

**DRAFT CONDITIONS OF CONSENT – PPSNH183**  
**DA171/2020 – 29-57 CHRISTIE STREET, ST LEONARDS**

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## **1. PART A – DEFERRED COMMENCEMENT CONSENT**

Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act, 1979*, the consent shall not operate until the applicant satisfies the consent authority, in accordance with the regulations, as to the following matter:

### **1.1 Execution of Voluntary Planning Agreement**

The Draft Voluntary Planning Agreement (VPA) between *Lane Cove Council* and *Arrow Capital Partners and Starwood Capital Australia Ltd trading as Starwood Capital Group* as amended by Lane Cove Council at its Ordinary Meeting on 21 June 2021 is Executed.

Documentation that addressed the points under Part A above are to be submitted to Council within 12 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until Council has confirmed in writing that all matters under Part A have been provided and are satisfactory.

Pursuant to Clause 95(5) of the Regulations under the Act, Council will notify you in writing if Part A of this consent has been satisfied and the date from which this consent operates.

**Reason:** To ensure that works-in-kind under the VPA for public benefit are completed in conjunction with the approval of DA171/2020.

## **2. PART B – CONDITIONS OF CONSENT**

Once operative the following conditions apply to the concept approval under DA171/2020:

### **2.1 Approved Plans – Concept DA Plans**

Pursuant to Clause 4.22 of the *Environmental Planning and Assessment Act 1979*, this Notice of Determination approves the concept proposal for the development of the site in accordance with the following plans (stamped by Council):

Drawing Title	Drawing No	Date	Revision	Prepared by
Masterplan	CD-03	04/09/2020	Issue C	Fitzpatrick + Partners
Concept envelope	CD-04	04/09/2020	Issue C	
Demolition plan	CD-06	04/09/2020	Issue C	
Site Plan	CD-07	04/09/2020	Issue C	
Section	CD-08	04/09/2020	Issue C	

**Reason:** To ensure consistency with the concept approval.

### **2.2 Building Envelope – Building C**

The building envelope for Building C is only approved on the basis that the ultimate building design, including services, balconies, shading devices and the like will be entirely within the approved envelope and will provide an appropriate relationship with neighbouring buildings.

**Reason:** To ensure the future development of Building C is consistent with the concept approval.

### **2.3 Construction Staging**

For any staging of the future development for every subsequent Development Application, the applicant shall provide a detailed construction management and staging plan.

**Reason:** To manage construction and amenity impacts for Stage 2.

### **2.4 Floor space ratio**

The floor space ratio (FSR) for the site must not exceed the maximum GFA of 7.5:1 in accordance with the *St Leonards Crows Nest 2036 Plan*. Any future DA for Building C must not exceed a total GFA of 31,362m<sup>2</sup>. Details of the Gross Floor Areas (by use) in the development is to be provided for every subsequent Development Application.

**Reason:** To ensure the future development of Building C is consistent with the concept approval.

### **2.5 Positive Covenant**

Pursuant to the relevant section of the Conveyancing Act 1919, a Positive Covenant must be created on Lot 1 DP 773862 created under DA171/2020 in relation to the FSR for the buildings to be erected on the site. The positive covenant is to be worded to ensure that the floor space for the site is not to exceed the following:

- Building A – 9,510m<sup>2</sup>
- Building B – 16,395m<sup>2</sup>
- Building C – 31,362m<sup>2</sup>
- Total GFA – 57,267m<sup>2</sup>
- FSR: 7.5:1

The wording and terms of the Positive Covenant are to be submitted to Council for approval and are to be registered prior to the lodgement of any future development application on the site.

**Reason:** To ensure consistency with the concept approval.

## **2.6 Building Height**

The height of the buildings must not exceed the maximum heights as shown in the approved Height Plan under Conditions 2.1 and 2.2. Building Height shall be calculated in accordance with Clause 4.3 of *Lane Cove Local Environmental Plan 2009*.

**Reason:** To ensure consistency with the concept approval.

## **2.7 Consistency of future development applications**

While this consent remains in force, the determination of any future development application in respect of the site cannot be inconsistent with this consent.

## **2.8 Matters not Approved – Building C**

The following items are not approved and do not form part of the concept approval for Building C:

- a) any demolition, excavation and/or construction;
- b) any tree removal;
- c) the layout, number of, and gross floor area allocation for commercial/retail tenancies;
- d) the number of parking spaces, bicycle spaces, car share or loading spaces/areas;
- e) the design and materials of the building exteriors including facades and roofs;
- f) public domain and landscape design;
- g) stormwater and drainage design;
- h) skybridges to Stage 1;
- i) detailed access design for Stage 2; and
- j) the final arrangement of land uses.

**Reason:** To ensure that likely impacts resulting from Building C are properly considered at the detailed DA stage.

## **2.9 Development Application Submission Requirements for any future DA**

Any future DA for the site shall:

- a) demonstrate compliance with Council's requirements for waste collection in accordance with *Lane Cove DCP 2010*;
- b) be accompanied by a Wind Environment Statement with recommendations for wind amelioration impacts at the pedestrian scale incorporated into any future design of Building C and any future application;
- c) demonstrate that the building has been design and is capable of being constructed to provide access and facilities for people with a disability in accordance with the *Disability Discrimination Act* and the *Building Code of Australia*;
- d) be accompanied by an *Ecologically Sustainable Design Statement*;
- e) comply with the principles of *Crime Prevention Through Environmental Design*;
- f) include a future Stormwater Management Plan in accordance with Councils DCP;
- g) include details of future parking generation and allocation;
- h) integrate plant roof and any utilities/services into the design of the development;
- i) include detailed landscape plans including details of services/facilities to communal areas; and



- j) provide a traffic impact assessment report and a draft construction management plan.

**Reason:** To ensure the likely impacts of the development are fully considered at the assessment stage.

## **2.10 Section 7.11 Contribution Payment for Building C**

The s7.11 contribution for Building C and any subsequent DA is to be imposed at the time of determination of that DA.

**Reason:** Details of the development/uses within Building C is not known at the concept approval stage.

### 3. **PART C – CONDITIONS OF CONSENT - STAGE 1**

Once operative the following conditions apply to **Stage 1** of concept approval under DA171/2020:

#### 3.1 **Approved Plans and Documents – Stage 1**

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	Date	Rev	Author
Architectural Plans				
DA-04	Demolition Plan	04/09/2020	C	Fitzpatrick + Partners
DA-05	Site Plan	04/09/2020	C	
DA-06	Basement 03	04/09/2020	C	
DA-07	Basement 02	04/09/2020	C	
DA-08	Basement 01	04/09/2020	C	
DA-09	Lower Ground Christie Street Plan	04/09/2020	C	
DA-10	Ground Oxley Street Plan	04/09/2020	C	
DA-11	Ground Nicholson Street Plan	04/09/2020	C	
DA-12	Level 01 Plan	04/09/2020	C	
DA-13	Level 02 to 03 Plan	04/09/2020	C	
DA-14	Levels 04 to 06 Plan	16/04/2021	D	
DA-15	Level 07 Plan	16/04/2021	D	
DA-16	Levels 08 to 09 Plan	04/09/2020	C	
DA-17	Level 10 Plan	04/09/2020	C	
DA-18	Level 11 Plan – Plant	04/09/2020	C	
DA-19	Roof	04/09/2020	C	
DA-20	Elevation – Nicholson Street	16/04/2021	D	
DA-21	Elevation – Oxley Street	04/09/2020	C	
DA-22	Elevation – Christie Street	16/04/2021	D	
DA-23	Elevation – Laneway Building A-B	04/09/2020	C	
DA-24	Elevation – Laneway Building B-C	04/09/2020	C	
DA-25	Sections A-A	16/04/2021	D	
DA-26	Section B-B	04/09/2020	C	
DA-27	Section C-C	04/09/2020	C	
DA-33	Materials Palette	04/09/2020	C	
DA-34	Shopfront detail elevations	04/09/2020	C	
DA-35	Shopfront façade section	04/09/2020	C	
DA-36	Planter façade section	04/09/2020	C	
DA-37	Curtain wall façade section	04/09/2020	C	
Landscape Plans				
107	Tre removal and retention	22/04/2021	E	Arcadia
108	Tre removal and retention	22/04/2021	E	
109	Tre removal and retention	22/04/2021	E	
110	Tre removal and retention	22/04/2021	E	
111	Tre removal and retention	22/04/2021	E	
112	Tre removal and retention	22/04/2021	E	
113	Tre removal and retention	22/04/2021	E	
114	Landscaped areas	22/04/2021	E	
115	Landscaped areas	22/04/2021	E	
116	Landscaped areas	22/04/2021	E	
117	Landscaped areas	22/04/2021	E	

118	Landscaped areas	22/04/2021	E
119	Landscaped areas	22/04/2021	E
120	Landscaped areas	22/04/2021	E
121	Landscaped Plan	22/04/2021	E
122	Landscaped Plan	22/04/2021	E
123	Landscaped Plan	22/04/2021	E
124	Landscaped Plan	22/04/2021	E
125	Landscaped Plan	22/04/2021	E
126	Landscaped Plan	22/04/2021	E
127	Landscaped Plan – Terrace L04-L06	22/04/2021	E
128	Landscaped Plan – Terrace L04-L06	22/04/2021	E
129	Landscaped Plan – Rooftop L7	22/04/2021	E
130	Landscaped Plan - Rooftop L7	22/04/2021	E
131	Landscaped Plan - Rooftop L10	22/04/2021	E
132	Landscaped Cross Section A	22/04/2021	E
133	Landscaped Cross Section B	22/04/2021	E
134	Landscaped Cross Section C	22/04/2021	E
135	Landscape Details – Hardworks	22/04/2021	E
136	Landscape Details – Furniture	22/04/2021	E
137	Landscape Details – Softworks	22/04/2021	E
138	Landscape Details Specification	22/04/2021	E

### ***Reference documentation***

<b>Document</b>	<b>Author</b>	<b>Date / Version</b>
Access Report	Morris Goding Access Consulting	18/08/2020 / Version 2
Acoustic Report	Norman Disney & Young	09/06/2020 - Issue 3.0
Addendum Traffic Response	Parking and Traffic Consultants Pty Ltd	27/04/2021
Arboricultural Impact Assessment	Lee Hancock Consulting	11/06/2020
Architectural Design Statement	FitzPatrick + Partners	Sept 2020
BCA Report	McKenzie Group	Rev B 2020
Clause 4.6 – FSR	Urbis	16/11/2020
Clause 4.6 – Height	Urbis	27/04/2021
Construction Management Plan	Buildcorp	03/08/2020 – Rev 1
Economic Benefits Report	Urbis	04/09/2020 – Report 1
ESD Report	Norman Disney & Young	01/05/2020 – Rev 1.0
Geotechnical Assessment	Douglas Partners	06/01/2020 – Rev 1
Landscape Design Report	Arcadia	22/04/2021
Operational and Construction Waste Management Plan	Waste Audit	Sept 2020
Preliminary Site Investigation (Contamination)	Douglas Partners	16/10/2020 – Rev 0
Response to RFI	Urbis	27/04/2021
Retaining Wall Certification	ADG Engineers	23/09/2020
Statement of Environmental Effects	Urbis	18/11/2020 / v.3
Traffic Impact Assessment	Parking and Traffic Consultants	09/09/2020 – Issue 2

**Reason:** To ensure consistency with the approved development.

### **3.2 Completion of Works in Kind under the VPA**

Works in Kind listed in Column 1 of clause 1 of Schedule 5 of the Executed VPA shall be completed in full prior to the issue of any Occupation Certificate for Stage 1 works.

**Reason:** To ensure public benefit works are completed as part of the Stage 1 works.

### 3.3 Public Toilets Maintenance / Refurbishment

Public toilets provided as part of the Executed Planning Agreement between Council and the Applicant shall:

- a) be open daily between 7am and 6pm;
- b) cleaned daily; and
- c) refurbished every 15 years.

**Reason:** To ensure public toilets are kept in a clean and acceptable condition for public use.

### 3.4 Way Finding Signage

Way finding signage is to be installed around/within the building and Christie Street Reserve to the satisfaction of Council. Wayfinding is to be designed by a suitably qualified professional. Written approval from Council is to be obtained. Signage is to be non-illuminated and integrated with the design/materials of the buildings.

**Reason:** To clearly define uses and entry points in and surrounding the site.

### 3.5 Section 7.11 Contribution

Payment of a contribution in accordance with Council's Section 94 Contributions Plan is required, prior to the issue of a Construction Certificate. Contributions shall be indexed at the time of payment in accordance with Council's Plan.

The total Section 7.11 contribution payable is **\$5,538,768.00** at the current rate of \$138 per square metre for retail/commercial based on the 2021/2022 fees and charges.

Payment shall be in the form of a bank cheque. Personal cheques will not be accepted. The contribution payable is calculated in the following manner:

<b>Commercial/retail contribution</b>		
<b>Proposed Use</b>	<b>Area</b>	<b>Contribution payable at \$138 per square metre (2021/2022 fees and charges)</b>
Commercial	57,267m <sup>2</sup>	\$7,902,846.00
<b>Credit for existing commercial building B</b>		
<b>Use</b>	<b>Area</b>	<b>Contribution payable at \$138 per square metre (2021/2022 fees and charges)</b>
Commercial (NLA)	17,131m <sup>2</sup>	\$2,364,078.00
<b>Total Section 7.11 Contribution Payable</b>		
Commercial		\$7,902,846.00
Credit for Existing Commercial		\$2,364,078.00 (minus)
<b>Total Contribution:</b>		<b>\$5,538,768.00</b>

**Reason:** Contribution payment for public benefit pursuant to clause 7.11 of the *EP&A Act*, 1979.

### 3.6 Matters not Approved

The following items are not approved and do not form part of this approval:

- a) the provision of any skybridge; and
- b) any parallel parking in the Oxley Street road reserve.

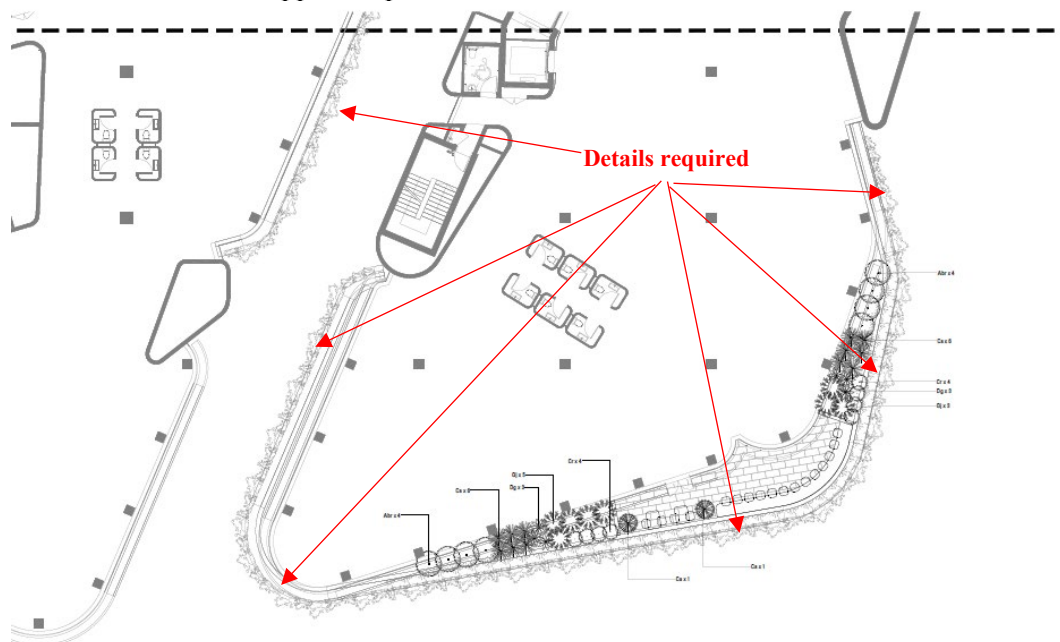
**Reason:** To ensure consistency with this approval.

### 3.7 Landscaping

The approved landscaping plans shall be updated to provide details (species/structural system/soil depth/drainage) of plantings to all green wall (façade) plantings on the building exterior as represented in the architectural drawings, including:

- **Building A**
  - northern/western edge of Building A to Nicholson Street at ground (DA-11);
  - building perimeter at Level 01, O3, 04-06 (DA-12, DA-13, DA-14); and
  - eastern/western corner at Level 07 (DA-15).
- **Building B**
  - eastern/western corner at Level 02-03, 04-06 (DA-13, DA-14); and
  - eastern/western corner at Level 07 (DA-15).

Indicative plantings for which details are required is shown at **Figure 1** below and in Drawing number DA-36 of the approved plans:



**Figure 1** Indicative plantings (circled) for which details are required in the revised landscape package.

### 3.8 Wind Environment Statement

A *Wind Environment Statement* is to be prepared by a suitability qualified person demonstrating that acceptable wind tolerances are achieved at the pedestrian scale for the Stage 1 works in accordance with LCDCP 2010, as follows:

- a) 13/m second along public spaces; and
- b) 16/second along Christie Street, Oxley Street, and Nicholson Street.

Recommendations regarding wind amelioration measures (if required) are to be detailed on the construction certificate drawings.

**Reason:** To maximise safety and amenity.

### **3.9 Roof Plant and Utilities**

- a) Any roof top plant shall be located within the approved building envelope in Conditions 2.2 and 2.6. Any roof plant is to be fully screened and integrated into the design of the development such that it is not visible from surrounding properties above.
- b) Any utility infrastructure is to be integrated into the design of the development to minimise any adverse impact on the public domain.

**Reason:** To reduce any visual impact of plant and utility infrastructure.

### **3.10 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.

### **3.11 External lighting**

Outdoor lighting to all new commercial buildings shall comply with Australian Standard AS 4282-1997 – *Control of the obtrusive effects of outdoor lighting* and the ‘*Safer by Design*’ guidelines prepared by the NSW Police

**Reason:** To ensure safety/security and to minimise any lighting/glare nuisance.

#### **4. TfNSW Conditions**

1. 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.
2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control is to be submitted to Council's Traffic Section for approval prior to the commencement of any works including demolition works.

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](mailto:development.sydney@rms.nsw.gov.au). I hope this has been of assistance.

## 5. WaterNSW Conditions

- GT0115-00001 Groundwater must only be pumped or extracted for the purpose of temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.
- GT0116-00001 Before any construction certificate is issued for any excavation under the development consent, the applicant must: 1. apply to WaterNSW for, and obtain, an approval under the Water Management Act 2000 or Water Act 1912, for any water supply works required by the development; and 2. notify WaterNSW of the programme for the dewatering activity to include the commencement and proposed completion date of the dewatering activity
- Advisory Notes:
3. An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant, any required Water Access Licence (WAL). A WAL is required to lawfully take more than 3ML of water per water year as part of the dewatering activity.
  4. A water use approval may also be required unless the use of the water is for a purpose for which a development consent is in force.
- GT0117-00001 A water access licence, for the relevant water source, must be obtained prior to extracting more than 3ML per water year of water as part of the construction dewatering activity.
- Advisory Notes:
1. This approval is not a water access licence.
  2. A water year commences on 1 July each year.
  3. This approval may contain an extraction limit which may also restrict the ability to take more than 3ML per water year without further information being provided to WaterNSW.
  4. Note that certain water sources may be exempted from this requirement - see paragraph 17A, Schedule 4 of the Water Management (General) Regulation 2018.
- GT0118-00001 If no water access licence is obtained for the first 3ML / year (or less) of water extracted, then, in accordance with clause 21(6), Water Management (General) Regulation 2018, the applicant must:
- (a) record water taken for which the exemption is claimed, and
  - (b) record the take of water not later than 24 hours after water is taken, and
  - (c) make the record on WAL exemption form located on WaterNSW website "Record of groundwater take under exemption", and
  - (d) keep the record for a period of 5 years, and
  - (e) give the record to WaterNSW either via email to Customer.Helpdesk@waternsw.com.au or post completed forms to - PO Box 398 Parramatta NSW 2124
    - (i) not later than 28 days after the end of the water year (being 30 June) in which the water was taken, or
    - (ii) if WaterNSW directs the person in writing to give the record to WaterNSW on an earlier date, by that date.
- GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.
- GT0120-00001 The design and construction of the building must prevent:
- (a) any take of groundwater, following the grant of an occupation certificate



- (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation;
- (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and
  - (c) any elevated water table from rising to within 1.0 m below the natural ground surface.
- GT0121-00001 Construction phase monitoring bore requirements  
GTA:
- a) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW.
  - b) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW with the water supply work application.
  - c) The monitoring bores must be installed and maintained as required by the water supply work approval.
  - d) The monitoring bores must be protected from construction damage.
- GT0122-00001 Construction Phase Monitoring programme and content:
- a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW):
    - i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW.
    - ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater;
    - iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW;
    - iv. QA: Include details of quality assurance and control
    - v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories.
  - b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)
- GT0123-00001
- (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW.
  - (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW):
    - 1) all results from the Approved Monitoring Programme; and
    - 2) any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website.

- c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website  
[www.waternsw.com.au/customer-service/water-licensing/dewatering](http://www.waternsw.com.au/customer-service/water-licensing/dewatering)
- GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual
- GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.
- GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

## SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA171/2020 (PAN-39750) as provided by Council:

- Urbis (2020), Statement of Environmental Effects, 29-58 Christie Street, St Leonards, ref: P0022257.
- Douglas Partners (2020), Report on Geotechnical Desktop Assessment, Proposed Commercial Development 29-57 Christie Street, St Leonards NSW 2065 Prepared for Arrow Capital Partners Ref: 99528.00.

## **6. Building Conditions**

### **6.1 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.

### **6.2 Occupation Certificate**

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

**Reason:** Statutory requirement.

### **6.3 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.

### **6.4 Accessibility Compliance**

The construction drawings shall detail compliance with:

- a) recommendations contained in the Access Report prepared by Morris Goding Access Consulting, Version 2 dated 18/08/2020.
- b) relevant *Access to Premises* Australian Standards;
- c) *Disability Discrimination Act 1992*;
- d) and *Building Code of Australia*.

**Reason:** Accessibility compliance.

### **6.5 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.

### **6.6 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](http://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.

### **6.7 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.

## 6.8 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](http://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.

## 6.9 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
	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.
Saturday	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.

## 6.10 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.

## 6.11 (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.

## **6.12 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.

## **6.13 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.

## **6.14 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.

## **6.15 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.

### **6.16 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.

### **6.17 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.

### **6.18 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.

### **6.19 (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*.

### **6.20 (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.

#### **6.21 (87) Pedestrian Paths Unobstructed**

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

**Reason:** Public safety.

#### **6.22 (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.

#### **6.23 (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.

#### **6.24 Section J Requirements**

Details of Section J Deemed-to-Satisfy requirements of the 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.

## **7. Tree Conditions**

### **7.1 Amended Plans**

All landscape documentation and civil drawings are to be updated to reflect the proposed removals and retentions identified in the Arborist Report prepared by Lee Hancock dated 11/06/2020 prior to the issue of the relevant Construction Certificate.

**Reason:** To maintain consistency between documents.

### **7.2 Certification – Project Arborist**

All stormwater and drainage plans are to be assessed and approved by the project Arborist confirming no additional trees are to be removed as a result of the installation of storm water infrastructure. Written approval of drainage plans is to be submitted to the Principal Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To minimize the development impact on trees.

### **7.3 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.

### **7.4 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.

### **7.5 Trees Permitted to be Removed**

Approval is granted for the removal of trees located on and adjoining the site strictly in accordance with the Arborist report prepared by Lee Hancock dated 6/11/2020, page 6 (recommendations). All other trees are to be retained and protected for the life of the development.



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

## **7.6 Replacement Trees**

Replacement trees are to be installed strictly in accordance with the approved Landscape Drawings in Condition 3.1.

**Reason:** To provide replenishment planting for trees removed through the development process.

## **7.7 Protection of Trees to be Retained**

Retained trees are to be protected in accordance with the Tree Protection Specifications contained within the Arborist report prepared by Lee Hancock dated 6/11/2020, section 10 and table 3 and in accordance with *Australian Standard AS4970-2009 Protection of Trees on Development sites*. All tree protection measures are to be included in the construction management plans and be available to all contractors on-site. Tree protection measures are to be installed prior to the issue of the relevant Construction Certificate.

**Reason:** To protect the natural environment.

## **7.8 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. The Project Arborist shall:

- Attend the site prior to the removal of any trees and mark each tree approved for removal with coloured spray paint.
- Carry out tree inspections at the following intervals:
  - a. Prior to the commencement of any works to mark approved trees for removal.
  - b. Prior to the commencement of works to confirm tree protective measures have been installed.
  - c. During the demolition of any structures within the TPZ area of retained trees.
  - d. During the installation of structures approved within the TPZ area of any retained tree.
  - e. Prior to and during the installation of services where required within the TPZ area of retained trees.
  - f. Monthly intervals during the development works.
  - g. Upon completion of the development prior to the issue of any
  - h. Occupation Certificate.

Each attendance is to be followed with written certification submitted to the Principal Certifier within five days of attendance:

- Monitor trees throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in good 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 monitoring to retained trees to minimise development impact.

## **7.9 Structural Root Zones – Location of Services**

No services or structures are to be located within the Structural Root Zones of any retained trees.

**Reason:** To minimise the development impact on retained trees.

### 7.10 Root Mapping

Where works are proposed within the Structural Root Zone of any trees 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.

**Reason:** To ensure the protection of trees to be retained.

### 7.11 Tree Protection Zones (TPZ)

The following conditions apply:

- No level changes greater than 150 millimetres are to occur within the Tree protection Zones of any retained trees unless approved in writing by the project Arborist.
- Footing, trench or excavation that is within the Tree protection Zone of any retained trees must be carried out under the guidance of the Project Arborist and using non-destructive techniques.
- No tree roots greater than 40mm diameter are to be pruned unless approved by the Project Arborist. All roots are to be pruned and documented by the Project Arborist then submitted with the final certificate of compliance upon completion of the project and prior to the issue of any Occupation Certificate.
- Once roots have been pruned clear of the area, civil machinery may only resume excavation works from outside of the TPZ.
- All proposed footpaths within the Tree Protection Zones of retained trees are to be installed under the guidance of the project Arborist. No tree roots equal to or greater than 40 millimetres in diameter are to be damaged or severed unless approved by the Project Arborist in writing that it would be of no detriment to the tree(s).

**Reason:** To minimise the development impact on retained trees.

### 7.12 Design Amendment – Seating around Tree Trunks

The proposed elevated seating area around the trunks of trees 20A and N1 as identified in the Arborist report prepared by Lee Hancock dated 6/11/2020 is to be constructed with footings outside of the Structural Root Zones of each tree. Decking is to be constructed to allow for future modification of the planks as the trees grow radially.

**Reason:** To minimise the development impact on retained trees.

### 7.13 Project Arborist Completion Report

The Project Arborist is to submit a statement upon completion of the development that all retained trees have been maintained in a healthy, viable condition. The statement is also to recommend remedial advice for trees post construction to mitigate construction impacts long term. The statement is to be submitted to and approved by the Principal Certifier prior to the issue of any Occupation Certificate.

**Reason:** To provide monitoring to retained trees to minimise development impact.

## **8. Landscaping Conditions**

### **8.1 Practical Completion Report**

All landscaping works shall be constructed and installed in accordance with the landscape documentation package submitted by Arcadia Landscape Architects Revision E dated 22.04.2021.

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 any of these works taking place.

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 landscaping works have been completed in accordance with the approved landscape drawings. A copy of the report must be submitted to Council prior to the issue of any Occupation Certificate.

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 any 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.

**Reason:** To ensure the landscaping works are completed in accordance with the approved plans.

### **8.2 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.

**Reason:** To ensure the long-term survival of new plantings.

### **8.3 On-going Maintenance**

- a) 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.
- b) An irrigation plan is to be implemented post construction for all retained trees and new plantings.
- c) 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 any occupation certificate.

- d) 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.

**Reason:** To ensure the long-term survival of new plantings.

#### **8.4 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.

#### **8.5 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.

## **9. Engineering Conditions**

### **General Conditions**

#### **9.1 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.

#### **9.2 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.

#### **9.3 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, 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 and public domain works are integrated.

#### **9.4 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.

#### **9.5 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.

#### **9.6 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.

#### **9.7 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.

#### **9.8 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.

#### **9.9 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.

#### **9.10 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

#### **9.11 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**

## 9.12 Council Infrastructure Damage Bond

The applicant shall lodge with Council a \$30000 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

## 9.13 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

## 9.14 Drainage Plan Amendments

The stormwater drainage plan prepared by ADG Engineers (Aust) Pty Ltd, reference No: 22381 and dated on September 2020, is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP:

1. 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.

2. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
3. Sediment control fence shall be placed around the construction site and shown in plan
4. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, basement or as it is necessary and connected to proposed drainage system
5. One silt arrester pit mesh (RH3030) and sump(200mm) is required within the site, at start of the discharge pipe to Council system.
6. Runoff from driveway shall be collected by grated driveway pit and connected to stormwater system
7. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP if charged system is used. The details of design level difference shall be shown in plan.
8. The kerb discharge shall be 300mm away from edge of driveway wing and complied with section 4.1 in Council DCP
9. A gross pollutant trap (GPT) suitable for this site needs to be designed and shown in the plan. The details of this GPT shall be shown in stormwater plan. The access to the GPT for future maintenance is required.
10. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
11. To facilitate cleaning of the tank it is to have a minimum of two 600x600mm access grates where the clear internal height of the tank is less than 600mm. Additional grates are to be provided if the distance between access grates exceeds 10m.
12. CCTV reports of the existing pipe system within the street and site are to be submitted prior to construction and after completion of work.
13. Council does not support pipe system lines underneath of any part of the buildings.
14. The pump out system for the basement is required and 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 and submitted to Council.
15. The proposed basement shall be constructed with water-proof walls around the basement. The amended design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted 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, for the issue of the Construction Certificate.

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.

## 9.15 Compliance with Geotechnical Report



The recommendations contained in the Geotechnical Report, prepared by Douglas Partners, Revision 1 dated 6/01/2020 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

#### **9.16 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

#### **9.17 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

#### **9.18 Dilapidation Report – Adjoining properties and Council infrastructure**

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

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.

#### **9.19 Dilapidation Report – Council Pipeline**

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

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.

#### **9.20 Road Dilapidation Survey**

The applicant is to prepare a dilapidation survey and a dilapidation report that includes details of the existing state of repair condition of the road surface of Christie St, Oxley St and Nicholson St. A copy of the survey and dilapidation report is to be provided to the Council prior to the issue of the first Construction Certificate. Following completion of construction of the development and prior to the issue of the first occupation certificate, the applicant is to prepare a second dilapidation survey and dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence of truck movements associated with the construction of the development. The Council may apply funds from the security deposit paid in favour of this consent to meet the cost of making good any damage caused to the surface of said public roads as a consequence of truck movement associated with the construction of the development to which this consent relates.

The dilapidation surveys and reports must be prepared by an engineer registered with the Institute of Engineers.

**Reason:** To provide a record of Council's road infrastructure.

#### **9.21 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) Reinstate all adjustments to the road surfaces.
- d) Reinstate all existing nature-strips with turf and soil on road reserve and Gore Creek reserve.
- e) Reinstate all damages identified in the dilapidation report
- f) Reinstate all damages identified in CCTV report.

A \$40,000 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.

#### **9.22 Cast in Situ Drainage Pits**

Any drainage pit within a road reserve, a Council easement, or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete and in accordance with *Part O - Stormwater Management, Council's DCP*.

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

#### **9.23 Council Inspection Requirements**

The following items are to be inspected

- Proposed stormwater drainage improvement works
- Proposed stormwater connection to existing Council pit in street
- All footpath, kerb/gutter and landscaping works
- 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.

#### **9.24 Positive Covenant Bond**

The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the onsite detention system. Lodgement of this bond is required **prior to the issue of the Construction Certificate**

**Reason:** To protect stormwater infrastructure and confirm future maintenance.

#### **9.25 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.

#### **9.26 On-Site Stormwater Detention Tank**

All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt and installed as per Section 7.4.2 of part O of Council DCP. 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.

### 9.27 Proposed Vehicular Crossing

The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The driveway opening width along at the face of kerb is to be no wider than 4.5m, in the interest of pedestrian safety. The driveway shall be 300mm 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

### 9.28 Car Parking Certification

The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities shall be submitted to the Principal Certifying Authority.

The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

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

### 9.29 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

### 9.30 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.

### 9.31 Splay of Front Fence

The front fence is to have a 1x1m splay on both sides of the driveway to maintain pedestrian sight lines. Plans showing this amendment to the proposed design are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**; all associated works are to be completed **prior to the issue of the Occupation Certificate**.

**Reason:** To ensure good visibility.

### 9.32 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.

### 9.33 Sydney Water Approval

The approved plans must be submitted to Sydney Water to determine whether the development will affect Sydney's Waters sewer main which affects this property. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped and submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To comply with Sydney water requirements.

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

### 9.34 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.

## **Engineering Condition to be Complied with During Construction**

### **9.35 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.

### **9.36 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.

### **9.37 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**

### **9.38 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.

### 9.39 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.

### 9.40 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:

- Stormwater pipe system; and
- On-site Stormwater Detention (OSD) system.

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

**Reason:** Statutory requirement.

**Engineering Note** - All engineering compliance certificates are to contain the following declarations:

- a) This certificate is supplied in relation to **29-57 Christie Street, St Leonards**
- 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.

### 9.41 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*, Council's DCP.

**Reason:** Statutory requirements.

### 9.42 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.



## **10. Environmental Health Conditions**

### **10.1 Detailed Site Investigation**

A Detailed Site Investigation (Contamination) (DSI) is to be carried out following demolition works under **Stage 1**. The DSI is to include an intrusive soil and groundwater and/or soil vapour investigation to address the issues of potential concern identified in the *Preliminary Site Investigation*. In addition, the DSI is to provide recommendation on the need for any further targeted investigation(s) and/or site remediation (if deemed necessary).

The DSI and remedial action plan (if required) shall be undertaken/completed by a suitably qualified person in accordance with relevant guidelines:

- NEPC *National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)* (NEPC, 2013); and
- NSW EPA *Guidelines for Consultants Reporting on Contaminated Land* (NSW EPA, 2020).

A NSW Environmental Protection Authority (EPA) Accredited Site Auditor shall provide a Site Audit Statement at the completion of the demolition and earthworks (and after any further investigation and/or remediation works), i.e. prior to construction, and provide a Validation Certificate to confirm that:

- the site is suitable for its intended use – commercial; 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 evaluate the potential contamination status of the site and assess the site's suitability for the proposed commercial development.

### **10.2 Community Engagement Plan**

A comprehensive *community engagement plan* is to be prepared that addresses complaint management and strategies to address noise impacts on surrounding residents. For residents who work from home, strategies to address noise impacts may include the applicant hiring a serviced office (at the Applicant's cost) for the use of affected residents during the construction period.

**Reason:** Historical complaints regarding noise and amenity disturbance in the St Leonards area during construction works.

### **10.3 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.

#### **10.4 Compliance with Acoustic Report**

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the Acoustic Report, prepared by Norman Disney & Young, Revision 3.0 dated 9 June 2020.

The Report is to be updated to include details of the specified AC plant and any other plant equipment for which details are unknown at the DA stage.

At completion of the construction works and prior to the issue of any Occupation Certificate for Stage 1, 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.

#### **10.5 Asbestos Removal/Disposal**

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.

#### **10.6 (402) Dust Control**

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

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- b) 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
- c) 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
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered
- e) 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.

#### **10.7 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.

#### **10.8 (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.

#### **10.9 (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)

#### **10.10 (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.

#### **10.11 (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.

#### **10.12 (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*.

#### **10.13 (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>

#### **10.14 (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.

#### **10.15 Food Premises (ongoing use)**

On-going operation of any food premises 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).*

#### **10.16 (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.

#### **10.17 (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.

#### **10.18 (425) Construction and fit-out of hairdressing, beauty and skin penetration salons**

To ensure that adequate provision is made for the cleanliness, hygiene and maintenance of all hairdressing, beauty and skin penetration salons, all work associated with the fit out shall be designed and carried out in accordance with the requirements of:

- a) The Local Government (Orders) Regulation,
- b) The Building Code of Australia
- c) Public Health Act 1991
- d) Public Health (Skin Penetration) Regulation 2000
- e) NSW Health Department Guidelines on Skin Penetration 2000, and
- f) NSW Health Department Skin Penetration- Code of Best Practice

#### **10.19 (427) Final Inspection (Food/hair/beauty/skin penetration 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.

#### **10.20 (432) Garbage storage area – Commercial/Industrial**

All garbage shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. The area is to be constructed with a smooth impervious floor graded to a floor waste and connected to the sewer. The garbage area/room is to be well ventilated and fitted with fire sprinklers and meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the designated garbage area are to be submitted with the Construction Certificate.

#### **10.21 (434) Litter Control**

A sufficient number of garbage bins must be provided on the premises for garbage disposal. Such bins shall be made of impervious material and shall have close – fitting, vermin – proof, fly – proof lids. All waste bins are to be stored in designated garbage/trade refuse areas which must be maintained in a satisfactory condition at all times and must not be stored in designated garbage/trade refuse areas which must be maintained in a satisfactory condition at all times and must not be stored or permitted to overflow into car parking or gardens areas.

#### **10.22 (435) Garbage Room Location & Access**

Garbage rooms shall:

- be located in positions which will permit easy, direct and convenient access for the removal of garbage without creating a nuisance from dust, litter, odour and noise;
- not contain any fittings, facilities or matter not associated with the treatment, storage or disposal of garbage;
- where possible be located within the main building. Where this is not practicable due to noise levels or other exceptional circumstances, the garbage room shall be located in a position approved by the Principal Certifying Authority.

If it is proposed to make application to construct a detached structure, special attention shall be given to the aesthetics of the structure and its siting.

Details of appropriate recycling facilities must be provided, both in the communal garbage room and individual units.

#### **10.23 (437) Construction Requirements – Garbage Room**

Garbage rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, remain subject to the following requirements:

- Floors of garbage rooms shall be constructed of concrete at least 75mm thick or other approved solid impervious material, graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface coved at the intersection with walls and plinths
- Walls of garbage rooms shall be constructed of approved solid impervious material and shall be finished to a smooth even surface coved at all intersections
- Ceilings of garbage rooms shall be finished with a rigid smooth faced non-absorbent material capable of being easily cleaned.

#### **10.24 (438) Drainage**

Garbage room floors shall be graded to a floor waste, which shall be connected to the sewer. No drainage from garbage rooms shall be connected directly or indirectly to the stormwater drainage system, Council's Street gutter or Council's drainage system.

#### **10.25 (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.

#### **10.26 (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.

#### **10.27 (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

#### **10.28 (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.

#### **10.29 (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.

### **10.30 (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).

### **10.31 (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.

### **10.32(470) 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 the WorkCover Authority of NSW.

### **10.33 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).

### **10.34 Demolition Works**

The demolition of any existing structure is to be carried out in accordance with *Australian Standards AS 2601-2001: The Demolition of Structures*.

**Reason:** Prescribed condition.

#### **a) 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.

#### **b) 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.

**c) 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.

**d) 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.