

## Annexure 1 – Draft Conditions of Consent (with Condition 1A Added)

### Planning Conditions

1. **Approved Plans/Documents:** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council):

Plan No	Title	Author	Rev.	Date
DA02	Site & External Works Plan	Stanton Dahl Architects	3	24/03/2021
DA03	Site & External Works Plan	Stanton Dahl Architects	3	24/03/2021
DA04	Development Data	Stanton Dahl Architects	3	24/03/2021
DA05	Floor Plans – Basement L2	Stanton Dahl Architects	3	24/03/2021
DA06	Floor Plans – Basement L1	Stanton Dahl Architects	3	24/03/2021
DA07	Floor Plans – Ground	Stanton Dahl Architects	3	24/03/2021
DA08	Floor Plans – Level 1	Stanton Dahl Architects	3	24/03/2021
DA09	Floor Plans – Level 2	Stanton Dahl Architects	3	24/03/2021
DA10	Floor Plans – Level 3	Stanton Dahl Architects	3	24/03/2021
DA11	Floor Plans – Level 4	Stanton Dahl Architects	3	24/03/2021
DA12	Floor Plans – Level 5	Stanton Dahl Architects	3	24/03/2021
DA13	Floor Plans – Roof	Stanton Dahl Architects	3	24/03/2021
DA14	East Elevation	Stanton Dahl Architects	3	24/03/2021
DA15	North Elevation	Stanton Dahl Architects	3	24/03/2021
DA16	West Elevation	Stanton Dahl Architects	3	24/03/2021
DA17	South Elevation	Stanton Dahl Architects	3	24/03/2021
DA18	Sections S01	Stanton Dahl Architects	3	24/03/2021
DA19	Section S02	Stanton Dahl Architects	3	24/03/2021
LS01	Landscape Plan	Botanique Design	7	11/03/2021
LS02	Landscape Roof Plans	Botanique Design	7	11/03/2021
LS03	Site Survey	Land & Housing Corp / Botanique Design	1	09/03/2021
LS04	Deep Soil Calculations and Irrigation Plan	Botanique Design	1	09/03/2021
LS05	Cut and Fill Diagram	Botanique Design	1	09/03/2021
LS06	Elevations - Mindarie St and Pinaroo St	Botanique Design	2	09/03/2021
LS07	Section North - South	Botanique Design	1	09/03/2021
LS08	Section East - West	Botanique Design	1	09/03/2021
LS09	Details and LS notes	Botanique Design	6	09/03/2021
LS10	Tree Protection Notes	Botanique Design	1	09/03/2021
-	Stratum Subdivision Plans	YSCO Geomatics	1	02/02/2021

- 1A. **Plan Amendments:** The following plan amendments are to be made to the satisfaction of Council's Manager Development Assessment **prior to the issue of a Construction Certificate:**

- i. All fixed window panels on the southern elevation are to be obscure glazed (With the exception of the ground level).
- ii. All non-bedroom windows are to have a minimum sill height of 1.5m above the finished floor level; and
- iii. The balcony returns projecting beyond the southern building line at Ground to Level 4 are to be deleted.

2. **Crime Prevention Through Environmental Design:** Compliance with the following Crime Prevention Through Environmental Design requirements:

- The building address is to be clearly identified with signage visible from the street;
- An electronic surveillance system (CCTV) is to be included to provide surveillance of areas of the building including entry/exits, mail boxes and garage areas particularly bicycle and motorcycle parking areas and storage cages. The system is to be capable of recording high-quality images of events. The recording equipment is to be locked away to reduce the likelihood of tampering. Monitors should be placed in secure areas, to allow security staff, if applicable, to view all areas under camera surveillance;
- Appropriate signage is to be erected inside and around the perimeter of the property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance";
- Lighting in and around the common areas of the development should comply with Australian Standard 1158 and provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Luminaires (light covers) are to be installed throughout all common area lighting to reduce opportunities for malicious damage;
- An emergency control and evacuation plan should be implemented within the building;
- All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff (or authorised resident) at all times it is in operation, and provide any recordings made by the system to a police officer or police inspector within 24 hours of any request made by those persons;
- Mailboxes should be secured so they are entirely within the building lobby or only able to be opened from inside the building (or behind a secured common area). Australia Post requirements prevail where there is any inconsistency; and
- Suitable warning signs are to be erected within the basement parking area warning residents of theft of bicycles, motorcycles and from storage cages.

3. **Bushfire Protection Requirements:** Compliance with the NSW Rural Fire Service concurrence issued under S100B of the Rural Fires Act 1997 dated 12 March 2021 (Ref. DA20210119000205-Original-1). A copy of the concurrence and requirements are available from Council (Record Reference No. 15767/21).

4. **BCA Requirement:** 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**.

5. **Construction Certificate:** The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
6. **Occupation Certificate:** An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
7. **Hours of Work:** All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive)	7am to 5.30pm <u><b>High noise generating activities, including rock breaking and saw cutting be restricted to between 8am to 5:00pm with a respite period between 12.00 noon and 1.30pm Monday to Friday.</b></u>
Saturday	8am to 12 noon with <b>NO</b> excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. <b>Failure to fully comply will result in the issue of a breach of consent P.I.N.</b>
Sunday	No work Sunday or any Public Holiday.

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

8. **Section 7.11 Contribution: PAYMENT OF A CONTRIBUTION FOR ADDITIONAL PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THE PAYMENT IS TO BE MADE PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.**

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

No. bedrooms	Average occupancy	Amount of contribution per dwelling	No. of Dwellings	Total contribution
1 Bedrooms	1.2 persons	\$10,942.00 x 1.2 = \$13,130.40.00 per dwelling	7 x \$13,130.40	\$91,912.80
2 Bedrooms	1.9 persons	\$10,942.00 x 1.9 = \$20,789.80 per dwelling <b>Capped Rate \$20,000.00 per dwelling</b>	19 x \$20,000.00	\$380,000.00
3 Bedrooms	2.4 persons	10,942.00 x 2.4 = \$26,260.80 <b>Capped Rate \$20,000.00 per dwelling</b>	4 x \$20,000.00	\$80,000.00
			<b>TOTAL</b>	<b>\$ 551,912.80</b>

The development site contains three existing dwellings which provides a **credit** of **\$60,000.00**

The Section 7.11 contribution payable is **\$ 491,912.80**.

9. **Sydney Water:** 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 Principal Certifier **prior to the issue of a Construction Certificate**.
10. **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 installments, the first installment 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%.
11. **BASIX:** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate submitted with the Development Application **prior to the issue of an Occupation Certificate**.
12. **Sydney Water – Section 73 Compliance Certificate:** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate.

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to [www.sydneywater.com.au/section73](http://www.sydneywater.com.au/section73) or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

13. **Accessible Design.** Compliance with the Access Report prepared by Vista Access Architects, Ref. 20144, dated 8 March 2021 including, but not limited to, the provision of the following:
  - 20% of units are to be adaptable;
  - 80% of units are to be visitable;
  - 20% of units are to be livable units;

The terms **adaptable, visitable, and livable** are to take the meaning as described in the referenced Access Report and the applicable legislation. Certification is to be provided by a suitably qualified access consultant **prior to the issue of a Construction Certificate to the Principal Certifying Authority** confirming design

compliance and **prior to the issue of an Occupation Certificate** certifying as-built construction complies with the requirements for each unit type.

14. **Affordable Housing** The development is to designate 9 social housing units and 6 affordable housing units as affordable housing in accordance with Clause 17 of SEPP (Affordable Rental Housing) 2009. Confirmation of suitable designation in accordance with Clause 17 is to be provided to the **Principal Certifying Authority prior to the issue of any Occupation Certificate** and incorporated within any Subdivision Certificate.
15. **Demolition:** This consent does not include the demolition of existing structures.
16. **Storage Designation** Each unit is to be designated the minimum required storage area required by SEPP 65 - Design Quality of Residential Apartment Development and the Apartment Design Guide. Certification of allocation (Storage schedule) is to be provided to the Principal Certifying Authority **prior to the issue of an Occupation Certificate**. The storage is to be allocated to the unit as identified in the schedule for the life of the development.

### **Tree Conditions**

17. **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.

18. **Project Arborist** A Project Arborist of minimal AQF Level 5 qualification is to be appointed **prior to the issue of a Construction Certificate** to oversee/monitor trees condition during construction and sign off on tree protection measures. Trees are to be monitored throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in a viable condition. 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 Occupation Certificate**.

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

19. **Project Arborist Duties** The project Arborist is to attend site to inspect trees and at the following intervals. Each attendance is to be followed with written certification submitted to the Principal Certifier within five days of attendance.
  - a. Prior to the commencement of any works to mark approved trees for removal.
  - b. Prior to the commencement of works to approve 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 the completion of the development prior to the Occupation Certificate.

The Project Arborist is to attend the site **prior to the removal of any trees** and mark each tree approved for removal with coloured spray paint.

**Reason:** To monitor trees during critical stages of the development.

20. **Tree Retention:** Tree number 13 (*Banksia integrifolia*) is to be retained and protected for the life of the development. All development, landscape and construction management plans are to be updated to reflect all recommendations made in point 4.7. page 4 of the Arborist Report by The Ent's Tree Consultancy dated 10/3/2021. The Project Arborist is to review the plans and approve this condition has been complied with **prior to the issue of the Construction Certificate**.

**Reason:** To minimise development impacts on high value trees.

21. **Street Tree Retention:** Street trees identified as trees 19 (*Callistemon viminalis*) and 20 (*Tristaniopsis laurina*) are to be retained and protected for the life of the development. A third street tree (*Tristaniopsis laurina*) located on the Pinaroo frontage is to be included in the retained trees and is to be protected with trees 19 and 20.

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

22. **Tree Protection** All trees proposed to be retained (trees 13, 19 and 20) are to be protected in compliance with the tree protection plan contained within the Arborist Report by The Ent's Tree Consultancy dated 10/3/2021 (appendix 4a). The project Arborist is to certify in writing that tree protection has been installed correctly and submit the compliance statement to the Principal Certifier **Prior to the issue of the Construction Certificate**. All tree protective measures are to be installed and approved by the Project Arborist **prior to the commencement of any works on site inclusive of demolition**.

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

23. **Tree Protection Zone:** No level changes, hard surfaces or services are to be installed within the reduced Tree Protection Zone area as specified in point 4.7. page 4 of the Arborist Report by The Ent's Tree Consultancy dated 10/3/2021.

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

24. **Tree Removal:** This condition of consent gives approval for all trees located within the site boundaries to be removed as part of the development process with the exception of trees 13, 19 and 20 which are to be retained and protected.

**Reason:** Trees will be replaced with higher value species.

25. **Replacement Planting** Replacement trees are to be installed strictly in accordance with the Landscape Architectural Package, Stanton Dahl Architects, dated 11/3/2021, Planting Schedule sheet L02 Revision 7.

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

26. **Replacement Trees:** Replacement trees Tuckeroo (x2), Scribbly Gum (x2) and Water Gums (x4) specified in the Landscape Architectural Package, Stanton Dahl Architects, dated 11/3/2021, planting schedule sheet L02 Revision 7 are to be a minimum of metres in height measured from ground level at the time of installation.

**Reason:** Replacement trees are protected by Councils Development Control Plan immediately.

27. **Works within Tree Protection Zone** Footing, trench or excavation that is within the TPZ 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 to be severed or damaged 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. **Prior to the issue of Occupation Certificate.** Once Complete and roots have been pruned clear of the area, civil machinery may resume excavation from outside of the tree protection zone.

**Reason:** To minimise impacts on retained trees.

28. **Street Tree Bond** 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 \$20,000 (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 street trees required to be retained and protected by this consent. This bond may be forfeited in the event of damages to any of these trees because 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 Council owned assets.

29. **Statement of Completion** The Project Arborist is to submit a statement upon completion of the development that all tree related conditions of consent have been met. 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 the Occupation Certificate.**

**Reason:** To demonstrate compliance to conditions.

### **Landscaping Conditions**

30. **Tree replacement ratio:** In accordance with LCC Part J Landscaping Objective 1.4.1, 1.4.2 and 1.4.12. Any tree that is removed by the applicant must be replaced at a 1:1 ratio and depicted on the Landscape Drawings. The replacement trees must be a species that is able to reach the mature height and spread of the removed tree.

**Reason:** To assist in increasing the amount of canopy cover in the Lane Cove local government area and addressing the Climate Emergency that was declared by Council in 2019.

31. **Tree Planting:** All trees in the front setback shall be of a height of at least 4M above natural ground level at time of installation and therefore covered by Lane Cove Councils Tree Preservation order. All trees are to be maintained in a healthy condition for the life of the development with replacement trees to be installed within 6 months of the trees demise at the next optimum planting season. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance and establishment period.

Councils Landscape Architect shall be advised when the trees have been installed so an inspection of the trees can be conducted by Councils Landscape Architect and the Occupation Certificate shall not be issued until Councils Landscape Architect is satisfied that this condition has been satisfied.

**Reason:** To assist in ensuring that the development is not visually intrusive by providing visual softening of buildings, driveways and car parking areas in accordance with Part J Landscaping 1.4.2 and to ensure that the trees start out in healthy conditions with no apparent defects, pests or diseases.

32. **Tree retention as part of LCC Climate Emergency:** Lane Cove Council has declared a Climate Emergency in the LGA and a focus of development moving forward is to increase the amount of canopy cover on development sites to a minimum of 35%. One strategy which will help to achieve this goal is to retain mature trees that already provide some amount of environmental benefit, followed by new tree plantings in appropriate areas of the development site where they have enough room for proper root development so that they may achieve their full growth potential.

The following trees must be retained and protected:

Tree No.	Genus and Species	Common Name	Setback
2	<i>Neighbouring tree</i>		<b>2.35 metres</b>
3	<i>Neighbouring tree</i>		<b>2.35 metres</b>
13	<i>Banksia integrifolia</i>	Coastal Banksia	<b>6.6 metres</b>
16	<i>Cupressus sempervirens</i>	Italian Cypress	<b>3.6 metres</b>
18	<i>Schefflera actinophylla</i>	Umbrella Tree	<b>5.0 metres</b>
20	<i>Tristaniopsis laurina</i>	Water Gum	<b>4.25 metres</b>

**Reason:** to assist in maintaining / increasing the amount of canopy cover in the Lane Cove local government area and addressing the Climate Emergency that was declared in 2019.

33. **Screen Planting** Screen planting is required along the southern boundary with #28 Pinaroo Place. These plants must be healthy, good quality nursery stock in accordance with Australian Standard **AS 2303:2015**, grown to at least 45 L pot size, being free of girdling roots and other defects and have a height at maturity of at least 4 - 6 m tall. Plants must be spaced at appropriate intervals to ensure a continuous hedge within 24 months of installation. Residents are strongly encouraged to use local native plant species in their gardens. A species list of local native plants suitable for gardens is available from Council.



**Reason:** To assist in maintaining the privacy between residential dwellings and minimising view corridors between inhabitable spaces of neighbouring properties.

34. **Revised landscape documentation required (compliant with ADG):** A revised landscape documentation package shall be submitted to Council's Landscape Architect for assessment that is fully compliant with the Apartment Design Guide 2015 standards for minimum soil depths for plants (table below) shall be submitted to Council's Landscape Architect before issue of Construction Certificate.

Plant type	Definition	Soil volume	Soil depth	Soil area
Large trees	12-18m high, up to 16m crown spread at maturity	150m <sup>3</sup>	1,200mm	10m x 10m or equivalent
Medium trees	8-12m high, up to 8m crown spread at maturity	35m <sup>3</sup>	1,000mm	6m x 6m or equivalent
Small trees	6-8m high, up to 4m crown spread at maturity	9m <sup>3</sup>	800mm	3.5m x 3.5m or equivalent
Shrubs			500-600mm	
Ground cover			300-450mm	
Turf			200mm	

The Applicant must ensure that 'on' structure landscaping has adequate soil depth, volume and suitable profile to support the number of trees and shrubs as proposed in the approved Landscape Documentation Package. Soil volumes and depths must be in accordance with the relevant sections of the Apartment Design Guide and LCC-DCP Part J Landscaping and must form part of the Landscape Documentation Package submitted to Council for assessment.

**A structural Engineer must sign off on the designs ensuring that the load on the building has been considered for fully matured plants with saturated soils.**

The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form of Construction Certificate**.

**Reason:** To ensure that the proposed on-structure planting has enough soil depth to sufficiently grow and add to the landscape character of site.

35. **Implementation of landscape works:** Implementation of the landscape works are to be carried out in accordance with the landscape documentation package submitted with the Development Application DA20/181 prepared by Botanique Design Drawing Nos. L01 – L10 Dated 09.03.21.

**Reason:** To ensure that no variations are allowed without prior written consent from Council.

36. **Landscape Practical Completion Report** A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council or

the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report must certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of the report must be submitted to Council in addition to the certifier **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.**

*The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any Occupation Certificate.***

**Reason:** To certify the landscape works have been completed in accordance with consent.

37. **Rooftop Communal Open Space:** The Communal Open Space at the roof level shall be to a high level of design and shall be equipped with the following:

- Natural shade from midsized trees in raised planter boxes
- Additional shade from a retractable awning with the minimum dimension of 3m x 3m
- Toilet facilities
- Barbecue facilities
- Power points
- Water and sink
- Direct lift access to the area

The roof top communal open space requires more detailed design and some form of shade from the hot westerly sun shall be provided in the form of mechanised, retractable awnings affixed to the building exterior wall with a minimum dimension of 3M x 3M and to be of a material and finish that will withstand being located in an outdoor setting free from rust on mechanical elements or premature fading or failure of the shade sail material.

The rooftop planter box planting scheme shall include plant sizes capable of providing sufficient amenity shade to the users of the rooftop garden within 24 months of their installation. The plants selected shall have a growth rate that allows them to reach 80% of their potential mature height and spread within 7 years of installation. The trees are to be inspected and approved by Council's Manager Open Space **prior to issue of the Occupation Certificate.**

To assist with the growing environment of the rooftop planter boxes, a fully automated drip irrigation system is to be designed and installed by a suitably qualified irrigation company that meets the relevant Australian Standards. The system is to be tested and approved by Council **prior to issue of the Occupation Certificate.**

To assist with the growing environment of the rooftop planter boxes, a soil profile is to be specified and selected specifically for those plants proposed and this information is to form part of the Landscape Documentation Package and shall be approved by Council's Manager Open Space **prior to issue of the Construction Certificate.**

**Reason:** To provide a high level of amenity to the principal communal open space area.

38. **Waterproofing and Soil Certification:** A certificate must be submitted by a qualified practising landscape architect, Landscape / environmental designer or horticulturist, 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.** *The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate**.*

**Reason:** To ensure that no water is allowed to find egress from raised garden beds by any other method than those proposed by the stormwater drainage plans.

39. **12 Month Maintenance agreement:** 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. *The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate**.*

**Reason:** to ensure the ongoing health and vitality of the plants during the establishment period.

40. **Final Landscape Maintenance Plan:** At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council 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. *The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au)*

**Reason:** To ensure landscaping has been maintained.

41. **Automatic irrigation system:** All landscaping areas shall have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants that have been installed as part of the development. The watering times and frequencies are to be adjusted seasonally to account for the different watering requirements for the temperatures and hours of sunlight for each season and maintained for the life of the development. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance period.

**Reason:** To ensure landscaping is maintained.

42. **Landscaping:** The landscaping is to be maintained for the life of the development. All plants shall be maintained in a healthy condition for the life of the development with replacement plants installed within 6 months of their demise. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance period.

**Reason:** To ensure landscaping is maintained.

- 42A. **Street Tree Planting:** Additional street tree planting is to be provided to Mindarie Street and Pinaroo Place in accordance with Council's Streetscape Master Plan. The additional street tree planting is to be incorporated into the Landscape Plan and approved by Council's Manager Open Space **prior to the issue of a Construction Certificate**.

**Reason:** To provide a landscaped street frontage.

### **Engineering Conditions**

43. **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

44. **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 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

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

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

46. **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

47. **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

48. **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

49. **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

50. **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

51. **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 shall be borne by the applicant.

**Reason:** To protect and maintain infrastructure assets

52. **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 Construction Certificate for below ground building works.**

**Reason:** To provide consistent street alignment levels

53. **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 minimise interruption to pedestrians and motorists.

54. **Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$20,000.00 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

55. **Excavation Greater Than 1m depth:** Where there are structures on adjoining properties including all Council infrastructures, located within 5 meters of the proposed excavation.  
The applicant shall: -

- (a) seek independent advice from a suitably qualified engineer on the impact of the proposed excavations on the adjoining properties
- (b) detail what measures are to be taken to protect those properties from undermining during construction
- (c) 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 principal certifying authority **prior to the issue of the Construction Certificate for excavation.**
- (d) 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 for excavation.** 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.

A second dilapidation report, recording structural conditions of all structures originally assessed shall be submitted to the principle certifying authority **prior to the issue of the Occupation Certificate.**

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

56. **Drainage Plans Amendments:** The stormwater drainage plan prepared by Greenview Consulting, reference No: 200221, revision 2 and dated on 18/11/20 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. This DA require OSD system. Detailed design for a proposed OSD system is required.
2. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
3. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
4. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
5. Sediment control fence shall be placed around the construction site and shown in plan
6. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system
7. Retaining walls are required along the boundary line where excavation greater than 1.0m is involved
8. One silt arrester pit mesh (RH3030) and sump(200mm) is required within the site, at start of the discharge pipe to Council system/kerb line.
9. Runoff from driveway shall be collected by grated driveway pit and connected to stormwater system
10. The proposed kerb connection from site shall not be allowed to connect directly to the Kerb in Pinaroo Place. At present, there is no standard kerb inlet pit at proposed connection point or in Mindarie St. The applicant must install a pit at a suitable location and pipe system from this pit to nearest Council pit in

downstream. The plan and longitudinal section of the proposed pipe system from site to Council pit and relevant calculations shall be submitted to Council for further assessment and/or approval. This plan should show pipe sizes, invert levels and existing surface levels to confirm that the pipe system satisfies Council's DCP.

11. At the end of Pinnaroo Place there is a raingarden. Council does not allow to connect any new pipe line to this rain garden.
12. The connection pipe shall be designed for gravity discharge only and no charged pipe line allowed between fence line and connection point at kerb.
13. A gross pollutant trap suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The access to the GPT for future maintenance is required.
14. Council does not support pipe lines underneath of any part of the buildings including garage and carport except seepage agg-line system.
15. The pump out system in basement shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council.

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.

**Reason:** To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP

57. **Geotechnical Report:** A geotechnical report is to be completed for the excavation proposed for the development. The Geotechnical Report and supporting information are to be prepared by a suitably qualified geotechnical engineer and be submitted to Principle Certifying Authority **prior to issue of a Construction Certificate.**

58. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with approved plan.

Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Construction Certificate.**

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

59. **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 Principal Certifying Authority **prior to issue of a Construction Certificate for excavation**. 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

60. **Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining properties and any of Councils infrastructure located within the zone of influence of the proposed excavation.

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 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 the works and be submitted to Principle Certifying Authority **prior to issue of an Occupation Certificate**.

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

61. **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 **[Mindarie Street and Pinaroo Place]** and provide that survey and report 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 cause to be prepared a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads therefore truck movement associated with the construction of the development. The Council may apply funds from the security deposits paid in favour of this consent to meet the cost of making good any damage caused to the surface of the said public road therefore truck movement associated with the construction of the development to which the 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 Infrastructure.

62. **Council Construction Requirements:** The applicant shall construct / reconstruct the following to Council's satisfaction;

1. New footpath adjacent the entire frontage Mindarie Rd and Pinaroo Place to the Council's satisfaction
2. New Kerb and Gutter along the entire frontage of Mindarie Road and Pinnaroo Place to the Council's satisfaction
3. Construction of new street drainage system for proposed stormwater connection



4. Reinstate all adjustments to the road surfaces.
5. Reinstate all existing nature-strips with turf and soil on road reserve.
6. Reinstate all damages identified in dilapidation report.

A \$80,000 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 for demolition and tree removal**. 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:** In accordance with Council's requirements to restore site

63. **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 Council's DCP-Stormwater Management.

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

64. **Council Inspection Requirements:** The following items are to be inspected

- Proposed stormwater drainage construction on Council 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 for below ground building works**.

**Reason:** To ensure completion of work satisfying Council

65. **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

66. **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 Council's DCP-Stormwater Management.

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

67. **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

68. **On-Site Stormwater Detention Tank:** All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 m in depth must be fitted with step irons.

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

69. **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 for the below ground building works.**

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

70. **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

71. **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 for above ground building works**; all associated works are to be completed **prior to the issue of the Occupation Certificate.**

**Reason:** To ensure good visibility

72. **Car Parking and Driveway:** All parking and associated facilities are to be designed to stop road runoff entering the property and constructed in accordance with AS 2890.1.2004 "Off Street Car Parking". 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. The following plans shall be prepared and certified by a suitably qualified engineer demonstrating:
- Longitudinal section 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. It shall include 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 demonstrated that the driveway complies with Australian Standards 2890.1-2004 "Off Street Car Parking". This is to address the following;

- a. Transitional grades in accordance with AS2890 to be provided.
- b. 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 demonstrating compliance with the clearance provisions of AS2890.1.

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 for below ground building works.**

**Reason:** To ensure compliance with Australian Standards

73. **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 for below ground building works.**

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

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

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

75. **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

76. **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

77. **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

78. **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 Practise.

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 the Occupation Certificate.**

**Reason:** To ensure retaining walls are constructed according to approved plan

79. **Stormwater System Engineering Certification:** On 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:

- (a) Be signed by a registered surveyor, &
- (b) Clearly show the surveyor’s name and the date of signature.

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

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

80. **Engineering Certification:** A suitably qualified engineer shall certify that following has been constructed in accordance with the approved plans and is within acceptable construction tolerances.

- OSD
- Pump out system
- Rainwater tank

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

**Reason:** Statutory requirement

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

- a. This certificate is supplied in relation to **20-22 Mindarie Street and 30 Pinaroo Place, Lane Cove North**

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

82. **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 Council's DCP-Stormwater Management.

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

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

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

### **Traffic Conditions**

84. **Car Park Design** The proposed Car Park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the Car Parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.

**Reason:** To ensure car park is designed in accordance with Australian Standards.

85. **Vehicular Access** The access to the car park shall comply with Australian Standards. AS 2890.1-2004. Visibility requirements of the proposed access must comply with AS 2890.1-2004.

**Reason:** To provide safer vehicular access to and from the development.

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

**Reason:** To ensure accessible spaces are clearly delineated.

87. **On-site Waste Collection** On site garbage collection must be provided for with sufficient headroom (minimum 2.6m) in accordance with AS2890.2: 2002 and to allow the vehicle to enter and exit in a forward direction. The waste collection and holding area is to be clearly signposted and line marked. A traffic engineer is to certify the pathway of travel complies with Council requirements prior to the issue of a

Construction Certificate by way of a detailed report on the travel path of the vehicle based on construction detail plans (showing all services).

**Reason:** To ensure adequate provision is made for on-site waste collection.

88. **Wheel Stops** Install wheel stops on all car parking spaces to prevent any collision with structures or objects.

**Reason:** To assist drivers in driving safely within the parking areas.

89. **Forward Entry/Exit** All vehicles must front in/ front out to/ from the development.

**Reason:** To ensure safer access in/out of the development.

90. **Bicycle Parking:** All cycling racks and secure bike parking provided on-site must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with AS 2890.3: 2015. Alternative designs that exceed the Australian Standards will also be considered appropriate. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

**Reason:** To provide for suitable bicycle parking provisions.

91. **Construction Traffic Management Plan** The Construction Traffic Management Plan must be submitted to Lane Cove Council for further approval before issuing the construction certificate. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.

**Reason:** To ensure the relevant authorities consent to the construction traffic management proposed.

92. **Work Zones** Due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone. If the Works Zone is required, the developer must give the Council written notice of at least six (6) weeks prior to the date upon which use of the Works Zone will commence and the duration of the Works Zone approval shall be taken to commence from that date. All vehicle unloading/loading activities on a public roadway/footway are to be undertaken within an approved Works Zone.

**Reason:** Council requirement.

### **Building Surveyor Conditions**

93. **Fire Safety Schedule** A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 – Environmental Planning & Assessment Regulation 2000 are to be submitted and approved **prior to the issue of a Construction Certificate for below ground building works.**

**Reason:** Statutory requirement.

94. **Check Survey** A check survey certificate is to be submitted at the completion of:-

- a The establishment of each level; and
- b The completion of works.

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 carried out in accordance with the determination.

### **Environmental Health and Waste Management Conditions**

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

**Reason:** To ensure lawful disposal of any asbestos material.

96. **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.

97. **Erosion and Sedimentation Controls – Major Works** Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering 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.

98. **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)

**Reason:** Environmental protection.

99. **Site Water Management Plan** A site water management plan is to be submitted to Council's Manager Environmental Health for approval **prior to issue of a Construction Certificate**. 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.

**Reason:** Environmental protection.

100. **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.

**Reason:** Environmental and infrastructure protection.

101. **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.

**Reason:** Acoustic protection.

102. **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) above background noise levels. 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.

**Reason:** Acoustic protection.

103. **Ventilation – Garbage Rooms** Garbage rooms shall be ventilated by:-

- a) an approved system of mechanical exhaust ventilation in accordance with the requirements of the Building Code of Australia and *Australian Standard AS 1668*
- b) permanent unobstructed natural ventilation openings with contact direct to the external air, having an aggregate area of not less than 1/20<sup>th</sup> of the floor area. One half of the openings shall be situated at or near the floor level and one half at or near the ceiling level
- c) Where permanent natural ventilation openings are provided the openings shall be designed to prevent the entry of rainwater.

**Reason:** Ensure adequate ventilation is provided.



104. **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.

**Reason:** To acceptably store contaminated soils.

105. **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).

**Reason:** Statutory requirement.

106. **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.

**Reason:** Statutory requirement.

107. **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 the Construction Certificate.

**Reason:** Acoustic protection of residential receivers.

108. **Remedial Action Plan** Compliance with the Remedial Action Plan prepared by Coffey, Ref SYDEN228227-R01, dated 3 July 2020 as submitted with the Development Application including at the completion of the demolition and excavation works and **prior to construction works** commencing a Validation Report is to be submitted to Council.

**Reason:** To ensure any site contamination is addressed prior to use of the site.

109. **Detailed Site Investigation:** Compliance with the Detailed Site Investigation prepared by Coffey, Ref. SYDEN282995-R01, dated 15 December 2020 as submitted with the Development Application including an Asbestos Removal Control Plan prior to demolition.

**Reason:** To ensure any site contamination is addressed prior to use of the site.

110. **Acoustic Report** Compliance with the recommendations of the Acoustic Report submitted by Koikas Acoustics Pty Ltd, Ref. 4060R20200226pd20-22MindarieSt&30PinarooPILaneCove\_DA\_V3, dated 13 November 2020, as submitted with the Development Application.

**Reason:** Acoustic protection and privacy.

111. **Garbage Chutes:** A garbage chute system and interim recyclable storage facilities must be provided to the development as follows:

- Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

- Garbage chutes must be located and insulated in a manner that reduces noise impacts.
- Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and have a diameter of at least 500mm.
- Chutes must not have any vends or sections of reduced diameter in the main shaft of the chute;
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of the chute must extend above the roofline of the building.
- The upper end of the chute must be weather protected in a manner that does not impede the upward movement of air out of the chute.
- Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.

112. **Garbage Chute Rooms:** The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room as follows:

- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute must be no longer than 1m.
- Each service room must include provision for 2x240L recycling bins for the storage of recyclable materials. Signage regarding the materials that can be recycled must be displayed near these recycling bins.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute, the types of materials which must be deposited into recycling bins, and bulky waste collection arrangements including the location and travel paths to the bulky waste storage room.

113. **Waste and Recycling Storage Rooms:** Requirements for Basement Level 1 waste room:

- i. Waste and recycling rooms must be of sufficient size to accommodate garbage chute systems, a total of 1 x240L garbage bins per 3 units, 1 x240L yellow recycling bins per 10 units and 1 x 240L blue recycling bins per 10 units with adequate space

for manoeuvring garbage and recycling bins. 240L green waste bins available with up to 3 bins per premises – number can be reduced if the premises removes green waste privately.

- 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).

ii. 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

iii. All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.

iv. 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.

v. 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.

vi. 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.

vii. All waste/recycling and bulky waste storage rooms must be constructed to prevent the entry of vermin.

viii. All waste/recycling and bulky waste storage rooms must be ventilated by either:

- Mechanical ventilation systems exhausting at a rate of 5L/s per m<sup>2</sup> of floor area, with a minimum rate of 100l/s; or
- Permanent, unobstructed natural ventilation openings direct to the external air, not less than 1/20<sup>th</sup> of the floor area.

ix. All waste/recycling and bulky waste storage rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.

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

114. **Bulky Waste Storage Room** Readily accessible bulky waste storage areas located near the main garbage rooms must be provided for the use of all residents. Bulky waste storage rooms must be of sufficient size to accommodate a minimum of 6m<sup>3</sup> of bulky waste at any given time. Doorways and travel paths must be a minimum width of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point.
115. **Access to Waste Collection Point:** All waste must be collected on-site via on-site access by Council’s garbage collection vehicles including the following:
- The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for both occupants and Council’s waste collection contractors.

- The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
  - The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%). The turning area at the base of any ramp must be sufficient for the maneuver of a 6.0m rigid vehicle to enter and exit the building in a forward direction.
  - Where security gates are proposed, a Council master key system must be installed to permit unimpeded access.
116. **Indemnity: Prior to the issue of an Occupation Certificate**, the applicant must enter into a suitable Deed indemnifying Council and its contractors against claims for loss or damage to common property, liabilities, losses, damages and any other demands arising from any on-site collection service.
117. **Compositing/Worm Farming:** The applicant must provide a container for communal composting/worm farming, the siting of such must have regard to potential amenity impacts.
118. **Internal Waste Management:** Internal waste/recycling cupboards with sufficient space for one day's garbage and recycling generation must be provided to each dwelling.
119. **Provision of Waste Services: Prior to the issue of an Occupation Certificate**, the applicant must make written application to Council for the provision of domestic waste services.

### **Subdivision Conditions**

120. **Lot Consolidation:** Prior to the issue of a **Occupation Certificate** the existing lots (Lot 81-83 in DP 35865) are to be consolidated into a single allotment.
121. **Stratum Subdivision:** This consent approves the stratum subdivision of the approved residential flat building to be generally in accordance with the Plan of Proposed Subdivision prepared by YSCO Geomatics, dated 2 February 2021, Ref. 1220, Sheet 1 to 7, as submitted with the Development Application.
122. **88B Instrument:** An instrument under 88B of the conveyancing Act 1919 plus two copies is to be submitted to Council prior to the release of subdivision certificate. The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies. Where Council, inter-allotment drainage lines or services are located within the development, drainage easements and easements for services shall be created in accordance with Council's minimum widths as set out in Council's DCP-Stormwater Management. Part 2 of the 88B instrument shall contain a provision that any easements, rights of way, covenants shall not be extinguished or altered without the written consent of Council.
123. **Linen Plan of Subdivision:** A Linen Plan of Subdivision plus 5 copies are to be submitted to Council **prior to the release of subdivision certificate**. The linen plan of subdivision shall be suitable for endorsement by the general manager pursuant to Section 327 of the local government act and shall properly reflect the requirements of

the conditions of the development consent, plans forming part of the consent and Council's policies.

124. **Subdivision Certificate:** Submission of a subdivision certificate application.
125. **Copy of Management Statement:** A copy of the Building Management Statement and/or Strata Management Statement is to be submitted to Council **prior to the issue of a subdivision certificate.**
126. **Separate Approval for Strata Subdivision:** Separate approval of the strata subdivision of any stratum lots created by this consent is required.