

ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

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PART A – GENERAL CONDITIONS

A.1 - Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Plan No	Revision	Plan Title	Drawn By	Dated
Architectural Plans				
DA.00.000	C	Cover Sheet and Drawing Schedule	Bates Smart	04/06/2021
DA.01.000	A	Existing Site Context & Analysis	Bates Smart	04/06/2021
DA.01.002	B	Proposed Site Plan & Massing	Bates Smart	07/12/2021
DA.01.005	B	Proposed Streetscape Elevations	Bates Smart	07/12/2021
DA.02.001	B	Level 01	Bates Smart	30/11/2021
DA.02.002	B	Level 02	Bates Smart	30/11/2021
DA.02.003	B	Level 03	Bates Smart	30/11/2021
DA.02.004	C	Level 04	Bates Smart	07/12/2021
DA.02.005	C	Level 05	Bates Smart	07/12/2021
DA.02.006	D	Level 06	Bates Smart	07/12/2021
DA.02.007	B	Level 07	Bates Smart	30/11/2021
DA.02.008	B	Level 08	Bates Smart	30/11/2021
DA.02.009	B	Level 09	Bates Smart	30/11/2021
DA.02.010	C	Level 10	Bates Smart	07/12/2021
DA.02.011	C	Level 11	Bates Smart	07/12/2021
DA.02.012	C	Level 12	Bates Smart	07/12/2021
DA.02.013	C	Level 13	Bates Smart	07/12/2021
DA.02.014	C	Level 14	Bates Smart	07/12/2021
DA.02.015	C	Level 15	Bates Smart	07/12/2021
DA.02.016	C	Level 16	Bates Smart	07/12/2021
DA.02.017	C	Roof Plan	Bates Smart	07/12/2021
DA.09.101	B	Canberra Ave & Holdsworth Ave	Bates Smart	07/12/2021
DA.09.101	B	River Road & North	Bates Smart	07/12/2021
DA.09.101	B	Pedestrian Link North & South	Bates Smart	07/12/2021
DA.09.101	A	Green Spine East & Green Spine West	Bates Smart	04/06/2021
DA.09.101	B	9m Building Sep Elevations	Bates Smart	07/12/2021
DA.10.001	C	Longitudinal	Bates Smart	07/12/2021
DA.10.101	B	Buildings 09 & 10	Bates Smart	07/12/2021
DA.10.102	B	Building 11	Bates Smart	07/12/2021
DA.10.201	B	Buildings 07 & 08	Bates Smart	07/12/2021
DA.10.501	B	Ground Interface – Street Entrances	Bates Smart	07/12/2021

Plan No	Revision	Plan Title	Drawn By	Dated
DA.10.503	A	Ground Interface – Green Spine	Bates Smart	04/06/2021
DA.10.504	A	Ground Interface – Holdsworth	Bates Smart	04/06/2021
DA.10.505	B	Ground Interface – North Link	Bates Smart	07/12/2021
DA.10.506	A	Ground Interface – Pocket Park Extension	Bates Smart	04/06/2021
DA.10.507	A	Ground Interface – Town House	Bates Smart	04/06/2021
DA.13.110	A	1 Bed Apartment Plans – Building 9	Bates Smart	04/06/2021
DA.13.111	A	1 Bed Apartment Plans – Building 10	Bates Smart	04/06/2021
DA.13.112	A	1 Bed Apartment Plans – Building 11	Bates Smart	04/06/2021
DA.13.120	A	2 Bed Apartment Plans – Building 9	Bates Smart	04/06/2021
DA.13.121	B	2 Bed Apartment Plans – Building 9 Sheet 2	Bates Smart	07/12/2021
DA.13.122	A	2 Bed Apartment Plans – Building 10	Bates Smart	04/06/2021
DA.13.123	A	2 Bed Apartment Plans – Building 11	Bates Smart	04/06/2021
DA.13.124	B	2 Bed Apartment Plans – Building 11 Sheet 2	Bates Smart	07/12/2021
DA.13.130	A	3 Bed Apartment Plans – Building 9	Bates Smart	04/06/2021
DA.13.131	A	3 Bed Apartment Plans – Building 10	Bates Smart	04/06/2021
DA.13.132	B	3 Bed Apartment Plans – Building 11	Bates Smart	07/12/2021
DA.13.150	A	Terrace Plans – Building 9	Bates Smart	04/06/2021
DA.13.151	A	Terrace Plans – Building 11	Bates Smart	04/06/2021
DA.13.152	A	Terrace Plans – Building 11 Sheet 2	Bates Smart	04/06/2021
DA.13.210	A	1 Bed Apartment Plans – Building 7	Bates Smart	04/06/2021
DA.13.211	B	1 Bed Apartment Plans – Building 8	Bates Smart	07/12/2021
DA.13.220	B	2 Bed Apartment Plans – Building 7	Bates Smart	07/12/2021
DA.13.221	A	2 Bed Apartment Plans – Building 8	Bates Smart	04/06/2021
DA.13.230	B	3 Bed Apartment Plans – Building 7	Bates Smart	07/12/2021
DA.13.231	A	3 Bed Apartment Plans – Building 7 Sheet 2	Bates Smart	04/06/2021
DA.13.232	B	3 Bed Apartment Plans – Building 8	Bates Smart	07/12/2021
DA.13.233	A	3 Bed Apartment Plans – Building 8 Sheet 2	Bates Smart	04/06/2021
SK.119	1	Communal Areas Site Plan	Bates Smart	11/02/2022
Landscape Plans				
23	B	Landscape Master Plan	Arcadia	03/12/2021
26	B	Site Trees – Intervention	Arcadia	03/12/2021
27	B	Site Trees – Proposal	Arcadia	03/12/2021

Plan No	Revision	Plan Title	Drawn By	Dated
57	B	Planting Schedule	Arcadia	03/12/2021
L-100	B	Landscape Masterplan	Arcadia	03/12/2021
L-101	B	Landscape Detail Plan	Arcadia	03/12/2021
L-102	B	Landscape Detail Plan	Arcadia	03/12/2021
L-103	B	Landscape Detail Plan	Arcadia	03/12/2021
L-104	B	Landscape Detail Plan	Arcadia	03/12/2021
L-105	B	Landscape Detail Plan	Arcadia	03/12/2021
L-106	B	Landscape Detail Plan	Arcadia	03/12/2021
L-107	B	Landscape Detail Plan – Building 9 Rooftop Level 9 & 10	Arcadia	03/12/2021
L-108	B	Landscape Detail Plan – Building 11 Rooftop Level 10	Arcadia	03/12/2021
L-109	B	Landscape Detail Plan – Building 10 Rooftop Level 13	Arcadia	03/12/2021
L-601	B	Landscape Details – Hardscape	Arcadia	03/12/2021
L-602	B	Landscape Details – Softscape	Arcadia	03/12/2021
L-700	B	Landscape Specification	Arcadia	03/12/2021

Document Title	Ref./Version No.	Prepared By	Dated
Traffic Impact Assessment	2062 - Revision A	JMT Consulting	03/12/2021
Arboriculture Impact Assessment	20221846 – Revision 6	Australis Tree Management	01/02/2022
Noise Impact Assessment	VE-N20_192 – Revision 3	Integrated Group Services	01/09/2021
Construction Noise and Vibration Management Plan	VE-N20_243 – Revision 2	Integrated Group Services	02/06/2021
Preliminary Site Investigation	18105360-007-R – Revision 0	Golder Associates	02/06/2021
Operational Waste Management Plan	SO798 – Revision D	Elephants Foot	04/06/2021
BASIX Assessment Summary Report	Revision 1.1	Integrated Group Services	07/06/2021
Sustainable Travel and Access Plan	Final	JMT Consulting	31/05/2021
Geotechnical Report	18105360-006-R – Revision 0	Golder Associates	02/06/2021
Demolition and Construction	SO798 – Revision	Elephants Foot	04/06/2021

Waste Management Plan	C		
Ecologically Sustainable Design Report	Revision 1.4	Integrated Group Services	07/06/2021
Stormwater Engineering Drawings	12925-01 – Revision 3	Meinhardt Bonacci	08/06/2021
Preliminary Public Art Strategy	-	Barbara Flynn	24/05/2021
Crime Prevention Through Environmental Design (CPTED) Assessment	-	Mecone	05/2021
Access Report	-	Blackett Maguire and Goldsmith	04/06/2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

A.2 - Design amendments

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments (and the requisite Council approval of amendments where relevant) to the approved plans and supporting documentation stamped by Council, including but not limited to those specified in Condition A.6.L, A.9.E and the following:

- 1. Screen Detail of Fire Service and Utility Enclosures:** Ground level fire service and utility enclosures are to be screened from the public domain. Detail of fire service and other utility services enclosure screening is to be provided to the satisfaction of Council's Manager Development Assessment prior to the issue of a Construction Certificate;
- 2. Rear Green Spine Entry Canopies:** Larger awnings structures to the rear of buildings at their principal pedestrian connection to the green spine/communal open space (outside the 2.5m height zone). Sectional and roof plan detail is to be provided through all the rear green spine entrances to ensure a high level of amenity is achieved to the satisfaction of Council's Manager Development Assessment prior to the issue of a Construction Certificate;
- 3. Northern Elevation (Building/Area 7):** The northern elevation to Area/Building 7 is to be updated to the levels originally submitted with the Development Application (consistent with the Landscape Master Plan design for the east/west pedestrian link) to the satisfaction of Council's Manager Development Assessment prior to the issue of a Construction Certificate.
- 4. Deletion of Temporary Fire Stair:** The temporary fire stair adjacent to the northern boundary to Area/Building 7 is to be deleted from the plans and revised retaining wall detail and additional landscaping provided to the satisfaction of Council's Manager Development Assessment prior to the issue of a Construction Certificate.

Reason: To require minor amendments to the approved plans and supporting documentation

following assessment of the development.

A.3 - Payment of security deposits (if applicable)

Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:

Security deposit	Revision
Inspection Fee	\$TBA by Council
Infrastructure damage bond	\$60,000.00
Civil reconstruction work	\$42,000.00
Positive Covenant Bond for all OSD Systems (if applicable)	\$1,000.00
Council owned trees	\$60,000.00

The payments will be used for the cost of:

- making good any damage caused to any council property (including street trees) as a consequence of carrying out the works to which the consent relates,
- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

Note: The inspection fee includes Council's fees and charges and includes the Public Road and Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

Note: Council inspection fees are calculated in accordance with Council's fees and charges at the payment date.

Note: Required Council inspections for civil works involving Council assets are to be carried out 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.

The following items are to be inspected:

- proposed stormwater drainage improvements
- proposed stormwater connection to existing Council pit in street;
- all footpath, kerb/gutter and landscaping works; and
- any adjustment works in Council's Road reserve.

A schedule of all inspections is to be agreed between the applicant and Council prior to the issue of a Construction Certificate.

Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.

A.4 - Payment of building and construction industry long service levy

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of \$563,535.00 as calculated at the date of this consent to the Long Service

Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Reason: To ensure the longservice levy is paid.

A.5 - Payment of development contributions

Payment of special infrastructure contribution

The applicant is to provide written evidence to the certifier from the Department of Planning, Industry and Environment that payment of the special infrastructure contribution has been made in accordance with the EP&A Act.

Planning agreement

Before the first construction certificate is issued the applicant and Council must enter into a Planning Agreement under section 7.7(3) of the EP&A Act in the terms of the Draft Voluntary Planning Agreement exhibited with the Development Application. The certifier is to receive written confirmation from Council that the Planning Agreement has been entered into prior to the issue of the first construction certificate.

Payment method: Payment must be in the form of a bank cheque. Personal cheques or bank transfers will not be accepted.

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

A.6.L - Landscape plan amendments

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved landscape plans (including the requisite Council approvals where specified):

1. **Documentation:** The landscape documentation is to be updated to include additional requirements from Council's Landscape Development Application Checklist to the satisfaction of Council's Landscape Architect:
 - a. (4) Location of existing services e.g. sewer, stormwater, underground cables and easements.
 - b. (8) Location of new and/or altered services; e.g. sewer, stormwater, underground cables.
 - c. (10) Proposed tree protection measures.
 - d. (11) Site plan clearly demarking landscaped and deep soil zones.
 - e. (14) Extent of excavations, earthworks, cut and fill or ground disturbance is indicated.
 - f. (19) Detailed information of all constructed landscape elements including retaining walls, decks, gazebos, pergolas, sheds, BBQ areas, play structures and the like along with finished levels;
2. **Tree 40:** Tree 40 has been previously removed and this is to be reflected in the landscape documentation package;
3. **Tree Protection Measures:** Tree protection measures to be shown as per the Arboricultural Impact Assessment as completed by Australis Tree Management (refer condition A.1) to the satisfaction of Council's Senior Tree Preservation Officer;
4. **Additional Front Setback Planting:** Additional tree planting within the front setback deep soil zones (facing Holdsworth Avenue) to Building 8 and 10 to the written satisfaction of Council's Landscape Architect;

5. **Additional Northern Link Interface Planting:** Tree planting is to be increased within the 6m deep soil zone along this northern link interface to soften the built form to the written satisfaction of Council's Landscape Architect.
6. **Fencing and Landscaping:** A revised set of plans are to be submitted to and approved by Council's Landscape Architect detailing the following:
 - a. Canberra Avenue
 - i. **Setback:** The retaining walls indicated on the boundary of Canberra Avenue are to be setback a minimum of 1m to provide planting between the shared user path and the wall, in accordance with the sectional detail noted in the Landscape Master Plan, and additional planting provided forward of the retaining walls.
 - ii. **Fence Height:** Top and bottom of wall heights are to be provided for the sandstone element and the palisade elements on the landscape plans noting that the DCP limits fence heights to 1.2m.
 - iii. **Palisade Fencing Detail:** The palisade fencing location is to be clearly delineated on the landscape plans.
 - b. Northern Link Interface
 - i. **Fence Design:** The fence design is to be detailed and is to clearly delineate the public/private domain as per the indicative fencing plan contained within Lane Cove Development Control Plan 2009;
 - c. Holdsworth Avenue
 - i. **Fence Detail:** The proposed front wall/fence detail/design is to be clearly shown with top and bottom of wall heights. The provision of a 1.8m high fence/privacy screen as shown on the architectural sections to Building 8 is not consistent with what is envisaged under the Landscape Master Plan. The refinement of the fence/wall design in front of Building 8 and 10 should match the design quality of the building facades and will require refinement to the mounded landscaping.
7. **Tree Replacement:** A minimum tree replacement ratio of 1:1. Replacement trees are to achieve the mature height and spread of the removed tree (as a minimum). Replacement trees must be healthy, high quality nursery stock.
8. **Green Spine Coverage:** Minimum coverage within the Green Spine to be provided and detailed on landscape documentation to the satisfaction of Council's Landscape Architect prior to the issue of a Construction Certificate in accordance with the Landscape Master Plan including:-
 - a. 50% tree canopy cover in the Green Spine; and
 - b. 60% soft landscaped being (max 40% lawn and minimum 60% planted areas)
9. **Public/Private Domain Interface Planting:** All trees within the pedestrian link and the front setback areas to: River Road, Holdsworth Avenue, Canberra Avenue, the pocket park and northern adjoining pedestrian link are to be a minimum 4m at the time of planting;
10. **Structural Root Cell to Street Trees:** Where a new street and / or undergrounding of power lines is proposed and new street tree planting is required, a structural root cell system (such as Strata Vault by City Green or approved equal) shall be used and the appropriate amount of both structural soil and an adequate supply of loose, well-aerated, moist and uncompacted soil structure shall be supplied in order for the trees to thrive. This enables their roots to obtain nutrients, oxygen and water - all essential for healthy tree growth. Construction drawings and details are to be submitted to Council's Landscape Architect for assessment and approval prior to the issue of a Construction Certificate clearly outlining the soil structure, soil volumes and depths as well as construction methods of the structural root cell system. All Lophostemon species along Holdsworth Avenue are to be retained as per the Landscape Masterplan. Any existing Eucalyptus species that are to be removed on the west side of Canberra Avenue must be replaced with Tristaniopsis laurina as per the Landscape Masterplan. All new street trees

must be planted within a structural root cell system. The landscape plans are to be amended to demonstrate this information;

11. **Structural Root Cells in Other Applications:** Structural root cells as per A.6.L(9) above shall also be provided to any area where trees are planted over structure and trees within the front setback of the terraces/townhouses fronting Canberra Avenue. Detail is to be submitted and approved by Council's Landscape Architect prior to the issue of a Construction Certificate within an amended landscape documentation package;
12. **Irrigation System:** 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.
13. **Raised Planter Boxes:** The construction specification is to detail that all raised planter boxes shall be waterproofed by a licenced professional in accordance with AS4654.1-2012 *Waterproofing membranes for external above-ground use*.
14. **Planter Box Soil Profile** 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. This information is to form part of the Landscape Documentation Package and shall be approved by Council's Landscape Architect prior to issue of the Construction Certificate.
15. **Tree Soil Volumes:** Fully detailed soil volumes for each tree are to be provided in accordance with the objectives of AS2303:2014 and Arboriculture Australia and shown in the amended landscape documentation package to the satisfaction of Council's Landscape Architect.

Reason: To ensure adequate landscaping/tree canopy cover on the site.

A.7.L - Tree preservation and approved landscaping works

All landscape works shall be undertaken in accordance with the approved landscape plan(s), Arborist Report, tree management plan and transplant method statement as applicable, as modified by any conditions of consent.

The following trees shall be retained:

Tree No.	Species/ Botanical Name	Common Name	Location	Dimension (meters)
T1	<i>Glochidion ferdinandi</i>	Cheese Tree	On the adjoining private property 42 Canberra Avenue	10 x 12
T2	<i>Pittosporum undulatum</i>	Sweet Pittosporum	On the adjoining private property 42 Canberra Avenue	8 x 8
T3	<i>Schefflera actinophylla</i>	Queensland Umbrella Tree	On the adjoining private property 42 Canberra Avenue	8 x 6
T14	<i>Eucalyptus saligna</i>	Sydney Blue Gum	37 Canberra Avenue	28 x 16
T17	<i>Tristaniopsis laurina</i>	Water Gum	On the nature strip Near 37 Canberra Avenue	6 x 6
T33	<i>Tristaniopsis laurina</i>	Water Gum	On the nature strip Near 35 Canberra Avenue	3 x 3
T79	<i>Eucalyptus scoparia</i>	Willangara White Gum	22 Holdsworth Avenue	16 x 12

T84	<i>Syzygium sp</i>	Lilly Pilly	On the adjoining private property 18 Holdsworth Ave	4 x 4
T86	<i>Eucalyptus microcorys</i>	Tallowwood	On the nature strip Holdsworth Ave	18 x 22
T87	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	9 x 9
T88	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	12 x 12
T89	<i>Eucalyptus microcorys</i>	Tallowwood	On the nature strip Holdsworth Ave	16 x 14
T90	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	10 x 12
T91	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	10 x 12
T92	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	15 x 17
T93	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	13 x 14
T94	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	15 x 17
T95	<i>Lophostemon confertus</i>	Queensland Brush Box	On the nature strip Holdsworth Ave	10 x 14

This consent gives approval for the removal of the following trees:

Tree No.	Species/ Botanical Name	Common Name	Location
T4	<i>Elaeocarpus eumundi</i>	Eumundi Quandong	41 Canberra Ave
T5	<i>Camellia reticulata</i>	Reticulata Camellia	41 Canberra Ave
T10	<i>Citharexylum spinosum</i>	Fiddlewood	41 Canberra Ave
T11	<i>Glochidion ferdinandi</i>	Cheese Tree	41 Canberra Ave
T12	<i>Melaleuca linariifolia</i>	Snow in Summer	39 Canberra Ave
T13	<i>Quercus palustris</i>	Pin Oak	37 Canberra Ave
T15	<i>Liquidambar styraciflua</i>	Liquidamber	37 Canberra Ave
T16	<i>Liquidambar styraciflua</i>	Liquidamber	37 Canberra Ave
T18	<i>Thuja plicata</i>	Western Red Cedar)	37 Canberra Ave
T19	<i>Araucaria heterophylla</i>	Norfolk Island Pine	37 Canberra Ave
T20	<i>Casuarina cunninghamiana</i>	River Oak	37 Canberra Ave
T21	<i>Eucalyptus sp</i>	Gum Tree	37 Canberra Ave
T22	<i>Liriodendron tulipifera</i>	Tulip Tree	37 Canberra Ave
T23	<i>Phoenix canariensis</i>	Canary Island Date Palm	37 Canberra Ave
T24	<i>Phoenix canariensis</i>	Canary Island Date Palm	37 Canberra Ave
T25	<i>Thuja plicata</i>	Western Red Cedar	37 Canberra Ave
T26	<i>Jacaranda mimosifolia</i>	Jacaranda	37 Canberra Ave
T27	<i>Corymbia maculata</i>	Spotted Gum	37 Canberra Ave
T28	<i>Jacaranda mimosifolia</i>	Jacaranda	35 Canberra Ave
T29	<i>Brachychiton acerifolius</i>	Illawarra Flame Tree	35 Canberra Ave
T30	<i>Cotoneaster glaucophyllus</i>	Cotoneaster	35 Canberra Ave
T31	<i>Jacaranda mimosifolia</i>	Jacaranda	35 Canberra Ave
T32	<i>Pittosporum undulatum</i>	Sweet Pittosporum	35 Canberra Ave
T34	<i>Backhousia citriodora</i>	Lemon Scented Myrtle	33 Canberra Ave
T35	<i>Jacaranda mimosifolia</i>	Jacaranda	33 Canberra Ave
T36	<i>Pittosporum undulatum</i>	Sweet Pittosporum	33 Canberra Ave
T37	<i>Glochidion ferdinandi</i>	Cheese Tree	33 Canberra Ave
T38	<i>Glochidion ferdinandi</i>	Cheese Tree	33 Canberra Ave
T39	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	33 Canberra Ave

T44	<i>Eucalyptus sclerophylla</i>	Scribbly Gum	On the nature strip Canberra Ave.
T45	<i>Magnolia x soulangeana</i>	Magnolia	27 Canberra Ave
T46	<i>Jacaranda mimosifolia</i>	Jacaranda	27 Canberra Ave
T47	<i>Hymenosporum flavum</i>	Native Frangipani	27 Canberra Ave
T48	<i>Thuja plicata</i>	Western Red Cedar	23 Canberra Ave
T49	<i>Waterhousea floribunda</i>	Weeping Lilli Pilli	23 Canberra Ave
T50	<i>Waterhousea floribunda</i>	Weeping Lilli Pilli	23 Canberra Ave
T51	<i>Waterhousea floribunda</i>	Weeping Lilli Pilli	23 Canberra Ave
T52	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	23 Canberra Ave
T53	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	23 Canberra Ave
T54	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	23 Canberra Ave
T55	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	23 Canberra Ave
T56	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	23 Canberra Ave
T57	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	23 Canberra Ave
T58	× <i>Cupressocyparis leylandii</i> 'Leighton Green'	Leyland's Cypress	23 Canberra Ave
T59	<i>Agonis flexuosa</i>	Willow Myrtle	21 Canberra Ave
T60	<i>Ceratopetalum gummiferum</i>	NSW Christmas Bush	21 Canberra Ave
T61	<i>Syncarpia glomulifera</i>	Turpentine	21 Canberra Ave
T62	<i>Jacaranda mimosifolia</i>	Jacaranda	21 Canberra Ave
T63	<i>Juniperus chinensis</i> 'Keteleeri'	Keteleeri Chinese Juniper	21 Canberra Ave
T64	<i>Stenocarpus sinuatus</i>	Fire Wheel Tree	21 Canberra Ave
T66	<i>Eucalyptus globulus subsp. biscoata</i>	Southern Blue Gum)	32 Holdsworth Ave
T67	<i>Phoenix canariensis</i>	Canary Island Date Palm	32 Holdsworth Ave
T68	<i>Callistemon viminalis</i>	Weeping Bottlebrush	30 Holdsworth Ave
T69	<i>Robinia pseudoacacia</i>	Robinia	30 Holdsworth Ave
T70	<i>Camellia sasanqua</i>	Small-leaved Camellia	28 Holdsworth Ave
T71	<i>Tibouchina lepidota</i>	Alstonville Tibouchina	26 Holdsworth Ave
T72	<i>Phoenix canariensis</i>	Canary Island Date Palm	26 Holdsworth Ave
T73	<i>Cinnamomum camphora</i>	Camphor Laure	26 Holdsworth Ave
T74	<i>Camellia reticulata</i>	Reticulata Camellia	26 Holdsworth Ave
T75	<i>Malus floribunda</i>	Crab Apple	26 Holdsworth Ave
T76	<i>Plumeria acutifolia</i>	Frangipani	26 Holdsworth Ave
T77	<i>Prunus sp</i>	Ornamental Plum	22 Holdsworth Ave
T78	<i>Plumeria acutifolia</i>	Frangipani	22 Holdsworth Ave
T80	<i>Pittosporum tenuifolium</i>	James Stirling	18 Holdsworth Ave
T81	<i>Melaleuca bracteata</i>	Revolution Green	18 Holdsworth Ave
T82	<i>Syzygium australe</i>	Brush Cherry	18 Holdsworth Ave
T83	<i>Phoenix canariensis</i>	Canary Island Date Palm	18 Holdsworth Ave
T85	<i>Nerium oleander</i>	Oleander	25 Canberra Ave
T96	<i>Melia azedarach</i>	White Cedar	25 Canberra Ave
T97	<i>Lagerstroemia indica</i>	Crepe Myrtle	29 Canberra Ave
T98	<i>Cyathea australis</i>	Tree Fern	29 Canberra Ave
T101	<i>Archontophoenix cunninghamiana</i>	Bangalow Palm	29 Canberra Ave
T102	<i>Celtis sinensis</i>	Chinese Nettle	29 Canberra Ave
T103	<i>Pittosporum undulatum</i>	Sweet Pittosporum	
T104	<i>Phoenix canariensis</i>	Canary Island Date Palm	
T105	<i>Citharexylum spinosum</i>	Fiddlewood	

T6	<i>Cyathea australis</i>	Tree Fern	41 Canberra Ave
T7	<i>Cyathea australis</i>	Tree Fern	41 Canberra Ave
T8	<i>Cyathea australis</i>	Tree Fern	41 Canberra Ave
T9	<i>Cyathea australis</i>	Tree Fern	41 Canberra Ave
T41	<i>Cyathea australis</i>	Tree Fern	31 Canberra Ave
T42	<i>Phoenix canariensis</i>	Canary Island Date Palm	31 Canberra Ave
T43	<i>Cyathea australis</i>	Tree Fern	31 Canberra Ave
T99	<i>Cyathea cooperi</i>	Coinspot Tree Fern	29 Canberra Ave
T100	<i>Cyathea cooperi</i>	Coinspot Tree Fern	29 Canberra Ave

This consent gives approval to prune the following trees:

Tree No.	Species/ Botanical Name	Common Name	Location	Permitted Pruning
T14	<i>Eucalyptus saligna</i>	Sydney Blue Gum	37 Canberra Avenue	Crown Modification – Reduction pruning of 13% as per the marked-up photographs of Figure 4 & 5 of the AIA report, 7/12/21. Rev. 5.: and in accordance with AS 4373-2007 <i>Pruning of Amenity Trees</i> .
T79	<i>Eucalyptus scoparia</i>	Willangara White Gum	22 Holdsworth Avenue	Crown Modification – Reduction pruning of 9%, as per the AIA report, 7/12/21. Rev 5. Pruning to be in accordance with AS 4373-2007 <i>Pruning of Amenity Trees</i>

This consent gives approval to carry out the following works in the Tree Protection Zones:

Tree No.	Species/ Botanical Name	Common Name	Location	Permitted Works in TPZ
T79	<i>Eucalyptus scoparia</i>	Willangara White Gum	22 Holdsworth Avenue	Encroachment into the TPZ is to be 1% due to the revised basement (Refer drawing DA.23.005(B)) Hand excavation with in TPZ and roots over 40mm in diameter will not be cut. No soil level changes are to occur within the TPZ. Proposed deck to be permeable. Refer drawing DA.23.005(B)).

Where there is a conflict between the public domain works and street tree retention, the public domain works can take precedent, subject to approval of Council's Landscape Architect. Where street trees are removed adequate replacement street tree planting is required.

Reason: To ensure the protection of trees to be retained and to confirm trees removed for pruning/removal.

A.8.P – Public Domain Works

Separate application shall be made to Council's OSUS Division for any associated works on Council property. Written approval is to be obtained prior to the start of any works on Council property.

The design of the public domain surrounding the site (including land to be dedicated to Council) shall be completed in conjunction with the St Leonards South Development Control Plan, Landscape Master Plan, Council staff and other relevant specifications.

The applicant is to obtain public domain works approval from Council's Executive Manager of OSUS (and corresponding team) for the overall design scheme, all materials, lighting, road design, bicycle infrastructure, path design and landscaping.

The applicant is to receive concept approval of the public domain works from Council's Executive Manager of OSUS prior to the issue of the first construction certificate.

The public domain works are to be completed (for the relevant stage) prior to the issue of an occupation certificate to the written satisfaction of Council's Executive Manager of OSUS.

The public domain works required by this consent include,

1. Shared user path, landscaping and kerb and gutter to Council specifications to Canberra Avenue and River Road adjoining the frontage of the site;
2. A 6m wide pedestrian and bicycle link to Council specification, dedicated to Council, connecting Holdsworth Avenue and Canberra Avenue (through the subject site);
3. Footpath, landscaping, kerb and gutter and road adjustments to Holdsworth Avenue adjoining the frontage of the site to Council specification;
4. Reinstatement of all public infrastructure damages identified in dilapidation report for public infrastructure required to be retained;
5. Street tree planting and structural root cell to Council specification along the Holdsworth Avenue, Canberra Avenue and River Road frontages of the site;
6. Undergrounding of all above ground utility services including (but not limited to) electricity service cables and removal of redundant infrastructure (these public domain works require the consent of the specific utility authority); and
7. Road design and construction to Council specification;

If this consent specifies additional public domain works in other conditions, the approval of the works is also required in accordance with this condition.

Reason: To manage impacts to Council's assets and deliver the public domain.

A.9.E - Drainage plan amendments

The applicant has submitted a stormwater drainage plan prepared by Meinhardt, reference No: 1292501, revision 3 and dated on June 2021. Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans:

1. Proposed drainage system shall show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
2. A rainwater tank (15000 litre) shall be included into storm water management plan as per Basix certificate.
3. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
4. Sediment control fence shall be placed around the construction site and shown in plan
5. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system

6. One silt arrester pit with mesh (RH3030) and sump(200mm) as shown in section 3.4.1 of Part O of Council DCP is required within the site, at start of the discharge pipe to Council system line. In this case, pit O3 shall be modified into a silt arrester pit.
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 proposed. The details of design level difference shall be shown in plan.
8. The stormwater from the site to the Council pit shall be designed for gravity discharge only.
9. A gross pollutant trap suitable for this site needs to be designed and added to the stormwater system. 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. The detailed cross section of the OSD is required and shall show levels, sizes, depths and widths. Orifice inverts, sump and overflow path shall be shown in cross sections of the OSDs.
12. The proposed rainwater reuse system with a minimum effective capacity of 15,000 Litres as per BASIX certificate and to be installed in accordance with Section 7.3 in Council's rainwater tank policy and relevant Australian standards. This tank shall have 100mm air gap on top and 100mm sludge zone at the bottom
13. Council will not support any pit where the flow direction changes more than 90 degree. The proposed pit in the existing carport slab is not in accordance with this requirement.
14. 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.
15. The proposed basement shall be constructed with water-proof walls.

Certification from a suitably qualified engineer as to the matters below is to be provided to the Principal Certifying Authority, prior to the issue of any CC:

- a) Compliance with the amendments detailed in this condition.
- b) Compliance with Part O: Stormwater Management of Council's DCP.

Where a variation is sought, written approval is to be obtained from Council's Urban Services Division.

Reason: To ensure adequate stormwater management in accordance with Council's DCP.

A.10.EH - Community engagement plan (major development in St Leonards)

A comprehensive community engagement plan is to be prepared that addresses complaint management and strategies to address noise impacts on surrounding residents. The community engagement plan shall be prepared to the satisfaction of Council's Environmental Health Officer with written approval submitted to the Principal Certifying Authority, prior to the commencement of any works (including demolition).

Reason: To manage noise impacts to residential properties in the St Leonards are during construction.

A.11.P – NSW Police – Crime Prevention Through Environmental Design

Compliance with the following provisions is to be incorporated into the construction certificate drawings prior to the issue of the Construction Certificate to the satisfaction of the certifier:

1. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
2. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance".
3. Bicycle parking should be in a secure area and covered with CCTV cameras.
4. Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.

5. If the site has storage cages they should be made of suitable secure materials that can't be cut open. The storage cage is to be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.

6. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage.

7. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.

8. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.

9. Windows on the ground level of the site (being any level that has a finished floor level within 1.5m of the adjacent finished ground level) should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.

10. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.

11. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.

12. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.

13. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.

Reason: To ensure crime prevention is incorporated within multi dwelling development.

A.12.P – Separate Application for Subdivision

A separate application to Council is required for any subsequent subdivision of the consolidated development site.

Reason: To ensure the subdivision provides for orderly development and the provision of shared communal open space.

A.13.P – Green Spine Title Restrictions

Prior to the issue of any occupation certificate, a right of foot way that benefits all lots subject to this consent, in the terms set out in Part 2 of Schedule 8 of the Conveyancing Act 1919 must be registered against the title of the property on which development is to be carried out over the area shown as "green spine area" on SK.119 prepared by Bates Smart, Revision 1, dated 11 February 2022.

Prior to the issue of any occupation certificate, a public positive covenant must be registered against the title of the property on which development is to be carried out in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the following requirements are met in respect of the area shown as “green spine area” on Plan No. SK.119 at the sole cost of the registered proprietor:

- (a) the landscaping is maintained at all times in good order and condition and in accordance with the approved landscaping plans identified in the conditions of this development consent. Such order and condition shall as a minimum require the adequate watering of all trees, lawns and other vegetation, the frequent mowing of lawns and trimming of lawn edges and the removal of weeds;
- (b) any dead or dying tree, lawn or other vegetation is replaced with the same or equivalent species shown on the approved landscaping plans;
- (c) all structures erected in accordance with the approved landscaping plans are maintained in good order and condition;
- (d) the storage of articles, matter or waste does not occur;
- (e) it is kept in a safe and healthy condition.

The terms of the covenant must also incorporate the following:

- (a) Permission for the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of the covenant;
- (b) That the registered proprietor will comply with the terms of any written notice issued by the Council in respect of the requirements of the covenant within the time stated in the notice.
- (c) That in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice and that the Council may recover from the registered proprietor in a Court of competent jurisdiction:
 - (i) Any expense reasonably incurred by it in exercising this power. Such expense shall include reasonable wages for the Council’s employees engaged in effecting the work, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work; and
 - (ii) Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Conveyancing Act 1919 or providing any certificate required pursuant to Section 88G of the Conveyancing Act 1919 or obtaining any injunction pursuant to Section 88H of the Conveyancing Act 1919.”

A.14.P – Compliance with Planning Agreement

The developer must comply with the requirements of the planning agreement entered into with the Council pursuant to condition **A.5** by the time or times specified in the agreement.

Reason: To ensure the requirements of the planning agreement are met.

A.15.P – Compliance with Water NSW Requirements

Compliance with the General Terms of Approval provided by Water NSW dated 11 February 2022 at each stage as relevant.

Reason: To ensure the proposal has regard to groundwater impacts.

PART B – PRIOR TO DEMOLITION WORKS

B.1.T - Demolition Traffic Management Plan

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

The DTMP must:-

- a) Make provision for all construction materials to be stored on site, at all times.
- b) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- c) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.
- d) Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- e) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
- f) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council Street trees.
- g) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- h) Be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

Reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.

B.2.E - Asbestos removal, handling and disposal

The removal, handling and disposal of asbestos from building sites shall be carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal in accordance with this condition is to be submitted to the Principal Certifying Authority and Council’s Environmental Health Section, prior to commencing any demolition works.

Reason: To ensure worker and public health and safety.

B.3.EH - Demolition work plan

A demolition work plan must be prepared for the development in accordance with Australian Standard AS2601-2001 by a licensed demolisher who is registered with the NSW WorkCover.

The demolition work plan must be submitted to the Certifying Authority, not less than 10 working days before commencing any demolition work. A copy of the demolition work plan must be maintained on site and be made available to Council officers upon request.

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor.
- Details of hazardous materials (including asbestos).
- Method/s of demolition (including removal of any asbestos).
- Measures and processes to be implemented to ensure the health & safety of workers and community.

- Measures to be implemented to minimise any airborne dust and asbestos.
- Methods and location of disposal of any hazardous materials (including asbestos).
- Other relevant details, measures and requirements to be implemented.
- Details of re-use, recycling and disposal of waste materials.
- Date the demolition works will commence.

Reason: To ensure health and safety.

B.4.EH - Construction environmental management plan

Prior to the commencement of any demolition and remedial works, a construction environmental management plan (CEMP) must be prepared for the site and submitted to Council for written approval prior to the commencement of work. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions. All works must be undertaken onsite in accordance with the approved CEMP.

Reason: To ensure health and safety.

B.5.EH - Preliminary Contamination Assessment

The siteworks shall be undertaken with reference to the Preliminary Contamination Assessment dated 2 June 2021 by Golder Associate Pty. Ltd., Report number: 18105360-007-R-Rev0. Any new information which is identified during excavation, demolition or construction works that has the potential to alter previous conclusions about site contamination shall be notified to Council immediately in writing.

Reason: To ensure health and safety.

B.6.EH - General remediation requirement

Any contaminated land must be remediated to satisfy the relevant requirements of the Contaminated Land Management Act 1997 and the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 2013 and details of compliance are to be provided to the site auditor and Council from a suitably qualified environmental consultant upon completion of the remediation works.

Reason: To ensure health and safety.

B.7.L - Project arborist

Prior to the commencement of any works including demolition, a project arborist of minimum Australian qualitative framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. The project Arborist shall:

- Certify tree protection measures prior to any works including demolition.
- Prescribe and oversee any tree pruning of trees on both public and private land. The applicant is to ensure Council's Senior Tree Assessment Officer is also in attendance to monitor pruning supervision.
- Where works must take place within the Structural Root Zone of any tree to be retained, root mapping through hand digging shall take place and a report showing the findings shall be prepared and submitted to Council's Senior Tree Assessment Officer for approval prior to any works commencing in the SRZ.

Reason: To ensure trees to be protected on the site.

B.8.T - Tree Protection Measures

Prior to the commencement of any works including demolition the following tree protection measures are to be in place in accordance with the approved Arboricultural Impact Assessment (refer Condition A.1 for details) and design measures incorporated into construction drawings, including, but not limited to:

Trees	Protection Measures
1, 2, 3, 17, 33, 84, 86, 87	• Tree protection fencing • Apply general tree protection methods (section 9)
88 – 95	• No excavation within SRZ • Hand excavation within TPZ • Do not cut roots over 40mm in diameter • Properly prune roots under 40mm sharply • No soil level changes within TPZ • Apply micro irrigation to TPZ remaining connected to a designated water source • Tree protection fencing • Apply general tree protection methods (section 9) • Trunk protection required • Raised foot traffic platform • Apply a 'Tree Management Plan' to minimise stress
Tree No. 14 <i>Eucalyptus saligna</i> (Sydney Blue Gum) & Tree No. 79 <i>Eucalyptus scoparia</i> (Wallangara White Gum)	• No excavation within SRZ • Hand excavation within TPZ • Do not cut roots over 40mm in diameter • Properly prune roots under 40mm sharply • No soil level changes within TPZ • Mulch using composted leaf mulch • Apply micro irrigation to TPZ remaining connected to a designated water source • Pruning up to 13% of the canopy (3rd and 4th order branches only) for scaffolding and building clearance only. • All pruning works must be in accordance with AS4373-2007 All pruning works must be supervised by site arborist • Timber boarding attached to scaffolding to protect limbs • Tree protection fencing • Apply general tree protection methods (section 9) • Apply a 'Tree Management Plan' to minimise stress • Decking around Tree #79 to be permeable

Reason: To protect retained trees.

PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

C.1 - Construction site management plan

Prior to any demolition works and before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The certifier is not to approve the construction site management plan until the requisite Council approvals have been received where specified in this condition. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- a detailed Construction Traffic Management Plan (CTMP), including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2009 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP) and trees in adjoining public domain as per the approved arborist report.
- Appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.

The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

Council Approvals

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".

Additional Council Requirements

1. Stockpiles or soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.
2. All stockpiles of contaminated materials must be stored in an environmentally sensitive manner in a secure area on the site and shall be suitably covered to prevent dust and odour nuisance.
3. All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).
4. 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.
5. The construction site management plan is to contain the construction environmental management plan approved under Condition B.4.EH of this consent.

Reason: To require details of measures that will protect the public, and the surrounding

environment, during site works and construction.

C.2 - Erosion and sediment control plan

Prior to any demolition works or clearing of any vegetation and before the issue of a construction certificate, the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the BlueBook), and
- the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

C.3 - Waste management plan (WMP)

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- a) Council's Development Control Plan (*Part Q: Waste Management and Minimisation*).
- b) Where sites adjoin bushland (private or public):
 - the WMP shall detail measures to mitigate any rubbish or foreign materials from entering the bushland.
 - Access through parks, reserves and bushland to the site is not permitted.
 - Council's Coordinator of Bushland must be notified of any accidental or intentional dumping of material in the bushland area.
- c) details the following:
 - the contact details of the person(s) removing the waste
 - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
 - the disposal and destination of all waste material spoil and excavated material

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

Reason: To ensure resource recovery is promoted and local amenity protected during construction.

C.4 - Utilities and services

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider requirements to the certifier:

- a) a letter of consent from electricity authority demonstrating that satisfactory arrangements can be made for the undergrounding, installation and supply of electricity.
- b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c) other relevant utilities or services (e.g. Jemena (gas), telecommunications) - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

All above ground utility services adjacent to the development site are to be undergrounded, being all utility services above ground between the centre line of the road surface of the adjacent road to the front boundary of the subject site, as well as utility services within the subject site.

Reason: To ensure relevant utility and service providers requirements are provided to the certifier.

C.5 - Dilapidation report

Before the issue of a construction certificate, a suitably qualified engineer must prepare a dilapidation report detailing the structural condition of adjoining buildings, structures or works, and public land, to the satisfaction of the certifier. If the engineer is denied access to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the certifier's satisfaction that all reasonable steps were taken to obtain access to the adjoining properties.

Additional Council requirements:

- Before the issue of a construction certificate, a suitably qualified Arborist with a minimum of an AQF level 5 Degree must prepare a pre-construction dilapidation report on the health of the trees to be retained and protected following a site visit with Council's Senior Tree Preservation Officer. The report shall be agreed upon by both parties and shall include photographs of each tree and any existing damage, defects or areas of concern well represented.

Reason: To establish and document the structural condition of adjoining properties and public land for comparison as building work progresses and is completed.

C.6 - Adaptable units

Before the issue of the relevant construction certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*. In addition, the report is to certify the construction drawings demonstrate compliance with condition C.18.B of this consent.

Reason: To ensure adaptable units are designed in accordance with the Australian Standard.

C.7 - Car parking details

Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction, that it complies with the relevant parts of *AS 2890 Parking Facilities- Off- Street Carparking* and Council's development control plan.

Reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

C.8.T - Car parking details and additional Council requirements

Additional Council car parking requirements are set out below:

1. The proposed car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.
2. All accessible car parking spaces are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and height clearance.
3. All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
4. All vehicles must front in/ front out to/ from the development.
5. Small car spaces must form no more than 10% of the overall parking provision in public car parks.
6. Small car parking, car share, car wash bay, motorcycle parking, retail parking, tenant parking, and resident parking to be sign posted and adequately line marked.
7. The garbage collection and holding area is to be clearly signposted and linemarked and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and allow the vehicle to enter and exit in a forward direction.
8. All residential dwellings spaces are to be provisioned with cabling (and adequate electricity capacity provided) for electrical vehicle charging. That is, all dwellings allocated 1 or more car

parking spaces are to have private cabling provision for a minimum of 1 car parking space. Certification is to be provided to the certifier prior to the issue of a Construction Certificate in relation to this requirement from a suitably qualified person. The cabling infrastructure is to be located in such a way that the installation of a car charger would not impact parking space dimensions (e.g. infrastructure raised on tracks or similar).

Reason: To comply with Council car parking requirements.

C.9.T - Car parking allocation and restrictions on excess spaces

Car parking spaces shall be allocated to each dwelling type as per the established minimum car parking rates in Table 2 of Part R: Traffic, Transport, and Planning of the LCDCP 2009:

- 0.5 spaces per 1 bedroom unit
- 0.9 spaces per 2 bedroom unit
- 1.4 spaces per 3 bedroom unit
- 1 disabled space for each adaptable housing unit

The allocation of parking is to comply with the following principles:

1. The amount of car parking spaces to be allocated to each unit type (1 bed, 2 bed, 3 bed) is to be not less than the parking rate multiplied by the number of that unit type on a per building basis. For example, Building 7 has 10 x 1 bedroom units, requiring 5 spaces to be made available for allocation to these units.
2. Once the allocation has been determined on a per unit type and building basis the following principles are to then apply:
 - a. A minimum of 1 space is to be provided for each adaptable housing unit; then
 - b. The remainder of the spaces are to be allocated at a rate of no more than the applicable parking rate rounded up to the nearest whole number, and no less than the applicable parking rate rounded down to the nearest whole number.

The subdivision and sale of excess car parking spaces is prohibited.

The schedule of allocation demonstrating compliance with this condition is to be submitted to and approved by Council's Manager Development Assessment prior to the issue of an Occupation or Subdivision Certificate, whichever occurs first.

Reason: To comply with Council's car parking requirements.

C.10.T – Pedestrians / cycling

1. All bicycle racks and secure bicycle parking provided on-site shall comply with the minimum standards as outlined in Section 4.3 of *Part R: Traffic, Transport and Parking* of Lane Cove DCP 2009 and designed in accordance with AS 2890.3: 2015 *Bicycle Parking Facilities*. Alternative designs that exceed the Australian Standards will also be considered appropriate.
2. Basement bicycle parking is to be easily and safely accessible from the public domain, clearly labelled, and easily identifiable through appropriate way finding signage.

Reason: To ensure pedestrian safety and that bicycle parking facilities satisfy Council's requirements.

C.11.EH - Offsite disposal of contaminated soil

All contaminated material to be removed from the site will need to be assessed, classified, and managed in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines (2014). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping

dockets supplied to Council. 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: To ensure health and safety.

C.12.EH - Hazardous or intractable wastes

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

- Work Health and Safety Act 2011;
- 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);
- Protection of the Environment Operations (Waste) Regulation 2005;
- Waste Avoidance and Resource Recovery Act 2001; and
- NSW EPA Waste Classification Guidelines (2014).

The works must not cause any environmental pollution, public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or Work Health & Safety Act 2011 and Regulations.

Reason: To ensure health and safety

C.13.EH - Evidence of disposal of all waste, spoil and excavation material

As soon as practicable after demolition is completed, documentary evidence detailing the destination of waste materials in accordance with the Waste Management Plan is to be submitted to the Principal Certifying Authority.

Reason: To ensure waste is managed in accordance with the approved Waste Management Plan.

C.14.EH - Construction waste management plan

Prior to the commencement of any works on the subject site, a construction waste management plan (CWMP) must be prepared for the development by a suitably qualified person in consultation with the Council and be submitted for approval by Council's Manager Environmental Health.

The CWMP must address, but not be limited to, the following matters:

- Recycling of demolition materials including concrete.
- Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.
- Details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste (if present), particularly the method of containment and control of emission of fibres to the air, must be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- Provide details of truck routes and make appropriate notifications as required to comply with current regulations.

Reason: To promote resource recovery and environmental protection.

C.15.EH - Waste Design and Construction Requirements

The construction certificate drawings shall detail compliance with the requirements of Part Q of Lane Cove DCP 2009 for all waste and recycling, and bulky waste storage room(s). As a minimum this shall include the following:

- 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
- Floors finished to a smooth even surface, coved at the intersection of walls and floor.
- Walls constructed of solid impervious material and cement rendered internally to a smooth even surface coved at all intersections.
- Provision of 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.
- Constructed to prevent the entry of vermin.
- Provision of artificial light controlled by switches located both outside and inside the rooms.
- Clearly printed "No Standing" signs affixed to the external face of each waste/recycling and bulky waste storage room.

The construction certificate drawings shall detail compliance in relation to the following additional items:

- Garbage chute systems and interim recyclable storage facilities must be provided to the development. Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.
- Garbage Chute Service Rooms must be provided on each residential floor of the building with the chute service opening located in a dedicated service room.
- Bulky Waste Storage Room must be located near the main garbage rooms for the use of all residents.
- All waste must be collected on-site via on-site access by Council's garbage collection vehicles. Construction certificate drawings are to provide travel clearance sectional drawings from a suitably qualified traffic engineer certifying and demonstrating access and manoeuvring can be achieved for the largest waste vehicle nominated in Part Q of Lane Cove DCP 2009.
- The applicant must provide a container for communal composting/worm farming.
- Internal waste/recycling cupboards with sufficient space for on day's garbage and recycling generation must be provided to each dwelling/unit and shown on the floor plan layout.

Reason: To ensure adequate waste and recycling storage and management in accordance with Councils DCP.

C.16.EH - Compliance with acoustic report

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the Noise Impact Assessment, prepared by Integrated Group Services (see condition A.1 for details). The Report is to include details of the specified AC plant and any other plant equipment for which details are unknown at the DA stage.

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

C.17.B - Accessibility requirements

The construction drawings shall detail compliance with:

- a) relevant Disability (Access to premises – buildings) standards 2021 including AS1428.1 (as amended);
- b) Disability Discrimination Act 1992;
- c) Building Code of Australia; and
- d) recommendations contained in the approved Access Report including a minimum 20% adaptable and 80% visitable dwellings/units.

Reason: To ensure equitable access.

C.18.E - 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;

and where relevant in accordance with any recommendations contained in an approved geotechnical report.

Reason: To ensure structural adequacy.

C.19.E - On-site stormwater detention requirements

Certification shall be obtained from a suitably qualified Engineer that:

- the on-site stormwater detention (OSD) system complies with the requirements under Part O of Council's DCP; and
- the CC drawings and specifications indicate the following:
 - 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.
 - 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 ensure compliance with Council's requirements.

C.20.E - Proposed vehicular crossing

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council.
- b) The driveway opening width along at the face of kerb is to be no wider than shown on the approved plans.
- c) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- d) Certification is to be provided by a suitably qualified engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) The following plans shall be prepared and certified by a suitably qualified engineer:
 - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping 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 relevant Construction

Certificate. All works associated with construction of the crossing shall be completed prior to the issue of the relevant Occupation Certificate.

Reason: To ensure the proposed vehicular crossing complies with Australian Standards and Council's requirements.

C.21.HS - Preliminary Public Art Strategy

The preliminary public art strategy (see condition A.1) is to be updated to include the following detail, and approved by Council Executive Manager Human Services, prior to the issue of a Construction Certificate:

- Compliance and adherence to Council's Public Art Policy;
- Confirmation of the value of work being a minimum 0.1% of the development cost;
- Contact details and methodology for ongoing consultation directly between the artist and Council's Executive Manager Human Services on the preparation of the Strategy and resultant site-specific artwork;
- Provision of commentary surrounding artist's consideration of:
 - Climability, public interaction and safety of the artwork,
 - Consultation and/or collaboration with Aboriginal Heritage Office,
 - Logistical delivery of artwork, and
 - Typical maintenance schedule and lifecycle of artwork; and
- The inclusion of a 12 month defects period within the artist agreement, ensuring that the artist is available to conduct and/or consult on artwork repairs.

The development is to comply with the amended public art strategy.

Reason: To ensure the development provides for public art.

C.22.E - Geotechnical Monitoring Program

Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principle certifying authority prior to issue of a Construction Certificate for each stage. The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction.

The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical Report and is to include

- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures;
- Excavation of the site (face of excavation, base, etc)
- Installation and construction of temporary and permanent shoring/ retaining walls.
- Foundation bearing conditions and footing construction.
- Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical investigations and testing.

Excavation and construction works must be undertaken in accordance with the Geotechnical and Monitoring Program.

Reason: To ensure adequate monitoring of excavation works to protect the environment and required for any excavation greater than 2m.

PART D - BEFORE THE COMMENCEMENT OF BUILDING WORK

D.1 - Erosion and sediment controls in place

Before the commencement of any site or building work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, (as approved by the principal certifier) are in place until the site is rectified (at least 70% ground cover achieved over any bare ground on site).

Reason: To ensure runoff and site debris do not impact local stormwater systems and waterways.

D.2 - Tree protection measures (if applicable)

Before the commencement of any site or building work (including demolition), the principal certifier must ensure the measures for tree protection detailed in the construction site management plan are in place.

Reason: To protect and retain trees.

D.3 - Signs on site

A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:

- a) showing the name, address and telephone number of the principal certifier for the work, and
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

Reason: Prescribed condition EP&A Regulation, clauses 98A (2) and (3).

D.4 - Compliance with Home Building Act (if applicable)

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

Reason: Prescribed condition EP&A Regulation, clause 98(1)(b).

D.5 - Home Building Act requirements

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

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

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

Reason: Prescribed condition EP&A Regulation, clause98B(2) and (3).

D.6 - Notice regarding dilapidation report (if applicable)

Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than 14 days before the commencement of any site or building works and provide a copy of the report to Council at the same time.

Reason: To advise neighbours and Council of any dilapidation report.

PART E - WHILE BUILDING WORK IS BEING CARRIED OUT

E.1 - Hours of work

The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

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
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High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday

Saturday	8am to 12 noon
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with NO high noise generating activities, including 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.

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.

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

Note: Any variation to the hours of work requires Council's approval.

Reason: To protect the amenity of the surrounding area.

E.2 - Compliance with the Building Code of Australia

Building work must be carried out in accordance with the requirements of the *Building Code of Australia*.

Reason: Prescribed condition - EP&A Regulation clause 98(1)(a)

E.3 - Procedure for critical stage inspections

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Reason: To require approval to proceed with building work following each critical stage inspection.

E.4 - Implementation of the site management plans

While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by the approved construction site management plan and the erosion and sediment control plan are implemented at all times.

The applicant must ensure a copy of these approved plans is kept on site at all times and made available to Council officers upon request.

Reason: To ensure the required site management measures are implemented during construction.

E.5 - Implementation of BASIX commitments

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies, including the achievement of a 6-star NatHERS Rating.

Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

E.6 - Surveys by a registered surveyor

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier —

- a) All footings/ foundations
- b) At other stages of construction – any marks that are required by the principal certifier.

Reason: To ensure buildings are sited and positioned in the approved location.

E.7 - Construction noise

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan (**refer to condition A.1 for approved Noise and Vibration Management Plan**).

Reason: To protect the amenity of the neighbourhood.

E.8 - Tree protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Reason: To protect trees during construction.

E.9 - Responsibility for changes to public infrastructure

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

Reason: To ensure payment of approved changes to public infrastructure.

E.10 - Shoring and adequacy of adjoining property

If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —

- a) Protect and support the building, structure or work from possible damage from the excavation, and
- b) Where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Reason: Prescribed condition - EP&A Regulation clause 98E

E.11 - Uncovering relics or Aboriginal objects

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - b) is of State or local heritage significance; and

“Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Reason: To ensure the protection of objects of potential significance during works.

E.12 - Cut and fill

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

- a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
- b) All fill material imported to the site must be Virgin Excavated Natural as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

E.13 - Waste management

While building work, demolition or vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan.

Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

- The contact details of the person(s) who removed the waste
- The waste carrier vehicle registration
- The date and time of waste collection
- A description of the waste (type of waste and estimated quantity) and whether the waste is expected to be reused, recycled or go to landfill
- The address of the disposal location(s) where the waste was taken
- The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.

Note: If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, the applicant is to maintain all records in relation to that Order or Exemption and provide the records to the principal certifier and Council.

Reason: To require records to be provided, during construction, documenting that waste is appropriately handled.

E.14.T – Works zones

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

Reason: To ensure pedestrian and traffic safety.

E.15.E – Heavy vehicle requirements

1. All contractors are to be notified of Council's requirements regarding truck cleanliness of vehicles leaving the site. A signed register of all notified contractors is to be kept. Failure to comply shall result in the contractor not being permitted re-entry to the site.
2. All vehicles transporting soil material to and from the site shall be covered by a tarpaulin or similar material in accordance with the *Protection of the Environment Operations (Waste) Regulation, 1996* (as amended). Any breach will result in a PIN being issued.
3. A truck shaker ramp is to be provided at the construction exit point. Any sediment tracked onto any public roadway is to be cleared immediately.

Reason: To protect the environment.

E.16.EH - 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: To mitigate adverse environmental impacts on the surrounding area.

E.17.EH - Storage and assessment of potentially contaminated soils

- a) All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.
- b) All stockpiles of potentially contaminated soils must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).

Reason: To mitigate adverse environmental impacts on the surrounding area.

E.18.EH - Environmental Impacts during construction

The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1977 or the NSW Occupational Health and Safety Act (2000) & Regulations (2001).

Reason: To protect the environment.

E.19.EH - Compliance tracking and reporting

The Applicant must provide regular (6 monthly) reporting on any environmental performance required by the development consent for the development on its project website, in accordance with the reporting arrangements in any plans or other documents approved under the conditions of this consent.

Reason: To protect the environment.

E.20.L - Landscaping Inspections

Council's Senior Tree Assessment Officer shall be in attendance prior to planting of additional street trees to inspect the size of the planting hole prior to installation of the trees. As per the recommendations of Arboriculture Australia the planting hole shall 2-3 times the size of the root ball

(but only as deep as the root ball) to allow for sufficient root growth. The contractor shall follow any and all instructions provided by the Officer on the day(s) the work is carried out

Council's Senior Tree Assessment Officer shall be in attendance during installation of the structural root cell system for street trees along Canberra Ave, River Road, the pedestrian link to be dedicated and Holdsworth Ave. The contractor shall follow any and all instructions provided by the Officer on the day(s) the work is carried out.

Reason: To ensure landscaping installation is observed.

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

F.1 - Works-as-executed plans and any other documentary evidence

Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
 - Compliance with *Part O - Stormwater Management* of Lane Cove DCP 2009. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
 - Compliance with the requirements for waste and recycling, and bulky waste storage room(s) set out in *Part Q – Waste Management and Minimisation* of Lane Cove DCP 2009.
 - Compliance with AS-3500.
 - Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention (OSD) system has been constructed in accordance with the approved plans.
 - Registration of any positive covenants over the OSD system and basement pump out system.
 - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
 - Evidence of removal of all redundant gutter and footpath crossings and reinstatement of all kerb, gutter and footpaths to the satisfaction of Council's Urban Services Division.
 - Certification of the completion of all public domain works and the provision of works-as-executed plans for all public domain works required to be completed by this consent.

The principal certifier must provide a copy of the plans to Council with the occupation certificate.

Reason: To confirm the location of works once constructed that will become council assets.

F.2 - Completion of public utility services

Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, is completed to the satisfaction of the relevant authority, including undergrounding of services where required by this consent.

Before the issue of the occupation certificate, the certifier must request written confirmation from the relevant authority that the relevant services have been completed.

Reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements before occupation.

F.3 - Post-construction dilapidation report

Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

- a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and
- b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

Additional Council requirements:

- Before the issue of an occupation certificate, a suitably qualified Arborist with a minimum of an AQF level 5 Degree must prepare a post-construction dilapidation report on the health of the trees to be retained and protected following a site visit with Council's Senior Tree Preservation Officer. The report shall be agreed upon by both parties and shall include photographs of each tree and any new damage, defects or areas of concern well represented.

Reason: To identify damage to adjoining properties resulting from building work on the development site.

F.4 - Preservation of survey marks

Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

- c) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- d) the applicant has re-established any survey mark(s) that were damaged, destroyed, obliterated or defaced in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.

Reason: To protect the State's survey infrastructure.

F.5 - Repair of infrastructure

Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Note: If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

Reason: To ensure any damage to public infrastructure is rectified.

F. 6 - Removal of waste upon completion

Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

Reason: To ensure waste material is appropriately disposed or satisfactorily stored.

F.7 - Completion of landscape and tree works

Before the issue of the occupation certificate for each stage, the principal certifier must be satisfied that all landscape and tree-works have been completed for that stage in accordance with the approved plans and any relevant conditions of this consent.

Additional Council requirements are outlined below:

- A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council and 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.

- Certification shall also be provided for the following:
 - subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings.
 - All landscaping areas (not limited to rooftop areas) have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.
- 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 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.
- Evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect for a period of at least 12 months from the date of issue of the Occupation Certificate.
- Before the issue of an occupation certificate, the applicant must ensure any tree to be retained or surrounding public open space or landscape areas damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council.

Reason: To ensure the approved landscaping work have been completed before occupation, in accordance with the approved landscaping plan(s).

F.8.T - Sustainable transport action plan (STrAP)

A sustainable transport action plan (STrAP) showing the proposed mode shares, relevant bike routes, access to existing car-share spaces and bus route frequencies is to be submitted to and approved by Council's Traffic Division.

Reason: To encourage sustainable transport in St Leonards.

F.9.EH - Compliance with acoustic report

At completion of the construction works and prior to the issue of any occupation certificate a validation certificate is to be submitted to the Principal Certifier confirming that the development has been constructed in accordance with the acoustic report, and that the internal noise levels have been achieved.

Reason: To ensure adequate internal acoustic amenity

F.10.EH - Outdoor lighting

Outdoor lighting shall comply with Australian Standard AS 4282-1997 – *Control of the obtrusive effects of outdoor lighting*.

Reason: To protect the amenity of nearby residential properties.

F.11.EH - Waste collection / deed of indemnity

Prior to the issue of any Occupation Certificate, the applicant is to complete Council's Deed of Indemnity for its waste contractor to enter the premises to collect waste and recycling.

This is to be submitted to Council at least forty (40) days, prior to any occupation of the building.

Reason: To manage risk to any Council infrastructure.

F.12.HS - Installation of Public Art

Certification from the artist is to be provided to the Certifying Authority prior to the issue of an Occupation Certificate that the site-specific public art has been installed in accordance with the Public Art Strategy approved by this consent. The certification from the artist is to also include certification from Council's Executive Manager Human Services of installation and the meeting of the Council-specific terms of the Public Art Strategy.

Reason: To ensure public art is delivered in accordance with the approved development.

F.13 - Dedication to Council of Pedestrian Link

Provision of a 6m wide pedestrian and bicycle link connecting Canberra Avenue and Holdsworth Avenue embellished in accordance with the "*Specifications for Public Open Space in the St Leonards South Precinct*" (refer Condition A.9.T/L) and dedicated to Council in perpetuity prior to the issue of an Occupation Certificate.

Reason: To ensure landscape maintenance and establishment has occurred and continues.

F.14.P – Undergrounding of Electricity and other Utility Services

All electricity service cables within the streets adjacent to the development (measured from the centre line of the road surface to the boundary of the subject site) or within the site, and any other above ground utility services, are to be undergrounded and redundant above ground infrastructure removed, at the sole expense of the applicant prior to the issue of an Occupation Certificate.

Reason: To underground services in accordance with the St Leonards South Precinct Planning Scheme.

F.15.P - Lot Consolidation

All lots subject to this consent are to be consolidated into a single allotment prior to the issue of any Occupation Certificate.

Reason: To ensure the development occurs in accordance with the consent.

PART H - OCCUPATION AND ONGOING USE

H.1 - Release of securities / bonds (if required)

When Council receives an occupation certificate from the principal certifier, the applicant may lodge an application to release the securities. Council may use part, or all of the securities held to complete the works to its satisfaction if the works do not meet Council's requirements.

Reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction.

H.2 - Annual fire safety certificate

During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

Reason: To satisfy Council's Engineering requirements to ensure annual checks on fire safety measures.

H.3 - Location of mechanical ventilation

During occupation and ongoing use of the building, all subsequently installed noise generating mechanical ventilation system(s) or other plant and equipment that generates noise are in an appropriate location on the site (including a soundproofed area where necessary) to ensure the noise generated does not exceed 5dBa at the boundary adjacent to any habitable room of an adjoining residential premises.

Reason: To protect the residential amenity of neighbouring properties.

H.4 - Maintenance of wastewater and stormwater treatment device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant.

Reason: To satisfy Council's Engineering requirements. To protect sewerage and stormwater systems.

H.5.EH - 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: To satisfy Council's Engineering requirements and to ensure health and safety.

H.6.EH - 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: To satisfy Council's Engineering requirements. Statutory requirement and to ensure health and safety.

H.7 - Landscape Completion Report and Ongoing Maintenance

At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council and 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. The landscaping approved by this consent is to be maintained for the life of the development.

Reason: To ensure landscape maintenance and establishment has occurred and continues.

H.8 - Property Numbering

Prior to registration of any strata plan, submit to Council for approval a schedule of unit numbers against lot numbers.

Reason: To ensure the numbering system is in accordance with Australian Standard AS/NZS 4819:2011, and the NSW Address Policy and User Manual.

APPENDIX 1

Dictionary

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

Applicant means the applicant for development consent or any person having the benefit of the consent (including, but not limited to, the owner of the property from time to time).

Approved plans means the plans endorsed by Council and specified in Part A of this consent.

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

BCA means the Building Code of Australia published by the Australian Building Codes Board.

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

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018* and principal certifier means the certifier appointed as the principal certifier for the building work under section 6.6(1) of the EP&A Act.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation.

Council means Lane Cove Council.

Court means the NSW Land and Environment Court.

Emergency means an actual or imminent occurrence which endangers or threatens to endanger the safety or health of any person(s), property or the environment above the normal state of affairs.

EPA means the NSW Environment Protection Authority.

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

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2000*.

LG Act means the *Local Government Act 1993*.

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

Owner-builder means a person who does 'owner-builder work' as defined in section 29(1) of the *Home Building Act 1989* under an owner-builder permit issued to the person for that work.

Owner means the registered proprietor of the property from time to time.

Stage means either Stage 1 (Building/Area 9, 10 and 11 and associated landscaping public domain works) or Stage 2 (Building/Area 7 and 8 and associated landscaping and public domain works)