

Draft (without prejudice) Conditions of Consent (DA113/2020)

Version 3.0 – 9 April 2021

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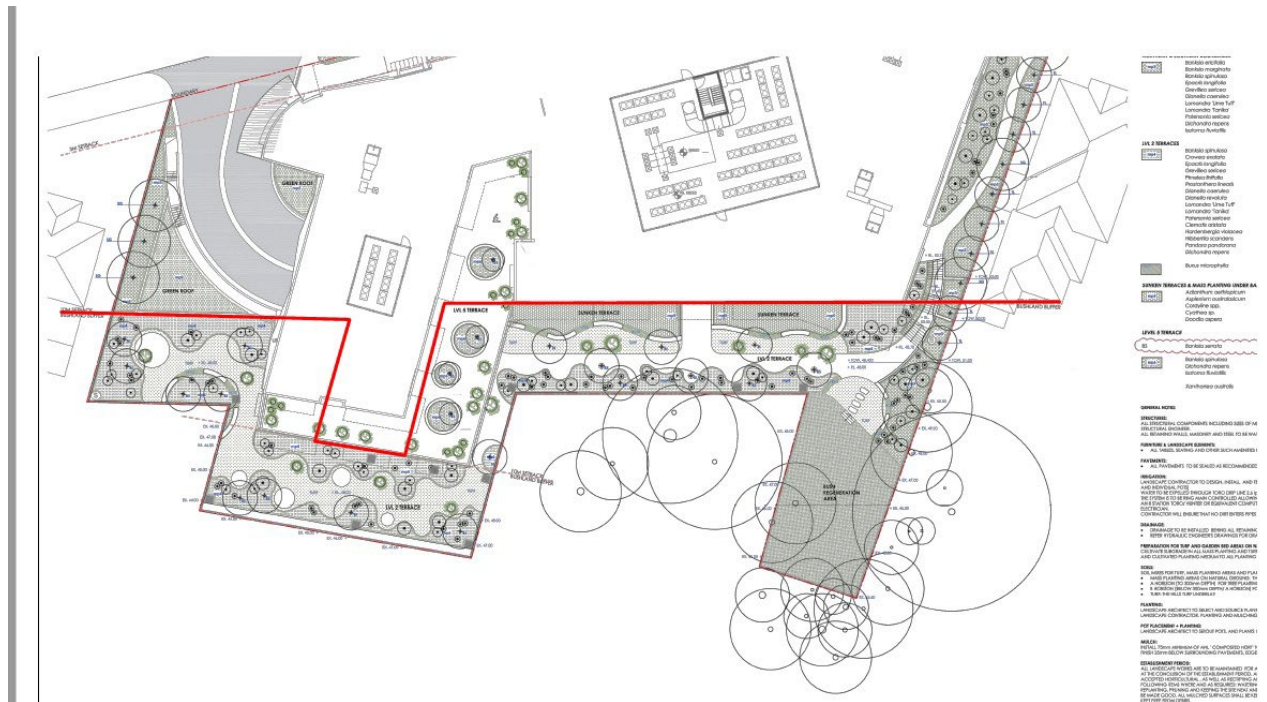
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Planning Conditions

1. Modification of Details of the Development

The approved plans and the Construction Certificate plans and specification must detail the following amendments:

- Native turpentine trees T1, T2, T10 and T11 are to be retained.
- The upper level (Level 6) of the proposed development shall be setback 8m from the front boundary.
- The south-eastern section of the development shall maintain a 10m buffer to adjacent E2 zoned land (measured at 90° angle to the boundary) as per the indicative sketch below:



- Details of planter boxes and plantings to the level 5 roof area along the Longueville/Northwood Road frontage as depicted in the perspective drawings are to be provided on the landscape plans and shown on the architectural plans.

Reason: To ensure a better planning outcome for the site and to comply with Council's DCP requirements.

2. New Paving

Approval is to be obtained from Council's *Urban Services Division* for any new paving along the Northwood Road and Longueville Road frontage.

Reason: To ensure an integrated approach to public domain works.

3. First Use and Fit-out of Commercial Premises

Separate development applications are to be submitted for any first use and fit-out of the ground floor commercial premises.

Reason: To enable a detailed assessment of each future development application and its impacts.

4. AC units and Clothes Drying Facilities

AC Units and clothes drying facilities are not permitted on any balcony area.

Reason: Visual amenity.

5. Approved Plans

Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council):

Plan No	Title	Author	Rev	Date
DA020	Demolition Plan	Morrison Design Partnership Architects	DA1	18/08/2020
DA050	Proposed Site Plan	Morrison Design Partnership Architects	DA2	18/01/2021
DA101	Level 1 Basement Parking Floor Plan	Morrison Design Partnership Architects	DA5	18/01/2021
DA102	Level 2 Floor Plan	Morrison Design Partnership Architects	DA7	18/01/2021
DA103	Level 3 Floor Plan	Morrison Design Partnership Architects	DA2	07/10/2020
DA104	Level 4 Ground Floor Plan	Morrison Design Partnership Architects	DA3	18/01/2021
DA105	Level 5 Floor Plan	Morrison Design Partnership Architects	DA2	18/01/2021
DA106	Level 6 Floor Plan	Morrison Design Partnership Architects	DA2	18/01/2021
DA110	Roof Plan	Morrison Design Partnership Architects	DA2	18/01/2021
DA201	Elevations Sheet 1	Morrison Design Partnership Architects	DA4	18/01/2021
DA202	Elevations Sheet 2	Morrison Design Partnership Architects	DA2	18/01/2021
DA205	Sectional Elevations	Morrison Design Partnership Architects	DA3	18/01/2021
DA210	Material Elevations	Morrison Design Partnership Architects	DA4	18/01/2021
DA211	Material Elevations	Morrison Design Partnership Architects	DA2	18/01/2021
DA215	Material Sectional Elevations	Morrison Design Partnership Architects	DA3	18/01/2021
DA301	Sections Sheet 1	Morrison Design Partnership Architects	DA2	18/01/2021
DA302	Sections Sheet 2	Morrison Design Partnership Architects	DA2	18/01/2021
DA303	Sections Sheet 3	Morrison Design Partnership Architects	DA3	18/01/2021
DA304	Sections Sheet 4	Morrison Design Partnership Architects	DA2	18/01/2021
DA311	Sections – Public Domain 1	Morrison Design Partnership Architects	DA2	18/01/2021
DA312	Sections – Public Domain 2	Morrison Design Partnership Architects	DA2	18/01/2021
DA313	Sections – Public Domain 3	Morrison Design Partnership Architects	DA2	18/01/2021
DA314	Sections – Public Domain 4 – North Boundary	Morrison Design Partnership Architects	DA2	18/01/2021
LP00	Cover Page – Landscape Checklist	Svalbe & Co	C	29/01/2021
LP01	Landscape Master Plan	Svalbe & Co	G	29/01/2021
LP02	Landscape Planting Plan	Svalbe & Co	G	29/01/2021
LP03	Landscape Master Plan	Svalbe & Co	F	29/01/2021
LP04	Landscape Sections / Elevations	Svalbe & Co	E	29/01/2021

Reason: To ensure consistency with the approved development

6. Section 7.11 Contribution

Payment of a contribution for additional persons in accordance with council's section 94 contributions plan. The payment is to be made prior to the issue of a construction certificate and is to be at the current rate at time of payment. Note: payment must be in bank cheque. Personal

cheques will not be accepted.

The Section 7.11 contribution payable is calculated in accordance with the Plan being the average number of persons per dwelling size as detailed in the following table:

RESIDENTIAL				
No. bedrooms	Average occupancy	Amount of contribution per dwelling	No. of Dwellings	Total contribution
1 Bedroom	1 person	\$10,942.00	143 x \$10,942.00	\$1,564,764.00
COMMERCIAL				
2139m ² GFA x rate of \$138.00m ²				\$295,182.00
CREDITS				
Credit for existing commercial				\$139,518,000 Cr
Credit for existing residential				\$72,820.00 Cr
TOTAL				\$1,647,608

The Section 7.11 contribution payable is **\$1,647,608**.

7. Ground Level Commercial Glazing

The ground floor commercial glazing facing Northwood Road / Longueville Road is to be clear for the life of the development to ensure an appropriate level of street activation and passive surveillance is achieved.

Reason: To promote street activation and crime prevention.

SEPP Seniors Conditions

8. Restriction on Persons Accommodated

In accordance with Clause 18(1) of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the accommodation to which this application relates may only be occupied by the following:

- seniors or people who have a disability (as defined under the Seniors SEPP,
- people who live within the same household with seniors or people who have a disability, and
- staff employed to assist in the administration of and provision of services to the seniors housing within the development.

Prior to the issue of any Occupation Certificate, a restriction as to user is to be registered against the title of the property to which this consent relates, in accordance with Section 88E of the Conveyancing Act 1919, limiting occupation of any accommodation to which this application relates to the kinds of people referred to above. The restriction as to user is to include the definition of **seniors** and **people with a disability** contained within the SEPP (Housing for Seniors or People with a Disability) 2004.

Reason: Statutory requirement.

9. Accessible Design Compliance

Accessible Design Compliance with Schedule 3 of SEPP (Housing for Seniors or People with a Disability) 2004, as referenced in the *Statement of Compliance – Assess for People with a Disability*, prepared by Accessible Building Solutions, dated 13/08/2020, is to be detailed in the

construction level architectural drawings, and certified by a suitably qualified access consultant, prior to issue of the relevant Construction Certificate.

All new work shall comply with Schedule 1 of the *Premises Standards Access Code* or the accessibility provisions within the BCA and relevant Australian Standards relating to Access, as well as the recommendations contained in the *Statement of Compliance – Assess for People with a Disability* Report, prepared by Accessible Building Solutions, dated 13/08/2020.

Reason: Statutory requirement.

10. **Use of Hydrotherapy Pool and gym for Public Use**

A Restriction on the Use of land shall be created pursuant to Section 88B of the *Conveyancing Act 1919* and registered on title for use of the hydrotherapy pool and gym by the public. Evidence of registration is to be provided to the PCA prior to any occupation or use of the buildings.

Reason: To satisfy commercial area requirement under Lane Cove LEP 2009.

11. TfNSW General Terms of Approval

TfNSW has reviewed the submitted application and provides concurrence under Section 138 of the *Roads Act, 1993* subject to the following conditions being included in any consent issued by Council:

- a) The proposed single access on Northwood Road should be restricted to left in/left out vehicle movement only on road safety and network efficiency grounds. The existing central median on Northwood Road should be extended past the proposed access to physically restrict right turn movements to/from the site.
- b) The design and construction of the proposed access including the extension of central median should be to Council's satisfaction.
- c) All redundant driveways on Northwood Road and Longueville Road should be removed as a result of the proposed development.
- d) The proponent is to consult with TfNSW and bus operators regarding the relocation of the bus stop at the site frontage on Northwood Road and comply with their requirements.
- e) All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Northwood Road/ River Road boundary.
- f) The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
- g) The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- h) All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
- i) Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclist travelling along the footpath.

If you have any further questions, Ms Zhaleh Alamouti would be pleased to take your call on 8849 2331 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Tree Conditions

12. Tree Preservation

Lane Cove Council regulates the Preservation of Trees and Vegetation in the Lane Cove local government area in accordance with State Environmental Planning Policy (Vegetation in non-rural areas) 2017. Part 2 Section 7(1) of the SEPP states *“A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.”* Clearing of vegetation includes *“a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation.”*

Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

Reason: To protect the natural environment.

13. Security Deposit – Trees

Pursuant to Section 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, prior to the issue of the construction certificate, provide security in the amount of \$50,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to the trees standing in the public reserve immediately adjoining the land subject of this development consent.

This bond may be forfeited in the event of damages to any of these trees as a result of the development works as determined by Council's Tree Management Officer, at a minimum the cost of replacing the tree including labour will be deducted from the bond. The applicant shall contact Council to have the street tree inspected following issue of the Occupation Certificate.

Reason: To protect the natural environment.

14. Trees Permitted to be Removed

This condition of consent gives approval for the removal of eight (8) individual trees consisting of Trees T3, T4, T7, T8, T9, T12, T13 and T14 as identified in the Tree Report prepared by S. Pittendrigh, dated 10th October 2020. No other trees are approved to be removed as part of this development consent. Approved trees may be removed only upon the issue of the Construction Certificate.

Reason: To ensure the removal of only those trees permitted to be removed.

15. Trees to be Retained

Trees identified as T1, T2, T10 and T11 in the submitted Landscaped Plans are to be retained and protected for the life of the development. Tree protection measures shall be in accordance with Australian Standard AS 4970-2009 – *Protection of Trees on Development Sites*.

Plans and the submitted Tree Report and accompanying documents are to be updated accordingly.

Reason: To protect native Turpentine trees.

16. Site-specific Tree Protection Plan

A site-specific Tree Protection Plan produced by an AQF5 Consulting Arborist showing protective measures for all trees to be retained is to be provided.

The plan is to detail appropriate protection measures for the life of the development. All tree protective measures must be in place prior to any works commencing on the site and must be maintained for the life of the development. The plan must include a work method statement specific to working within the tree protection zones. The plan must meet Australian Standard AS4970-2009 Protection of Trees on Development sites and AS4373-2007 Pruning of Amenity Trees. All of the above is required to be submitted to the Principal Certifier, prior to the issue of the Construction Certificate.

Footings, trench, or excavation required for structures or installation of any services within the Tree Protection Zones of all retained trees, particularly trees T10 and T11, must be carried out under the guidance of the Project Arborist and using non-destructive techniques. Air Spade or Hydrovac is the recommended procedure for excavation to locate and prune roots.

Tree roots are to be pruned and documented by the Project Arborist. Documentation is to be submitted with the final certificate of compliance upon completion of the project and prior to the issue of any Occupation Certificate. Once the Arborist is satisfied roots have been pruned clear of the area, civil machinery may resume excavation from outside of the tree protection zone.

Tree protective measures may be amended by the project Arborist only. Measures must be substituted and not removed. All protection measures must comply with AS4970 Protection of Trees on Development Sites (2009) and be documented in writing prior to amendments taking place. All documents are to be submitted to the Principal Certifier prior to the amendments taking place.

17. Root Mapping

Where works are proposed within the Structural Root Zone of any tree to be retained, root mapping through hand digging shall take place and a report showing the findings shall be prepared by the Project Arborist with an AQF5 qualification and submitted to Council's Tree Assessment Officer for approval.

18. Project Arborist

A Project Arborist of minimal AQF Level 5 qualification is to be appointed prior to the issue of a Construction Certificate to oversee/monitor trees condition during construction and sign off on tree protection measures.

Trees are to be monitored throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in a viable condition and that all tree related conditions have been met. All certificates are to be available to the Principal Certifier within five days of site attendance and must be available to council immediately upon request; failure to produce the latest certificate will be considered a breach of conditions. Final certification is to be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

Reason: To provide an independent professional to manage retained trees on site.

19. Project Arborist Completion Report

The Project Arborist is to prepare a report recommending remedial advice for trees post construction to mitigate construction impacts long term. The Report is to be submitted to and approved by Council's Tree Assessment Officer, prior to the issue of any Occupation Certificate. All recommendations in the Report (once Council approval is obtained) shall be adhered to.

Reason: To ensure long term health of trees.

20. Tree Replacement

Council declared a climate emergency in the Local Government Area in November 2019 and has since devised new requirements for trees on development sites. For this reason, a tree canopy coverage percentage of 40% of the total site area shall be achieved through proposed tree planting when considering the potential mature spreads of the tree species proposed. To help achieve this

target 6 x endemic trees that measure 4 metres above finished ground level at the time of installation shall be included in the finalised plant schedule. It will be necessary for the Applicant to order these trees years in advance to ensure that they are available at the stage of construction that includes landscaping.

In addition, replacement tree planting shall adhere to the 3:1 replacement ratio requirement.

Reason: To respond to climate emergency and DCP replacement tree planting requirements.

21. Irrigation Plan

An irrigation plan is to be implemented as part of the ongoing management of retained trees and both during the development process and post construction. The Plan is to be included in the Construction Environmental Management Plan and is to be approved by the project Arborist and submitted to the Principal Certifier, prior to the issue of the relevant Construction Certificate.

An irrigation plan is to be implemented post construction for all retained trees and new plantings.

Reason: To minimise the development impact on retained trees and to ensure the long-term viability of new plantings.

Required Certificates

22. Practical Completion Report

A landscape practical completion report must be prepared by the consultant landscape architect and submitted to *Council's Manager Open Space directly by email within five (5) working days of the date of issue*. This report must certify that all landscape works have been completed in accordance with the landscape working drawings. A copy of the report must be submitted to Council prior to the issue of the Occupation Certificate.

Where the project is being supervised by a Private Certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.

23. Subsoil Drainage Certification

A certificate must be submitted by a qualified practising Landscape Architect certifying that the proposed subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings and specification. Works must not progress until Council or the accredited certifier has confirmed that this condition has been fully satisfied.

Where the project is being supervised by a Private Certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.

24. On-going Maintenance

Prior to issue of the Certificate of Occupation, the applicant must submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation.

At the completion of the landscape maintenance period, the consultant landscape architect/designer must submit a final report to Council or the accredited certifier, certifying that all plant material has been successfully established, that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Owner/ Occupier. A copy of the report must be submitted to Council **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.

The Project Arborist must provide a report detailing the health and condition of all trees to be retained at completion of the site development. The report must contain recommendations for any management of the tree to ensure its ongoing viability. A copy of the report must be submitted to Council **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.**

Landscaping Conditions

25. On-structure Landscaping

The Applicant must ensure that on-structure landscaping has adequate soil depth, volume, and suitable profile to support the number of trees and shrubs indicated on the approved plans. On-structure landscape details shall comply with Part J Landscaping Section 1.10 Planting on Structures and shall be submitted to Council for approval, prior to the issue of the relevant Construction Certificate.

Reason: To ensure ongoing viability of on-structure landscaping.

26. Workmanship

The Applicant must ensure that all landscaping is completed to a professional standard, free of any hazards or unnecessary maintenance problems, and that all plants are consistent with NATSPEC specifications. Trees must be compliant with Australian Standard 2303.2018 *Tree stock for Landscape use*.

Reason: To ensure ongoing viability of plants.

27. Landscape Works in Accordance with Approved Landscape Plans

Landscaping works shall be constructed and installed in accordance with:

- the approved plans;
- Landscape plans prepared by Svalbe & Co Landscape Architecture being drawing Nos LP01-LP02 Revision E and LP03 Revision D dated 14/10/220, and LP04 Revision C dated 08/10/2020;
- Drawing TTP (Tree Protection Plan), Rev A, dated 14/10/2020
- Tree Report prepared by Stuart Pittendrigh dated 10/10/2020; and
- Tree Protection Plan prepared by Stuart Pittendrigh dated September 2020

as amended by any conditions of consent.

Any changes required resulting from unforeseeable site conditions or changes to the building design shall be brought to the attention of Council's Landscape Architect for review and approval prior to works taking place.

Any changes to the landscape documentation that occur after the final assessment by Council's Landscape Architect shall be re-issued to Council for assessment and approval. This includes any variations that arise after the commencement of construction that are not expressly covered in the original conditions of consent.

Reason: To ensure consistency with the approved development.

28. Planting Requirements

- a) All garden beds shall be planted out with enough plant quantities and spacing to ensure that no areas of bare mulch remain visible following the typical 12-month landscape establishment period.
- b) All screening plants shall be two (2) metres above ground at the time of planting and all

plants shall be maintained in a healthy condition providing the desired screen effect for the life of the development.

- c) All garden beds visible from the public domain shall be planted using a mix of trees, shrubs and groundcovers sourced from Part J – Landscaping appendix 1 Plant Lists.
- d) All trees planted on site shall conform to Australian Standard AS 2303-2015 Tree Stock for Landscape Use. All other plants shall conform to NATSPEC specifications and be free from disease or defects and be in a healthy condition.
- e) All landscape works shall be completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications.
- f) An automatic drip irrigation system is to be designed and installed to all garden bed areas that will ensure the ongoing health of the planting scheme for the life of the development.

Reason: To ensure plant survival and appropriate species.

29. Landscape Engineering Requirements – Planting on Structures

- a) All raised planter boxes shall be waterproofed by a licenced professional in accordance with AS4654.1-2012 Waterproofing membranes for external above-ground use.
- b) All raised planter boxes shall be backfilled with appropriate soil profiles to best serve the location of the planter box as well as the plants intended to be planted in each planter. The soils shall be in accordance with AS4419:2018 Soils for landscaping and garden use.
- c) The proposed raised planter box design and detailing including specified soil profile, mature heights and spreads of proposed plants, and specified mulch shall be certified by a licenced, practicing Structural Engineer ensuring the building is capable of the additional loading capacity of the complete raised planter box when saturated with water.

Reason: To ensure survival of planting on structures.

Bushland Conditions

30. Bushland Rehabilitation and Maintenance Plan

A Bushland Rehabilitation and Maintenance Plan is to be prepared by a suitably qualified and experienced environmental consultant specializing in bushland management for the 10m wide buffer zone adjacent land zoned E2. The plan should include an assessment of the existing bushland and its potential to regenerate with suitable management. It is expected that bush regeneration techniques will be used wherever possible rather than revegetation techniques. Planting may be carried out where natural soils have been disturbed and the potential for regeneration is poor. The plan should also include proposal for the removal of weeds from the bushland area and include an extended maintenance program and period.

Reason: To comply with Section H.8 of Part H Bushland of Lane Cove DCP 2010.

31. Drainage and Effect on bushland Requirements

The proposed stormwater management strategy and accompanying plans are to be designed in accordance with Section H.9 of Part H *Bushland*, and Part O *Stormwater*, of Lane Cove DCP. Any variation to the DCP requirements must be accompanied by written justification by a suitably qualified engineer. Additional requirements below are to be complied with:

- a) The landscape plans shall accurately reflect the proposed hydraulics and location of all proposed pipes, pits, OSD tanks, rainwater tanks and any other infrastructure that may come into conflict with the proposed landscape elements.
- b) A portion of the network of downpipes shall be connected to rainwater tanks with the capacity to provide enough water volume required to water all garden beds in the proposed design for a period of not less than 30 days.
- c) No gabion walls or dispersal trench shall form part of the stormwater plan.
- d) The stormwater shall be connected to Council's existing drainage network at the Golf Course in accordance with the conditions as outlined by Council's Development Engineer and there shall be no damage to existing trees on Council land to connect the pipe from the subject site to the golf course.
- e) A full set of stormwater plans including construction plans showing the proposed design outlining the method of connecting the pipe from the subject site to the Council network for both above and below ground and any effect each design solution may have on the bushland shall be submitted to Council's Landscape Architect and Coordinator of Bushland and written approval obtained, prior to issue of the relevant Construction Certificate

32. Details of Retaining Walls

The Construction Environmental Management Plan shall include additional details regarding the proposed construction of the retaining wall on the east-western section elevation. The applicant shall liaise with Council's Coordinator of Bushland to determine the best approach.

Reason: To manage impacts on adjoining bushland

33. Hard Surfaces within Bushland Buffer Zone

Any boundary adjacent to any area zoned E2 requires a 10m bushland buffer with not more than 25% hard surface area within that 10-metre buffer zone.

Reason: Bushland protection.

34. Storage of Rubbish

Rubbish must be stored in a locked container/cage. Any building rubbish that is not contained must

be cleaned up immediately, including the immediate worksite, surrounding area and/or public open space.

Reason: To avoid illegal dumping in bushland. To avoid wildlife access to rubbish and foreign materials. To minimise likelihood of chemical spills, building waste and foreign materials from entering the bushland.

35. **Accidental Rubbish in Bushland**

In the event that any accidental or intentional dumping of building material occurs in the bushland area, Council's Coordinator of Bushland must be notified immediately. Any clean-up operation which involves disturbing the vegetation, leaf litter, soil crust, or natural bedrock, must be coordinated through Council's Coordinator Bushland.

Reason: To ensure the correct course of action is taken for clean-up of environmentally sensitive areas and reported to the relevant authoritative bodies.

36. **Access During Construction**

Access through the adjacent park/reserve to carry out any building works, storage of materials, and storage of soil or storage of rubbish, is not permitted during construction.

Reason: Bushland protection in accordance with Part H *Bushland* of Lane Cove DCP 2010.

37. **Storage of Building Materials**

During construction/landscaping the designated environmental/bushland area within the property and adjacent public bushland area must be kept clean of all building materials. No stockpiling is permitted in/on the adjoining bushland.

Reason: To avoid any foreign material from entering bushland.

38. **Bushland Asset Protection Zone**

An Asset protection zone (APZ) must be contained entirely within the development site boundary. The APZ is not to extend onto public open space.

Reason: To ensure adequate fire protection and maintenance applied to the property.

39. **Outdoor Lighting**

All outside lighting must be appropriately baffled to minimise light pollution into the bushland area and neighbouring properties.

Outdoor lighting is to be dimmed or turned off by certain hours to allow nocturnal fauna to graze. An appropriately qualified ecologist is to be consulted in determine requirements. Evidence of compliance to be submitted to the PCA, prior to any occupation or use of the building.

Reason: To maintain amenity/protection of natural bushland by minimising artificial light and noise. To maintain amenity to neighbouring properties in close proximity to neighbouring bushland.

40. **Native Plants**

Native plants are to be installed and used as screening to provide a buffer to absorb light and noise pollution from entering the bushland. Council's Backyard Habitat Officer (Backyardhabitat@lanecove.nsw.gov.au or 9911 3654) is to be consulted for appropriate planting suggestions for screening.

Reason: To minimise the spread of weeds and exotic species entering bushland from neighbouring properties by selecting native plants as a buffer. To maintain amenity of natural bushland by minimising artificial light and noise that is to be absorbed by creating natural screening.

41. **Unexpected Finds – Aboriginal Sites and Relics**

All Aboriginal sites and relics in NSW are protected under the National Parks and Wildlife Act 1974. If during construction an Aboriginal site or relic is uncovered, works must cease immediately and the Metropolitan Local Aboriginal Lands Council and the NSW National Parks and Wildlife Service must be notified immediately.

Reason:

In compliance with:

- National Parks and Wildlife Act 1974 - To report any Aboriginal site or relic uncovered during course of construction.
- Bushland Plan of Management 4.1.2 - 5) To protect and manage the aesthetic, Aboriginal, archaeological, historical, scientific, and social values of bushland for past, present and future generations.
- Bushland Plan of Management 4.1.3 - 22) Follow the recommendations of the Aboriginal Heritage Management Report when working around Aboriginal sites.

Building Conditions

42. Construction Certificate

The submission of a Construction Certificate and its issue by Council or Private Certifier, prior to any construction work commencing.

Reason: Statutory requirement.

43. Occupation Certificate

An Occupation Certificate must be obtained from the Principal Certifying Authority before any occupation or use of the building.

Reason: Statutory requirement.

44. Compliance with the Building Code of Australia (BCA)

All building works are to be carried out in accordance with the requirements of the *Building Code of Australia*.

Reason: Prescribed condition.

45. BCA Requirement – Fire Safety

All building works are required to be carried out in accordance with the provisions of the Building Code of Australia. The Principal Certifier or accredited Fire Safety Engineer shall confirm that all identified Performance Solutions have been completed or implemented for the building prior to the issue of the Occupation Certificate.

Reason: Statutory requirement.

46. Sydney Water Tap in™

The approved plans must be submitted to Sydney Water online approval portal “Sydney Water Tap In” - please refer to web site www.sydneywater.com.au. This is to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier, prior to the issue of any Construction Certificate.

Reason: Sydney Water requirement.

47. Occupation Certificate

An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building. This is exclusive of premises shown as ‘Existing Shop’ on the Approved Plans.

Reason: Statutory requirement.

48. Section 73 Compliance Certificate

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

An application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following lodgement of the application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to any occupation of the development.

Reason: Sydney Water requirement.

49. **Hours of Construction**

All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:-

Monday to Friday (inclusive)	7am to 5.30pm
Saturday	High noise generating activities, including rock breaking and saw cutting must not be carried out continuously for longer than 3 hours without a 1 hour break. 8am to 12 noon
	NO excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.
Sunday and Public Holidays	No work

Reason: Amenity and traffic impact mitigation.

50. **Stockpiling**

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water are to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

Reason: To protect the environment and public amenity.

51. **(37) Neighbourhood Amenity**

The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, wastewater, waste products or otherwise.

Reason: To protect neighbourhood amenity.

52. **Fire Safety Certificate Before Occupation or Use**

In accordance with Clause 153 of the [Environmental Planning and Assessment Regulation 2000](#), on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the Regulation.

The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Regulation. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- that the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so; and
- that at the date of the assessment, the measure was found to be capable of functioning at a standard not less than that required by relevant standard/code.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

Upon completion of the works, a Completion Certificate is to be issued by either the Principal Certifying Authority or a qualified accredited Fire Safety Engineer, confirming that all identified Performance Solutions have been completed for the building, prior to the issue of any Occupation Certificate.

Reason: Statutory requirement.

53. **Storage of Building materials**

Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

Separate approval must be obtained from Council's Works and Urban Services Department prior to the placement of any building waste container ("Skip") in a public place.

Reason: To protect the environment and public amenity.

54. **PCA Details - Signage**

Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site, and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:

- the name, address, and telephone number of the Principal Certifying Authority;
- the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
- a statement that unauthorised entry to the construction site is prohibited.

The sign(s) shall be maintained for the duration of construction works.

Reason: Statutory requirement.

55. **Council Appointed as PCA – Critical Inspections**

Where Lane Cove Council is appointed as the Principal Certifying Authority, an inspection is to be booked for each of the following stages during the construction process:

The pier holes/pads before filling with concrete.

- All reinforcement prior to filling with concrete.
- Framework including roof and floor members when completed and prior to covering.
- Waterproofing of wet areas
- The swimming pool safety fence and the provision of the resuscitation poster prior to filling of the pool with water.
- Completion.

Forty-eight (48) hours' notice must be given prior to the inspection being required.

Reason: Statutory requirement.

56. **Structural Engineer's Details**

The Construction Certificate plans and specifications must include detailed professional structural engineering plans and/or specifications for the following:

- underpinning;
- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork;

- upper level floor framing.

Reason: To ensure structural adequacy.

57. Roofing Colour/Reflectivity

All new roofing is to comprise a mid to dark colour range with an anti-glare finish. The intent of the condition is to reduce sun reflection and glare to protect the amenity of surrounding residents.

Reason: To protect residential amenity.

58. Check Surveys

A check survey certificate (for location/height new works), prepared by a registered surveyor, is to be submitted at the completion of the works, and prior to the issue of any Occupation Certificate.

Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.

Reason: To ensure the development is built in accordance with the approved plans.

59. Machinery Noise

All machinery used on the site during demolition shall have a noise emission no greater than 75dB(A) when measured at a radius of 7.0 metres from the specified item.

Reason: Acoustic amenity.

60. Site Fencing

Prior to the commencement of any works, the site is to be properly fenced to prevent access of unauthorised persons outside of working hours.

Reason: To comply with Work, Health and Safety Regulations and ensure Public safety.

61. (79) Compliance with Demolition Standard

Demolition of buildings and structures must comply with Australian Standard AS 2601—2001: *The Demolition of Structures*.

Reason: Prescribed condition under the *EP&A Regulation 2000*.

62. (86) Hoarding

An approved type of hoarding is to be erected along the street frontage, prior to the commencement of any works.

A *Hoarding Application* is to be submitted to Council for approval (Available for download from Council's website).

Reason: Public safety.

63. (87) Pedestrian Paths Unobstructed

Pedestrians' portion of footpath is always to be kept clear and trafficable.

Reason: Public safety.

64. (139) Sydney Water's Notice of Requirements

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority, prior to the issue of the relevant Construction Certificate.

Reason: To ensure the development is built in accordance with the approved plans.

65. **(141) Long Service Levy**

Compliance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

Compliance with the requirements of this condition must be satisfied, prior to the issue of any Construction Certificate.

Reason: Statutory requirement.

66. **Section J Requirements**

Details of Section J Deemed-to-Satisfy requirements of the 2016 National Construction Code (NCC) are to be detailed on drawings/specifications accompanying the relevant Construction Certificate (CC) application.

Certification is to be obtained from a suitably qualified assessor that all relevant requirements, as detailed on the CC plans, are satisfied.

Reason: Sustainability.

Engineering Conditions

General Conditions

67. Design and Construction Standards

All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.

Reason: To ensure all works are in accordance with Council's requirements.

68. Materials on Roads and Footpaths

Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

Reason: To ensure public safety and amenity.

69. (A3) Works on Council Property

Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include hoarding applications, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations, and any miscellaneous works. Applications shall be submitted, prior to the start of any works on Council property.

Reason: To ensure public works are carried out in accordance with Council's requirements.

70. (A4) Permit to Stand Plant

Where the applicant requires the use of construction plant on the public road reservation, an "*Application for Standing Plant Permit*" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works**. Note: allow 2 working days for approval.

Reason: To ensure public safety.

71. (A5) Restoration

Public areas must be maintained in a safe condition always. Restoration of disturbed Council land and assets is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.

Reason: To maintain Council infrastructure.

72. Public Utility Relocation

If any public services are to be adjusted, because of the development, the applicant is to arrange with the relevant public utility authority the alteration or removal of those affected services. All costs associated with the relocation or removal of services shall be borne by the applicant.

Reason: To protect, maintain and provide utility services.

73. Pedestrian Access Maintained

Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.

Reason: To ensure pedestrian access is maintained.

74. Council Drainage Infrastructure

The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the stormwater line are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.

Reason: To protect public infrastructure.

75. Services

Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.

Reason: To protect and maintain infrastructure assets.

76. Boundary Levels

The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping, driveway and stormwater drainage plans and shall be obtained, prior to the issue of the relevant Construction Certificate.

Reason: To provide consistent street alignment levels

77. Work Zone

A Construction Traffic Management Plan and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of the demolition and prior to any works that require construction vehicle and machinery movements to and from the site. If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to RMS for approval. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council's Traffic Section must be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: To provide safer working environment and minimize interruption to pedestrians and motorists

Engineering Conditions to be Complied with Prior to CC

78. Council Infrastructure Damage Bond

The applicant shall lodge with Council a \$10000 cash bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets because of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred because of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the issue of the Construction Certificate.**

Reason: To protect and maintain public infrastructure

79. Excavation Depth Greater than 1m

- a) Where there are structures on adjoining properties including all Council infrastructures, located within 5 meters of the proposed excavation, the applicant shall: -
- seek independent advice from a suitably qualified engineer on the impact of the proposed excavations on the adjoining properties
 - detail what measures are to be taken to protect those properties from undermining during construction
 - provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties

The above matters are to be completed and documentation submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

- b) Provide a dilapidation report of the adjoining properties and Council infrastructure. The dilapidation survey must be conducted, **prior to the issue of the Construction Certificate**. The extent of the survey must cover the likely “zone of influence” that may arise due to excavation works, including dewatering and/or construction induced vibration. The dilapidation report must be prepared by a suitably qualified engineer.
- c) A second dilapidation report, recording structural conditions of all structures originally assessed shall be submitted to the Principal Certifying Authority **prior to the issue of any Occupation Certificate**.
- d) All recommendations of the suitably qualified engineer are to be carried out during excavation. The applicant must give at least seven (7) days’ notice to the owner and occupiers of the adjoining allotments before the excavation works commence.

Reason: To protect surrounding properties and identify vulnerable structures

80. Drainage Plans Amendments

The stormwater drainage plans contained in the Civil Engineering DA Package, prepared by ACOR Consultants Pty Ltd (reference No: NSW200613), dated January 2021 is to be amended as detailed below:

- 1) The OSD system shall be designed as per appendix 14 of Part O of Council DCP. Detailed design for a proposed OSD system is required.
- 2) As per submitted plan, the access grates are inadequate. Access grates are required in 6.0m interval.
- 3) Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council’ storm water DCP.
- 4) Sediment control fence shall be placed around site and shown in plan
- 5) Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system
- 6) As per submitted plan, there is no slope between pit 2/01 and pit 2/03 and inadequate slope in upstream of pit 1/01. There is no slope between pit 2/05 to GPT. By considering future pipe blockage and bush growth, the proposed retaining wall along rear fence line shall be replaced by a kerb and gutter with adequate slope and capacity to confirm clear flow path towards GPT.
- 7) Runoff from driveway shall be collected by grated driveway pit and ideally connected directly to OSD system. Connection to pump out system at basement should be last resort.
- 8) The pump out system in basement shall satisfy section 5.4 of part O of Council’s stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council.
- 9) Pit 2/04 and pit 1/01 shall be connected to OSD system to control flow rate to down stream
- 10) A gross pollutant trap suitable for this site needs to be designed and added to the amended

plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The access to the GPT for future maintenance is required.

- 11) Existing Council pipe system within the easement/reserve at rear must be accurately located and marked on stormwater management plan with pipe size and invert level at connection point to confirm this connection satisfy Council requirements. As per Council mapping, there is a pipe (300mm) system at rear to Gore Creek.
- 12) The condition of the existing pipe system in Gore Creek reserve is not known. The applicant must investigate into this pipe system and carry out a CCTV survey to ascertain the suitability of existing pipe. The full reports of the existing pipe system with CCTV report are to be submitted to Council.
- 13) By considering pipe sizes and pipe conditions, Council recommends improving existing pipe system in reserve satisfying Council's Bushland DCP to accommodate future stormwater from this proposal.
- 14) A plan with longitudinal section of the proposed pipe system and easement from the site to the existing Council pipe system with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels, hydraulic grade line and existing surface levels to confirm that the pipe system satisfies section 12 of part O, Council's DCP.
- 15) The construction methodology of the new pipe system through reserve should satisfy the requirements supplied by Manager Open Space and the design of the pipe system shall satisfy Part O of Lane Cove Council Stormwater DCP. The Construction of the new pipe system from site to Council pipe system shall be supervised by Council staff.

The amended design is to be certified by a suitably qualified engineer that it fully complies with, AS-3500 *Plumbing and drainage*, and Part O *Stormwater Management* of Lane Cove DCP 2010. The amended plans and certification shall be submitted to Council's Engineer for written Approval and documentation provided to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans and plans updated accordingly, prior to its issue.

Reason: To ensure the proposed stormwater design satisfies Part O of the Lane Cove DCP 2010.

81. **Compliance with Geotechnical Report**

The recommendations contained in the Geotechnical Report, prepared by JK Geotechnics Pty Ltd (Ref 33311STrpt), DATED 30/07/2020 shall be satisfied during the excavation/construction works. The recommendations are to be detailed in the Construction Methodology Report.

Reason: To protect the environment and required for any excavation greater than 2m

82. **Drainage Construction**

The stormwater drainage on the site is to be constructed generally in accordance with the certified stormwater plans. Certification to this effect is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate stating that the as constructed stormwater design fully complies with AS-3500 and Part O of the Lane Cove DCP 2010.

The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans for the purposes of construction. They are to determine what details, if any, are to be added to the Construction Certificate plans, for the issue of the Construction Certificate.

Reason: To maintain the stormwater management of the property

83. Construction Methodology Report

There are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations. A suitably qualified engineer must prepare a Construction Methodology report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure. The report must be submitted to the Principal Certifying Authority prior to issue of a Construction Certificate. The details must include a geotechnical report to determine the design parameters appropriate to the specific development and site.

The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

The development works are to be undertaken in accordance with the recommendations of the Construction Methodology report.

Reason: To protect neighbouring properties

84. Dilapidation Report

The applicant is to provide a dilapidation report of all adjoining properties (including the adjoining bushland, 20 Northwood Road, and 272 Longueville Road), and any of Councils infrastructure located within the zone of influence of the proposed excavation.

The Dilapidation Report must be conducted by a suitably qualified engineer **prior to the commencement of any demolition, excavation or construction works**. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority **prior to any works commencing**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principal Certifying Authority **prior to issue of an Occupation Certificate**.

Reason: To provide a record of public and private infrastructure.

85. Dilapidation Report – Council Pipeline

The applicant is to provide a dilapidation report on the existing Council stormwater pipeline in the adjoining reserve affecting this development.

The dilapidation report must be conducted by a suitably qualified person and a CCTV survey of the pipeline needs to be conducted. The Initial dilapidation report and CCTV footage must be submitted to Principal Certifying Authority **prior to issue of a Construction Certificate**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of works, and be submitted to the Principal Certifying Authority **prior to the issue of any Occupation Certificate**.

Reason: Council asset protection.

86. Council Construction Requirements

The applicant must submit Council a plan showing all civil reconstruction works and get approved by Council. The applicant shall include the following works into their plan for construction/reconstruction satisfying Council:

- a) New footpath adjacent the entire frontage of the site to Council's satisfaction
- b) New Kerb and Gutter along the entire frontage of the site to Council's satisfaction
- c) Construct the proposed pedestrian access, pram ramps and street furniture along

Northwood Road

- d) Reinstate all adjustments to the road surfaces.
- e) Reinstate all existing nature-strips with turf and soil on road reserve and Gore Creek reserve.
- f) Reinstate all damages identified in dilapidation report
- g) Reinstate all damages identified in CCTV report.
- h) Reinstate all damages identified by Walk-Over inspection

A \$40000 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Construction Certificate**. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Occupation Certificate**. All costs associated with the construction of the above works are to be borne by the applicant.

Reason: Council's requirement.

87. Council Inspection Requirements

The following items are to be inspected

- i) Proposed stormwater works in Gore Creek reserve
- ii) All footpath, kerb/gutter and landscaping works
- iii) Any adjustment works in Council road reserve

Each item is to be inspected prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

An Inspection fee is to be paid prior to the issue of the Construction Certificate.

Reason: To ensure completion of work satisfying Council

88. On-Site Stormwater Detention Tank

All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 m in depth must be fitted with step irons.

Reason: To prevent unauthorised access and ensure safe access to stormwater infrastructure

89. Proposed Vehicular Crossing

The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The driveway shall be 500mm away from existing power pole and existing stormwater pit. This driveway is to be designed to stop road runoff entering the property, to be certified that it fully complies with AS 2890 Series and Council's standards and specifications and constructed in accordance with AS 2890.1.2004 "Off Street Car Parking".

The following plans shall be prepared and certified by a suitably qualified engineer demonstrating:

- Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scaping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - *Off Street Car Parking*.
- Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally

sustainable.

- Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.

A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. All works associated with construction of the crossing shall be completed **prior to the issue of any Occupation Certificate**.

Reason: To ensure compliance with Australian Standards and Council's standards

90. **Traffic Management Plan**

Prior to submission to the Principal Certifying authority a Traffic Management Plan is to be submitted to and approved by the following consent authorities:

- Lane Cove Council

The Traffic Management Plan shall be prepared and certified by a suitably qualified person. The plan is to fully comply with AS-1742.3 and the consent authority's requirements.

The Traffic Management Plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

Reason: To ensure safety of pedestrian and motorist around work site

91. **Temporary Footpath Crossing**

A temporary footpath crossing must be provided at the Vehicular access points. It is to be 1.5m in width, made of sections of hardwood with chamfered ends and strapped with hoop iron.

Reason: To ensure safety vehicular movement to and from site

92. **Design of Retaining Structures:**

All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

Reason: To ensure the safety and viability of the retaining structures onsite.

Engineering Conditions to be Complied with Prior to the Commencement of Any Works (Including Demolition)

93. **Erosion and Sediment Control**

The applicant shall install appropriate sediment control devices **prior to the start of any works on the site**. The devices shall be maintained during the construction period and replaced when necessary.

Reason: To ensure worksite pollutions are controlled accordingly to protect the environment.

94. **Safety fence along the boundary of the property**

Before commencement of any works, barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.

Reason: To ensure safety of road and footpath users.

Engineering Condition to be Complied with During Construction

95. Heavy Vehicle Duty Employee and Truck Cleanliness

The applicant shall:

- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
- Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
- Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.

Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.

Reason: To protect the environment.

96. Covering Heavy Vehicle Loads

All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.

Reason: To ensure worksite pollutions are controlled accordingly to protect the environment.

97. Truck Shaker

A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

Reason: To protect the environment.

Engineering Conditions to be Complied with Prior to OC

98. Certification of Retaining Structures and Excavations

A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practice.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of any Occupation Certificate**.

Reason: Structural Integrity.

99. Stormwater System Engineering Certification

Upon completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan.

The work as executed plan shall:

- be signed by a registered surveyor; and
- clearly show the surveyor's name and the date of signature.

All documentation is to be submitted to the Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

Reason: To ensure stormwater infrastructure has been installed in accordance with Australian Standards and Council's requirements

100. **Engineering Certification**

A suitably qualified engineer shall certify that the following have been constructed in accordance with the approved plans and is within acceptable construction tolerances:

- On-site Stormwater Detention (OSD) system;
- Gross Pollutant Trap (GPT); and
- Pump-out system.

Certification is to be submitted to the Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

Reason: Statutory requirement

101. **Engineering Note**

All engineering compliance certificates are to contain the following declarations:

- a) This certificate is supplied in relation to **4-18 Northwood Road & 274 & 274A Longueville Road, Lane Cove**
- b) **[INSERT NAME OF ENGINEER AND COMPANY]** have been responsible for the supervision of all the work nominated in (a) above.
- c) I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.
- d) I have kept a signed record of all inspections and tests undertaken during the works and can supply the Principal Certifying Authority with a copy of such records and test results if and when required.

Reason: Statutory requirement

102. **Positive Covenants OSD and Pump Out System**

Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Occupation Certificate.** The wordings of the terms of the positive covenants shall be in accordance with Part O *Stormwater Management* of the Lane Cove DCP 2010.

Reason: Statutory requirements

103. **On-Site Stormwater Detention System - Marker Plate**

The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in Council's DCP-Stormwater management. An approved plate may be purchased from Council's customer service desk.

Reason: To ensure clear identification of onsite stormwater infrastructure

104. **Redundant Gutter Crossing**

All redundant gutter and footpath crossings shall be removed, and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out **prior to the issue of the Occupation Certificate**.

Reason: To ensure Council's footpath and nature strip is free from potential vehicular or other obstructions.

Traffic Conditions

105. Driveway design

Details of the median island amendments as required by TfNSW in Condition 10 shall be submitted to Council's Traffic Engineer for Approval. Written verification from the Council shall be obtained for the as-constructed driveway and median island, prior to the issue of any Occupation Certificate or use of the building.

Reason: Road safety and network efficiency.

106. Compliance with Australian Standards for Off-Street Car Parking

The proposed car park design shall comply with:

- *AS2890.1-2004: Parking facilities - Off-street car parking* in relation to all parking spaces, ramps, aisles widths, and access (including visibility requirements)
- AS2890.2-2018 for loading facilities and services vehicles.
- AS2890.6:2009 – Off-street parking for people with disabilities.
- Access to the car park and access visibility must comply with AS2890.1-2004.

Certification from a suitably qualified engineer is to be provided:

- a) prior to issue of the Construction Certificate; and
- b) post-construction and prior to issue of any Occupation Certificate.

Reason: Compliance with relevant Australian Standards.

107. Accessible Car Spaces

All accessible car spaces in the car park are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.

Reason: To ensure accessibility requirements are satisfied.

108. Bicycle Parking

All bicycling parking facilities must:

- a) be designed in accordance with *AS2890.3: 2015 – Bicycle Parking Facilities*; and
- b) meet the minimum standards as outlined in Section 4.3 in Part R of LCDCP 2010.
- c) Alternative designs that exceed the Australian Standards will also be considered appropriate.

The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

109. On-site Garbage Collection

On-site garbage collection and the largest vehicle anticipated to use the site must be provided for with sufficient headroom in accordance with AS2890.2: 2002 and to allow the vehicle to enter and exit in a forward direction. The waste collection and loading area is to be clearly signposted and line marked.

Reason: Waste management.

110. Parking Requirements – Additional

- a) Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
- b) Small car parking spaces to be sign posted and adequately line marked.
- c) Proposed waiting bays are to be adequately linemarked.
- d) All vehicles must front in/ front out to/from the development.
- e) The accessible parking spaces are required to be located as close to the lift as possible.
- f) All parking spaces are to be line marked according to their relevant component;

111. Traffic Report

A Traffic Report demonstrating the safety and functionality of the basement car park, including details of the proposed signalised system shall be provided and approved by Council's Traffic department, prior to the issue of any the relevant Construction Certificate.

Certification from an Independent Traffic Consultant that the signalised system in the basement car park is safe and functional is to be submitted to the Principal Certifying Authority, prior to the issue of any Occupation Certificate.

112. Pedestrian/Cycling Access

All cycling racks and secure bike parking provided on-site must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with *AS2890.3: 2015 – Bicycle Parking Facilities*. Alternative designs that exceed the Australian Standards will also be considered appropriate.

The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

113. Construction Traffic Management Plan

A Construction Management Plan (CMP) must be lodged with Council prior to the issuing of a Construction Certificate. As per DCP Part R of Lane Cove DCP 2010, the CMP should address issues related to the movement of construction vehicles to and from the site, including (but not limited to):

- a) safe access of construction vehicles;
- b) public transport and any conflict with other road users in the street;
- c) any proposed Work Zone(s);
- d) impact of construction traffic activities on residents and cyclists;
- e) impact of construction vehicles travelling through the surrounding road network.
- f) details of parking for construction vehicles (should be contained within the site where possible); and
- g) measures to restrict the impact of heavy vehicles travelling through the surrounding local road network and the surrounding residential and business developments.

Heavy vehicles will not be permitted to travel on local roads unless prior Council permission is obtained from Council's Traffic section. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.

Any proposed Work Zone(s) are to be clearly shown on plans and an application made to Council in accordance with approvals required for the Works Zone, Crane Permits, and any other associated works.

The Construction Management Plan may contain issues requiring the attention and approval of the Lane Cove Traffic Committee (LTC).

114. Demolition Traffic Management Plan

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by an Transport for NSW accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i) Make provision for all construction materials to be stored on site, at all times.
- ii) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.
- iv) Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- v) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- vi) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding, or temporary shoring) and extent of tree protection zones around Council street trees.
- vii) Delete requirement. Or Council to provide applicant with the required information.

The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

NOTE: This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

115. **Post Development Deliveries**

A Delivery Management Plan for post development deliveries is to be submitted to Council for review prior to OC. Deliveries, (with the exception of emergency vehicles) must not utilise the local access roads of Arabella Street, Woodford Street and Kenneth Street when entering the development so as to reduce the adverse impact of the development on local streets.

116. **Works Zones**

Due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone.

If the Works Zone is required, the developer must give the Council written notice of at least six (6) weeks prior to the date upon which use of the Works Zone will commence and the duration of the Works Zone approval shall be taken to commence from that date. All vehicle unloading/loading activities on a public roadway/footway are to be undertaken within an approved Works Zone

Environmental Health Conditions

117. Environmental Management Plan

An Environmental Management Plan is to be submitted to address dust management and the management of water that accumulate in deep excavations for the construction phase of the project. The Applicant shall address how these waters will be treated and disposed of from the site and address compliance with the Protection of the Environment Operations Act, 1977 and the ANZECC Guidelines for Recreational Waters.

118. Access to Waste Collection Point

- All waste must be collected on-site via on-site access by the owners nominated commercial garbage collection vehicles.
- The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for waste collection contractors.
- The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and manoeuvring area. This clearance must be kept free of any overhead ducts, services and other obstructions.
- The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%).
- The turning area at the base of any ramp must be sufficient for the manoeuvre of a 6.0m small rigid vehicle (SRV) to enter and exit the building in a forward direction.
- Where security gates are proposed, a key system must be installed to permit unimpeded access for the waste contractor

119. Provision of Waste Services

Prior to the issue of any Occupation Certificate, the applicant must confirm the details of the appointed commercial waste contractor to Council for the provision of waste & recycling services.

120. Waste and Recycling Storage Rooms

- The waste and recycling rooms must be of sufficient size to accommodate the manoeuvring of garbage and recycling bins:
 - Minimum clearance between bins of 300mm; Minimum door openings of 1700mm; &
 - Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
 - Concrete which is at least 75mm thick; or
 - Other equivalent material; and
 - Graded and drained to a floor waste which is connected to the sewer
- All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.
- The walls of waste and recycling rooms, bulky waste storage areas and waste service compartments must be constructed of solid impervious material and must be cement rendered internally to a smooth even surface coved at all intersections.
- All waste and recycling rooms and bulky waste storage rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
- All waste/recycling and bulky waste storage rooms must be constructed to prevent the entry of vermin.
- All waste/recycling and bulky waste storage rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.

- Clearly printed “No Standing” signs must be affixed to the external face of each waste/recycling and bulky waste storage room.

121. **Site Audit Statement for Remediation Action Plan (RAP)**

A NSW Environmental Protection Authority (EPA) Accredited Site Auditor shall provide a Site Audit Statement for the RAP, and at the completion of the demolition and earthworks, i.e. prior to construction, provide a Validation Certificate to confirm that the site is suitable for its intended use – residential and that all works have been completed in accordance with SEPP 55 and the NSW EPA requirements for consultants reporting on contaminated sites.

Reason: To ensure suitability of the site.

122. **Compliance with Acoustic Report**

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in Section 4 of the Acoustic Report, prepared by EMF Griffiths, Issue B, dated 14/08/2020.

At completion of the construction works and prior to the issue of any Occupation Certificate, a Validation Certificate is to be submitted to the Principal Certifier confirming that the development has been constructed in accordance with the Acoustic Report, and that the internal noise levels have been achieved.

Reason: To ensure acoustic mitigation measures adhere to relevant standards/requirements.

123. **(401) Demolition Works and Asbestos Removal/Disposal**

The demolition of any existing structure is to be carried out in accordance with *Australian Standards AS 2601-2001: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have the loads covered and are not to track any soil or waste materials into the road. Pursuant to Section 27A of the Occupational Health and Safety Act 1983 “notification to Commence Demolition Work” form is to be submitted to Workcover at least seven days prior to work commencing. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority and EPA guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

Reason: Health and safety.

124. **(402) Dust Control**

The following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter
- All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
- All stockpiles of materials that are likely to generate dust must be kept damp or covered
- Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

Reason: To control the emission of dust.

125. **Erosion and Sediment Control Plan**

An Erosion and Sediment Control Plan is to be prepared by a suitably qualified consultant, in

accordance with Part P *Stormwater Management* of Lane Cove DCP 2010, and submitted to Council's Environmental Health Officer for approval, prior to the commencement of works.

Reason: Environmental protection.

126. (404) Erosion and Sedimentation Controls

Erosion and sediment control devices are to be provided in accordance with the approved Erosion and Sediment Control Plan. All devices are to be established prior to the commencement of works and maintained for a minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

Reason: Environmental protection.

127. (406) Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction* produced by the NSW Department of Housing (blue Book)

128. (407) Site Water Management Plan

A site water management plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater – Soils and Construction" (the blue book) produced by the NSW Department of Housing.

129. (408) Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

130. (409) Construction and Fit out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, the construction and fit-out of any food premises must comply with the following:

- i) *The Food Act 2003 (as amended)*;
- ii) *Food Regulation 2015 (as amended)*;
- iii) *Australia and New Zealand Food Standards Code*;
- iv) *Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises)*;
- v) Sydney Water – trade Waste Section;
- vi) *The Protection of the Environment Operations Act 1997*; and
- vii) *The Building Code of Australia*.

131. As-Constructed Food Premises

Evidence of compliance of any food premises with the requirements of **Condition D1** is to be certified by a suitably qualified professional and submitted to the Principal Certifying Authority, prior to any occupation or use.

(Reason: Health and safety).

132. (410) Food Shop Registration Requirements

Occupation of the premises shall not occur until:

- a) a registration application to be submitted to Council's Health and Environment Department for the food shop
- b) notification of the NSW Health Department under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website: <http://www.foodnotify.gov.au>

133. (411) Final Inspection (Food premises)

A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council before trading commences.

134. Food Premises (ongoing use)

On-going operation of any food premises (including the supermarket) is to be maintained in accordance with:

- viii) the *Food Act 2003* (as amended),
- ix) *Food Regulation 2015* (as amended),
- x) the *Food Standards Code* as published by Food Standards Australia & New Zealand,
- xi) Australian Standard AS 4674-2004: *Construction and fit out of food premises (as amended)*,
- xii) Sydney Water Corporation – Trade Waste Section, and
- xiii) *The Protection of the Environment Operations Act 1997*.

(Reason: Statutory requirement).

135. (412) Grease Trap (Food Premises)

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water the proprietor owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre – treatment system installed is appropriate for the proposed use of the premises.

136. (418) Maintenance and cleanliness of food preparation areas

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas all building work in connection with the occupation or the use of the premises intended for the preparation and storage of food shall be designed and implemented in accordance with the requirements of:

- a) Food Act 2003 & Food Regulations 2004
- b) Food Safety Standards 3.1.1, 3.2.2, 3.2.3
- c) Sydney Water Corporation – Trade Waste Section
- d) The Protection of the Environmental Operations Act 1997
- e) Australian Standard AS 1668 Part 1 & 2
- f) The Building Code of Australia.

137. (428) Sharps Disposal

Sharp disposable instruments (such as needles, lances or blades) be placed in a special sharps disposable container and disposed of in accordance with the "Skin Penetration Guidelines" 1991, published by the NSW Health Department.

138. (433) Garbage collection – Commercial/Industrial

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environmental operations Act 1997. Records shall be kept of all waste disposal from the site.

Reason: Council requirement

139. (441) Operation of Plant or Equipment

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises. All sound producing equipment shall comply with the Protection of the *Environmental Operations Act 1997*. The current pre-existing plant and equipment is to supersede the requirements above to meet the constraints of the site unless new plant and equipment is proposed in the development application.

Reason: Noise mitigation.

140. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery, and ancillary fittings shall not give rise to an offensive noise as defined under the provisions of the Protection of the Environmental Operations Act 1997.

141. Noise Control – Residential Air Conditioning units

To minimise the impact of noise from the air conditioning unit, the unit shall be located 3 meters from the boundary and/or attenuated so that noise generated does not exceed 5db(A) above the ambient background level between 7am and 10pm on weekdays and 8am and 10pm on Weekends and Public Holidays.

Any noise emitted by the air conditioning unit shall not be audible within a room of any residential dwelling or sole occupancy unit at any time within the hours of 10pm and 7am on weekdays and 10pm and 8am on weekends and public holidays.

142. (444) Noise Control – Car Park Security Grills

To minimise the impact on the amenity of surrounding residents, all sound producing plant, equipment, machinery, or fittings within or forming part of the proposed security door fitted to the car parking area entrance shall be acoustically attenuated so that the noise emitted does not exceed 5db(A). Notwithstanding the above, any noise that is emitted shall not be audible within any premises and comply with the Protection of the Environmental Operations Act 1997.

143. (447) Noise Monitoring

Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work

144. (453) Ventilation – Garbage Rooms

Garbage rooms shall be ventilated by an approved system of mechanical exhaust ventilation in accordance with the requirements of the Building Code of Australia and *Australian Standard AS 1668*

145. (454) Car Park Ventilation

The covered car park must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.

146. (463) Bunding – Liquids

All liquids onsite are to be stored within a bunded area. The size of the area is to be bunded and shall be calculated as follows as a minimum:

- a) In the case of tanks, 110% of the volume of the largest size tank
- b) In the case of small containers and drums, 25% of the total volume of liquid to be stored, with a minimum of 400L capacity.

The bund is to be constructed of a material, which is impervious to the liquid being stored. All bunded areas shall be graded to a pit/sump so as to facilitate emptying and cleaning. All pipework from the enclosed tanks and or/pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund. Where possible the bunded areas should be roofed.

After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.

147. **(464) Bunding – Work Areas**

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

148. **(465) Storage of Hazardous or Toxic Material**

To ensure hazardous and toxic materials are not to become a threat to the environment they must be stored in a bunded area constructed and maintained in accordance with AS 1940 – 1993 The storage and handling of flammable and combustible liquids and with Workcover NSW requirements.

149. **(466) Storage of Potentially Contaminated Soils**

All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

150. **(467) Assessment of Potentially Contaminated Soils**

All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, such as the publication titled *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non – Liquid Wastes* (EPA, 1999).

151. **(468) Offsite Disposal of Contaminated Soil**

All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

152. **Removal of Underground Storage Tanks**

The removal of underground storage tanks must be carried out in accordance with:

- a) The Australian Institute of Petroleum Code of Practice *CP22 – Removal and Disposal of Underground Petroleum Storage Tanks* (1994); and
- b) The requirements of SafeWork NSW.

153. **Compliance with PEOA Act 1997**

The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.

154. **Hazardous Waste**

Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- New South Wales Occupational Health and Safety Act, 2000;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection Of the Environment Operations Act 1997 (NSW) and
- Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

155. **Demolition Works and Asbestos Removal/Disposal**

The demolition of any existing structure is to be carried out in accordance with *Australian Standards AS 2601-2001: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have the loads covered and are not to track any soil or waste materials into the road. Pursuant to Section 27A of the Occupational Health and Safety Act 1983 "notification to Commence Demolition Work" form is to be submitted to Workcover at least seven days prior to work commencing. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority and EPA guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

Reason: To ensure lawful disposal of any asbestos material.

156. **Regulated Systems**

Any air handling and water systems regulated under the *Public Health Act 1991* must be installed, operated, and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*. The premise is to be registered with Council together with payment of the approved fee, prior to occupancy of the building.

Reason: Statutory requirement.

157. **Access for maintenance purposes**

Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian Standard AS3666.2:2002 Air handling and water systems of buildings – Microbial control – Operation and maintenance.

Reason: Statutory requirement.

158. **Registration of water cooling and warm water systems**

Any water cooling and warm water systems regulated under the *Public Health Act 1991* must be registered with Council's Environmental Services Unit within one month of installation.

Reason: Statutory requirement.

159. **Construction Noise Management Plan**

A Construction Noise Management Plan prepared by an appropriately qualified acoustic consultant is to be submitted to Council for approval, prior to issue of any Construction Certificate.

Reason: Acoustic protection of residential receivers.

160. **(481) Carwash Bay – Connection to Sewer (Domestic situations)**

A designated car wash area shall be provided. All waste water from such an area is to be disposed of to Sydney Water sewerage system. The developer shall contact the Trade Waste Office of

Sydney Water so as to ensure that the sewerage pre – treatment system installed is appropriate for the proposed use of the car wash area. Appropriate signage must be erected and maintained at all times by the Body Corporate.

161. (486) Swimming Pools

To minimise the impact of the swimming pool on the amenity of adjoining properties and to ensure the safety of the pool area, the design and construction of the swimming pool or spa pool and associated equipment shall comply with the following requirements:

- a) The Swimming Pool Act 1992 & Regulations
- b) Australian Standards
- c) Protection of the Environment Operations Act 1997
- d) The swimming pool/spa pump and associated equipment shall be sound insulated or isolates so that the noise emitted does not exceed 5dB(A) above the background level in any octave band
- e) The swimming pool/spa pool pump is restricted from 8pm to 7am on weekdays and Saturdays, 8pm-8am on Sundays and public holidays.

The new swimming pool including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of wastewater shall be obtained and compliance with any conditions imposed in connection therewith

The owners of the pool shall display a sign showing:

- a) appropriate instructions of artificial resuscitation methods
- b) a warning stating Young Children should be Supervised when using the pool
- c) The sign shall be kept in legible conditions and at the poolside.

162. (487) Operation of public pool/spa

Operation of the pool/spa is to comply with the requirements of the:

- Public Health Act 1991,
- Public Health (Swimming Pools and Spa Pools) Regulation 2000,
- NSW Health Department Public Swimming Pool and Spa Pool Guidelines 1996 and the Australian Standard AS 3633-Private Swimming Pools-Water Quality.

163. (491) Clean water only to stormwater system

Only clean unpolluted water is permitted to enter Council's stormwater drainage system.