DRAFT CONDITIONS

DA/1086/2025

19-23 Forbes Street, Hornsby

GENERAL CONDITIONS

Condition

1. Approved Plans and Supporting Documentation

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

Approved Plans

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA-A-010 Rev. G	Site Plan	Smith & Tzannes	19/05/2026	
DA-A-020 Rev. C	Demolition Plan	Smith & Tzannes	19/05/2026	
DA-A-100 Rev. E	Level C2 (Basement)	Smith & Tzannes	18/06/2026	
DA-A-101 Rev. F	Level C1 (Basement)	Smith & Tzannes	18/06/2026	
DA-A-102 Rev. E	Level 0 (Ground)	Smith & Tzannes	18/06/2026	
DA-A-103 Rev. C	Level 1	Smith & Tzannes	19/05/2026	
DA-A-104 Rev. C	Level 2 & 3	Smith & Tzannes	19/05/2026	
DA-A-105 Rev. C	Level 4	Smith & Tzannes	19/05/2026	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
DA-A-106 Rev. C	Level 5	Smith & Tzannes	19/05/2026	
DA-A-107 Rev. C	Level 6	Smith & Tzannes	19/05/2026	
DA-A-108 Rev. C	Level 7	Smith & Tzannes	19/05/2026	
DA-A-109 Rev. C	Roof	Smith & Tzannes	19/05/2026	
DA-A-120 Rev. D	Adaptable & Silver Level Liveable Housing	Smith & Tzannes	18/06/2026	
DA-A-200 Rev.D	West Elevation (Street)	Smith & Tzannes	18/06/2026	
DA-A-201 Rev. D	East Elevation (Rear)	Smith & Tzannes	18/06/2026	
DA-A-202 Rev. D	North Elevation	Smith & Tzannes	18/06/2026	
DA-A-203 Rev. D	South Elevation	Smith & Tzannes	18/06/2026	
DA-A-204 Rev. D	Section A	Smith & Tzannes	18/06/2026	
DA-A-205 Rev.D	Section B	Smith & Tzannes	18/06/2026	
DA-A-206 Rev. D	Internal East Elevation/Section	Smith & Tzannes	18/06/2026	
DA-A-207 Rev. D	Internal West Elevation/Section	Smith & Tzannes	18/06/2026	
DA-A-208 Rev. D	Internal South Elevation/Section	Smith & Tzannes	18/06/2026	
DA-A-600 Rev. D	Window Schedule – Sheet 1	Smith & Tzannes	15/06/2026	
DA-A-601 Rev .D	Window Schedule – Sheet 2	Smith & Tzannes	15/06/2026	
DA-A-902 Rev. C	External Finishes	Smith & Tzannes	19/05/2026	
1553 L-01 Iss. K	Level C1 (Basement) Landscape Plan	Site Design + Studios	24/06/2026	
1553 L-02 Iss. K	Level 0 (Ground) Landscape Plan	Site Design + Studios	24/06/2026	
1553 L-03 Iss. K	Level 1 Landscape Plan	Site Design + Studios	24/06/2026	
1553 L-04 Iss. K	Level 6 Landscape Plan	Site Design + Studios	24/06/2026	
1553 L-05 Iss. K	Tree Canopy Calculation Plan	Site Design + Studios	24/06/2026	

Plan No.	Plan Title	Drawn by	Dated	Council Reference
1553 L-06 Iss. K	Soil Depth, Irrigation And Waste Management Plan	Site Design + Studios	24/06/2026	
1553 L-07 Iss. K	Landscape Section A	Site Design + Studios	24/06/2026	
1553 L-08 Iss. K	Landscape Section B	Site Design + Studios	24/06/2026	
1553 L-09 Iss. K	Planting Details	Site Design + Studios	24/06/2026	
1553 L-10 Iss. K	Material Intent Images	Site Design + Studios	24/06/2026	
1553 L-11 Iss. K	Specification	Site Design + Studios	24/06/2026	
1553 L- 12 Iss. K	Quatro Drainage Planting Guide	Site Design + Studios	24/06/2026	

Supporting Documentation

Document Title	Prepared by	Dated	Council Reference
Construction & Demolition Waste Management Plan Report No. 707956 Rev C	Elephants Foot Consulting. Pty Ltd	19/06/2026	D09754368
Operational Waste Management Plan Report No. 707956 Rev D	Elephants Foot Consulting. Pty Ltd	19/06/2026	D09754376
Statement of Heritage Impact Rev.C600_02	Weir Phillips Heritage	June 2027	D09754308
Traffic And Parking Assessment Report Ref 25185	Varga Traffic Planning Pty Ltd	23/06/2026	D09754386
Landscape Maintenance Plan Rev.C	Sitedesign Studios North	23/06/2026	D09754464
Stormwater Concept Design Iss. B Sheets 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11	S&G Consultants Pty Ltd	23/06/2026	D09754434
Design Report	Smith & Tzannes	June 2026	D09754292
Public Domain Design Rev. A Sheets 01, 02, 03, 04	S&G Consultants Pty Ltd	03/09/2025	D09223976
Geotechnical Investigation Report Ref: P3092_02 Rev2	Morrow Geotechnics Pty Ltd	19/06/2026	D09754355
Geotechnical Letter Ref: P3092_06	Morrow Geotechnics Pty Ltd	24/05/2026	D09754347
Construction Management Plan Rev. 1.1	Auswide Consulting	August 2025	D09223959
Regulatory Compliance Report BCA Assessment Rev. 3.0	Certatude	18/06/2026	D09754337
BASIX Certificate No. 1811807M_03	Sustainable Thermal Solutions	26/06/2026	D09754397

Document Title	Prepared by	Dated	Council Reference
Arboricultural Impact Assessment Issue 4.1	Advanced Treescape Consulting	29/08/2025	D09223934
Noise & Vibration Impact Assessment For DA Ref: 250278-AC-RPT-DA [C]	JHA Consulting Engineers	22/06/2026	D09754325
Access Compliance Report Ref: 25171 Rev C	Vista Access Architects	23/06/2026	D09754316
Shoring & Bulk Excavation Plan 5853 S010, S011, S012, S013, S015 Iss.2	M+G Consulting	12/12/2025	D09282776
Cross Sections for Sydney Trains Sheets DA-A-209 and DA-A-010	Smith & Tzannes/ Mitch Ayres Surveying	15/12/2025	D09282773
Finite Element Analysis for Sydney Trains Review	Morrow Geotechnics Pty Ltd	28/11/2025	D09282769
Crane Radius Plan (2 Sheets)	Active Crane Hire Pty Ltd	14/11/2025	D09282765

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

2. No Clearing of Vegetation

1. Unless otherwise exempt, no vegetation is to be cleared prior to issue of a Construction Certificate.
2. Details demonstrating compliance are to be submitted to the Certifier prior to issue of Construction Certificate.

Reason: To protect vegetation on the site.

3. Amendment of Plans

1. To comply with Councils requirement in terms of efficient waste management, the approved plans are to be amended as follows:
    a. The site is to be designed for onsite access by heavy rigid waste collection vehicles in accordance with Australian Standard AS2890.2 Parking Facilities Part 2: Off street Commercial vehicle facilities. Heavy rigid Waste collection vehicles must be able to enter the site in a forward direction, park within 10m walking distance of the bin holding/collection room and exit the site in a forward direction. A 10m diameter turntable is an acceptable means of turning the vehicles around. A 4.0m vertical clearance is acceptable.
    b. The width of Chute Service Room 2 must be increased from 7534mm to no less than 7660mm wide.
    c. All Food Organics Bin Cupboards located on each residential level of each lift core must have minimum internal dimensions 750mm wide by 900mm deep and door opening wide enough to fit a 600mm wide bin through with ease (without scraping). (Internal dimensions do not include wall thickness etc for which additional space must be allowed).

2. These amended plans must be submitted with the application for the Construction Certificate.

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

4. Construction Certificate

1. A Construction Certificate is required to be approved by Council or a Principal Certifier prior to the commencement of any construction works under this consent.
2. A separate approval pursuant to Section 68 of the Local Government Act must be obtained from Council to connect to Council Drainage System.
3. A separate approval must be obtained from Council for all works within the public road reserve under S138 of the Roads Act.
4. The Construction Certificate / Section 138 Roads Act Application plans must be consistent with the Development Consent plans.

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

5. Section 7.11 Development Contributions

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

Description	Contribution (4)
Roads	$77,157.35
Open Space and Recreation	$721,648.10
Community Facilities	$444,469.90
Plan Preparation and Administration	$6,215.60
TOTAL	**$1, 249, 490.95**

being for 69 units

being for 69 units, comprising:

- 3x studios,
- 25x one-bedroom apartments,
- 35x two-bedroom apartments, and
- 6x three-bedroom apartments.

With a credit for three allotments

2. The value of this contribution is current as at **12 August 2026.** If the contribution is not paid within the financial quarter that this condition was generated, the contribution payable will be adjusted in accordance with the provisions of the Hornsby Shire Council Section 7.11 Development Contributions Plan and the amount payable will be calculated at the time of payment in the following manner:

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

Where:

$\$C_{PY}$ is the amount of the contribution at the date of Payment

$\$C_{DC}$ is the amount of the contribution as set out in this Development Consent

CPI_{PY} is the latest release of the Consumer Price Index (Sydney - All Groups) at the date of Payment as published by the ABS.

CPI_{DC} is the Consumer Price Index (Sydney - All Groups) for the financial quarter at the date applicable in this Development Consent Condition.

3. The monetary contribution must be paid to Council:

   a. Prior to the issue of the Subdivision Certificate where the development is for subdivision; or

   b. Prior to the issue of the first Construction Certificate where the development is for building work; or

   c. Prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first, where the development involves both subdivision and building work; or

   d. Prior to the works commencing where the development does not require a Construction Certificate or Subdivision Certificate.

   Note: It is the professional responsibility of the Principal Certifier to ensure that the monetary contributions have been paid to Council in accordance with the above timeframes

   Note: In accordance with Ministerial Directions, the payment of contribution fees for development with a cost of works of over $10 million can be deferred to prior to Occupation Certificate.

   Note: Council's Development Contributions Plan may be viewed at www.hornsby.nsw.gov.au or a copy may be inspected at Council's Administration Centre during normal business hours.

   Note: To arrange a Payment Advice for the monetary contributions, please contact Council's Customer Service Team on 9847 6666.

Reason: To ensure development contributions are paid to address the increased demand for community infrastructure resulting from the approved development.

6. Retaining Walls

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

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

7. Compliance with Other Department, Authority or Service Requirements

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	Document Title/ Ref	Dated	Council Reference
Transport for NSW (Sydney Trains)	Concurrence Letter (CNR-88102)	23/03/2026	D09389303
NSW Police	Development Application Review WEBCOPS Event No: E101569744	27/10/2025	D09243196
Ausgrid	Ausgrid Letter of Consent	Received 29/05/2026	D09389301

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

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

8. Housing and Productivity Contribution

Before the issue of the first Construction Certificate, the housing and productivity contribution (**HPC**) set out in the table below is required to be made.

Housing and productivity contribution	Amount
Total housing and productivity contribution	**$715,039.13**

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the *Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024* (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the *Environmental Planning and Assessment Act 1979* agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the *Environmental Planning and Assessment Act 1979* to the development, or the HPC Order exempts the development from the contribution.

The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.

Reason: To require contributions towards the provision of regional infrastructure.

9. Tree Pruning

All pruning work must be undertaken by an arborist with minimum AQF3 qualifications.

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

Reason: To minimise the impact on trees to be retained.

10. Groundwater Extraction

If groundwater is encountered during excavation, all work on the site must cease and:

1. The development consent holder must apply to WaterNSW for the relevant approval to extract groundwater under the provisions of the *Water Management Act 2000*.
2. The general terms of approval/requirements from state authorities shall be complied with prior to, during and at the completion of the development.

Reason: To ensure the work does not impact upon groundwater levels and is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

Condition

11. Building Code of Australia

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

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

12. Contract of Insurance (Residential Building Work)

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

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

13. 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:

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

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

14. Utility Services

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

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

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

15. Sydney Water Building Plan Approval

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

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

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

16. Dilapidation Report

1. Prior to the commencement of any works on site, the applicant must submit for approval by the Principal Certifier (with a copy forwarded to Council) a 'Dilapidation Report' detailing the structural condition of the adjoining properties:
    a. Lots 1-11 SP 67342, Nos. 15-17 Forbes Street, Hornsby
    b. Lots 1 and 2 SP 85602, No. 25 Forbes Street, Hornsby
2. The report must include a photographic survey of the adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members, and other similar items. The report must be completed by a chartered structural/geotechnical engineer. A copy of the dilapidation report must be submitted to Council.
3. In the event access to adjoining allotments for the completion of a dilapidation survey is denied, the applicant must demonstrate in writing that all reasonable steps have been taken to advise the adjoining allotment owners of the benefit of this survey and details of failure to gain consent for access to the satisfaction of the Principal Certifier.

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

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

17. Car Parking

1. All car parking must be constructed and operated in accordance with Australian Standard AS/NZS 2890.1:2004.

a. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.

b. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.

c. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.

d. All vehicular entry on to the site and egress from the site shall be made in a forward direction.

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

3. Bicycle parking spaces are to be designed in accordance with AS2890.3-1993 Bicycle parking facilities.

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

5. Motorcycle parking spaces are to be designed in accordance with AS/NZS 2890.1:2004 Figure 2.7

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

18. Noise Impact on Residential Building

Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on residential buildings from rail corridors and/or busy roads:

1. In any bedroom in the building: 35dB(A) between 10pm - 7am

2. Anywhere else in the building (other than a garage, hallway, kitchen, or bathroom: 40dB(A) at any time.

Reason: To ensure buildings are designed and constructed to minimise noise and vibration impacts from transport corridors.

19. Stormwater Drainage - Dwellings

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

1. Roof water must be connected to a rainwater tank having a minimum capacity as per BASIX requirements.

2. The overflow from the rainwater tank and collected surface water must be disposed of in accordance with Council's AUS-SPEC Specifications.

3. Connected to an existing Council pit in Forbes Street via gravity with a minimum 1% pipe grade in accordance with AS3500.3.

a. The connection to Council's drainage pit or pipeline must be inspected by a Council Engineer in the Planning Division. Prior to the connection, an application must be made to Council and all fees paid.

Note: An inspection booking can be made by calling Council on 9847 6787.

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

4. The stormwater drainage system must be designed by a qualified hydraulic engineer.

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

20. On-Site Stormwater Detention

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

1. Roof water must be connected to a rainwater tank having a minimum capacity as per BASIX requirements.
2. The overflow from the rainwater tank and collected surface water must be disposed of in accordance with Council's AUS-SPEC Specifications.
3. Stormwater from the development will be discharged to Council's piped drainage system in Forbes Street via a gravity connection with a minimum pipe grade of 1% and in accordance with AS/NZS 3500.3. This will involve constructing a new kerb lintel pit and upgrading the existing Council drainage along the frontage of site frontage 19&21 Forbes Street from 375 mm to 525 mm diameter pipe.
4. The stormwater drainage system must be designed by a qualified hydraulic engineer.

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

21. Water Saving Urban Design

The proponent must prepare a detailed Stormwater Quality Treatment Design supported by a MUSIC model and an associated Management Plan, developed by a suitably qualified and experienced professional, and consistent with Councils WSUD Reference Guideline 2015. The detailed design is to incorporate all physical components of the treatment train identified in the Stormwater concept Design and Drawing No. S01-SW501 rev B, prepared by SGC Consultants Pty Ltd and dated 23 June 2026.

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

22. Internal Driveway/Vehicular Areas

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

1. Design levels at the front boundary shall be obtained from Council by lodging an "Application for Boundary Levels" to be incorporated in the driveway longitudinal sections.
2. The driveway be a rigid pavement.

3. Longitudinal sections of the access driveway to Basement (Level C1) shall be submitted to the Principal Certifying Authority demonstrating compliance with the relevant requirements of AS 2890.2 and the operational requirements for Council's waste collection vehicles. The driveway shall be designed such that:

    a. The maximum longitudinal grade does not exceed 15.4% (1:6.5) for forward movements of a Heavy Rigid Vehicle (HRV);

    b. Any reverse movement required by a waste collection vehicle does not traverse grades steeper than 12.5% (1:8);

    c. The maximum rate of change of grade does not exceed 6.25% over 7 metres of travel;

    d. Appropriate transition grades are provided to ensure safe access, egress and clearance for vehicles not exceeding a Heavy Rigid Vehicle (HRV); and

    e. The grades along the entire travel path of Council's waste collection vehicle within the site comply with the requirements of AS 2890.2 and are suitable for safe operation under all conditions.

4. For driveway access to basement (Level C2) and Ground floor (Level 0), Longitudinal sections along both sides of the access driveway shall be submitted to the Principal Certifier in accordance with the relevant sections of AS 2890.1. The maximum grade shall not exceed 1 in 4 (25%) with the maximum changes of grade of 1 in 8 (12.5%) for summit grades and 1 in 6.7 (15%) for sag grades. Any transition grades shall have a minimum length of 2 metres. The longitudinal sections shall incorporate the design levels obtained by Council.

Reason: To provide safe vehicle and pedestrian access.

23. Public Road and Drainage Works

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

1. Upgrading of the existing Council piped drainage system along the frontage of the site 19&21 Forbes Street from 375mm to 525mm diameter pipe and adding an additional Kerb lintel pit in Forbes Street. Detailed engineering drawings shall be submitted to Council for approval.

2. The existing kerb and gutter and footpath along the full frontage shall be removed and reconstructed and sealing of road pavement between the existing pavement and lip of the gutter. The existing road pavement to be saw cut a minimum of 600 mm from the existing edge of the bitumen and reconstructed. The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.

3. The design of a new vehicular crossing and the removal of any redundant crossing. The vehicular crossing must be constructed in accordance with Council vehicular crossing specifications, requirements for Council's waste collection vehicles and AS2890.2 off-street commercial vehicle facilities and the following requirements.

(a) Any redundant crossings must be replaced with integral kerb and gutter.

(b) The footway area must be restored by turfing.

(c) Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.

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

24. Road Opening Permit

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

Reason: To ensure public infrastructure and property is maintained

25. Appointment of a Project Arborist

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

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

26. External Lighting

1. Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person. The lighting plan must be consistent with the approved plans and documents, and the following requirements:
   a. Comply with Australian Standard AS4282: Control of obtrusive effects of outdoor lighting.
   b. Lighting must be placed at all entrances to and exits from the premises.
   c. Lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas.
   d. Lighting must not interfere with traffic safety.
   e. Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and
   f. External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.
   g. Relevant council development control plan
2. The lighting plan must be submitted to the Principal Certifier:

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

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

27. Fire System Boosters and Pumps

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

Architectural details can be forwarded to Hornsby Certifiers at: hornsbycertifiers@hornsby.nsw.gov.au ph: 9847 6787.

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

28. Fire Safety Schedule

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

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

29. Electric Vehicle (EV) Ready Connections

Prior to the issue of the relevant Construction Certificate, the following must be demonstrated to the satisfaction of the Principal Certifier:

1. Provide at least one EV ready connection for each dwelling/apartment that is allocated a car parking space.
2. Provide EV distribution board(s) of sufficient size to allow connection of all EV ready connections.
3. All car share spaces and spaces allocated to visitors must have access to an on-premises shared EV connection.
4. The car park must provide at least one dedicated space and charging point to be used for electric bicycles and mobility scooters
5. All EV charging infrastructure is to comply with the applicable Electric Vehicle safety and energy consumption data collection requirements of the National Construction Code.

Note: EV Ready Connection is the provision of a dedicated spare 32A circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.

Note: Shared EV connection is the provision of a minimum Level 2, 40A fast charger and power supply to a car parking space connected to an EV distribution board.

Note: EV Distribution Board is a distribution board dedicated to EV charging that is capable of supplying not less than 50% of EV connections at full power at any one time during off-peak periods and includes an EV Load Management System.

Note: The EV Distribution Board should provide adequate space for the future installation (post construction) of compact meters in or adjacent to the distribution board, to enable individual EV usage to be measured.

Reason: To encourage and support the use of electric vehicles.

30. Construction Management Plan

To assist in the protection of the public, the environment and Council's assets, a separate Construction Management Plan must be prepared by a suitably qualified environmental consultant in consultation with a qualified traffic engineer and AQF 5 arborist and approved by Council's Compliance Team via Council's Online Services Portal prior to issue of a Construction Certificate.

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

1. Description of the works
    a. A description of the scope of works for all stages of development.
    b. Site plans for all stages of works including the location of site sheds, concrete pump, and crane locations, unloading, and loading areas, waste and storage areas, existing survey marks, vehicle entry, surrounding pedestrian footpaths and hoarding (fencing) locations.
    c. The CMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
    d. A statement confirming that no building materials, work sheds, vehicles, machines, or the like shall be allowed to remain in the road reserve area without the written consent of Hornsby Shire Council.
    e. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.
    f. The Plan must state that the applicant and all employees of contractors on the site must obey any direction or notice from the Principal Certifier or Hornsby Shire Council in order to ensure the above.
    g. The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, Principal Certifier, and any emergency details during and outside work hours.
2. A Construction Traffic Management Plan (CTMP) including the following:
    a. The order of construction works and arrangement of all construction machines and vehicles being used during all stages.
    b. The CTMP plans shall be in accordance with all other plans submitted to Council as part of this development proposal.
    c. The Plan shall be in compliance with the requirements of the Roads and Maritime Services *Traffic control at work sites Manual 2018* and detail:
        i. Public notification of proposed works.

ii. Long term signage requirements.

iii. Short term (during actual works) signage.

iv. Vehicle Movement Plans, where applicable.

v. Traffic Management Plans.

vi. Pedestrian and Cyclist access and safety.

d. Traffic controls including those used during non-working hours. Pedestrian access and two-way traffic in the public road must be able to be facilitated at all times.

e. Details of parking arrangements for all employees and contractors, including layover areas for large trucks during all stages of works. The parking or stopping of truck and dog vehicles associated with the development will not be permitted other than on the site and the plan must demonstrate this will be achieved.

f. Proposed truck routes to and from the site including details of the frequency of truck movements for all stages of the development.

g. Swept path analysis for ingress and egress of the site for all stages of works.

h. The total quantity and size of trucks for all importation and exportation of fill on site throughout all stages of works, and a breakdown of total quantities of trucks for each stage of works.

i. The number of weeks trucks will be accessing and leaving the site with excavated or imported fill material.

j. The maximum number of trucks travelling to and from the site on any given day for each stage of works.

k. The maximum number of truck movements on any given day during peak commuting periods for all stages of works.

l. If there is a requirement to obtain a Work Zone, Out of Hours permit, partial Road Closure or Crane Permit, the Plan must detail these requirements and include a statement that an application to Hornsby Shire Council will be made to obtain such a permit.

m. Identification of potential conflicts between construction machine and vehicle movements required for construction and general traffic, cyclists, pedestrians, waste collection and bus services within the vicinity of the site and mitigation measures.

3. A Construction Waste Management Plan detailing the following:

a. A table of information detailing cut and in-situ fill calculations for all stages for works. The table must include specified dimensions (WxLxD) and total cubic metres

b. Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.

c. A scaled site plan including levels of the extent of cut and fill on the site, forming part of the proposed development.

d. Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS 2601-2001 The Demolition of Structures, and the Protection of the Environment Operations (Waste) Regulation 2005.

e. General construction waste details including construction waste skip bin locations and litter management for workers.

4. A Tree Protection Plan (TPP) prepared by an AQF 5 Arborist in accordance with any approved Arboricultural Impact Assessment and tree location plans, detailing the following:

   a. A site plan showing tree protection zones (TPZ) and structural root zones (SRZ) of trees to be retained and specific details of tree protection measures inclusive of distances (in metres) measured from tree trunks.

   b. Construction methodology to avoid damage to trees proposed to be retained during construction works.

   c. Specifications on tree protection materials used and methods within the TPZ or SRZ.

   d. Location of dedicated material storage space on site outside of TPZ's and SRZ's for retained trees.

5. A Construction Noise and Vibration Management Plan (CNMP) which includes:

   a. Existing noise and vibration levels within the proximity of the proposed development site.

   b. Details of the extent of rock breaking or rock sawing works forming part of the proposed development works.

   c. The maximum level of noise and vibration predicted to be emitted during each stage of construction.

   d. The duration of each stage of works where the maximum level of noise and vibration are predicted to be emitted for.

   e. Details of mitigation measures, inclusive of respite periods, that will meet acoustic standards and guidelines at each stage of works.

   f. Details of a complaints handling process for the surrounding neighbourhood for each stage of works.

6. An Erosion and Sediment Control Plan (ESCP) that describes all erosion and sediment controls to be implemented in accordance with the publication Managing Urban Stormwater: Soils & Construction (4th Edition), which includes:

   a. A site survey which identifies contours and approximate grades and the direction(s) of fall.

   b. Locality of site and allotment boundaries.

   c. Location of adjoining road(s) and all impervious surfaces.

   d. Location of site access and stabilisation of site access.

   e. Provision for the diversion of run off around disturbed areas.

   f. Location of material stockpiles.

   g. Proposed site rehabilitation and landscaping; staging of construction works.

   h. Maintenance program for erosion and sediment control measures.

   i. Provide a plan of how all construction works will be managed in a wet-weather events (i.e. storage of equipment, stabilisation of the Site)

7. A de-watering plan that describes all controls to be implemented for the disposal of water that accumulates within any site excavation areas.

8. The CMP must detail all responsible parties ensuring compliance with the document and include the contact information for developers, builder, Principal Certifier, and any emergency details during and outside work hours.

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

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

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

31. Preparation of Mechanical Ventilation Plans

1. Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person and submitted to the Principal Certifier (PCA).

2. The detailed plans must be in accordance with the following and submitted to the Principal Certifier:

   a. Australian Standard AS1668 The use of ventilation and air-conditioning in buildings; and

   b. Ensure all generate heated air, smoke, fumes, steam, or grease vapours do not:

      i. Cause a nuisance to persons within or nearby to the premises, or

      ii. Cause air pollution as defined under the NSW *Protection of the Environment Operations Act 1997*.

Reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.

32. Waste Management Details

The following waste management requirements must be complied with before the issue of the construction certificate:

1. Should there be any conflict or confusion between approved plans and/or consent conditions related to the waste management system or waste collection vehicle access, then written clarification must be obtained from Council.

2. The approved operational waste management system must not be amended without the written consent of Council (to ensure any changes do not render the waste management system dysfunctional).

3. Details of all changes to the waste management plans (including but not limited to, the bin storage rooms, ramp gradients, bin carting paths, bulky waste storage) must be submitted to Council's Waste Team (via devmail@hornsby.nsw.gov.au) for approval before the issue of a Construction Certificate.

4. A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the waste carting route from each dwelling to their waste disposal facilities (garbage and recycling chutes and food organics bin on each residential level of each lift core) has been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:

    a. The route is direct, does not cross into a private lot, and is wholly within property boundaries (does not include the public footpath or road); and

    b. The route is as short as possible and does not exceed 30m walking distance; and

    c. The route is sealed smooth hard surface. Concrete pavement or tiles for example are acceptable, but carpet, mulch, pebbles, stepping stones, grass etc is not acceptable.

    d. The route is an accessible path of travel for persons with a disability in accordance with AS1428 Design and Access for Mobility.

5. A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that all bin carting routes (including but not limited to from the chute service rooms to the bin holding/collection room to the waste collection vehicle) are continuous accessible paths of travel in accordance with AS1428 Design and Access for Mobility and have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:

    a. The path must be smooth hard non-slip surface. Concrete pavement or tiles for example are acceptable, but carpet, mulch, pebbles, stepping stones, grass etc is not acceptable.

    b. The path must be no less than 1.5 metres wide (including through any gates or doors).

    c. The path must be sufficiently wide to allow the waste, bins and any carting equipment to easily pass through without scraping (especially around corners/bends, through gates/doors and past parked cars).

    d. There must not be any steps, lips, kerbs, walls or other obstacles or obstructions or protrusions on any bin carting route. Ramps and service lifts are acceptable.

    e. The gradient must be no steeper than 1:14 for 240L bins and 1:30 for 660L or 1100L bins.

    f. Bin carting routes must be safe and well lit.

    g. Bin carting routes must be direct and as short as possible and must be wholly within the property boundaries (does not include the public footpath or road).

    h. Bin carting routes must not cross into a private lot or pass through any habitable room.

6. A design certificate and detailed plans are to accompany any Construction Certificate application, which demonstrate that the chute service room 1, chute service room 2, and bin holding/collection room have been designed to be constructed in accordance with the Waste Minimisation and Management Guidelines and including the following requirements:

    a. The room(s) must be roofed.

b. The room(s) must not be used for any other purposes, including for the storage of equipment used in the management of waste (which must have its own lockable storage).

c. Meters, communications and electrical distribution boards/control panels, pipework and other obstacles must not be located in waste rooms.

d. Waste rooms must be free from obstructions and protrusions.

e. The chute service rooms must have a floor to ceiling height no less than 4.0m so the chute extension angle of elevation is no less than 60 degrees.

f. Any ceiling mounted elements (e.g. pipes, fire sprinkler system, ventilation ducting) must not interfere with waste management operations (e.g. chute system, bin lifter) and must not project so low as to render the room a hard hat zone under Workplace health and safety legislation (Acts, Regulations and codes of practice).

g. Elements occupying floor space such as vertical ventilation/service shafts and support columns must not be added to or relocated within the bin room.

h. The floor must be constructed of concrete at least 75mm thick and adequately graded to drain to sewer through a Sydney Water approved drainage fitting with bucket trap to sewer. It must not discharge into a stormwater drain.

i. The floor must be finished so that it is non-slip when wet, sealed and impervious, and has a smooth and even surface coved at all intersections with walls.

j. There must be no step or lip between the room and the access path. The floor of the room must transition smoothly through the door opening to the pathway.

k. The ceilings and walls must be masonry or other thermally insulated fire-rated material finished with sealed smooth faced durable non-absorbent material capable of being cleaned.

l. The room(s) must be well lit and have artificial lighting available 24 hours a day controlled by a switch located inside the room adjacent to the entrance doorway.

m. The room(s) must be provided with adequate mechanical ventilation in compliance with AS1668.2 *The use of ventilation and air-conditioning in buildings Part 2: Mechanical ventilation*, including a continuous exhaust flow rate of 5 litres per second per square metre of floor area with a minimum rate of 100 litres per second and no less than 6 air changes per hour. The room exhaust venting must be located away from doors, windows and air intakes of other rooms.

n. Noise associated with the room is not to give rise to “offensive noise” as defined under the Protection of the Environment Operations Act 1997.

o. The room(s) must be provided with a cleaner’s sink (allow 600mm wide by 500mm deep) and an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock located in a position where it cannot be damaged or interfere with the chute volume handling equipment operations.

p. The doors must be robust, close fitting and self-closing. The doors must be lockable and be able to be opened from inside the room without a key. The room must have double doors or roller door with door opening no less than 2000mm wide. The doors must not be obstructed by bin placement. The door swing must not block access to

the bins and must not block the pathway for moving bins to the waste collection room or waste collection vehicle. Swing doors should open outwards 180 degrees and must be able to be locked open.

q. The room(s) must be designed and constructed to prevent the entry of insects, vermin, birds and other nuisance species.

r. The room(s) must be designed to restrict or deter access by non-residents and unauthorised persons.

s. Fire protection measures (e.g., extinguishers, sprinklers, alarms) must be in accordance with the National Construction Code.

t. Fire escape routes must not pass through the room.

u. Construction must be in compliance with the National Construction Code.

7. A dedicated bulky waste storage room of no less than 8 square metres for every 50 dwellings or part thereof must be provided within the building footprint. A similar size area must be provided on site for presentation of bulky waste for collection within 10 metres walking distance by an accessible path of travel of the heavy rigid waste collection vehicle parking location. Note: where possible, these should be the same space.

8. Integrated within the kitchen design, dual pull-out under bench waste bins must be incorporated in the joinery of the kitchen. Every residence must be provided with two containers approximately 15-30L each, one each for general waste and recycling, stored within a kitchen cupboard.

9. Waste disposal facilities (garbage chute, recycling chute, food organics bin or chute) must be provided on each residential level of each lift core of each building. Each waste disposal room must comply with the following requirements:

a. The waste disposal facilities must be within 30m walking distance of each dwelling by an accessible path of travel in accordance with AS1429 Design for Access and Mobility.

b. Each chute and bin on each residential level of each lift core must be accessible by persons with a disability.

c. The food organics bin/chute cupboard must be directly adjacent to the dual chutes (garbage chute and recycling chute).

d. The food organics bin cupboard must have internal dimensions no less than 750mm wide by 900mm deep and have a door wide enough to comfortably fit a 240 Litre bin through without scraping (bin is 600mm wide).

e. To control odours and contaminants, waste disposal facilities must be provided with adequate mechanical ventilation in compliance with AS1668.2 *The use of ventilation and air-conditioning in buildings Part 2: Mechanical ventilation.* The exhaust venting must be located away from doors, windows and air intakes of other rooms. The air handling system must not encroach on the space required for the chutes/bins or access to them.

f. The hard floor must be finished so that it is non-slip, sealed and impervious, and has a smooth and even surface coved at all intersections.

g. The ceilings and walls must be masonry or other thermally insulated fire-rated material finished with sealed smooth faced non-absorbent material capable of being cleaned.

h. There must be no access to the residential chute(s) on any commercial/non-residential levels.

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

10. A design certificate and detailed plans are to accompany any Construction Certificate application, which confirms that the waste chute system for each building can be constructed to satisfy the Manufacturer's standard installation guidelines, the Waste Minimisation and Management Guidelines and specifically the following requirements:

a. Chutes, service openings and charging devices are constructed of metal or a smooth faced surface which is fire resistant and of impervious material.

b. Chute is cylindrical in section, vertical and without bends as it passes through the floors.

c. Chutes must terminate in the chute service room(s) at the C1 basement level and discharge into a waste bin.

d. The chute system must comply with the manufacturers technical specifications and operational limitations.

e. The chute extension is the straight or sometimes offset section added to the lower end of the chute to direct the fall of waste into a bin. The chute extension must be as near to vertical as possible, but if offset, the angle of inclination to the horizontal (angle of elevation) must not be less than 60o. A small offset is desirable to slow the fall of the material which reduces the impact in the bin and bin breakages. The chute extension must be designed to contain splash within the bin as much as possible and must be securely fixed so that it remains attached when subjected to blows from falling waste and objects protruding from the bin.

f. Each chute system must include volume handling equipment (e.g. carousel or linear tracks) to automatically change the bin under the chute when it becomes full and thereby provide a minimum 3 days bin capacity under the chute. Core 1 garbage and recycling chutes each require a 3 x 660L bin carousel or linear tracks. Core 2 garbage and recycling chutes each require a 4 x 660L bin carousel or linear tracks.

g. The volume handling equipment must not include compaction.

h. The chute service/waste rooms must have sufficient space to comfortably house the required volume handling equipment and to load/unload bins from this equipment, and sufficient space to store the spare garbage and recycling bins for that building/lift core and to access and manoeuvre the bins.

i. The volume handling equipment must be caged or walled off from the other functions of the room (for safety since bags of garbage and glass can explode when hitting the bin from height).

j. Residents and unauthorised persons must not have access to the chute service room/volume handling equipment.

11. Bin storage rooms and the bulky waste storage room must not be used for any other purposes. Meters, communications and power distribution boards, etc. must not be located in bin storage rooms. The bin storage rooms must be free from obstructions.

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

33. Waste Collection Vehicle Access

The following requirements must be complied with prior to the issue of the construction certificate:

1. 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.
2. A design certificate from a qualified traffic engineer and detailed plans are to accompany the Construction Certificate application that confirms that the waste can be directly collected from level C1 (basement) as detailed in the approved Operational Waste Management Plan and Traffic Report. The design certificate is to specifically confirm that the:
    a. Waste collection vehicle can enter the site in a forward direction, adequately manoeuvre into position near the bins, load bins and exit the site in a forward direction.
    b. Vertical clearance of 4.0 m is provided along the entire route of travel of the waste collection vehicle on site and loading bay
    c. The installation of ceiling mounted cable trays, pipes, ducting, lights, signs etc will not reduce the vertical clearance of the waste collection vehicle travel path on site to less than 4.0 m.
    d. The waste collection vehicle must be able to manoeuvre in the basement with limited need for reversing. The minimum diameter for a turntable is 10m.
    e. The grades along the entire travel path of the waste collection vehicle on site must not exceed the maximum grades of AS2890.2 for a heavy rigid vehicle. The maximum gradient of 1:6.5 for forward movements and 1:8 for reverse movements must not be exceeded. Vehicle performance assessments using Council's waste collection vehicles have shown gradients steeper than 1:6.5 are not safe in all conditions so are not suitable for use by waste collection vehicles.
    f. The vehicle ground clearance is sufficient to prevent scraping.
    g. All pavement has been designed to carry the maximum load of the heavy rigid vehicle.
3. The electrical transformer/substation enclosure and the fire hydrant booster enclosure must be located such that compliance is achieved with the Australian Standard AS2890.2 sight distance requirements for the approved heavy rigid waste collection vehicle exit manoeuvre turning path. In applying the Australian Standard, the driveway/accessway must be regarded as one-way for the heavy rigid waste collection vehicle movements.

4. The Landscape Plan must be such that ground level landscape elements do not and will not with future plant growth, impact compliance with the Australian Standard AS2890.2 sight distance requirements for the approved heavy rigid waste collection vehicle exit manoeuvre turning path.

5. Details of the Operational Traffic Control Plan are to be submitted to Council for approval before the issue of a Construction Certificate. The Operational Traffic Control Plan must include:

    a. Details of the proposed method of signalising the vehicular ramps and accessways where necessary, including details of:

        i. The location and type of signals; and

        ii. A priority system for cars entering the site to avoid queuing onto the public road;

        iii. This is to safely manage vehicles where the waste collection vehicle travel path takes up the whole ramp/driveway and/or when the turntable is occupied/in operation.

    b. Flashing light visible to vehicles approaching to enter the site notifying incoming vehicles that the loading bay or turntable is occupied. This is to prevent trucks entering the site and finding they are unable to turn around because the loading bay/turntable is occupied, then having to reverse all the way out and onto the public road.

    c. Convex mirrors, stop/giveway signs etc. where appropriate.

    d. Details of any parking restrictions on public roads necessary to ensure waste collections can be carried out safely. (For example, No Stopping zones to permit the waste collection vehicle to safely enter and exit the site).

Reason: To ensure appropriate access for waste collection

34. Construction Waste Management Plan

Before issue of the Construction Certificate, a Construction Waste Management Plan must be submitted to the Principal Certifying Authority detailing the following:

1. An estimate of the types and volumes of waste and recyclables to be generated.

2. Details of reuse, recycle or disposal of excavation, demolition and construction waste material, including the disposal facilities.

3. Confirmation that every site to which waste is to be taken (whether for reuse, recycling, disposal or otherwise) is lawfully permitted to accept that substance.

4. A table of information detailing cut and in-situ fill calculations for all stages for works. The table must include specified dimensions (WxLxD) and total cubic metres

5. Details of the importation or excavation of soil and fill, the classification of the fill, disposal methods and authorised disposal depots that will be used for the fill.

6. A scaled site plan including levels of the extent of cut and fill on the site, forming part of the proposed development.

7. Asbestos management requirement and procedures for removal and disposal from the site in accordance with AS 2601-2001 - 'The Demolition of Structures', and the Protection of the Environment Operations (Waste) Regulation 2005.
8. General construction waste details including a site plan demonstrating the location of demolition and construction waste bins and litter management for workers.
9. Reuse of materials for purposes other than their intended manufactured use is not permitted. For example, bricks can be reused onsite to construct a wall but cannot be used as fill.

Reason: to ensure the appropriate management of waste during the construction and demolition stages.

35. Identification of Survey Marks

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

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

36. Noise Impact on Residential Building

Prior to the issue of a Construction Certificate written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Council, stating that appropriate design and construction materials are to be utilised within the development to ensure compliance with the following noise criteria specified for managing the noise impact on residential buildings from rail corridors and/or busy roads:

1. In any bedroom in the building: 35dB(A) between 10pm - 7am
2. Anywhere else in the building (other than a garage, hallway, kitchen, or bathroom: 40dB(A) at any time.

Reason: To ensure buildings are designed and constructed to minimise noise and vibration impacts from transport corridors.

BEFORE DEMOLITION AND BUILDING WORK COMMENCES

Condition

37. Site Sign

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

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

38. Asbestos Removal Signage

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

Reason: To alert the public to any danger arising from the removal of asbestos.

39. Protection of Adjoining Areas

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

    Note: The Hoarding/ Temporary Fencing application must be lodged via Council's Online Services Portal at: https://hornsbyprd-pwy-epw.cloud.infor.com/ePathway/Production/Web/Default.aspx and by selecting the following menu options: My Applications > New Applications > Under 'Application Types': Hoarding/ Temporary Fencing Applications.
3. Where any part of the road or footpath is required to be occupied or closed during any stage of works, including demolition, excavation, construction or remediation, a temporary full / partial road or footpath closure permit must be approved by Council. The permit must be applied for via Council's Online Services Portal.

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

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

40. Notice of Commencement for Demolition

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

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

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

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

41. Toilet Facilities

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.

Each toilet must:

1. Be a standard flushing toilet connected to a public sewer; or
2. Be a temporary chemical closet approved under the Local Government Act 1993.

Reason: To ensure adequate toilet facilities are provided.

42. Erosion and Sediment Control Measures

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

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

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

Note: On the spot penalties may be issued for any non-compliance with this requirement without any further notification or warning. If you are unsure in how to achieve compliance with this

condition during works, you may need to engage the services of a suitably qualified environmental, soil or geotechnical consultant to assist.

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

43. Waste Management Details

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

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

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

44. Garbage Receptacle

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

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

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

45. Installation of Tree Protection Measures

Trees to be retained and numbered 1, 2, 10, 15 and 16 as identified on the Tree Protection Plan Page # 21 appendix 1D of the Arboricultural Impact Assessment Ref: 19-024a-03 (2025) prepared by Advanced Treescape Consulting dated 31 October 2025 must have tree protection measures for the ground, trunk and canopy installed by the project arborist as follows:

1. For the duration of demolition and construction works, in accordance with the Tree Protection Plan page 21 appendix 1D prepared by Advanced Treescape Consulting dated 31 October 2025.
2. Tree protection fencing for the trees to be retained must be installed by the engaged AQF 5 project arborist and consist of 1.8m high temporary fencing panels installed in accordance with Australian Standard AS4687-2007 Temporary fencing and hoardings.
3. The installation of all required tree protection fencing must include shade cloth attached to the fencing to reduce transport of dust, particulates, and liquids from entering the tree protection zone.
4. Tree crown protection measures are required and must be installed by the AQF 5 project arborist.
5. The circumference of the trunk(s) must be wrapped in hessian material to provide cushioning for the installation of timber planks.
6. Timber planks (50 x100mm) must be spaced at 100mm intervals and must be attached using adjustable ratchet straps.

7. All tree protection zones must have a layer of wood-chip mulch at a depth of between 150mm and 300mm.

8. Where wood-chip mulch is permitted by Council instead of tree protection fencing within the tree protection zones, the woodchip must be covered with a layer of geotextile fabric and rumble boards.

Reason: To protect trees during construction.

DURING BUILDING WORK

Condition

46. Construction Work Hours (5-25 Storeys RFBs and Mixed Use Only)

All work on site (including demolition, construction, earth works and removal of vegetation) 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.

Reason: To protect the amenity of the surrounding area.

47. Demolition

To protect the surrounding environment, all demolition work must be carried out in accordance with Australian Standard AS2601-2001 The Demolition of Structures and the following requirements:

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

2. Demolition works, where asbestos material is being removed, must be undertaken by a contractor that holds an appropriate licence issued by SafeWork NSW in accordance with the Work Health and Safety Regulation 2017 and be appropriately transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 2014; and

3. On construction sites where any building contains asbestos material, a standard commercially manufactured sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and measuring not less than 400mm x 300mm must be displayed in a prominent position visible from the street.

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

48. Handling of Asbestos

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

1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling, and disposal of any asbestos material.

2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and

3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.

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

49. Environmental Management (Air Pollution)

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

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

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

50. Council Property

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

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

Reason: To protect public land.

51. Maintenance of Public Footpaths

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

Reason: To maintain safe pedestrian movement.

52. Compliance with Construction Management Plan

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

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

53. Disturbance of Existing Site

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

Reason: To protect the natural features of the site.

54. Unexpected Finds

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

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

55. Soil Management (Excavation)

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

1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the Principal Certifier or Council (where a principal certifier is not required).
2. Tipping dockets for the total volume of excavated material that are received from the licensed waste management facility must be provided to the Principal Certifier prior to the issue of an Occupation Certificate.

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

56. Landfill Not Permitted

The importation of fill material associated with earthworks, or structural or engineering works, is not permitted as part of this consent.

Reason: To minimise environmental impacts from landform modification

57. Waste Management

1. All work must be carried out in accordance with the approved waste management plan.
2. Work must not interfere with the scheduled waste collections in the vicinity of the site.

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

58. De-watering of Excavated Sites

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

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

59. Erosion and Sediment Control

1. Works are not to result in the discharge of sediment and or run-off onto the adjoining properties or public land.
2. The person having the benefit of this consent must ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site.

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

Reason: To minimise impacts on neighbouring properties and public land.

60. Soil and Water Management (Stockpiles)

1. Stockpiles of topsoil, sand, aggregate, soil or other material shall be protected with adequate sediment controls and must not be located on any drainage line or easement, natural watercourse, footpath or roadway.
2. The storage of stockpiled topsoil, sand, aggregate, soil or other materials must not result in the discharge of sediment or run-off onto the adjoining properties or public land.

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

61. Removal of Trees

This development consent permits the removal of tree(s) numbered 3, 4,5, 6, 7, 8, 9, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23 and 24 as identified in the Arboricultural Impact Assessment prepared by prepared by Advanced Treescape Consulting dated 29 August 2025.

Note: The removal of any other trees from the site requires separate approval by Council in accordance with Part 1B.6 Tree and Vegetation Preservation of the Hornsby Development Control Plan 2024.

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

62. Prohibited Actions within the Fenced Tree Protection Zone

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

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

Reason: To protect trees during construction.

63. Maintaining the Health of Trees Approved for Retention

The appointed project arborist must monitor and record any and all necessary actions required to maintain tree health and condition for all trees to be retained identified on the Tree Location Plan on Page 21 Appendix 1D prepared by 1D prepared by Advanced Treescape Consulting dated 29 August 2025.

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

64. Maintaining Tree Protection Measures

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

Reason: To protect trees during construction.

65. Approved Works within Tree Protection Zone Incursions

1. Where tree root pruning is required for the installation of piers, driveway or underground services, the pruning must be overseen by the AQF 5 project arborist and must be undertaken as follows:
    a. Using sharp secateurs, pruners, handsaws, or chainsaws with the final cut being clean.
    b. The maximum diameter of roots permitted to be cut is 30mm
2. The new driveway must be constructed using the following process:
    a. To minimise soil compaction the proposed driveway must be built above grade using sensitive construction techniques in the form of piers or screw pilings.
    b. To minimise soil compaction all imported material in the vicinity of the replacement driveway must be distributed by hand.
3. Where the building footprint enters or transects the Tree Protection Zones of trees to be retained, sensitive construction techniques in the form of screw pilings or piers, cantilevered or suspended slab design must be employed to create a 100mm clearance above existing soil grade.
4. Approved excavations within the Tree Protection Zone of trees to be retained not associated with installation of services must be undertaken as follows:
    a. Excavations associated with the basement and building footprint and within the Tree Protection Zone of trees to be retained must be overseen by the AQF 5 project arborist for the first 1m undertaken manually to a depth of 500mm to locate roots and allow for pruning in accordance with conditions of consent.
5. No changes of grade within the Tree Protection Zone of trees to be retained on the approved plans, are permitted.
    a. To minimise impacts within the Tree Protection Zone (TPZ) of trees to be retained, the installation of services must be undertaken as follows:
    b. The AQF 5 project arborist must be present to oversee the installation of any underground services which enter or transect the tree protection.

c. The installation of any underground services which either enter or transect the designated TPZ must utilise directional drilling only.

6. Where scaffolding is required, ground protection must be installed beneath the scaffolding in the following order:

   a. Installation of a 100mm deep layer of woodchip; and

   b. Installation of geotextile fabric ground covering; and

   c. Installation of scaffold boarding above the woodchip and geotextile fabric.

Reason: To protect trees during construction.

66. Building Materials and Site Waste

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

Reason: To protect trees during construction.

67. Storage and Removal of Waste

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

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

68. Maintain waste removal records

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

1. The identity, contact details and driver's licence details of the person removing the waste.
2. The waste carrier vehicle registration.
3. Date and time of waste collection.
4. A description of the waste (type of waste and estimated quantity).
5. Details of the site to which the waste is to be taken.

6. The corresponding weighbridge tip docket/receipt from the site to which the waste was transferred (noting date and time of delivery, vehicle registration, description (type and quantity) of waste).

7. Whether the waste is expected to be reused, recycled or go to landfill.

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

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

69. Waste collection vehicle onsite travel path

For the approved waste collection vehicle travel path on site, the following requirements must be complied with:

1. Prior to the pouring of concrete for the waste collection vehicle travel path on site (including but not limited to the driveway and vehicular ramp), the principal certifying authority must receive a report prepared by a registered surveyor that certifies the gradient of the finished pavement will be no greater than 1:6.5.

2. Prior to the pouring of any concrete support columns or walls on the C1 (basement) level, the principal certifying authority must receive a report prepared by a registered surveyor that certifies no support columns or walls are positioned within the approved travel path or low speed manoeuvring clearance of the waste collection vehicle.

3. Prior to the pouring of concrete on the level over the waste collection vehicle travel path, the principal certifying authority must receive a report prepared by a registered surveyor that certifies the vertical clearance for the waste collection vehicle travel path will be no less than 4.0 metres. The floor to ceiling height will need to exceed this if there are to be ceiling mounted objects (e.g. pipes, cable trays). Note: vertical clearance is the distance from the floor to the lowest ceiling mounted object and not the floor to ceiling height.

4. The driveway and vehicular ramp concrete pavement should be rough textured and should not be sealed. If sealing is necessary, then the coating must include anti-slip aggregates.

5. The installation of overhead or ceiling mounted cable trays, pipes, ventilation ducting, signs, light fittings, awnings, roller doors etc must not reduce the vertical clearance over the waste collection vehicle travel path on site to less than 4.0 metres.

6. Do not construct any walls, support columns or other structure within the onsite travel path or low speed manoeuvring clearance of the waste collection vehicle.

Reason: To ensure appropriate access for waste collection

70. Vehicular Crossing

A separate application under the *Roads Act 1993* must be submitted to Council for the installation of a new vehicular crossing and the removal of the redundant crossing. The vehicular crossing must be constructed in accordance with Council's AUS-SPEC Specifications and the following requirements:

1. Design levels at the front boundary shall be obtained from Council by lodging an "Application for Boundary Levels" to be incorporated in the driveway longitudinal sections. Any redundant crossings must be replaced with integral kerb and gutter.
2. The footway area must be restored by turfing.
3. Approval must be obtained from all relevant utility providers that all necessary conduits be provided and protected under the crossing.
4. The existing road pavement to be saw cut a minimum of 500mm from the existing edge of the bitumen and reconstructed in such a way that it rectifies all the cracked pavement on the Forbes Street.
5. The submission of a compaction certificate from a geotechnical engineer for any fill within road reserves, and all road sub-grade and road pavement materials.
6. The application is to include a variation to standard specifications for the vehicular crossover to be designed for the swept path of a 12.5m heavy rigid vehicle's site entry and exit manoeuvres.

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

Reason: To provide safe vehicle and pedestrian access

71. Local Traffic Committee (LTC) approved "Works Zone"

1. All construction vehicles associated with the proposed development are to be contained on site or in a Local Traffic Committee (LTC) approved "Works Zone".
2. The site supervisor to be advised that the Works Zone will be deemed to be in effect, and fees will apply, between the dates nominated by the supervisor, or when parking spaces are managed for the sole use of construction vehicles associated with the site.
3. The Works Zone signs shall be in effect only for the times approved by Council, and the time is to be noted on the sign. Eg, 'Works Zone Mon - Sat 7am - 5pm'.
4. The applicant is required to supply a sign posting installation plan for referral to the Local Traffic Committee, noting on it the duration of the Works Zone.
5. The Works Zone is only to be used for the loading and unloading of vehicles. Parking of workers' vehicles, or storage of materials, is not permitted.

Reason: To ensure safety of the local road network.

72. Street Sweeping

1. During works and until exposed ground surfaces across the site have been stabilised, street sweeping must be undertaken following sediment tracking from the site.
2. The street cleaning service must utilise a 'scrub and dry' method and be undertaken for the full extent of any sediment tracking.

Reason: To minimise impacts to the natural environment.

73. Compliance with Acoustic Report

All control measures nominated in the Noise & Vibration Impact Assessment (Ref: 250278) Rev.C, prepared by JHA Consulting Engineers (dated 22 June 2026) must be implemented.

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

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

Condition

74. Fulfilment of BASIX Commitments

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

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

75. Replacement Tree Requirements

1. The trees approved for removal under this consent, being trees numbered 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23 and 24 must be offset through replacement planting of a minimum of 20 trees.
2. All replacement plantings must be species selected from the 'Trees Indigenous to Hornsby Shire (as of 1 September 2011)' document available for viewing on the Hornsby Council's website http://www.hornsby.nsw.gov.au/environment/flora-and-fauna/tree-management/indigenous-trees
3. The location and size of tree replacement planting must comply with the following:
    a. All replacement trees must be located in either the front or rear setbacks and planted 4 metres or greater from the foundation walls of the approved development.
    b. The pot size of the replacement trees must be a minimum 45 litres.
    c. All replacement trees must be a minimum of 3 metres in height.
    d. All replacement trees must have the potential to reach a mature height greater than 10 metres.

Reason: To ensure replacement planting to maintain tree canopy.

76. Final Certification by Project Arborist

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

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

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

Reason: To ensure compliance with tree protection commitments.

77. Asbestos Clearance Certificate

Should any asbestos be encountered during demolition or construction works, a licenced asbestos assessor is required to provide a Clearance Certificate to the Principal Certifier prior to the issue of an Occupation Certificate, certifying that the asbestos has been removed and appropriately disposed of, and the site is now suitable for its approved use.

Reason: To ensure the appropriate removal and disposal of contaminated materials and the site is suitable for its approved use.

78. Submission of Excavated Material Tipping Dockets to Principal Certifier

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

Reason: To confirm appropriate disposal of excavated material.

79. Unit Numbering

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

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

80. Damage to Council Assets

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

Reason: To ensure public infrastructure and property is maintained.

81. Completion of Landscaping

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

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

Reason: To ensure compliance with landscaping commitments.

82. Retaining Walls

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

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

83. Boundary Fencing

1. The exact location, design and costing for the erection of boundary fencing are to be the subject of negotiation and agreement in accordance with the relevant requirements of the *Dividing Fences Act 1991*.
2. Fencing must be erected along all property boundaries behind the front building alignment to a height of 1.8 metres.

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

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

84. 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.

Reason: To ensure the orderly development of the site.

85. Preservation of Survey Marks

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

Reason: To protect the State's survey infrastructure.

86. Fire Safety Statement - Final

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

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

87. Garbage Collection Easement

For the purpose of waste collection, an easement entitling Council, its servants and agents and persons authorised by it to enter upon the subject land and to operate thereon, vehicles and other equipment for the purposes of waste collection must be granted to Council by the owner of the land. The waste collection easement must be registered with the NSW Land Registry Services prior to issue of the occupation certificate or the use commencing, whichever is earlier.

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

claims made by any person whomsoever. Standard terms of easement are available on Council's website.

Reason: To ensure appropriate access for waste collection

88. Waste Management Facilities

Prior to the issue of any occupation certificate or the use commencing, whichever is earlier, the following waste management requirements must be complied with:

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

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

2. Prior to an Occupation Certificate being issued or the use commencing, whichever is earlier, the Principal Certifying Authority must have written evidence that:

   a. Arrangements have been made with and confirmed by Council for the delivery of domestic bins for the residential dwellings, and for the commencement of Council's scheduled domestic waste management services upon issue of the Occupation Certificate.

   b. Arrangements are in place for a site caretaker/cleaner with waste management responsibilities to commence employment at the site before or no later than 7 days after the issue of the Occupation Certificate.

3. For every dwelling, integrated within the kitchen design, dual pull-out under bench waste bins must be incorporated into the joinery of the kitchen. Every residence must be provided with two containers approximately 15-30 litres each, one each for general waste and recycling, stored within a kitchen cupboard.

4. Space must be provided for either individual compost containers for each dwelling or a communal compost container.

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

5. All bin carting routes must be devoid of steps.

   Note: Ramps and service lifts between different levels are acceptable

6. There must be a dedicated on-site communal bulky waste storage area of at least 16 square metres, of regular rectangular shape with no dimension less than 2.5m.

7. All lockable doors and gates, both pedestrian and vehicular, that are required to be opened by Council's waste collection contractor in the provision of waste collection services, must be able to be opened using a pin code. That is, locks requiring keys, remote controls, key fobs etc are not acceptable.

8. The doors to the chute service room 1, chute service room 2, bin holding/collection room, and bulky waste storage room must be robust, close fitting and self-closing. The doors must be lockable and capable of being opened from the inside without a key. Any door swing must not block access to the bins and must not block the pathway for moving bins to the collection vehicle. Swing doors should open outwards 180 degrees and must be able to be locked open. No bins are to be stored within the door swing. Door openings must be as wide as possible, wide enough to fit the largest bin through, and should be no less than 2m wide. Roller doors are acceptable.

9. The floor covering must not be carpet along the waste carting route from each residential dwelling on every residential level to the waste disposal facilities and waste storage room(s) including in lift(s). Tiles, linoleum, sealed concrete or other sealed smooth hard surface is acceptable.

10. All bin storage room(s), bin collection/holding room(s), chute service room(s), and bulky waste storage room(s) must be free from meters, power/communications boards, piping and any other obstructions.

11. The chute service room 1, chute service room 2, bin holding/collection room at C1 (basement) level must include a cleaner's sink with water for cleaning, graded floors with drainage to sewer, smooth sealed and impervious surfaces, and have artificial lighting, mechanical ventilation in compliance with AS1668.2, robust door(s) and must be lockable (but able to be opened from inside the room without a key).

12. The waste disposal facilities on each residential level of each lift core must include smooth sealed and impervious surfaces, artificial lighting, mechanical ventilation in compliance with AS1668.2, and robust doors.

13. The food organics bin cupboard must be adjacent to the dual chutes cupboard (garbage chute and recycling chute). Each food organics bin cupboard must have internal dimensions no less than 750mm wide by 900mm deep, and the door must be wide enough to fit a 240L bin through.

14. The chute service room 1, chute service room 2, bin holding/collection room at C1 (basement) level must include graded floors with drainage to sewer, smooth sealed and impervious surfaces, and have artificial lighting, mechanical ventilation in compliance with AS1668.2, robust door(s) and must be lockable (but able to be opened from inside the room without a key).

15. Each chute must be fitted with automatic waste volume handling equipment that automatically changes the bin under the chute when it becomes full, thereby providing no less than 3 days bin capacity under the chute. Unauthorised persons (including residents and waste collectors) must not be able to access to the automatic waste volume handling equipment. The automatic waste volume handling equipment on the chute system must not include compaction.

16. For 3 days bin capacity, the development requires: 3x 660 bins on bin linear tracks or carousel or equivalent under each Core 1 (West) garbage chute and recycling chute, and 4x 660L bins on bin linear tracks or carousel or equivalent under each Core 2 (East) garbage chute and recycling chute.

17. The volume handling equipment must be caged or walled off from the rest of the waste/chute service rooms (for safety - glass and bags of garbage can explode when dropped from height).

18. The owners corporation or property owner(s) must be provided with a waste management system maintenance and operations manual (which may form part of the Owners Building Manual) that includes:

    a. The operational waste management plan, including the roles and responsibilities of all stakeholders

    b. Site plans showing all waste facilities (e.g. waste disposal rooms, bulky waste storage rooms, waste collection room, chute service room, waste equipment storage rooms)

    c. Operation and maintenance manuals for all equipment used in the management of waste (e.g. motorised bin carting equipment, chute system and volume handling equipment, truck turntable)

    d. Proof of purchase and warranty details for all equipment used in the management of waste

19. Lockable storage space must be provided for all equipment required for the operation of the waste management system, including but not limited to any motorised bin carting equipment, cleaning equipment and supplies.

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

89. Construction Waste Report

For each stage of works, prior to the issue of the occupation certificate for that stage, a report must be prepared by an appropriately qualified person and submitted to the principal certifying authority, certifying the following:

1. A comparison of the estimated quantities of each waste type against the actual quantities of each waste type. Explanations of any deviations to the approved Waste Management Plan is required to be included in this report, including what can be done to improve the management of waste in future projects.

2. That at least 80% of the waste generated during the demolition and construction phase of the development was reused or recycled. If the 80% diversion from landfill was not achieved, the Report is to include the reasons why this occurred, what can be done to improve diversion from landfill in future projects, and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

3. All waste was taken to site(s) that were lawfully permitted to accept that waste. Records of waste removed from the site must be matched to tipping dockets/receipts from recycling depots, transfer stations and landfills to verify the destination of all waste removed from the site (which are to be attached to the report), along with a licence check or other verification that the site was lawfully permitted to accept that waste. If lawful waste disposal cannot be confirmed, then the Report and all associated records are to be submitted to Council.

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

90. Completion of external works and waste infrastructure

1. Before the first Occupation Certificate is issued or the use commences, whichever is earlier, all external works including but not limited to the vehicular crossover and footpath, must be completed. A temporary vehicular crossover is not acceptable.
2. In addition, for staged occupation or where the Occupation Certificate will be limited to a portion of the development:
    a. Prior to the issue of the occupation certificate or the use commencing, whichever is earlier, the waste management system for the portion of the development covered by the occupation certificate, must be completed. The waste management system includes but is not limited to the bin storage facilities, bulky waste storage, the road/accessway and vehicular crossover, loading bay and truck turning area, as applicable.
    b. Once one dwelling or more has been occupied or the use has commenced, whichever is earlier, all areas used by the waste collection vehicle and personnel to service that dwelling(s) or use(s), must be maintained in a condition acceptable to Council during all subsequent construction work.

Reason: to ensure appropriate access for waste collection.

91. Waste collection vehicle on-site access

The following requirements must be complied with before the issue of any occupation certificate or the use commencing, whichever is earlier:

1. A survey of the finished access way (including ramp, waste collection vehicle turning area, loading bay and site entry/exit) to be used by the waste collection vehicle, must be carried out by a registered surveyor and submitted to the principal certifying authority and to Council.
    a. The survey is to include dimensions, gradients and vertical clearance.
    b. Written confirmation must be submitted to Council and to the Principal certifying authority from a qualified Traffic Engineer, that this survey confirms the finished access way within the waste collection vehicle travel path was designed and constructed in compliance with Australian Standard AS2890.2-2002 Parking Facilities Part 2: Off-street Commercial Vehicle Facilities for heavy rigid vehicles (for layout, dimensions, manoeuvring clearances, gradients, rates of change of grade, vertical clearance, vehicle ground clearance) and these consent conditions.
    c. Vehicle performance assessments using Council's waste collection vehicles have shown gradients steeper than 1:6.5 are not safe in all conditions so are not suitable for use by waste collection vehicles. Vertical clearance of 4.0m is acceptable.
2. The access way (including ramp, vehicle turning area, loading bay and site entry/exit) to be used by waste collection vehicles, must comply 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, 1:8 for reverse travel and a minimum vertical clearance of 4.5 m, though a reduced vertical

clearance of 4.0m is acceptable. Encroachments of the heavy rigid vehicle turning path and low speed manoeuvring clearance (300 mm both sides) into parking spaces cannot be tolerated. Vehicle performance assessments using Council's small rigid waste collection vehicle have shown gradients steeper than 1:6.5 are not safe in all conditions so are not suitable for use by waste collection vehicles.

3. The 4.0 metre clearance height within the waste collection vehicle travel path must not be reduced by ducting, lights, pipes or anything else.
4. "No parking" signs must be erected to prohibit parking in the waste collection loading and turning areas.
5. Support columns adjacent to the waste collection vehicle travel path must be painted a contrasting colour to the walls (to aid visibility).
6. Site security measures implemented on the property, including electronic gates, must not prevent access to the collection point by waste removal services.
7. A warning system that indicates if the turntable is occupied/turning must be visible to vehicles about to enter the site.
8. All lockable doors and gates, both pedestrian and vehicular, that are required to be opened by Council's waste collection contractor in the provision of waste collection services, must be able to be opened using a pin code. That is, locks requiring keys, remote controls, key fobs etc are not acceptable. The vehicle sensors of automatically opening doors/gates must be set up for both heavy rigid vehicles and cars.
9. The traffic safety measures in the approved operational traffic control plan must be installed and operational.
10. The vehicular turntable must be constructed to satisfy the manufacturer's standard installation guidelines and specifically the following requirements:
    a. The turntable must be able to be manually turned in the event of a power failure or malfunction.
    b. Access to operate the turntable must be restricted to authorised users by PIN code entry.
    c. The operation system must require the driver to exit the vehicle.
    d. There must be 1m clear of obstructions around the turntable.
    e. There must be 2m clear of obstructions behind the truck for loading operations.
    f. The turntable must have a 30-tonne load capacity.
    g. The diameter of the turntable must be no less than 10 metres.
11. There must be a Delivery and Servicing Plan based on the Freight and Servicing Last Mile Toolkit from Transport for NSW or a Loading Dock Management Plan to ensure that the turntable is sufficiently available for all necessary waste collection services to take place, and to monitor and improve delivery and service management. A copy of this plan must be provided to the owners' corporation and strata management (as applicable), and to Council.
12. Two visitor parking spaces are to be allocated on level 0 for use by vehicles unable to access other levels for parking due to service vehicles stopped on the turntable.

13. The Owners Corporation or property owner or their authorised representative must be provided with a Plan of Management for the turntable system that ensures it's maximum reliability and availability. The Plan of Management is to be kept up to date and is to be provided to Council upon request. The Plan of Management for the turntable system is to include, but is not limited to:

    a. The Functional Specifications.

    b. The manufacturer's operation and maintenance manuals.

    c. Safety hazards operational analysis (HAZOP).

    d. A Safety and Operational Risk Management Plan.

    e. Safe Work Method Statements.

    f. A servicing and maintenance inspection plan that has been prepaid for 3 years.

    g. A contingency plan in the event of a power failure or malfunction including procedures to use the manual turn system and procedure to engage breakdown assistance.

    h. Breakdown assistance must be provided within 4 hours.

    i. A sinking fund contribution of 5% of the supply and installation cost of the turntable must be made by the developer to ensure that the property has funds up front to pay for turntable repairs over and above what is covered by the warranty once operational.

    j. The Strata Management / Owners' Corporation must budget for the turntable to be replaced every 20 years.

Reason: to ensure appropriate access for waste collection.

92. Demolition Waste Report

Within 14 days of completion of the demolition stage, a report must be prepared by an appropriately qualified person and submitted to the principal certifying authority, certifying the following:

1. A comparison of the estimated quantities of each waste type against the actual quantities of each waste type. Explanations of any deviations to the approved Waste Management Plan is required to be included in this report, including what can be done to improve the management of waste in future projects.

2. That at least 80% of the waste generated during the demolition and construction phase of the development was reused or recycled. If the 80% diversion from landfill was not achieved, the Report is to include the reasons why this occurred, what can be done to improve diversion from landfill in future projects, and certify that appropriate work practices were employed to implement the approved Waste Management Plan. The Report must be based on documentary evidence such as tipping dockets/receipts from recycling depots, transfer stations and landfills, audits of procedures etc. which are to be attached to the report.

3. All waste was taken to site(s) that were lawfully permitted to accept that waste. Records of waste removed from the site must be matched to tipping dockets/receipts from recycling depots, transfer stations and landfills to verify the destination of all waste removed from the

site (which are to be attached to the report), along with a licence check or similar verification that the site was lawfully permitted to accept that waste. If lawful waste disposal cannot be confirmed, then the Report and all associated records are to be submitted to Council.

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

93. Street Tree Plantings

Planting to the Forbes Street verge shall be five 5x *Lophostemon confertus* (Brushbox). Trees are to be located in mulched planted beds 1000m long and min 600mm wide, have 3x hardwood stakes until established and be installed at minimum 200 Litre pot size. Trees are to be located to ensure clear sight lines for cars leaving the building driveway.

Note: Applicants are advised to pre-order plant material required in pot sizes 45 litre or larger to ensure Nurseries have stock available at the time of install.

Reason: To ensure streetscape achieves desired future character for low and mid rise development precinct

94. Underground Power Lines

To enhance ability of street trees to achieve a suitable height and growth to improve the streetscape quality in association with a higher development, power lines located on Forbes Ave outside of the development site are to be placed underground.

Reason: To ensure street tree canopy achieves desired future character for low and mid rise development precinct.

95. Planter Boxes / On slab planting

On slab planter boxes must include waterproofing, subsoil drainage (proprietary drainage cell, 50mm sand and filter fabric) automatic irrigation, minimum 500mm planting soil for shrubs and minimum 1000mm planting soil for trees and palms and 75mm mulch to ensure sustainable landscape is achieved.

Reason: To ensure growth and establishment of landscaping within planter boxes and on slab environments.

96. Irrigation

A fully automatic irrigation system operated via irrigation controller and rain sensor is to be provided to the landscape areas. The irrigation system will be supplied with water via a dedicated irrigation main pipe. Garden taps shall be supplied via a separate main pipe, keeping them separate from the irrigation main. A suitably qualified urban irrigation installer, licensed by the NSW Department of Fair Trading must directly supervise all works carried out as part of this project. All works shall, as a minimum, meet the requirements of AS 3500.

Reason: To ensure growth and establishment of landscaping

97. Completion of Landscaping

A certificate must be provided 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.

Reason: To ensure landscaping has been installed in accordance with the approved plans and conditions

98. Sydney Water - Section 73 Compliance Certificate

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

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

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

99. Utility Services

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

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

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

100. Creation of Easements

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

1. The creation of an appropriate "Positive Covenant" and "Restriction as to User" over the constructed on-site detention/retention systems, stormwater quality improvement devices and outlet works, within the lots in favour of Council in accordance with Council's prescribed wording. The position of the on-site detention system and stormwater quality improvement devices is to be clearly indicated on the title.
2. To register the OSD easement, the restriction on the use of land "works-as-executed" details of the on-site-detention system and stormwater quality improvement devices 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.
3. *Note: Council must be nominated as the authority to release, vary or modify any easement, restriction, or covenant.*

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

101. Construction of Engineering Works

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

Reason: To ensure engineering works are completed.

102. Works as Executed Plan

A works-as-executed plan(s) must be prepared by a registered surveyor and submitted to Council for completed footpath, kerb & gutter, vehicular crossing, driveways, and on-site detention system.

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

103. Damage to Council Assets

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

Reason: To ensure public infrastructure and property is maintained.

104. Preservation of Survey Marks

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

Reason: To protect the State's survey infrastructure.

105. Certification of WSUD Facilities

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

Reason: To ensure compliance with WSUD commitments.

106. Pedestrian Footpath

Pedestrian footpath to be provided to link the existing footpath at the frontage of Nos. 19 and 21 Forbes Street with that of No. 25 Forbes Street. Civil Engineering plan for the footpath is required to be submitted by the proponent and approved by Council's Civil Engineers before the issuing of Construction Certificate. The construction of the footpath is to be completed before issuing of the Occupation Certificate for the development.

Reason: To provide safe pedestrian movement.

107. Car Parking

All car parking must be constructed and operated in accordance with Australian Standard AS/NZS 2890.1:2004 - Off-street car parking and Australian Standard AS 2890.2:2002 - Off-street commercial vehicle facilities.

1. All parking areas and driveways are to be sealed to an all weather standard, line marked and signposted.
2. Car parking, loading and manoeuvring areas to be used solely for nominated purposes.
3. Vehicles awaiting loading, unloading or servicing shall be parked on site and not on adjacent or nearby public roads.
4. All vehicular entry on to the site and egress from the site shall be made in a forward direction.
5. Visitors must be able to access the visitor parking spaces at all times. These spaces are not to be used by residents as storage or parking spaces.
6. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
7. Motorcycle parking spaces are to be designed in accordance with AS/NZS 2890.1:2004 Figure 2.7.
8. Bicycle parking spaces are to be designed in accordance with AS2890.3:1993 Bicycle parking facilities.
9. All parking for people with disabilities is to comply with AS/NZS 2890.6:2009 Off-street parking for people with disabilities.
10. Signage is to be provided at the car park entry advising of the availability of visitor parking on the site.

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

108. Submission of Excavated Material Tipping Dockets to Principal Certifying Authority

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

Reason: To confirm appropriate disposal of excavated material.

109. Certification of Acoustic Measures

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

Reason: To protect the amenity of the local area.

ONGOING USE

Condition

110. Fire Safety Statement - Annual

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

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

111. Landscape establishment

The landscape works must be maintained in perpetuity 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.

Reason: To ensure compliance with landscaping commitments.

112. Domestic Waste Management

The management of waste must be in accordance with the approved waste management plan and the following requirements:

1. The development must operate in full compliance with Council's waste management collection requirements.
2. There must be a sufficient number of bins on site to contain the volume of waste and recycling expected to be generated between collection services. There must be a sufficient number of rotational bins on site for use (for example under each chute) on collection days.
3. The lid of each bin must be kept closed at all times, other than when waste is being deposited.
4. A site caretaker must be employed and be responsible for transferring all bins from the chute service rooms to the temporary bin holding/collection room from where the bins will be serviced, then return them once emptied, transferring bins when and where required, washing bins, cleaning and maintaining waste storage areas and signage, ensuring the chute systems and related devices are regularly checked and maintained in effective and efficient working order, ensuring all waste management equipment (e.g. mechanical ventilation, bin cart, bin lifter) is regularly checked and maintained in effective and efficient working order, decanting rotational bins into service bins, managing the loading bay to ensure that it is sufficiently available for all necessary waste collection services to take place, ensuring the turntable system and related devices are maintained in effective and efficient working order, providing training to waste collection personnel in the use of the turntable when requested, managing the communal composting area and worm farm, managing the bulky item storage area, transferring bulky waste from the bulky waste storage room to the collection point, arranging the prompt removal of dumped rubbish and bulky waste not presented in accordance with Council's instructions, managing the clothing/donation bins, arranging collections where the service is not provided by Council (e.g. batteries, clothing bins, e-waste), arranging for shopping trolleys to be promptly returned to the local shopping centre(s), ensuring the recycling bins are free of contamination (which includes but is not limited to garbage, plastic bags, clothing, etc.), addressing overflowing bins and pest infestations, liaising with Council on waste matters, and ensuring all residents are informed and kept up to date on the use of the waste management system.

5. The site caretaker must be employed for a sufficient number of hours each week to allow all waste management responsibilities to be carried out to a satisfactory standard and aligning with Council's scheduled collection days.

6. No bins are to be located or placed outside of the approved waste storage area(s) at any time except for collection purposes.

7. Bins must not be permanently stored in the C1 level temporary bin holding area. All bins that are placed in the C1 level temporary bin holding area for collection must be taken back to their bin storage room on the same day of service.

   Note: bins are to be placed in the holding area the day before the collection day, then returned to the basement bin storage rooms promptly after servicing.

8. All bins that are left on the kerbside for collection must be taken back within the property boundary on the same day of service.

9. The nominated on-site collection point is to be utilised to facilitate the collection of waste and recycling bins for the development. The on-site collection point is to be kept clear of obstructions at all times so not to restrict the collection of waste and recycling bins.

10. Adequate signage is to be provided and maintained on how to use the waste management system and what materials are acceptable for recycling within all waste disposal points and waste storage areas of the development. Signage is also to be provided and maintained which clearly identifies which bins (and containers) are to be used for general waste and recycling and what materials can be placed in each bin, and identifying where bulky waste is to be stored. Signage is also to be provided in locally appropriate culturally and linguistically diverse (CALD) community languages. Contact details for the site caretaker/cleaner/manager are to be provided at each waste disposal point to enable residents to report waste management issues (e.g. bins overflowing).

    Note: Council may be able to assist with signage.

11. Where the development incorporates strata title subdivision, the by-laws are to clearly set out the management responsibilities for the developments waste management system.

12. The Owners Corporation or property owner or their authorised representative, must explain to all new tenants their roles and responsibilities and the waste management policies and procedures of the development, including but not limited to the following:

    a. an explanation and demonstration of how to dispose of each type of waste. Waste types may include, as applicable, items for supplier take back schemes (e.g. crates, pallets, tyres), recyclables (e.g. paper/cardboard, plastic packaging, plastic containers, metals), activity specific wastes (e.g. medical waste, food waste), liquid wastes (e.g. waste oil), bulky waste (e.g. broken furniture), problem wastes (e.g. batteries, printer cartridges, paint), other wastes (e.g. soft plastics, e-waste, textiles, clothing), and general waste (to landfill).

    b. an explanation of the purpose of the different container types/bin colours, including what goes into each.

    c. an explanation of how to clean and separate out recyclables from general waste items, including removing leftovers from food receptacles and a direction not to place recyclables in plastic bags.

d. a walk-through of all waste disposal, storage and collection facilities relevant to their roles and responsibilities.

e. an explanation of all relevant signage.

f. an explanation of how bulky waste is managed and how/when/where such items are to be presented for collection.

g. an explanation of how to dispose of packaging and boxes left over after moving in or purchasing large items.

h. any relevant written information/educational flyers from Council.

i. direction to sources of additional information such as Council's website.

j. an explanation and demonstration of how bins are to be presented for collection (if relevant).

k. a copy of the by-laws (or equivalent) and requiring the Occupier to confirm in writing that they have read and understood its terms (if relevant).

This must be done within 2 working days of occupiers taking up residence in the development. Records of this training must be maintained and provided to Council upon request.

13. The Owners Corporation or property owner via an authorised representative, must report back to owners and occupiers at regular intervals (no less than annually) regarding the how well waste streams have been separated into the correct bins, proper use of the bulky waste system, any investigations and corrective actions for non-conformances, and any other operational waste issues.

14. Where the waste management system includes a chute system, there must be a contingency plan to allow for the continual disposal and collection of waste if the chute cannot be operated.

15. A chute cleaning service must be engaged to clean inside each chute no less than once per year or as the need arises, whichever is more frequent.

16. Bin washing must only take place within the property boundaries. Bin washing must not take place on Council's verge. Waste water from bin washing and bin storage room cleaning must not be permitted to enter any stormwater drain.

17. A motorised bin cart, trolley or similar equipment must be provided to enable the site caretaker to safely cart the bins around the site and must be available for use for the life of the development. This equipment must be suitable for the ramp grades along the bin carting route and the approved bin sizes.

18. All equipment and infrastructure required in the operation of the approved waste management system must be:

a. fit for purpose

b. suitable for site conditions (e.g. ramp gradients, door widths, vertical clearance, bin sizes)

c. on the site and continuously available for use for the life of the development

d. provided with a suitably sized and located lockable space on the site for its storage

e. regularly checked and maintained in effective and efficient working order in accordance with the manufacturer's instructions by trained service technicians

f. replaced when it is no longer usable. The owners' corporation or property owner is responsible for replacing equipment required for the waste management system.

19. In these consent conditions, recycling and recyclables refers to all waste streams that are recycled (including but not limited to mixed recycling (glass and plastic bottles, steel and aluminium cans etc), paper/cardboard, food organics, and garden organics, and are collected separately from general waste (garbage) that goes to landfill. Waste is defined in the Protection of the Environment Operations Act as any discarded, rejected, unwanted, surplus or abandoned substance (solid, liquid or gas) regardless of whether it is processed, recycled, re-used, recovered, or goes to landfill.

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

113. Waste Collection Vehicle Access

1. Access for waste collection vehicles must be maintained at all time.
2. All surfaces trafficable by the waste collection vehicle must be kept in good and substantial repair.
3. The waste collection vehicle travel path must be kept clear of obstructions.
4. Vegetation adjacent to the driveway/accessway/roadway must be regularly pruned to maintain a 4.5m vertical clearance over the driveway/accessway/roadway and to ensure the vegetation does not encroach on the vehicular travel path.
5. Overhead power and communication lines, signs etc. over the driveway/accessway/roadway must be maintained such that they do not encroach the 4.5m vertical clearance required for the waste collection vehicle.
6. All floor markings, signage and equipment required in the operational traffic control plan must be provided and available for use for the life of the development, and must be regularly checked and maintained in effective and efficient working order in accordance with the manufacturer's instructions by trained service technicians.
7. The installation, operation and ongoing servicing of the turntable is to be at no cost to Council.
8. Preventative and corrective maintenance of the turntable must be carried out in accordance with the Manufacturer's recommendations and instructions by trained service technicians. The turntable must be maintained in an effective and efficient working order. Documentary evidence of the regular servicing and maintenance of the turntable in accordance with the manufacturer's recommended service schedule must be submitted to Council on an annual basis.
9. The Owners Corporation or property owner or their authorised representative must have Plan of Management for the turntable system that ensures it's maximum reliability and availability. The Plan of Management is to be kept up to date and is to be provided to Council upon request. The Plan of Management is to include, but is not limited to:

    a. The Functional Specifications.

    b. The manufacturer's operation and maintenance manuals.

c. Safety hazards operational analysis (HAZOP).

d. A Safety and Operational Risk Management Plan.

e. Safe Work Method Statements.

f. A servicing and maintenance inspection plan that has been prepaid for 3 years.

g. A contingency plan in the event of a power failure or malfunction including procedures to use the manual turn system and procedure to engage breakdown assistance.

h. Breakdown assistance must be provided within 4 hours.

i. A sinking fund contribution of 5% of the supply and installation cost of the turntable must be made by the developer to ensure that the property has funds up front to pay for turntable repairs over and above what is covered by the warranty once operational.

j. The Strata Management / Owners' Corporation must budget for the turntable to be replaced every 20 years.

10. The site caretaker must be trained in the use of the turntable including the manual turn system. The site caretaker must operate the manual override and turn the turntable manually in the event of power failure or breakdown, and the site caretaker must be made available to do so upon request and on short notice. Records of this training must be maintained and provided to Council upon request.

Reason: to ensure appropriate access for waste collection.

114. External Lighting During Ongoing Use

During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans.

Reason: To ensure the safe operation of the premises and protect the amenity of the local area.

BEFORE ISSUE OF A STRATA SUBDIVISION CERTIFICATE

Condition

115. Waste Management Details

Details of all changes to the waste management system (including but not limited to, to which lot bins are being transferred to, whether any bins need to be retrieved by Council or waste collection services are continuing with no further changes) must be submitted to Council's waste team (which can be contacted via devmail@hornsby.nsw.gov.au) before the issue of a Subdivision Certificate.

Reason: to ensure appropriate waste services are provided to each new lot.

116. Waste Management

The Strata by-laws are to clearly set out the management responsibilities for the developments waste management system.

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

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation, and other legislation. Some of these additional obligations are set out in the Conditions of development consent: advisory notes. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Hornsby Shire Council

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979.*

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021.*

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Hornsby Shire Council Local Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.