposed modification of Condition 7.</p> <p>However, the condition is proposed to be modified to include wording to be specific only to the CMP for demolition and construction works being required to include an Unexpected Finds Protocol.</p> <p>Given the approved Remediation Action Plan (RAP) has details pertaining to how unexpected soil contamination and asbestos would be dealt with (i.e. as part of remediation works), this should only relate to demolition and construction works.</p> <p>Notwithstanding, there should continue to be a requirement for notification to be given to the Site Auditor.</p> <p>No objection is raised to deletion of condition 60 and sub-clause u is recommended to read as follows:</p> <p>u) The CMP for demolition and construction works is to include an Unexpected Finds Protocol outlining the applicable regulations, procedures to be implemented, and the parties responsible for such implementation, in the event that asbestos or soil contamination is identified. The CMP must include a statement that the Principal Certifying Authority and engaged NSW accredited Site Auditor is to be notified of</p>

Condition No.	Original condition	Proposed Amendments	Council comments
	<p>removal of the caravan parking and fire trail from within the 10m buffer zone from the STIF adjacent to the rear (northern) boundary.</p> <p>D. In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.</p> <p>E. The Plan shall be in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" and detailing:</p> <ul style="list-style-type: none"> 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; <p>F. The plans shall indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.</p> <p>G. The plan shall include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development.</p> <p>H. The plan shall include details of parking arrangements for all employees and contractors, including</p>	<p><i>applicable regulations, procedures to be implemented, and the parties responsible for such implementation, in the event that asbestos or soil contamination is identified during the construction process. The Principal Certifying Authority is to be notified of unexpected finds of asbestos or soil contamination.</i></p>	<p>unexpected finds of asbestos or soil contamination.</p>

Condition No.	Original condition	Proposed Amendments	Council comments
	<p>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.</p> <p>I. The plan shall include swept path analysis for ingress and egress of the site throughout all stages of works.</p> <p>J. The plan shall include site plans for all stages of works including the location of site sheds, unloading and loading areas, waste and storage areas being used.</p> <p>K. The plan shall include the total volume of fill to be imported to the subject site throughout all stages to achieve approved levels.</p> <p>L. The plan shall include the total volume of fill to be exported at the subject property throughout all stages.</p> <p>M. The plan shall include 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.</p> <p>N. The plan shall include the number of total truck movements to and from the site for each stage of works.</p> <p>O. The plan shall include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.</p> <p>P. The plan shall include the maximum number of trucks travelling to and from the site on any given day for each stage of works.</p>		

Condition No.	Original condition	Proposed Amendments	Council comments
	<p>Q. The plan shall include the maximum number of truck movements on any given day during peak commuting periods for all stages of works.</p> <p>R. The plan must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.</p> <p>S. 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.</p> <p>T. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and that an application to Hornsby Shire Council will be made.</p>		
New Condition 7A	<p>Remediation and Validation Report shall be prepared by a suitably qualified Environmental Consultant, following the disposal of onsite waste soil stockpiles and remediation of the site in accordance with the approved Geo-Logix Remedial Action Plan. The Remediation and Validation Report shall include clearance certificate(s) prepared by a Safework NSW Licensed Asbestos Assessor and records of airborne asbestos fibre monitoring undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works. Implemented airborne asbestos fibre monitoring measures must be sufficient to identify any unacceptable risk from airborne asbestos for the duration of the remediation works.</p>	<p>Proposed relocation of Condition C from Schedule A to Schedule B (operational conditions)</p>	<p>Council agrees in principle with the relocation of this condition. However, Council's Compliance Team have recommended that the condition be amended to read as follows to ensure the condition is enforceable:</p> <p><i>7A. Remediation and Validation Report</i></p> <p><i>A Remediation and Validation Report shall be prepared by a suitably qualified Environmental Consultant, following the disposal of stockpiles and site remediation in accordance with the approved Remediation Action Plan.</i></p> <p><i>The Remediation and Validation Report shall include a clearance certificate(s) prepared by a Safework NSW Licensed Asbestos Assessor with records of airborne asbestos fibre monitoring undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works. Implemented airborne asbestos</i></p>

Condition No.	Original condition	Proposed Amendments	Council comments
			<i>fibre monitoring measures must be sufficient to identify any unacceptable risk from airborne asbestos for the duration of the remediation works. The Remediation and Validation Report must detail the measures taken to mitigate any identified unacceptable risks from airborne asbestos.</i>
37	<p>Environmental Management Plan</p> <p>Any requirements prior to the commencement of works as detailed within the Council approved Environmental Management Plan must be complied, unless otherwise approved by Council.</p>	The condition is amended to clarify that the condition relates to the Environmental <u>Site</u> Management Plan required by Condition 6, and to pluralise the reference to be consistent with the proposed amendments to Condition 6.	Council agrees with the changes as proposed.
38	<p>Construction Management Plan Compliance</p> <p>Any requirements prior to the commencement of works as detailed within the Council approved Construction Management Plan (CMP) and associated Construction Traffic Management Plan (CTMP) must be complied with, unless otherwise approved by Council.</p>	The reference to the CMP and CTMP in the condition is proposed to be pluralised to be consistent with the proposed amendments to Condition 6.	Council agrees with the changes as proposed.
41	<p>Compliance with Environmental Management Plan</p> <p>The Council approved Environmental Management Plan per Condition No. 6 must be complied with for the duration of works, unless otherwise approved by Council.</p>	The terminology is proposed to be amended to be consistent with Condition 6.	<p>Council agrees with the changes as proposed.</p> <p>Condition No. 41 is to be amended to read as follows:</p> <p>Compliance with Environmental Management <u>Site</u> Plans</p> <p>The Council approved Environmental Management <u>Site</u> Plans per Condition No.6 must be complied with for the duration of works, unless otherwise approved by Council.</p>
60	Should the presence of asbestos or soil contamination, not recognised during the application process be identified, the applicant must immediately notify the principal certifying authority, Council and the NSW EPA accredited Site Auditor.	The applicant seeks to delete this condition and relocate and reword the condition to 7(u).	Council agrees with the changes as proposed.

Condition No.	Original condition	Proposed Amendments	Council comments
63	<p>Staged Construction</p> <p>The development is to be constructed in the following sequential Stages as illustrated in Plan DA006D Site Plan – Areas by Calder Flower Architects dated 26.10.18 and summarised below:</p> <ul style="list-style-type: none"> • Stage A - Remediation of Land, Earthworks, Stormwater Management, All Public roadworks and footpaths, Private roadworks, Sewer Connection, Vegetation Management Plan. • Stage B - Residential Aged Care Facility, associated carparking and landscaping and pedestrian footpaths. • Stage C - 26 self contained dwellings, associated carparking and landscaping and the accessible pedestrian footpath link from the dwellings through stages D and E to the Residential Aged Care Facility and to Old Northern Road as depicted on the Accessibility Masterplan Dwg 16 by Taylor Brammer dated 29.10.18. • Stage D - 25 self contained dwellings, associated carparking and landscaping • Stage E - 25 self contained dwellings, associated carparking and landscaping 	<p>The applicant seeks to amend Condition 63 by removing remediation from Stage A.</p>	<p>Council does not agree with the proposed modification with Condition 63. The proposal seeks to remove the remediation of land and stockpile removal from part of the site's approved staging. Remediation works require consent and this current condition makes it clear that remediation forms part of the consent.</p> <p>This matter was raised with the applicant. The applicant accepted that Condition 63 would not require any amendments. Therefore, no changes are to be made to condition No. 63.</p>

In addition, to the above modifications all the capital subclauses are recommended to be changed to lower case.

1.7 Hornsby Development Control Plan 2013

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the *Hornsby Development Control Plan 2013 (HDCP)*. The proposal is considered substantially the same as the original development and no further assessment is required under the *HDCP*.

2. ENVIRONMENTAL IMPACTS

Section 4.15(1)(b) of the Act requires Council to consider “*the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality*”.

2.1 Natural Environment

2.1.1 Tree and Vegetation Preservation

The modified development involves the implementation of tree protection ground cover measures after the remediation works are complete and the proposed use of a long arm excavator to remove the stockpiled material from the TPZs.

The following table details each condition in Schedules B that are proposed to be amended and the reasoning for each amendment.

Condition No.	Original condition	Proposed Amendments	Council comments
33	<p>Tree Protection Measures</p> <p>A. All trees numbered 157, 158, 159 and 287-297 must have tree protection measures for the ground, trunk and canopy installed in by the project arborist.</p> <p>B. Trees numbered 157, 158, 159 and 287-297 Tree Protection fencing must be installed with a radius as specified in the submitted Arboricultural Impact Assessment provided by Stuart Pittendrigh dated August 2018 (TRIM:07514255).</p> <p>C. All tree protection fencing for trees numbered 160-188 must have a minimum TPZ radius of 10 metres as listed in Hornsby Shire Council Development Control-General Controls 1C clause e.</p> <p>D. Tree protection fencing for the trees to be retained must consist of 1.8m high temporary fencing panels installed in accordance with Temporary Fencing and Hoarding Standards AS4687-2007.</p> <p>E. The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids</p>	<p>Condition 33 is proposed to be amended to split the tree protection measures between the remediation / stockpile removal works and all other works.</p> <p>During the removal of the stockpiles the trees closest to the works are those at the northern end of the site (essentially along the northern boundary and the cluster of trees in the north-eastern corner). Those tree protection measures can be installed first.</p> <p>The remaining tree protection measures for retained trees elsewhere on the site can be installed prior to the remaining works commencing.</p>	<p>Council's tree management assessment raises no objections to the amendment of condition 33.</p> <p>Accordingly, condition 33 would be amended to read as follows:</p> <p>33. <u>Tree Protection Measures</u></p> <p><u>The following tree protection fencing are to be installed for trees numbered 157-188 and 287-297 prior to the commencement of remediation and stockpile removal works, and for all other trees, prior to the commencement of any other works:</u></p> <p>a) All trees numbered 157, 158, 159 and 287-297 must have tree protection measures for the ground, trunk and canopy installed by the project arborist.</p> <p>b) Tree protection fencing for trees numbered 157, 158, 159 and 287-297 must be installed with a radius as specified in the submitted Arboricultural Impact Assessment provided by Stuart Pittendrigh dated August 2018 (TRIM:07514255).</p> <p>c) All tree protection fencing for trees numbered 160-188 must have a minimum TPZ radius of 10 metres as listed</p>

Condition No.	Original condition	Proposed Amendments	Council comments
	<p>from entering the tree protection zone.</p> <p>F. Tree Protection fencing must have identifying signs attached, with the lettering complying with AS1319.</p> <p>G. All tree protection fencing must be maintained at the prescribed radius for the duration of the development proposal.</p> <p>H. All installation of tree protection fencing must be supervised and certified by the project arborist.</p>		<p>in Hornsby Shire Council Development Control-General Controls 1C clause e.</p> <p>d) Tree protection fencing for the trees to be retained must consist of 1.8m high temporary fencing panels installed in accordance with Temporary Fencing and Hoarding Standards AS4687-2007.</p> <p>e) The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids from entering the tree protection zone.</p> <p>f) Tree Protection fencing must have identifying signs attached, with the lettering complying with AS1319.</p> <p>g) All tree protection fencing must be maintained at the prescribed radius for the duration of the development proposal.</p> <p>h) All installation of tree protection fencing must be supervised and certified by the project arborist.</p>
34	<p>Tree Trunk and Branch Protection</p> <p>A. Tree numbered 287-297 must have trunk protection applied to the circumference of the trunk and must be wrapped in hessian material to provide cushioning for the installation of timber planks.</p> <p>B. Timber planks of 50mm x100mm in size must be spaced at 100mm intervals around the trunk of the tree, atop the hessian material and must be attached using adjustable ratchet straps.</p>	<p>Condition to be amended to require more detailed tree protection measures to apply to the works after remediation / stockpile removal when the earthworks and construction works for the remainder of the site commence.</p>	<p>Council's Tree Management assessment raises no objections to the amendment of condition 34.</p> <p>Condition 34 is proposed to be amended to read as follows:</p> <p>34. Tree Trunk and Branch Protection</p> <p><u>The following measures are to be implemented for trees numbered 287-297 after remediation and stockpile removal works, and prior to the commencement of any other works:</u></p> <p>a) Tree numbered 287-297 must have trunk protection applied to the circumference of the trunk and must be wrapped in hessian material to provide cushioning for the installation of timber planks.</p>

Condition No.	Original condition	Proposed Amendments	Council comments
			b) Timber planks of 50mm x100mm in size must be spaced at 100mm intervals around the trunk of the tree, atop the hessian material and must be attached using adjustable ratchet straps.
35.	<p>Tree Protection Zone - Ground Protection</p> <p>A. The tree protection zone for the tree numbered 159-188 and 287-297 must have a layer of geotextile fabric installed which is then covered with wood-chip mulch at a depth of between 150mm and 300mm from natural ground level that complies with the relevant requirements of Australian Standard AS 4454 – “Composts, Soil Conditioners and Mulches” installed prior to works commencing.</p> <p>B. Rumble boards must be installed over the wood-chip mulch to allow for small plant.</p>	Same amendments proposed as per Condition 34	<p>The applicant is seeking to implement tree protection ground cover measures after the remediation works are completed.</p> <p>The applicant seeks to use a long arm excavator to remove the stockpiled material from the TPZs (refer to Condition 44). Therefore, Council’s Tree Management assessment raised no objection to the amendment of condition 35 as follows:</p> <p>35. Tree Protection Zone - Ground Protection</p> <p><u>The following measures are to be implemented for trees numbered 159-188 and 287-297 after remediation and stockpile removal works, and prior to the commencement of any other works:</u></p> <p>a) The tree protection zone for the tree numbered 159-188 and 287-297 must have a layer of geotextile fabric installed which is then covered with wood-chip mulch at a depth of between 150mm and 300mm from natural ground level that complies with the relevant requirements of Australian Standard AS 4454 – “Composts, Soil Conditioners and Mulches” installed prior to works commencing.</p> <p>b) Rumble boards must be installed over the wood-chip mulch to allow for small plant.</p>
44.	<p>Works Near Trees</p> <p>A. No consent is granted for any excavation within the Tree Protection zones of trees numbered 159-188 and 287 and 297.</p>	<p>The applicant seeks to amend condition 44(C) to read as follows:</p> <p>C. <i>The removal of the stock piled material within the Tree Protection zones of trees numbered 159-188</i></p>	<p>Council’s Tree Management assessment raised no objections to the amendment of condition 44 for the use of a long armed excavator rather than the skid steer as currently conditioned, subject to an AQF 5 Arborist overseeing the remediation</p>

Condition No.	Original condition	Proposed Amendments	Council comments
	<p>B. Consent is granted to remove the stock piled material within the Tree Protection zones of trees numbered 159-188.</p> <p>C. The removal of the stock piled material within the Tree Protection zones of trees numbered 159-188 must be undertaken using a skid steer loader.</p> <p>D. To maintain tree health and condition for the trees numbered 159-188 on the approved plans, the appointed project arborist must monitor and record any and all necessary remedial tree health actions required.</p> <p>E. A certificate must be submitted to the principal certifying authority by the AQF Level 5 Arborist detailing the method(s) used to preserve these tree(s) during the course of construction.</p> <p>F. The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of construction for submission to the Certifier prior to the issue of an Occupation Certificate.</p>	<p>and <u>289-297</u> must be undertaken using a <u>long arm excavator positioned outside the 10m TPZ.</u></p>	<p>works when inside the TPZ of trees to be retained.</p>
45	<p>Maintaining Tree Protection Zones</p> <p>The area within the Tree protection zones must be maintained as follows:</p> <p>A. Mulch must be maintained at a depth of 150-300mm.</p> <p>B. To maintain soil moisture levels the TPZ must be monitored by the project arborist.</p> <p>C. Temporary irrigation or watering systems must be installed and maintained by the project arborist.</p>	<p>The applicant seeks to amend this condition to be consistent with the amendments proposed to Condition 33 requiring the area within the Tree protection zones to be maintained after remediation / stockpile removal works are completed, and prior to the commencement of any other works.</p>	<p>The modification of condition No. 45 links to the proposed changes to Condition 35 relating to the proposed use of the long arm excavator to remove the stockpiled materials from the TPZs.</p> <p>Council's Tree Management assessment raised no objections to the proposed amendment of this condition subject to amendment of sub-clauses as follows:</p> <p>a) Installation of the mulch be undertaken by tipper tractor and must be spread by hand.</p> <p>b) Mulch must be maintained at a depth of 150-300mm.</p>

Condition No.	Original condition	Proposed Amendments	Council comments
			<p>c) To maintain soil moisture levels the TPZ must be monitored by the project arborist.</p> <p>d) Temporary irrigation or watering systems must be installed and maintained by the project arborist.</p>
48	<p>Works near trees certification</p> <p>a) The project arborist must submit to the principal certifying authority a certificate that all works have been carried out in compliance with the approved plans and conditions or specifications for tree protection.</p> <p>b) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.</p>	<p>This proposed amendment is for Condition 48 to be consistent with the amendments proposed to Condition 33 and require separate certification for the fencing installed prior to the remediation and stockpile removal and for tree protection measures relating to other works.</p>	<p>As discussed, previously Council's tree management assessment raises no issues are with respect to the proposed modification of condition 33. Accordingly condition 48 is amended to read as follows:</p> <p>48. Works near trees Certification</p> <p>a) The project arborist must submit to the principal certifying authority a certificate that the tree protection measures referred to in condition 33 have been installed prior to commencing remediation and stockpile removal works.</p> <p>b) The project arborist must submit to the principal certifying authority a certificate that all works, with the exception of remediation and stockpile removal works, have been carried out in compliance with the approved plans and conditions or specifications for tree protection.</p> <p>c) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.</p>

The applicant seeks to use a long-armed excavator rather than the skid steer as currently conditioned. Council's tree management assessment raised no objections to the use of use of the long-armed excavator subject to a new condition requiring an AQF 5 Arborist oversee the remediation works when inside the TPZ of trees to be retained. Accordingly, a new Condition No. 4A is recommended to be imposed.

2.2 Built Environment

2.2.1 Waste

The applicant seeks to amend Condition 39 relating to Waste Management. The details of the proposed amendment to Condition 39 is provided as follows:

Condition No.	Original condition	Proposed Amendments	Council comments
39	<p>Waste Management Details</p> <p>Prior to the commencement of any works, the on-going waste collection service must be cancelled, and the bins retrieved by the waste collection service provider.</p> <p><i>Note: Council is the on-going waste collection service provider for residential properties.</i></p>	<p>The remediation and stockpile removal will not require the current uses of the land to cease.</p> <p>The condition is proposed to be amended to make it clear that Council's waste collection service would continue until demolition of those buildings takes place.</p> <p>The applicant seeks to amend the condition as follows:</p> <p>39. Waste Management Details</p> <p>Prior to the commencement of any demolition works, the on-going waste collection service must be cancelled, and the bins retrieved by the waste collection service provider. <u>During the remediation/stockpile removal phases the Council waste collection service can continue.</u></p> <p><i>Note: Council is the on-going waste collection service provider for residential properties.</i></p>	<p>Council's Waste Management assessment has indicated that purpose of Condition 39 is primarily so that the bins do not end up damaged or full of building waste and do not end up going to landfill when they clear the site. However, it is also to ensure domestic waste services cease before a change of use to commercial. This is essential because the <i>Local Government Act</i> places obligations on Councils to keep domestic waste management separate from commercial waste management.</p> <p>Therefore, it is recommended that the condition 39 be amended read as follows:</p> <p>39. Waste Management Details</p> <p>Upon the premises ceasing to be used as a domestic residence, the domestic waste collection service must be cancelled, and the bins retrieved by Council.</p> <p><i>Note: Council is the on-going waste collection service provider for residential properties</i></p>

2.3 Social Impacts

The proposal as modified would have a positive social impact within the locality by providing for housing for seniors and associated community facilities.

2.4 Economic Impacts

This proposal as modified would achieve a positive economic impact on the locality via employment generation and an increase in demand for local services.

3. SITE SUITABILITY

Section 4.15(1)(c) of the Act requires Council to consider "*the suitability of the site for the development*".

In this assessment of the original application it was determined that the site's attributes are conducive to the senior's development. The proposed modification would not have any impact with respect to the suitability of the site for the development.

4. PUBLIC PARTICIPATION



Section 4.15(1)(d) of the Act requires Council to consider “any submissions made in accordance with this Act”.

4.1 Community Consultation

The proposed development was placed on public exhibition and was notified to adjoining and nearby landowners between 5 February 2020 and 5 March 2020 in accordance with the Notification and Exhibition requirements of the Hornsby Community Participation Plan. During this period, Council received no submissions. The map below illustrates the location of those nearby landowners who were notified of the modified application.



NOTIFICATION PLAN

• PROPERTIES NOTIFIED	X SUBMISSIONS RECEIVED	 PROPERTY SUBJECT OF DEVELOPMENT	
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4.2 Public Agencies

The development application was not referred to any Public Agencies for comment.

5. THE PUBLIC INTEREST

Section 4.15(1)(e) of the Act requires Council to consider “*the public interest*”.

The public interest is an overarching requirement, which includes the consideration of the matters discussed in this report. Implicit to the public interest is the achievement of future built outcomes adequately responding to and respecting the future desired outcomes expressed in environmental planning instruments and development control plans.

The modified proposal would maintain the approval for a seniors housing development comprising 76 self-contained dwellings and a 79 bed residential care facility. The modified proposal is consistent with the *SEPP Seniors* and would be in the public interest.

CONCLUSION

The Section 4.56 application seeks to modify the conditions of development consent for DA/153/2018. The main purpose of this modification application is to restructure the consent to allow the remediation works to be carried out prior to issue of a Construction Certificate.

The proposed modification is substantially the same development as approved pursuant to Section 4.56 of the *Environmental Planning and Assessment Act, 1979* and is generally satisfactory in respect to the design principles of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*.

Having regard to the circumstances of the case, approval of the modified application is recommended.

The reasons for this decision are:

- The proposed development complies with the requirements of the relevant environmental planning instruments and the *HLEP*.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to Section 10.4 of the *Environmental Planning and Assessment Act 1979* in respect of the subject planning application.

Attachments:

1. Annexure A - Conditions of Consent
2. Approved Site Plans
3. Survey Plan
4. Stockpile Location Plan

SCHEDULE 1

Date of this modification:	13 May 2020
Details of this modification:	Section 4.56 application to modify several conditions of the consent including the deferred commencement conditions in Schedule A and the operational conditions in Schedule B of the consent to allow the remediation works to be carried out prior to issue of a Construction Certificate.
Conditions Added:	4A, 7(u), 7A, 7B, 26A,
Conditions Deleted:	B and C under Schedule A, 5, 60
Conditions Modified:	6, 7, 33, 34, 35, 37, 38, 39, 41, 44, 45, 48, 59

GENERAL CONDITIONS

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

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

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

DEFERRED COMMENCEMENT

This is a "Deferred Commencement" consent that is granted subject to conditions under Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* that the consent is not to operate until the person with the benefit of this consent satisfies Hornsby Shire Council ("Council") as to the matters set out in (SCHEDULE A) below. The period within which the applicant must produce evidence to the Council sufficient enough to enable it to be satisfied as to the matters in SCHEDULE A is thirty-six (36) months from the date this deferred consent is granted.

If the person with the benefit of this consent produces evidence to the Council within the period specified sufficient to enable the Council to be satisfied as to the matters set out in Schedule A below and the Council notifies the person in writing that it is satisfied as to the relevant matters, the development consent shall become operative subject to compliance with conditions outlined in SCHEDULE B.

Should the required information not be provided in the time period nominated above, the deferred commencement consent shall lapse.

SCHEDULE "A"

- A.** Documentation to ensure that the road links, retaining walls, landscaping and bin bay and the like on the adjacent Glenhaven Green property at 599-607 Old Northern Road Glenhaven as shown on plan DA 504 Rev C dated 26.10.18 by Calder Flower Architects and Landscape Plan 09 dated 26.10.18 by Taylor Brammer will be available to the subject development. This is to include the following:
 - i) The registration and creation of an easement to provide the development with access to these facilities, or other suitable mechanism as agreed by Council.
- B.** ~~Sewerage System Approval – All necessary consents, approvals and easements required for the connection of the development to the Sydney Water Sewerage system to the west of Old Northern Road Glenhaven have been obtained and written evidence of the same has been submitted to the Council.~~

- C. ~~An airborne asbestos fibre monitoring report prepared by a suitably qualified Environmental Consultant, inclusive of a clearance certificate prepared by a Safework NSW Licensed Asbestos Assessor validating that airborne asbestos fibre monitoring was undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works and that no unacceptable risk from airborne asbestos was identified for the duration of the remediation works.~~

SCHEDULE "B"

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:

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
Survey Plans		
177-15G T03 - Detail Survey Adjacent to Lot 2 DP 1123753 – Sheets 1 to 5 of 5	Craig & Rhodes	24.07.18
177-15G T01- Detail Survey - Sheets 1 to 4 of 4	Craig & Rhodes	23.08.18
Architectural Plans		
DA 000C Title Page	Calder Flower Architects	26.10.18
DA 001C Site Analysis	Calder Flower Architects	26.10.18
DA 002D Site Plan – Masterplan Basement 01	Calder Flower Architects	26.10.18
DA 003D Site Plan – Masterplan Level 02	Calder Flower Architects	26.10.18
DA 004D Site Plan – Masterplan Level 03	Calder Flower Architects	26.10.18
DA 005D Site Plan – Masterplan Roof 04 & 05	Calder Flower Architects	26.10.18
DA 006D Site Plan – Areas	Calder Flower Architects	26.10.18
DA 100C RC Level 01 Basement	Calder Flower Architects	26.10.18
DA 101C RC Level 02	Calder Flower Architects	26.10.18
DA 102C RC Level 03	Calder Flower Architects	26.10.18
DA 103C RC Level 04 & 05	Calder Flower Architects	26.10.18
DA 200D RC Elevations – Sheet 01	Calder Flower Architects	26.10.18
DA 210B RC Sections – Sheet 01	Calder Flower Architects	26.10.18

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
DA 400B RL Attached Dwelling Elevations & Sections	Calder Flower Architects	26.10.18
DA 401B Typical RL Attached Dwelling Layouts	Calder Flower Architects	26.10.18
DA 500C Villa Plan – Overall	Calder Flower Architects	26.10.18
DA 501B RL Villa Plan – Part A	Calder Flower Architects	26.10.18
DA 502C RL Villa Plan – Part B	Calder Flower Architects	26.10.18
DA 503C RL Villa Plan – Part C	Calder Flower Architects	26.10.18
DA 504C RL Villa Plan – Part D	Calder Flower Architects	26.10.18
DA 505D RL Villa Plan – Part E	Calder Flower Architects	26.10.18
DA 506D RL Villa Plan – Part F	Calder Flower Architects	26.10.18
DA 510C RL Villa Roof Plan – Overall	Calder Flower Architects	26.10.18
DA 511B RL Villa Roof Plan – Part A	Calder Flower Architects	26.10.18
DA 512B RL Villa Roof Plan – Part B	Calder Flower Architects	26.10.18
DA 513B RL Villa Roof Plan – Part C	Calder Flower Architects	26.10.18
DA 514B RL Villa Roof Plan – Part D	Calder Flower Architects	26.10.18
DA 515B RL Villa Roof Plan – Part E	Calder Flower Architects	26.10.18
DA 516C RL Villa Roof Plan – Part F	Calder Flower Architects	26.10.18
DA 517B Typical RL Villa Layouts	Calder Flower Architects	26.10.18
DA 600B RL Villa Elevations – Sheet 01	Calder Flower Architects	26.10.18
DA 601C RL Villa Elevations – Sheet 02	Calder Flower Architects	26.10.18
DA 602B RL Villa Elevations – Sheet 03	Calder Flower Architects	26.10.18
DA 603B RL Villa Elevations – Sheet 04	Calder Flower Architects	26.10.18
DA 604C RL Villa Elevations – Sheet 05	Calder Flower Architects	26.10.18
DA 605C RL Villa Elevations – Sheet 06	Calder Flower Architects	26.10.18
DA 610B RL Villa Sections – Sheet 01	Calder Flower Architects	26.10.18
DA 700B Photomontages – Sheet 01	Calder Flower Architects	26.10.18
DA 701B Photomontages – Sheet 02	Calder Flower Architects	26.10.18

<i>Plan No.</i>	<i>Drawn by</i>	<i>Dated</i>
DA 702B Photomontages – Sheet 03	Calder Flower Architects	26.10.18
DA 800B RC External Material Palette	Calder Flower Architects	26.10.18
DA 801B RL Attached Dwelling External Material Palette	Calder Flower Architects	26.10.18
DA 802B RL Villa External Material Palette	Calder Flower Architects	26.10.18
Landscape Plans		
00 Landscape Plan Cover Sheet	Taylor Brammer	22.02.18
Sheets 1A,1B,1C,1D, and 1E Existing Trees Retained and Removed	Taylor Brammer	20.08.18
Sheets 1 and 1F Rev C Existing Trees Retained	Taylor Brammer	17.10.18
02 & 03 Design Approach	Taylor Brammer	9.02.18
04 Landscape Masterplan	Taylor Brammer	26.10.18
05 Landscape Detail Plan 1/6	Taylor Brammer	26.10.18
06 Landscape Detail Plan 2/6	Taylor Brammer	26.10.18
07 Landscape Detail Plan 3/6	Taylor Brammer	26.10.18
08 Landscape Detail Plan 4/6	Taylor Brammer	26.10.18
09 Landscape Detail Plan 5/6	Taylor Brammer	26.10.18
10 Landscape Detail Plan 6/6	Taylor Brammer	26.10.18
11 Landscape Section AA BB CC	Taylor Brammer	29.10.18
12 Landscape Section DD and Typical Street Arrangement	Taylor Brammer	23.08.18
13 Landscape Section EE and Podium Terrace	Taylor Brammer	19.02.18
14 Planting Plan	Taylor Brammer	29.10.18
15 Planting Schedule	Taylor Brammer	27.08.18
16 Accessibility Masterplan	Taylor Brammer	29.10.18
17 Fencing Type Masterplan	Taylor Brammer	29.10.18
18 Private Open Space with Solar Access Masterplan	Taylor Brammer	29.10.18
D1 Landscape Details	Taylor Brammer	21.08.18

Plan No.	Drawn by	Dated
D2 Landscape Details	Taylor Brammer	23.08.18
D3 Landscape Details and Signage	Taylor Brammer	21.08.18
D4Landscape Details and Bin Bays	Taylor Brammer	17.10.18
D5 Landscape Details and Bin Bays	Taylor Brammer	29.10.18
LS00 Landscape Sections Masterplan	Taylor Brammer	12.10.18
LS01 Landscape Section S07	Taylor Brammer	12.10.18
LS02 Landscape Section S01	Taylor Brammer	12.10.18
LS03 Landscape Sections S10	Taylor Brammer	17.08.18
LS04 Landscape Section S02	Taylor Brammer	12.10.18
LS05 Landscape Section S04	Taylor Brammer	12.10.18
LS06 Landscape Section S05	Taylor Brammer	26.10.18
LS07 Landscape Section S06	Taylor Brammer	29.10.18
LS08 Landscape Section S09	Taylor Brammer	12.10.18
LS09 Landscape Section S12	Taylor Brammer	26.10.18
Civil Engineering Plans		
C000/ 05 Cover Sheet	Henry & Hymas	20.08.18
C100/ 08 General Arrangement Plan	Henry & Hymas	29.10.18
C101/ 09 Detail Plan Sheet 1 of 6	Henry & Hymas	29.10.18
C102/ 08 Detail Plan Sheet 2 of 6	Henry & Hymas	29.10.18
C103/ 011 Detail Plan Sheet 3 of 6	Henry & Hymas	29.10.18
C104/ 10 Detail Plan Sheet 4 of 6	Henry & Hymas	29.10.18
C105/ 08 Detail Plan Sheet 5 of 6	Henry & Hymas	29.10.18
C106/ 09 Detail Plan Sheet 6 of 6	Henry & Hymas	29.10.18
C110/ 04 Basement Plan	Henry & Hymas	17.08.18
C150 to C151/ 07 Road Layout Sheets1 & 2	Henry & Hymas	29.10.18
C152 to C159 /01 Road Longitudinal Sections	Henry & Hymas	02.02.18
C160 to C162/ 01 Road Typical Sections	Henry & Hymas	02.02.18

Plan No.	Drawn by	Dated
C200/ 04 Stormwater Miscellaneous Details & Pit Loid Schedule	Henry & Hymas	29.10.18
C201 & C202/ 04 On-Site Detention Basin 1	Henry & Hymas	17.08.18
C203/ 05 Bio-retention Basin 2 Sheet 1 of 2	Henry & Hymas	29.10.18
C204/ 03 Bio-retention Basin 2 Sheet 2 of 2	Henry & Hymas	09.02.18
C205/ 01 Stormwater Typical Details	Henry & Hymas	02.02.18
C210 to C216/ 02 Stormwater Longitudinal Sections Sheets 1 to 7	Henry & Hymas	02.02.18
C211/ 03 Stormwater Longitudinal Sections Sheets 2 to 7	Henry & Hymas	29.10.18
C212/ 02 Stormwater Longitudinal Sections Sheets 3 to 7	Henry & Hymas	02.02.18
C213/ 04 Stormwater Longitudinal Sections Sheets 4 to 7	Henry & Hymas	29.10.18
C214/ 02 Stormwater Longitudinal Sections Sheets 5 to 7	Henry & Hymas	02.02.18
C215/ 02 Stormwater Longitudinal Sections Sheets 6 to 7	Henry & Hymas	02.02.18
C216/ 02 Stormwater Longitudinal Sections Sheets 7 to 7	Henry & Hymas	02.02.18
C250/ 08 Stormwater Catchment Plan	Henry & Hymas	29.10.18
C300/ 01 Retaining Wall Typical Details	Henry & Hymas	02.02.18
C350/ 03 Road Bridge Details Sheet 1 of 2	Henry & Hymas	20.08.18
C351/ 01 Road Bridge Details Sheet 2 of 2	Henry & Hymas	02.02.18
C500/ 08 Pavement Plan Sheet 1 of 2	Henry & Hymas	29.10.18
C501/ 08 Pavement Plan Sheet 2 of 2	Henry & Hymas	29.10.18
C502/ 01 Pavement Typical Details	Henry & Hymas	02.02.018
EX 01/ 08 External Works Plan Sheet 1 of 3	Henry & Hymas	29.10.18
EX 02/ 07 External Works Plan Sheet 2 of 3	Henry & Hymas	29.10.18
EX 03/ 04 External Works Plan Sheet 3 of 3	Henry & Hymas	29.10.18
SE01/ 06 Sediment & Erosion Control	Henry & Hymas	29.10.18

Plan No.	Drawn by	Dated
SE02/ 02 Sediment & Erosion Control Sections & Details	Henry & Hymas	02.02.18
BE00/ 07 Bulk Earthworks Cut and Fill Plan Sheet 1 of 2	Henry & Hymas	29.10.18
BE01/ 04 Bulk Earthworks Cut and Fill Plan Sheet 2 of 2	Henry & Hymas	29.10.18
Wastewater Connection		
Letter from Sydney Water to applicant on sewer connection options		10.10.18

Document Title	Prepared by	Dated
Air Quality Report	CETEC	19.12.17
Acoustic Assessment	Acoustic Logic	29.01.18
Supplementary Arboricultural Impact Assessment	Stuart Pittendrigh	Aug 2018
Flora & Fauna Assessment	Travers Bushfire & Ecology	Feb 2018
Vegetation Management Plan	Travers Bushfire & Ecology	Aug 2018
Bushfire Hazard Assessment Report	Bushfire Code & Bushfire Hazard Solutions	16.02.18
Geotechnical Investigation Report	Geotechnique	27.10.17
Phase 1 Preliminary Contamination Assessment	Geotechnique	3.10.17
Detailed Site Investigation Report	GeoLogix	25.01.18
Remediation Action Plan	GeoLogix	Aug 2018
Assessment of Traffic & Parking Implications Issue C	Transport and Traffic Planning Associates	Aug 2018
Waste and Recycling Management Plan	SLR	21.02.18
Basix Certificate No 894157M_02	JHA Consulting Engineers	24.10.18
Statement of Compliance Access for People with a Disability	Accessible Building Solutions	12.02.18
Residential Services Statement	Anglican Community Services	Feb 2018
Statement of Environmental Effects	DFP Planning	Feb 2018

Document Title	Prepared by	Dated
Supplementary Statement of Environmental Effects	DFP Planning	Aug 2018
Excavated Natural Material (ENM) assessment	GeoLogix	9.10.18

2. Removal of Existing Trees

- a) This development consent permits the removal of trees identified in red on the Landscape Plans provided by Taylor Brammer dated 20 August 2018 and 17 October 2018 (TRIM D07552793) with exception of trees numbered 287-297 that are to be retained.

3. Amendment of Plans

- a) To comply with Councils requirement to avoid potential adverse impacts on Biodiversity, the approved Landscape plans are to be amended as follows:
 - i) Create a 10m landscape buffer from the northern (rear) boundary and around the regenerating patch of STIF trees as located on DA03 Site Plan – Masterplan Level 02 by Calder Flower dated 26.10.18 and in accordance with Table 1C.1.1(a) in the Biodiversity element of Hornsby Development Control Plan 2013. This buffer area is not to include any structures, retaining walls or earthworks (except for the removal of existing fill). Landscaping in the buffer zone is to comprise trees, shrubs, understorey and groundcover species indigenous to the adjoining vegetation community.
 - ii) To delete the visitor parking spaces between the residential aged care facility terrace and the pool area of No.595 Old Northern Road Glenhaven as depicted on DA03 Site Plan – Masterplan Level 02 by Calder Flower dated 26.10.18.
 - iii) The Plans 02 & 03 Landscape Plan Design Approach dated 9.02.18 are superseded by the amended plans dated 26.10.18
- b) To allow residents with disabilities to manoeuvre in the waste bin enclosure, the bin bay aisle width is to increase to 1540mm as depicted on *Plan D5 Landscape Details and Bin Bays* by Taylor Brammer dated 29.10.18 where the approved bin bay structures are not impeded by other structures.
- c) To ensure existing stormwater impacts on No. 583 Old Northern Road Glenhaven are not exacerbated during the construction phase, *Plan SE01 Sediment & Erosion Control* by Henry & Hymas 29.10.18 is to be amended to divert stormwater runoff away from the side (south-eastern) boundary and via a temporary water quality treatment facility prior to discharge into the watercourse.
- d) These amended plans must be submitted with the application for the Construction Certificate.

4. Construction Certificate

- a) A Construction Certificate is required to be approved by Council or a Private Certifying Authority prior to the commencement of any works under this consent with the exception of remediation works and removal of stockpiles.
- b) A separate Construction Certificate must be obtained from Hornsby Council which shall be approved by Roads & Maritime Services (RMS), for all works within the public road reserve pursuant to s138 of the *Roads Act 1993*, prior to commencement of those road works.
- c) A Construction Certificate must be obtained from Council for all works within natural watercourses draining public areas, or drainage easements that are vested in Council pursuant to Sections 59A and 68 of the *Local Government Act 1993*.
- d) The Construction Certificate plans must not be inconsistent with the Development Consent plans.

4A. Project Arborist

A Project Arborist (PA) is to be appointed to monitor tree protection during the remediation works, the removal of stockpiles and construction works. The PA shall have a minimum qualification under the Australian Qualification Framework Level 5 in Horticulture (Arboriculture) or above.

5. ~~A Site Audit Statement issued by a NSW EPA accredited Site Auditor, and an accompanying Site Audit Report documenting the information reviewed by the auditor and providing the basis for the conclusions contained within the site audit statement is required to be submitted to the Council for approval following remediation of the site, and prior to the appointment of a Private Certifying Authority. The Site Audit Statement must certify that the site is suitable for the proposed use.~~

REQUIREMENTS PRIOR TO THE APPOINTMENT OF A PRINCIPAL CERTIFYING AUTHORITY (PCA)

6. Detailed Environmental Site Management Plan

A Detailed Environmental Site Management Plan (ESMP) prepared by a suitably qualified environmental consultant must be submitted to Council for approval, detailing the actions that will be taken to protect the environment for the duration of all stages of the development and all responsible parties ensuring compliance with the document. Separate ESMPs are to be prepared for the following works:

- a) Remediation and removal of stockpile works prior to commencement of those works; and
- b) Demolition and construction works prior to the issuance of a construction certificate and appointment of the PCA.

The Plans are to be in accordance with the publication 'Managing Urban Stormwater – Landcom (March 2004) and the *Protection of the Environment Operations Act 1997* by way of implementing appropriate measures and should include but not be limited to:

- i) Water and soil management, including but not limited to sediment and erosion control measures;
- ii) Air quality;
- iii) Noise management, including how rock sawing/rock breaking noise mitigation measures will be implemented;
- iv) Waste Management.

7. Construction Management Plan (CMP)

In order to enable unencumbered movement of traffic in the public road during construction works, a Construction Management Plan (CMP), including a Construction Traffic Management Plan (CTMP) and scaled construction plans prepared by a suitably Chartered and Qualified Chartered Civil Engineer and Qualified Worksite Traffic Controller shall be prepared and submitted to Hornsby Shire Council for approval according to the following requirements. Separate CMPs are to be prepared for the following works:

- 1. Remediation and removal of stockpile works; and
- 2. Demolition and construction works prior to the appointment of the PCA.

The CMPs are to include:

- a) A copy of the CMPs shall be submitted for consideration and written approval by Hornsby Shire Council prior to the appointment of a PCA.
- b) The CMPs must detail the order of works and arrangement of all machinery and vehicles being used at the same time during all stages.
- c) The CMPs must be in accordance with the approved Development Application plans and the Development Consent conditions. This shall include, but not be limited to the removal of the caravan parking and fire trail from within the 10m buffer zone from the STIF adjacent to the rear (northern) boundary.
- d) In order to prevent injury, accident and loss of property, no building materials, work sheds, vehicles, machines or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
- e) The CMPs must be in compliance with the requirements of the Road and Traffic Authority's "Traffic Control at Worksites Manual 1998" 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;

- f) The CMPs must indicate traffic controls including those used during non-working hours and shall provide pedestrian access and two-way traffic in the public road to be facilitated at all times.
- g) The CMPs must include the proposed truck routes to and from the site including details of the frequency of truck movements at the different stages of the development.
- h) The CMPs must include details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.
- i) The CMPs must include swept path analysis for ingress and egress of the site throughout all stages of works.
- j) The CMPs must include site plans for all stages of works including the location of site sheds, unloading and loading areas, waste and storage areas being used.
- k) The CMPs must include the total volume of fill to be imported to the subject site throughout all stages to achieve approved levels.
- l) The CMPs must include the total volume of fill to be exported at the subject property throughout all stages.
- m) The CMPs must include 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.
- n) The CMPs must include the number of total truck movements to and from the site for each stage of works.
- o) The CMPs must include the number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.
- p) The CMPs must include the maximum number of trucks travelling to and from the site on any given day for each stage of works.
- q) The CMPs must include the maximum number of truck movements on any given day during peak commuting periods for all stages of works.
- r) The CMPs must include but not be limited to the location details of the licensed waste facility where excavated material required for removal will be disposed to.
- s) 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.
- t) If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the CMPs must detail these requirements and that an application to Hornsby Shire Council will be made.
- u) The CMP for demolition and construction works is to include an Unexpected Finds Protocol outlining the applicable regulations, procedures to be implemented, and the parties responsible for such implementation, in the event that asbestos or soil

contamination is identified. The CMP must include a statement that the Principal Certifying Authority and engaged NSW accredited Site Auditor is to be notified of unexpected finds of asbestos or soil contamination.

7A. Remediation and Validation Report

A Remediation and Validation Report shall be prepared by a suitably qualified Environmental Consultant, following the disposal of stockpiles and site remediation in accordance with the approved Remediation Action Plan.

The Remediation and Validation Report shall include a clearance certificate(s) prepared by a Safework NSW Licensed Asbestos Assessor with records of airborne asbestos fibre monitoring undertaken along the boundaries of the site and within the site prior to, during and upon completion of remediation works. Implemented airborne asbestos fibre monitoring measures must be sufficient to identify any unacceptable risk from airborne asbestos for the duration of the remediation works. The Remediation and Validation Report must detail the measures taken to mitigate any identified unacceptable risks from airborne asbestos and be submitted to the engaged NSW accredited Site Auditor for review.

7B. Site Audit Statement

A Site Audit Statement issued by a NSW EPA accredited Site Auditor, and an accompanying Site Audit Report documenting the information reviewed by the auditor and providing the basis for the conclusions contained within the site audit statement is required to be submitted to the Council following remediation of the site, and prior to the appointment of a Principal Certifying Authority. The Site Audit Statement must certify that the site is suitable for the proposed use.

REQUIREMENTS PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE
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8. Building Code of Australia

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

9. Notification of Home Building Act 1989 Requirements

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

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

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

10. NSW EPA Licence requirements

All Environmental Protection Licences for any activities as defined within the Protection of the Environment Operations Act 1997 and associated Regulations are to be submitted to Council and Council's written confirmation of receipt of the Licences is to be provided to the PCA, prior to the issue of a Construction Certificate.

11. Utility Services

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

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

12. Dilapidation Report

A 'Dilapidation Report' is to be prepared and submitted to Council and the PCA by a 'chartered structural engineer' detailing the structural condition of the following adjoining properties.

- a) No.595 Old Northern Road, Glenhaven,
- b) No.585 to 587 Old Northern Road, Glenhaven,
- c) No.583 Old Northern Road, Glenhaven

13. Car Parking and Deliveries

All car parking must be constructed and operated in accordance with *Australian Standard AS 2890.1 – 2004 – Off Street Car Parking and Australian Standard 2890.2 - 2002 – Off Street Commercial* and the following requirement:

- a) All parking areas and driveways must be sealed to an all weather standard, line marked and signposted;
- b) Car parking, loading and manoeuvring areas must be used solely for nominated purposes;
- c) Vehicles awaiting loading, unloading or servicing must be parked on site and not on adjacent or nearby public roads; and
- d) All vehicular entry on to the site and egress from the site must be made in a forward direction.
- e) All parking for people with disabilities is to comply with *AS/NZS 2890.6:2009 Off-street parking for people with disabilities*.

14. Identification of Survey Marks

A registered surveyor must identify all survey marks in the vicinity of the proposed development. Any survey marks required to be removed or displaced as a result of the proposed development shall be undertaken by a registered surveyor in accordance with Section 24 (1) of the *Surveying and Spatial Information Act 2002* and following the Surveyor General's Directions No.11 – "**Preservation of Survey Infrastructure**". A copy is to be provided to the Council.

15. Road Works

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

- a) A separate Application shall be made to Roads and Maritime Services (RMS) Project Services for the proposed Type C auxiliary turn lane and deceleration lane adjacent the proposed accessway, along with all roadworks, medians, islands, drainage, utilities adjustments, islands, linemarking and signage in the public road. The road works shall extend across the frontage of adjoining properties to match existing road assets and make good. A copy of the RMS-stamped and approved roadworks plans and signed trust deed shall be provided to Hornsby Council for records information;
- b) The access from the proposed Old Northern Rd kerbside carriageway to the internal roadway shall be designed and constructed as a Council-standard crossing. The access shall provide for an RMS standard concrete layback and flush concrete slab;
- c) A separate application shall be made to RMS for parking control signage, and to Hornsby Council for the bus shelters, along with payment of appropriate fees. Bus facilities and parking signage must not be constructed until after approval by Council.
- d) A separate Subdivision Construction Certificate (SCC) application shall be made to Hornsby Council for the following works which are to be designed by the Engineer in accordance with Council's *Civil Works Design and Construction Specification*:
 - i) In order to provide vehicular access to 595 Old Northern Road, the vehicular crossing shall be designed by the Engineer and provided on proposed construction plans;
 - ii) Driveway longsections to 595 Old Northern Road and Sight Distances shall be designed to be provided in accordance with the requirements of AS 2890.1-2004;
 - iii) Design and construction of a heavy duty concrete layback and vehicular crossing from the kerbside carriageway to the subject site's internal roadway;
 - iv) Provision of bus facilities and parking control signage as approved by Council's Traffic & Road Safety Branch. A bus shelter is to be provided at Bus Stop 3.;
 - v) A footpath shall be designed to extend across the Old Northern Road frontage, adjoining the proposed concrete access crossing, and from the site to the Gilbert Road signalised pedestrian crossing in accordance with Council's Civil

Works Design and Construction Specification 2005 and the following requirements:

- a. The footpath being 1.2m wide and with 100mm thick concrete;
- b. Setback from the carriageway with a 1.2m verge as indicated on the External Works Plans EX01, EX02 and EX03 by Henry and Hymas;
- c. With footpath gradients that comply with Clause 26(2)(a) of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- d. The remaining area in the footpath verge shall be fully turfed;
- e. Any public utility adjustments to be carried out at the cost of the applicant and to the requirements of the relevant public authority
- vi) The SCC must be lodged with Hornsby Council subsequent to receiving a quotation for the SCC assessment and compliance inspection fees. The SCC Application can not be lodged with Council until after payment of the required fees;
- vii) Road works the subject of this subclause must not commence until after approval of the SCC plans and a pre-commencement meeting has been undertaken with the Contractor and Council;
- e) Prior to the consideration of an Occupation Certificate, submission of compaction certificates from a geotechnical engineer for any subgrade, fill or dense graded base within road reserves.

16. Road Verge

Prior to the issue of any construction certificate the Applicant shall investigate existing services located in the road verge and provide written confirmation with evidence to Council that no services or infrastructure will be impacted.

17. Swept Paths

Prior to the issue of any construction certificate swept path plans shall be submitted to Council for approval which demonstrate suitable access for the largest vehicles accessing the site. The access should cater for simultaneous entry/exit of vehicles. If the access is used for construction access, additional turning path should be provided for the largest construction vehicles accessing the site. All vehicles should be able to turn left from the deceleration lane without encroaching on to the through travel lane.

18. Internal Driveway/Vehicular Areas

The driveway and parking areas on site must be designed, constructed and a Construction Certificate issued in accordance with *Australian Standards AS2890.1, AS2890.2, AS3727*, Council's Civil Works Design and Construction Specification and the following requirements:-

- a) Design levels at the front boundary shall be obtained via a separate Application from Council for Crossing Levels;
- b) Design levels at the front boundary shall be obtained from Council.
- c) The driveway pavement shall be designed by the Engineer for the anticipated construction and all other traffic loadings;
- d) The pavement have a kerb to at least one side and a one-way cross fall with a minimum gradient of 2 percent with kerb inlet pits provided on grade and at low points;
- e) 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.
- f) The provision of safety rails where there is a level difference more than 0.3 metres and a 1:4 batter cannot be achieved.
- g) Conduit for utility services including electricity, water, gas and telephone be provided. All existing overhead assets including electricity and telecommunications cabling shall be relocated underground at no cost to Council.
- h) Construction of pedestrian accessways designed to help prevent slip and fall shall be designed and constructed alongside the road network. 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.
- i) The driveway pavement is to accommodate a 22.5 tonne laden waste collection vehicle.

19. Water Quality and Stormwater Drainage

The stormwater drainage system for the development must be designed in accordance with Council's *Civil Works – Design and Construction Specification 2005* and the following requirements:

- a) The internal drainage system shall designed by an accredited person and constructed in accordance with HDCP2013 Section 1C.1.2.i for water quality requirements;
- b) The proposed dam and spillway be designed and constructed to contain the 100 year *Average Recurrence Interval* storm event, ensure no design storm event afflux on upstream property, and ensure no impact on continuous use of footpath and accessway assets for the design storm event.

20. On Site Stormwater Detention

An on-site stormwater detention system must be designed by a chartered civil engineer and constructed in accordance with Council's Specifications and the following requirements:-

- i) The internal drainage systems draining to the Basin 1 (southern) and Basin 2 (northern) drainage disposal systems shall be designed by the civil or hydraulic Engineer to ensure the sum of the post-development 20 year average recurrence interval (ARI) runoff from both catchments does not exceed a maximum of 1420 Litres/second at any one moment of time during any post-development 20 year ARI design storm event, using detention basins as required;

- ii) The Engineer shall provide details of the respective Basin 1 and Basin 2 outflow hydrographs generated from DRAINS analysis, after consideration of receiving water levels, to show compliance with the requirements of this clause;
- iii) Have a surcharge/inspection grate located directly above the outlet;
- iv) 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-controlled system;
- v) On-site detention discharge points shall provide an appropriate stilling pond or energy dissipated disposal system;
- vi) 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
- vii) Not be constructed in a location that would impact upon the visual or recreational amenity of residents.

19B. Setback from Prescribed Stream

- a) To protect the natural environment, a buffer setback of 10 metres must be provided from the crest of the watercourse to any construction works.
- b) The setback area must be suitably vegetated with native grasses to facilitate the filtration of surface runoff.
- c) This vegetation must be planted and established prior to the issue of an Occupation Certificate.

This does not apply to the part of the dam to be reclaimed as part of the vegetated riparian buffer as located on Plan 07 Landscape Detail Plan 3/6 by Taylor Brammer dated 26.10.18.

21. Pedestrian Links within and from the site

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

22. Waste Management Details

The following waste management requirements must be complied with:

- a) The bin storage bays for the Independent Living Units must:
 - i) be located no more than 50m walking distance from each dwelling. The walking path from each independent living unit to the nearest bin storage room must be an accessible path of travel as per the relevant Australian Standards; and
 - ii) be located no more than 10m walking distance from the waste collection vehicle parking location with the exception of the Attached Dwellings adjacent to the residential care facility wherein the site caretaker will move bins to the collection point in accordance with Condition 102(b)(b); and

- iii) have door(s) wide enough and positioned so that the 240 L bins can fit through; and
- iv) Screening to a height of no less than 1.5m should be provided; and

Note: a 240 L bin is 600 mm wide by 750 mm deep; allow for 75 mm ease around the bin to avoid damage to walls etc from scraping. The door must be wide enough and positioned such that all the bins can fit through. Every bin must be able to be accessed (no stacking of bins two or more deep).

- b) The bin carting routes, including but not limited to, from the bin storage room/bay to the truck parking location, must be:
 - i) devoid of steps (ramps are acceptable); and
 - ii) smooth hard surface; and
 - iii) no less than 1.5m wide for 240L bin carting routes, and no less than 2.5m wide for the carting routes of larger bins.
- c) The residential component (independent living units) and non-residential component (nursing home, chapel, administration etc) of the development must have separate and self contained waste management systems, including separate bin storage rooms. Commercial (non-residential) tenants must be prevented (via signage, locked doors and other means) from using the residential (independent living units) waste/recycling bins and vice versa.
- d) The access way (including ramp, vehicle turning area, loading bay and site entry/exit) to be used by waste collection vehicles, must be designed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles.

Note: AS2890.2-2002 includes a maximum gradient of 1:6.5 for forward travel and 1:8 for reverse travel and a minimum vertical clearance of 4.5 m. Encroachments of the small rigid vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces cannot be tolerated.

23. Certification of Traffic Engineer

Prior to the issue of a Construction Certificate, a Certificate from an appropriate qualified Traffic Engineer is to be submitted to the Principal Certifying Authority (PCA) certifying that the parking modules, loading areas and garbage collection areas comply with AS 2890.1, AS 2890.2, AS2890.6 and the approved Development Consent plans and conditions.

24. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

25. Vegetation Management Plan

- a) The Vegetation Management Plan (VMP) (Travers Bushfire and Ecology, August 2018) shall be amended to include the following:

- i) A 10m buffer is to be continued along the length of the northern boundary adjacent to the remnant Sydney Turpentine Ironbark Forest (STIF).
- ii) There will be no structures or earthworks within the 10m buffer to the STIF but the 10m buffer may be managed as an asset protection zone.
- iii) The VMP is to include specifications for the management of the 10m buffer area including APZ compliant landscaping or planting.
- iv) A restricted development area is to be placed over the retained Blue Gum High Forest (BGHF) and STIF areas to exclude building, structures and earthworks.
- v) A positive covenant is to be placed over the BGHF and STIF areas to be managed in accordance with the VMP in perpetuity.
- vi) The VMP is to be approved by Hornsby Council prior to release of the construction certificate.
- vii) The VMP is to be reviewed once in every five years with the submission of a project ecologist compliance certificate and instructions for amendments if required and rectification works in accordance with the approved VMP.

26. Acoustic Mitigation

In order to mitigate potential noise intrusion from Old Northern Road, the residential accommodation is to be designed and constructed to ensure that the following LAeq levels are not exceeded:

- a) in any bedroom – 35dB(A) at any time between 10pm and 7am, and
- b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) – 40 dB(A) at any time.

26A. Sewerage System Approval

All necessary consents, approvals and easements required for the connection of the development to the Sydney Water Sewerage system to the west of Old Northern Road Glenhaven have been obtained and written evidence of the same has been submitted to the Council.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS
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27. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

28. Compliance with requirements of EPA Environmental Protection Licences

Any requirements as conditioned by any NSW EPA Environmental Protection Licences must be complied with.

29. Erection of Construction Sign

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

30. Protection of Adjoining Areas

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

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

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

31. Toilet Facilities

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

32. Erosion and Sediment Control

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

sediment control devices must remain in place until the site has been stabilised and revegetated.

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

33. Tree Protection Measures

The following tree protection measures are to be installed for trees numbered 157-188 and 287-297 prior to the commencement of remediation and stockpile removal works, and for all other trees, prior to the commencement of any other works:

- a) All trees numbered 157, 158, 159 and 287-297 must have tree protection measures for the ground, trunk and canopy installed by the project arborist.
- b) Tree protection fencing for trees numbered 157, 158, 159 and 287-297 must be installed with a radius as specified in the submitted Arboricultural Impact Assessment provided by Stuart Pittendrigh dated August 2018 (TRIM:07514255).
- c) All tree protection fencing for trees numbered 160-188 must have a minimum TPZ radius of 10 metres as listed in Hornsby Shire Council Development Control-General Controls 1C clause e.
- d) Tree protection fencing for the trees to be retained must consist of 1.8m high temporary fencing panels installed in accordance with Temporary Fencing and Hoarding Standards AS4687-2007.
- e) The protection fencing must have shade cloth or similar attached to reduce transport of dust, particulates and liquids from entering the tree protection zone.
- f) Tree Protection fencing must have identifying signs attached, with the lettering complying with AS1319.
- g) All tree protection fencing must be maintained at the prescribed radius for the duration of the development proposal.
- h) All installation of tree protection fencing must be supervised and certified by the project arborist.

34. Tree Trunk and Branch Protection

The following measures are to be implemented for trees numbered 287-297 after remediation and stockpile removal works, and prior to the commencement of any other works:

- a) Tree numbered 287-297 must have trunk protection applied to the circumference of the trunk and must be wrapped in hessian material to provide cushioning for the installation of timber planks.
- b) Timber planks of 50mm x100mm in size must be spaced at 100mm intervals around the trunk of the tree, atop the hessian material and must be attached using adjustable ratchet straps.

35. Tree Protection Zone - Ground Protection

The following measures are to be implemented for trees numbered 159-188 and 287-297 after remediation and stockpile removal works, and prior to the commencement of any other works:

- a) The tree protection zone for the tree numbered 159-188 and 287-297 must have a layer of geotextile fabric installed which is then covered with wood-chip mulch at a depth of between 150mm and 300mm from natural ground level that complies with the relevant requirements of Australian Standard AS 4454 – *“Composts, Soil Conditioners and Mulches”* installed prior to works commencing.
- b) Rumble boards must be installed over the wood-chip mulch to allow for small plant.

36. Installation of designated haulage Roads

Construction vehicles are to drive via the existing driveway or via the approved and constructed driveway that traverses the creek. Construction vehicles are not to drive through the creek or within the 10m creek buffer. Construction fencing is to be erected to enforce this requirement.

In addition, where there is a designated access paths and haulage roads must be installed in accordance with the relevant requirements of *Australian Standard AS 4970-2009 - “Protection of Trees on Development Sites”*.

37. Environmental Site Management Plans

Any requirements prior to the commencement of works as detailed within the Council approved Environmental Site Management Plans must be complied with, unless otherwise approved by Council.

38. Construction Management Plan Compliance

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

39. Waste Management Details

Upon the premises ceasing to be used as a domestic residence, the domestic waste collection service must be cancelled, and the bins retrieved by Council.

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

REQUIREMENTS DURING REMEDIATION, DEMOLITION AND CONSTRUCTION

40. Construction Work Hours

All work on site (including demolition and earth works) must only occur between 7am and 5pm Monday to Saturday (unless otherwise approved in writing by Council due to extenuating circumstances). No work is to be undertaken on Sundays or public holidays.

41. Compliance with Environmental Site Management Plans

The Council approved Environmental Site Management Plans per Condition No.6 must be complied with for the duration of works, unless otherwise approved by Council.

42. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with “*Australian Standard 2601-2001 – The Demolition of Structures*” and the following requirements:

- a) Demolition material must be disposed of to an authorised recycling and/or waste disposal site and all waste receipts submitted to the Certifier;
- b) Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by *WorkCover NSW* in accordance with Chapter 10 of the *Occupational Health and Safety Regulation 2001* and Clause 29 of the *Protection of the Environment Operations (Waste) Regulation 2005*; and
- c) On construction sites where any building contain asbestos material, a standard commercially manufactured sign containing the words ‘DANGER ASBESTOS REMOVAL IN PROGRESS’ and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

43. Street Sweeping

To protect the surrounding environment, Street sweeping must be undertaken following sediment tracking, or at any time as required by Council, from the site along Old Northern Road during works and until the site is established.

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

44. Works Near Trees

- a) No consent is granted for any excavation within the Tree Protection zones of trees numbered 159-188 and 287-297.
- b) Consent is granted to remove the stock piled material within the Tree Protection zones of trees numbered 159-188.
- c) The removal of the stockpiled material within the Tree Protection zones of trees numbered 159-188 and 287-297 must be undertaken using a long arm excavator positioned outside the 10m TPZ.
- d) To maintain tree health and condition for the trees numbered 159-188 on the approved plans, the appointed project arborist must monitor and record any and all necessary remedial tree health actions required.
- e) A certificate must be submitted to the principal certifying authority by the AQF Level 5 Arborist detailing the method(s) used to preserve these tree(s) during the course of construction.
- f) The maintenance and monitoring of all tree protection techniques must be recorded by the appointed project arborist during the period of remediation and construction for submission to the Certifier prior to the issue of an Occupation Certificate.

45. Maintaining Tree protections zones

After remediation and stockpile removal works are complete and prior to the commencement of any other works, the area within the Tree protection zones must be maintained as follows:

- a) Installation of the mulch be undertaken by tipper tractor and must be spread by hand.
- b) Mulch must be maintained at a depth of 150-300mm.
- c) To maintain soil moisture levels the TPZ must monitored by the project arborist.
- d) Temporary irrigation or watering systems must be installed and maintained by the project arborist.

46. Works within Tree Protection Zones

Changing of Grade

No excavation below the natural site grade within Tree Protection Zones and 10 metre buffer zone for trees to be retained.

47. Building materials and Site Waste

The stockpiling of building materials, the parking of vehicles or plant, the disposal of cement slurry, waste water or other contaminants must be undertaken outside the 10 meter buffer zone and tree protection zones as prescribed in the conditions of this consent of any tree to be retained.

48. Works near trees certification

- a) The project arborist must submit to the principal certifying authority a certificate that the tree protection measures referred to in Condition No. 33 have been installed prior to commencing remediation and stockpile removal works.
- b) The project arborist must submit to the principal certifying authority a certificate that all works, with the exception of remediation and stockpile removal works, have been carried out in compliance with the approved plans and conditions or specifications for tree protection.
- c) Certification should include a statement of site attendance, the condition of retained trees, details of any deviations from the approved tree protection measures and their impacts on trees.

49. Bushland Protection During Construction

To ensure the protection of bushland during construction, the applicant must:

- a) Install temporary and permanent fencing of the conservation areas (BGHF and STIF areas) as described in the approved Vegetation Management Plan as further amended in accordance with Condition No.25 (Travers Bushfire and Ecology, August 2018);

Note: The site contains Blue Gum High Forest and Sydney Turpentine Ironbark Forest which are Threatened Ecological Communities listed under the NSW Biodiversity Conservation Act

2016 and Commonwealth Environment protection and Biodiversity Conservation Act 1995. The Act prohibits the disturbance to threatened species, endangered populations and endangered ecological communities, or their habitat, without the approval of the 'Office of Environment and Heritage where such activities are not authorised by a development consent under the 'Environmental Planning and Assessment Act 1979'.

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

50. Impacts on Bushland

To maintain bushland diversity, the applicant must ensure the following:

- a) Viable seed must be collected by an AQF 5 arborist from trees numbered 221-223, 243-246, 284, 285, and 317 prior to their removal and donated to the 'Hornsby Shire Community Nursery' for propagation and future replanting within the local area. The Arborist must provide written advice confirming the time and date of collection and the species, condition and soil type of the parent plant.
- b) Trees to be removed in sections by a qualified tree surgeon in the presence of a 'Wildlife Carers' organisation to assist in the event of fauna injury.
- c) The development is carried out in accordance with the approved Vegetation Management Plan.

Note: 'WIRES' (Wildlife Rescue) volunteers can be contacted on 8977 3333. 'Wildlife Services Sydney Metropolitan' volunteers can be contacted on 13000 94737. Information on animal nesting boxes can be obtained from WIRES, Kalkari Information Centre in Ku-Ring-Gai Chase National Park or Birds Australia www.birdsaustralia.com.au.

51. Council Property

To ensure that the public reserve is kept in a clean, tidy and safe condition during construction works, no building materials, waste, machinery or related matter is to be stored on the road or footpath.

52. 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.

53. Landfill

Landfill must be constructed in accordance with Council's 'Construction Specification 2005' and the following requirements:

- a) All fill material imported to the site is to wholly consist of Virgin Excavated Natural Material (VENM) as defined in Schedule 1 of the *Protection of the Environment*

Operations Act, 1997 or a material approved under the *NSW Environment Protection Authority's* general resource recovery orders and exemptions.

- b) A compaction certificate is to be obtained from a suitably qualified geotechnical engineer verifying that the specified compaction requirements have been met.
- c) This compaction certificate must be included with the application for an occupation certificate.
- d) The footings of any structures on land that has been filled more than 300mm must be designed by a chartered structural engineer.

54. Reuse of Excavated Natural Material (ENM) on-site.

The on-site reuse of the fill material identified within the Waste Classification Report titled 'ENM Assessment', reference No. 1801101Ltr01FinalV02_09Oct18, dated 9 October 2018, prepared by Geo-Logix Pty Ltd is only permitted to be reused as engineering fill and/or for use in earthworks on the site.

55. Excavated Material

All excavated material removed from the site must be classified by a suitably qualified Environmental Consultant in accordance with the NSW Environment Protection Authority's *Waste Classification Guidelines* prior to disposal to an approved waste management facility and waste receipts for the total volume of excavated material submitted to the principal certifying authority prior to the issue of an Occupation Certificate.

56. Compliance with requirements of EPA Environmental Protection Licences

Any requirements as conditioned by any NSW EPA Environmental Protection Licence must be complied with.

57. Survey Report – Finished Floor Level

To ensure that the approved development has been located at the setbacks and levels shown on the relevant plans and elevations, a report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the building certifying that:

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

58. Waste Management

Waste management during the demolition and construction phase of the development must be undertaken in accordance with the approved Waste Management Plan. Additionally written records of the following items must be maintained during the removal of any waste from the site and such information submitted to the Principal Certifying Authority within fourteen days of the date of completion of the works for each stage:

- i) The identity of the person removing the waste.

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

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

59. Construction Management Plan Compliance

The Council approved Construction Management Plans (CMP) and associated Construction Traffic Management Plans (CTMP) per Condition No.7 must be complied with for the duration of works, unless otherwise approved by Council.

60. ~~Asbestos or Soil Contamination~~

~~Should the presence of asbestos or soil contamination, not recognised during the application process be identified, the applicant must immediately notify the principal certifying authority, Council and the NSW EPA accredited Site Auditor.~~

61. Damage to Survey Marks

Any damage caused to existing survey marks as a result of the approved works must be rectified by the applicant at any time as directed by Council in accordance with the Surveyor General's Direction No.11 – "**Preservation of Survey Infrastructure**".

62. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION OR SUBDIVISION CERTIFICATE

Note: For the purpose of this consent, a reference to 'occupation certificate' shall not be taken to mean an 'interim occupation certificate' unless otherwise stated.

GENERAL CONDITIONS APPLICABLE TO EACH STAGE

63. Staged Construction

The development is to be constructed in the following sequential Stages as illustrated in Plan DA006D Site Plan – Areas by Calder Flower Architects dated 26.10.18 and summarised below:

Stage A – Remediation of Land, Earthworks, Stormwater Management, All Public roadworks and footpaths, Private roadworks, Sewer Connection, Vegetation Management Plan

Stage B – Residential Aged Care Facility, associated carparking and landscaping and pedestrian footpaths

Stage C – 26 self contained dwellings, associated carparking and landscaping and the accessible pedestrian footpath link from the dwellings through stages D and E to the Residential Aged Care Facility and to Old Northern Road as depicted on the Accessibility Masterplan Dwg 16 by Taylor Brammer dated 29.10.18.

Stage D – 25 self contained dwellings, associated carparking and landscaping

Stage E – 25 self contained dwellings, associated carparking and landscaping

64. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

65. Compliance with requirements of EPA Environmental Protection Licences

Any requirements as conditioned by any NSW EPA Environmental Protection Licence must be complied with.

66. Restriction on Occupation – Self Contained Dwellings (Serviced Self Care Housing)

A restriction as to user must be created under s88B of the Conveyancing Act, 1919 and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

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

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

67. Sydney Water – s73 Certificate

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

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

68. 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 Shire Councils DCP. The Certificate shall be provided to the Principal Certifying Authority and Hornsby Council.

69. Damage to Council Assets

To protect public property and infrastructure, any damage caused to Council's assets as a result of the construction or demolition of the development must be rectified by the applicant in accordance with Council's Civil Works Specifications. Rectification works must be undertaken prior to the issue of an Occupation Certificate, or sooner, as directed by Council.

70. Works as Executed Plan

A works-as-executed plan(s) must be prepared by the Chartered Engineer or a Registered Surveyor and submitted to Council for completed road assets, traffic assets, signage, kerb & gutter, drainage systems, driveways and water quality and on-site detention systems.

71. Survey Marks

A certificate by a Registered Surveyor shall be submitted to the Principal Certifying Authority, certifying that there has been no removal, damage, destruction, displacement or defacing of the existing survey marks in the vicinity of the proposed development, or otherwise certifying that the necessary re-establishment of any damaged, removed or displaced survey marks has been undertaken in accordance with the Surveyor General's Direction No. 11 – "Preservation of Survey Infrastructure".

72. Retaining Walls

All required retaining walls on the approved plans must be constructed as part of the development.

73. 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 and conditions.

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.

74. Waste Management Details

The following waste management requirements must be complied with:

- a) The bin storage bays and rooms must include water or a hose for cleaning, graded floors with drainage to sewer, sealed and impervious surface, robust door(s), adequate lighting and ventilation.
- b) The door(s) to each bin storage room/bay must be wide enough to fit the largest required bin through.

Note: a 240 L bin is 600 mm wide by 750 mm deep; an 1100L bin is 1470mm wide by 1245mm deep; allow for 75 mm ease around the bin to avoid damage to walls etc from scraping.

- c) A report must be prepared by an appropriately qualified person, certifying the following:

- i) A comparison of the estimated quantities of each waste type against the actual quantities of each waste type.

Note: Explanations of any deviations to the approved Waste Management Plan is required to be included in this report

- ii) That at least 60% of the waste generated during the demolition and construction phase of the development was reused or recycled.

Note: If the 60% diversion from landfill cannot be achieved in the Construction Stage, the Report is to include the reasons why this occurred and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

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

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

- e) The bin storage bays for the independent living units must be accessible by persons with a disability while comfortably housing all of the required bins.

- f) Space must be provided for either individual compost containers for each unit or a communal compost container;

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

- g) The bin carting routes must be devoid of any steps.

Note: Ramps between different levels are acceptable

- h) A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by the 10.2m long waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority.

- i) The survey is to include dimensions, gradients and vertical clearance. Written confirmation must be submitted to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle turning path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for a 10.2m long rigid waste collection vehicles.

- j) No stage can be occupied unless there is satisfactory vehicular access for the 10.2m long waste collection vehicle to all the bin storage rooms/bays to be used by that stage. Vehicular access for the waste collection vehicle to the bin storage rooms/bays to be used by an occupied stage(s) must be maintained during all subsequent stages.

75. External Lighting

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

76. Safety and Security

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

77. Wastewater Connection to Sydney Water

All wastewater generated by the development must be connected to Sydney Water's sewerage system.

78. Works as Executed Plan

A works-as-executed plan(s) must be prepared by the Chartered Engineer or a Registered Surveyor and submitted to Council for completed road assets, traffic assets, signage, kerb & gutter, drainage systems, driveways and water quality and on-site detention systems.

79. Provision for National Broadband Network (NBN)

Provision must be made for fibre ready passive infrastructure (pits and pipes) generally in accordance with NBN Co's pit and pipe installation guidelines to service the proposed development.

A certificate from NBN Co or Telstra must be submitted to the PCA that the fibre optic cabling provided for the development complies with MDU Building Design Guides for Development.

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

- a) To inform current and future owners that the conservation areas containing Blue Gum High Forest (riparian conservation area) and Sydney Turpentine Ironbark Forest (northern boundary buffer area) is to be protected from future development, a Restriction as to User must be created under Section 88B of the Conveyancing Act 1919.
- b) The proposed Restriction as to User Area Plan and wording of the covenant is to highlight the conservation value of the site and to restrict development within these areas that would have a detrimental impact on local biodiversity values.
- c) The wording of the Restriction as to User must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.

81. Placement of a Positive Covenant Requiring the Conservation of Native Vegetation

- a) A positive covenant shall be created under Section 88E of The Conveyancing Act 1919 to provide for the ongoing management of the conservation areas as described in the Vegetation Management Plan by Travers Bushfire and Ecology. The covenant shall specify:
 - i) The management works within the Vegetation Management Plan shall be reviewed and updated every 5 years.
 - ii) All landscaping, weed, fire and native vegetation management shall be in accordance with the approved Vegetation Management Plan.
- b) Any approved tree removal within the 'Restricted Development Area' shall be replaced within this conservation area with local provenance advanced stock of the same species, so a continual stand of trees will be preserved.
- c) No development shall encroach within the 'Restricted Development Area', nor any removal of sandstone outcrops, nor any clearing of indigenous vegetation, no on-site effluent disposal, nor any riding of trail or BMX bikes, nor any stock or agricultural activities.
- d) High use open space areas shall be limited to land outside the 'Restricted Development Area'.
- e) The draft covenant is to be provided to Council's Natural Resources Branch for approval. The wording of the Positive Covenant must be to Council's satisfaction and Council must be nominated as the authority to release, vary or modify the Restriction.

82. Creation of Easements

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

- a) Creation of a Drainage Easement (DE) if required, to drain any part of the public road to the natural watercourse. The dimensions of the DE are to be in accordance with Council's Civil Works Design Specification;

- b) The creation of an appropriate *"Positive Covenant"* and *"Restriction as to User"* over the constructed water quality and on-site detention/retention systems and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the water quality systems and on-site detention system volumes are to be clearly indicated on the title;
- c) To register the water quality and 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;
- d) A right of access over the road network at Glenhaven Green, at No.599-607 Old Northern Road, to allow all occupants and visitor vehicles and pedestrians to access the site via the signals at the intersection of Blue Gum Drive and Old Northern Road.

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

ADDITIONAL STAGE A CONDITIONS

83. Boundary Fencing

- a) Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres. The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the Dividing Fences Act, 1991.
- b) All new boundary fencing in the vicinity of the riparian corridor must be constructed to allow for the free flow of flood waters — 50-75% of fencing must be 'open' to a height of the Flood Planning Level. Only 25-50% of the fencing below the Flood Planning Level may be 'solid'. For 'open' portions of fencing, more than 50% of the surface area must have minimum openings of 100mm.

ADDITIONAL STAGE B CONDITIONS (Residential Care Facility)

84. Certification of Accessibility

A certificate must be submitted to the PCA by a qualified access consultant that pedestrian footpaths have been constructed from the Residential Care Facility to bus stops No.3 and 7 along Old Northern Road as located on Figure 3 in the Supplementary Statement of Environmental Effects by DFP Planning dated August 2018. This is to ensure a continuous accessible path of travel from the Residential Care Facility to the bus stops in accordance with AS1428 and SEPP Seniors. A bus shelter for pedestrians is to be provided at bus stop 3.

85. Privacy Devices

- a) To protect the amenity of the adjacent residence at 595 Old Northern Road Glenhaven, the following is to be provided on the north-western (side) elevation of the function room

and café terrace at Level 3 of the Residential Aged Care Facility, above the solid balustrade;

- i) A fixed vertical louvre privacy screen with a minimum height of 1.8m above the finished level RL181.3m, to direct views to the north, away from the neighbouring house and pool area at 595 Old Northern Road Glenhaven, and
- ii) A glazed acoustic screen, with a minimum height of 1.8m above the finished level RL181.3m, adjacent to the privacy screen at 85A(a)(i) above. The acoustic screen is to have no gaps.

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

86. Consolidation of Allotments

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

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

87. Survey Report – Finished Floor Level

A report(s) must be prepared by a registered surveyor and submitted to the principal certifying authority prior to the pouring of concrete at each level of the residential care facility 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.

88. Fire Sprinkler System

The residential care facility is required to have a fire sprinkler system in accordance with Clause 55 of SEPP Seniors.

89. Food Premises

The fit out and operation of that part of the building to be used for the manufacture, preparation or storage of food for sale, must be in accordance with *Australian Standard 4674-2004 – Design and fit out of food premises*, the *Food Act 2003*, and the *Food Regulation 20010 and the Food Standards Code developed by Food Standards Australia New Zealand. Food Standards 3.3.1. 3.2.2 and 3.2.3* are mandatory for all food businesses.

Note: Walls are to be of solid construction.

ADDITIONAL STAGE C, D AND E CONDITIONS

90. Fulfilment of BASIX Commitments

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

91. Design and Construction of Self Contained Dwellings

The development is to be designed and constructed to comply with the standards concerning accessibility and useability for self contained dwellings (serviced self care housing) in Schedule 3 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. A suitably qualified access consultant is to certify compliance with this condition prior to the issue of an Occupation Certificate.

Note that Clause 41(1) also requires that if the whole of the site has a gradient of less than 1:10, 100% of the dwellings must have wheelchair access by a continuous accessible path of travel (within the meaning of AS 1428.1) to an adjoining public road being Old Northern Road.

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

A restriction as to user must be created under s88B of the *Conveyancing Act, 1919* and registered, requiring the dwellings approved under this consent to be solely used for the accommodation of:

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

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

OPERATIONAL CONDITIONS

93. Buffer Area

No structures, retaining walls or earthworks (except for the removal of existing fill) are to occur within the 10m buffer shown on the approved landscape plans (as amended) from the northern (rear) boundary and around the regenerating patch of STIF trees.

94. Use of Premises

The development approved under this consent shall be used for a 79 bed residential care facility, 76 self contained dwellings (serviced self care housing), associated car parking and associated communal facilities and not for any other purpose without Council's separate written consent.

95. Resident Services for Self Contained Dwellings

Resident Services are to be available to the occupants of the Self Contained Dwellings in accordance with the Resident Services Statement provided at Appendix 6 to the Statement of Environmental Effects and shall include:-

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

96. Dedicated Bus Service for Self Contained Dwellings

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

- a) will drop off and pick up passengers at a local centre that provides residents with access to the following:
 - i) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
 - ii) community services and recreation facilities, and
 - iii) the practice of a general medical practitioner, and
- b) that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.

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

The owner of the premises is to provide an at-call mini-bus or golf buggy service for residents to be transported between the self contained dwelling and the site's communal facilities including the Residential Aged Care Facility.

98. Hours of Operation of Communal Rooms, Café and Terrace Areas

The hours of operation of the function room, community meeting room, café and adjacent outdoor terrace areas at the Residential Care Facility is restricted to those times listed below:

Monday to Sunday 8 am to 10 pm

99. Noise

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

100. Advertising Signs

- a) Signage must not be illuminated between the hours of 11.00pm and 7.00am daily.
- b) Signage must not flash or have any moving components.
- c) The intensity and hours of illumination of the sign must be varied if, at any time in the opinion of Council, injury is being caused to the amenity of the neighbourhood.

101. Trade Waste

Liquid trade waste generated on the site must be discharged in accordance with a trade waste agreement with *Sydney Water* and by a licensed liquid trade waste contractor.

102. Waste Management

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

- a) The entire site is to be serviced by a private waste contractor with a maximum truck size 10.2m in length.
- b) A site caretaker must be employed and be responsible for moving bins where and when necessary, washing bins and maintaining waste storage areas, managing the communal composting area, managing the bulky item storage area, arranging the prompt removal of dumped rubbish and bulky waste, ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc), ensuring the commercial waste and recycling is kept separate from the residential waste and recycling (and vice versa), and ensuring all residents and commercial tenants are informed of the use of the waste management system. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard.
- c) All commercial tenant(s) must keep written evidence on site of a valid contract with a licensed waste contractor(s) for the regular collection and disposal of the waste and recyclables that are generated on site.
- d) All commercial tenant(s) must have a sufficient number of bins to contain the volume of waste and recycling expected to be generated between collection services.
- e) Commercial Waste collection services must not take place between 8PM and 7AM weekdays or 8PM and 8AM on weekends and public holidays.

103. Fire Safety Statement - Annual

On at least one occasion in every 12 month period following the date of the first 'Fire Safety Certificate' issued for the property, the owner must provide Council with an annual 'Fire Safety Certificate' to each essential service installed in the building.

104. Traffic, Road Safety and Car parking

- a) Access to the site shall be limited to 'left in' and 'left out' movements.
- b) The approved car parking areas for staff and visitors as depicted on the approved plans are to be signposted and used as such.
- c) All required parking spaces for people with disabilities must be constructed and operated in accordance with Australian Standard AS/NZS 2890.6:2009 – Offstreet parking for people with disabilities.
- d) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpaths.

105. Landscape Establishment

The landscape works must be maintained into the future to ensure the establishment and successful growth of plant material to meet the intent of the landscape design. This must include but not be limited to watering, weeding, replacement of failed plant material and promoting the growth of plants through standard industry practices.

106. Storage of Flammable and Combustible Goods

Flammable and combustible liquids must be stored in accordance with *Australian Standard AS1940 – The Storage and Handling of Flammable and Combustible Liquids*. A bund wall must be constructed around all work and liquid storage areas to prevent any spillage entering into the stormwater system. The bunded area must provide a volume equal to 110% of the largest container stored and graded to a blind sump so as to facilitate emptying and cleansing.

107. Compliance with requirements of Site Audit Statement

Any requirements as conditioned by the NSW EPA Site Audit Statement must be complied with.

GENERAL TERMS OF APPROVAL – RURAL FIRE SERVICE

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

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- 108.** That all grounds within the subject site outside the designated riparian corridors as shown on the Site Plan by Calder Flower Architects Masterplan Drawing no. DA 004, issue B, dated 17/08/18, are to be maintained in accordance with an Inner Protection Area (IPA) as detailed in Appendix 2 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service document 'Standards for Asset Protection Zones'.
- 109.** A plan of management shall be established to ensure ongoing maintenances of the asset protection zones.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- 110.** Fire hydrant spacing, sizing and pressures shall comply with *Australian Standard AS 2419.1–2005 'Fire Hydrant Installations'*.
- 111.** Water, electricity and gas are to comply with the requirements of section 4.1.3 of *'Planning for Bush Fire Protection 2006'*.

Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents are accessing or egressing an area. To achieve this, the following conditions shall apply:

- 112.** Internal access roads shall comply with the Site Plan prepared by Calder Flower Architects with reference DA004 Issue B, dated 17/08/18.

Fire Trails

The intent of measures for fire trails is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

- 113.** Fire trails shall comply with the following requirements of section 4.1.3 (3) of '*Planning for Bush Fire Protection 2006*'.
- a) A minimum carriageway width of 4 metres with an additional 1 metre wide strip on each side of the trail (clear of bushes and long grass) is provided.
 - b) The trail is a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed.
 - c) A minimum vertical clearance of 4 metres to any overhanging obstructions, including tree branches is provided.
 - d) The crossfall of the trail is not more than 10 degrees.
 - e) The trail has the capacity for passing by: reversing bays using the access to properties to reverse fire tankers, which are 6 metres wide and 8 metres deep to any gates, with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres; and/or a passing bay every 200 metres, 20 metres long by 3 metres wide, making a minimum trafficable width of 7 metres at the passing bay
 - f) The fire trail is accessible to fire fighters and maintained in a serviceable condition by the owner of the land.
 - g) Appropriate drainage and erosion controls are provided.
 - h) The fire trail system is connected to the property access road and/or to the through road system at frequent intervals of 200 metres or less.
 - i) Fire trails do not traverse a wetlands or other land potentially subject to periodic inundation (other than a flood or storm surge).
 - j) Gates for fire trails are provided and locked with a key/lock system authorised by the local RFS.
 - k) Fire trail design does not adversely impact on natural hydrological flows.
 - l) Fire trail design acts as an effective barrier to the spread of weeds and nutrients.
 - m) Fire trail construction does not expose acid sulphate soils.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

- 114.** A Bush Fire Emergency Management and Evacuation Plan shall be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and

Evacuation Plan December 2014' and Australian Standard AS3745 2010 'Planning for Emergencies in Facilities'. A suitably qualified bushfire consultant is to certify compliance with this condition prior to the issue of an Occupation Certificate.

- 115A.** The operator of the development shall conduct an evacuation exercise of the development annually to test the effectiveness of the emergency procedures as set out in the Bush Fire Emergency Management and Evacuation Plan. The purpose of the evacuation practice is to identify any deficiencies of the emergency procedures, and to ensure occupants are aware and become familiar with the emergency procedures.

A practice evacuation record will be maintained by the operator of the development and provided to the Council upon a written request being made to review the record.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- 115.** New construction excluding villas 1C, 2F and 4F shall comply with Sections 3 and 5 (BAL 12.5) *Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'* or NASH Standard (1.7.14 updated) *'National Standard Steel Framed Construction in Bushfire Areas – 2014'* as appropriate and section A3.7 Addendum Appendix 3 of *'Planning for Bush Fire Protection 2006'*.

Landscaping

- 116.** Landscaping to the site is to comply with the principles of Appendix 5 of *"Planning for Bush Fire Protection 2006"*.

GENERAL TERMS OF APPROVAL – DEPARTMENT OF INDUSTRY: LANDS AND WATER

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

117. Design of works and structures

GT0009-00010 Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.

118. Erosion and sediment controls

- a) GT0006-00001 The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
- b) GT0021-00001 The proposed erosion and sediment control works must be inspected and maintained throughout the carried out; construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

119. Plans, standards and guidelines

- a) GT0002-00576 A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 153/2018 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
- b) GT0004-00003 A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
- c) GT0005-00243 A. The application for a controlled activity approval must include the following plan(s):
 - 1. Detailed Civil Construction and Drainage Plans;
 - 2. Erosion and Sediment Control Plans;
 - 3. Vegetation Management Plan including riparian zone planting densities and width of vegetation riparian zone;
 - 4. Detailed Project Costings;
 - 5. Stormwater Management Plans;
 - 6. Detailed Stormwater Outlet Structure Plans; and
 - 7. Detailed watercourse crossing plans.
 B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/> approvals/controlled-activities.
- d) GT0010-00006 All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
- e) GT0012-00004 Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

120. Rehabilitation and maintenance

- a) GT0007-00006 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

- b) GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

ADVISORY NOTES

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

Environmental Planning and Assessment Act 1979 Requirements

The *Environmental Planning and Assessment Act 1979* requires:

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

Long Service Levy

In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, a 'Long Service Levy' must be paid to the Long Service Payments Corporation or Hornsby Council.

Note: The rate of the Long Service Levy is 0.35% of the total cost of the work.

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

Tree and Vegetation Preservation

Hornsby Development Control Plan 2013 Tree and Vegetation Preservation provisions have been developed under Council's authorities contained in *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the *Environmental Planning and Assessment Act 1979*.

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

Fines may be imposed for non-compliance with the *Hornsby Development Control Plan 2013*.

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

Disability Discrimination Act

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

Covenants

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

Dial Before You Dig

Prior to commencing any works, the applicant is encouraged to contact *Dial Before You Dig* on 1100 or www.dialbeforeyoudig.com.au for free information on potential underground pipes and cables within the vicinity of the development site.

Telecommunications Act 1997 (Commonwealth)

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

Asbestos Warning

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

www.environment.nsw.gov.au

www.adfa.org.au

www.safework.nsw.gov.au

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

Unit Numbering (Strata Units)

All units are to be numbered consecutively commencing at No1. The strata plan lot No is to coincide with the unit number. Eg Unit 1 = Lot 1.

Rain Water Tank

It is recommended that water collected within any rainwater tank as part of the development be limited to non-potable uses. NSW Health recommends that the use of rainwater tanks for drinking purposes not occur where a reticulated potable water supply is available.

Food Authority Notification

The NSW Food Authority requires businesses to electronically notify the Authority prior to the commencement of its operation.

Note: NSW Food Authority can be contacted at www.foodnotify.nsw.gov.au.

Council Notification – Food Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.

Council Notification – Skin Penetration Premises

Prior to the commencement of the business, the operator is requested to contact Council's Environmental Health Team to arrange an inspection for compliance against the relevant legislation and guidelines outlined in this approval.

Note: Council's Environmental Health Officer can be contacted on 02 9847 6745.