

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				
A0032	F	Site Plan	Koichi Takada Architects	16/12/2022
A0033	K	Demolition Plan	Koichi Takada Architects	07/10/2022
A0095	M	Basement 04 (River Road Ground)	Koichi Takada Architects	07/10/2022
A0096	N	Basement 03	Koichi Takada Architects	07/10/2022
A0097	N	Basement 02	Koichi Takada Architects	07/10/2022
A0098	N	Basement 01	Koichi Takada Architects	07/10/2022
A0099	M	Basement Mezzanine	Koichi Takada Architects	07/10/2022
A0100	S	Ground Floor Plan	Koichi Takada Architects	16/12/2022
A0101	S	Level 01 Floor Plan	Koichi Takada Architects	16/12/2022
A0102	P	Level 02 Floor Plan	Koichi Takada Architects	16/12/2022
A0103	O	Level 03 Floor Plan	Koichi Takada Architects	07/10/2022
A0104	P	Level 04 Floor Plan	Koichi Takada Architects	16/12/2022
A0105	P	Level 05 Floor Plan	Koichi Takada Architects	16/12/2022
A0106	P	Level 06 Floor Plan	Koichi Takada Architects	16/12/2022
A0107	P	Level 07 Floor Plan	Koichi Takada Architects	16/12/2022
A0108	P	Level 08 Floor Plan	Koichi Takada Architects	16/12/2022
A0109	P	Roof Plan	Koichi Takada Architects	16/12/2022
A0110	O	Roof Plan – Building B	Koichi Takada Architects	16/12/2022
A0200	H	Elevation North	Koichi Takada Architects	16/12/2022
A0201	H	Elevation East	Koichi Takada Architects	16/12/2022
A0202	I	Elevation South	Koichi Takada Architects	16/12/2022
A0203	H	Elevation West	Koichi Takada Architects	16/12/2022
A0204	H	Green Spine West Elevation	Koichi Takada Architects	16/12/2022
A0205	H	Green Spine East Elevation	Koichi Takada Architects	16/12/2022
A0206	F	Cross Site Link North Elevation	Koichi Takada Architects	16/12/2022
A0207	F	Cross Site Link South Elevation	Koichi Takada Architects	16/12/2022

Plan No	Revision	Plan Title	Drawn By	Dated
A0216	H	Elevation North Boundary Separation	Koichi Takada Architects	16/12/2022
A0300	K	Section 01	Koichi Takada Architects	16/12/2022
A0301	G	Section 02	Koichi Takada Architects	16/12/2022
A0302	I	Section 03	Koichi Takada Architects	16/12/2022
A0303	L	Section 04	Koichi Takada Architects	16/12/2022
A0304	G	Site Sections 01/02 With Context	Koichi Takada Architects	16/12/2022
A0460	H	Apt Type 1B_A Adaptable	Koichi Takada Architects	07/10/2022
A0461	H	Apt Type 2B_B Adaptable	Koichi Takada Architects	07/10/2022
A0464	H	Apt Type 2B_C Silver Level	Koichi Takada Architects	07/10/2022
A0500	D	Materials Sample Board	Koichi Takada Architects	07/10/2022
Landscape Plans				
LA-100	4	Site Context Plan	Aspect Studios	04/10/2022
LA-101	4	General Arrangement Plan Ground Plane – River Road	Aspect Studios	04/10/2022
LA-102	4	General Arrangement Plan Ground Plane – Green Spine	Aspect Studios	04/10/2022
LA-103	4	General Arrangement Plan Roof Terrace – Basement 01	Aspect Studios	04/10/2022
LA-104	4	General Arrangement Plan Roof Terrace – Level 01	Aspect Studios	04/10/2022
LA-105	4	General Arrangement Plan Roof Terrace – Level 02	Aspect Studios	04/10/2022
LA-106	4	General Arrangement Plan Roof Terrace – Level 03	Aspect Studios	04/10/2022
LA-107	4	General Arrangement Plan	Aspect Studios	04/10/2022

Plan No	Revision	Plan Title	Drawn By	Dated
		Roof Terrace – Level 05		
LA-108	4	General Arrangement Plan Roof Terrace – Level 06	Aspect Studios	04/10/2022
LA-109	4	General Arrangement Plan Roof Terrace – Level 07	Aspect Studios	04/10/2022
LA-110	4	General Arrangement Plan Roof Terrace – Level 08	Aspect Studios	04/10/2022
LA-111	4	General Arrangement Plan Roof Terrace – Level 09	Aspect Studios	04/10/2022
LA-201	5	Levels Plan Ground Plane – River Road 01	Aspect Studios	07/10/2022
LA-202	5	Levels Plan Ground Plane – River Road 02	Aspect Studios	07/10/2022
LA-203	5	Levels Plan Ground Plane – Green Spine 01	Aspect Studios	07/10/2022
LA-204	5	Levels Plan Ground Plane – Green Spine 02	Aspect Studios	07/10/2022
LA-205	5	Levels Plan Ground Plane – Green Spine 03	Aspect Studios	07/10/2022
LA-301	4	Planting Palette	Aspect Studios	04/10/2022
LA-302	4	Planting Zones Ground Plane - Overall	Aspect Studios	04/10/2022
LA-401	5	Landscape Diagram Tree Management	Aspect Studios	07/10/2022
LA-402	5	Landscape Diagram Deep Soil Zone	Aspect Studios	07/10/2022
LA-403	4	Landscape Diagram	Aspect Studios	04/10/2022
LA-404	4	Landscape Diagram	Aspect Studios	04/10/2022

Plan No	Revision	Plan Title	Drawn By	Dated
		Softscape & Hardscape Ratio		
LA-405	4	Landscape Diagram Irrigation Zone	Aspect Studios	04/10/2022
LA-406	4	Landscape Diagram Soil Volume	Aspect Studios	04/10/2022
LA-501	4	Landscape Sections Section A-A (Green Spine Section)	Aspect Studios	04/10/2022
LA-502	4	Landscape Sections Section B-B (Green Spine Section)	Aspect Studios	04/10/2022
LA-503	4	Landscape Sections Section C-C	Aspect Studios	04/10/2022
LA-504	4	Landscape Sections Section D-D & E-E	Aspect Studios	04/10/2022
LA-601	4	Typical Details Softscape Sheet 01	Aspect Studios	04/10/2022
LA-602	4	Typical Details Softscape Sheet 02	Aspect Studios	04/10/2022
LA-603	3	Typical Details Hardscape	Aspect Studios	04/10/2022
LA-701	3	Landscape Notes	Aspect Studios	04/10/2022
Civil Plans				
20535-RBC-XX-XX-DR-CV-81001	PO2	Erosion and Sediment Control Plan	Robert Bird Group	05-08-22
20535-RBC-XX-XX-DR-CV-81101	PO1	Erosion and Sediment Control Notes and Details	Robert Bird Group	13-04-22
20535-RBC-XX-XX-DR-CV-82001	PO1	Bulk Earthworks Plan	Robert Bird Group	13-04-22
20535-RBC-XX-	PO1	Civil Details	Robert Bird Group	13-04-22

Plan No	Revision	Plan Title	Drawn By	Dated
XX-DR- CV-83101				
20535- RBC-XX- XX-DR- CV-87001	PO1	Stormwater Management Plan	Robert Bird Group	13-04-22
20535- RBC-XX- XX-DR- CV-87101	PO1	Stormwater Details	Robert Bird Group	13-04-22
20535- RBC-XX- XX-DR- CV-87201	PO1	On-Site Detention Tank Plan	Robert Bird Group	13-04-22
20535- RBC-XX- XX-DR- CV-87401	PO1	Stormwater Catchment Plan	Robert Bird Group	13-04-22

Document Title	Ref./Version No.	Prepared By	Dated
Accessibility Review Report – DA Review	21488_ADR_v1.2	ABE Consulting	6 October 2022
DA Acoustic Report	ID:11967 R01v3	PKA Acoustic Consulting	10 August 2022
Aboriginal Impact Assessment & Tree Protection Specification	L&Co2021021 v.1.2	L&Co Consultancy	10 May 2022
Additional Arborist Advice and Attachment	L&Co2021021_ Eastern Quarter St Leonards: Trees within 5m of the boundary L&Co2021021_ TLP within 5m.jpg; Plates.png	L&Co Consultancy	22 September 2022
Building Code of Australia Preliminary Issues Report	200459 Revision 2	CityPlan	10 May 2022
Quantity Surveying	2022-L1 Issue B	Quantex Consulting	29 April 2022

Preliminary Cost Report			
Geotechnical Investigation	33629Brpt	JK Geotechnics	28 January 2022
Preliminary Groundwater Level Investigation	1901011Ltr01 FinalV02	Geo-Logix	7 March 2019
Draft 88B Instrument	Sheets 1 & 2 of 2 and 42520 011DP	LTS Lockley	03-05-2022
ESD Report	210498 Rev P2	JHA Services	01/10/22
Preliminary Public Art Strategy	P3105	UAP	May 2022
Stormwater Management Report	P01	Robert Bird Group	11 April 2022
Traffic, Parking and Access Study	SCT_00209 Revision 3.0	SCT Consulting	9 May 2022
Site Waste Minimisation Plan	-	Waste Audit	April 2022
Operational Waste Management Plan	-	Waste Audit	May 2022
Preliminary (Stage 1) Site Investigation	E33629BTcpt	JK Environments	31 January 2022
Response to Council's Preliminary Assessment of DA60/2022	R.001.Rev0	Douglas Partners	23 August 2022
Landscape Design Report	RevD	Aspect Studios	07.10.2022
DA Design Report	Version 2.0	Koichi Takada Architects	20 January 2023
Aboriginal Heritage Due Diligence	Version 1.1	RPS	14 September 2022

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 - 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 (10 inspection (10x\$205))	\$2,050
Infrastructure damage bond	\$19,000.00
Civil reconstruction work	
Kerb/gutter work	\$64,000.00
Footpath work	\$30,000.00
Turfing work	\$11,000.00
Shared footpath	\$35,000.00
Road resealing	\$207,000.00
Positive Covenant Bond for all OSD Systems (if applicable)	\$1,000.00
Council owned trees	\$30,000.00

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.3 - 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 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.4 - 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.

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - St Leonards and Crows Nest) Determination 2020 (as in force when this development consent takes effect).

A person may not apply for a construction certificate or occupation certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution.

More information A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online-service/>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

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 in respect of the proposed through site link dedication only. 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 of section 7.11 contributions

For developments with an estimated cost of more than \$10 million:

- 1) Before the issue of the first construction certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (2) must be paid.
- 2) The applicant must pay the following contributions to Council. The Section 7.11 Contribution is calculated as the follows:

Type	Cost per Unit	Number of Units	Total
Studio/1 bedroom	\$22,012.85	74	\$1,628,950.90
2 bedrooms	\$31,447.85	110	\$3,459,263.50
3 + bedrooms	\$48,745.37	46	\$2,242,284.02
Total:			\$7,330,501.42

Total credits: 16 x 3-bedroom houses = 16 x \$48,745.37 = (\$779,925.92)

\$7,330,501.42 – \$779,925.92 = **\$6,550,575.50**

As at the date of this consent, the total contribution payable to Council under this condition is **\$6,550,575.50** in accordance with St Leonards South Precinct Section 7.11 Development Contributions Plan.

The final total amount payable will be calculated at the time the payment is made, in accordance with the provisions of the St Leonards South Precinct Section 7.11 Development Contributions Plan.

A copy of the development contributions plan is available for inspection on the Lane Cove Council's website.

Payment method: Payment by means of electronic funds transfer, of cleared funds into a bank account nominated by the Council with a remittance receipt provided to Council.

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

A.5 - Tree preservation and approved landscaping works

Lane Cove local government area in accordance with State Environmental Planning policy (Biodiversity and Conservation) 2021.

Chapter 2, Part 2.2, section 2.6 of this Sepp states:

"A person must not clear vegetation in a non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part "Clearing of vegetation includes "a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation." Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW).

The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

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	Location	Dimension (metres)
4	Melaleuca quinquenervia	Berry Rd Council Verge	15 x 7
9	Jacaranda mimosifolia	Berry Rd Reserve	12 x 7
10	Callistemon viminalis	Berry Rd Reserve	3 x 2
11	Callistemon viminalis	Berry Rd Reserve	6 x 4
12	Corymbia citriodora	Berry Rd Reserve	18 x 6
13	Grevillea robusta	Berry Rd Reserve	20 x 4
14	Syncarpia glomulifera	Berry Rd Reserve	12 x 4
15	Syncarpia glomulifera	Berry Rd Reserve	12 x 4
16	Syncarpia glomulifera	Berry Rd Reserve	12 x 4
17	Syncarpia glomulifera	Berry Rd Reserve	12 x 4

18	<i>Celtis australis</i>	Berry Rd Reserve	7 x 4
25	<i>Eucalyptus botryoides</i>	Berry Rd Reserve	7 x 5
26	<i>Casuarina cunninghamiana</i>	Berry Rd Reserve	12 x 6
33	<i>Tristaniopsis laurina</i>	River Rd	5 x 3
34	<i>Tristaniopsis laurina</i>	River Rd	6 x 4
36	<i>Lophostemon confertus</i>	Holdsworth Avenue	12 x 8
37	<i>Lophostemon confertus</i>	Holdsworth Avenue	8 x 6
38	<i>Lophostemon confertus</i>	Holdsworth Avenue	12 x 6
39	<i>Callistemon viminalis</i>	Holdsworth Avenue	4 x 2
56	<i>Glochideon ferdinandi</i>	Council land End of Holdsworth avenue	8 x 4
57	<i>Citharexylum spinosum</i>	Council land end of holdsworth avenue	9 x 5
132	<i>Pittosporum tenuifolium</i> (group)	20 Berry Rd	-
133	<i>Lophostemon confertus</i>	Holdsworth Ave Street Tree	-
Total			23

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

Tree No.	Species	Location	Dimension (metres)
1	<i>Callistemon viminalis</i>	Council verge Berry Rd	6 x 4
2	<i>Podocarpus elatus</i>	Council verge Berry Rd	4 x 3
3	<i>Callistemon viminalis</i>	Council verge Berry Rd	4 x 4
5	<i>Podocarpus elatus</i>	Council verge Berry Rd	14 x 5
6	<i>Magnolia denudata</i>	28 Berry Rd	7 x 5
7	<i>Podocarpus elatus</i>	Council verge Berry Rd	14 x 5
8	<i>Lagerstroemia indica</i>	32 Berry Rd	8 x 4
19	<i>Pittosporum undulatum</i>	Berry Rd reserve	4 x 1
20	<i>Pittosporum undulatum</i>	34 Berry Rd	4 x 1
21	<i>Melaleuca quinquenervia</i>	34 Berry Rd	11 x 2
22	<i>Syncarpia glomulifera</i>	34 Berry Rd	8 x 3
23	<i>Eucalyptus pilularis</i>	Berry Rd Reserve	9 x 5
24	<i>Corymbia maculata</i>	Berry Rd Reserve	9 x 2
27	<i>Olea europea var cuspidata</i>	34 Berry Rd	8 x 6
28	<i>Cupressus macrocarpa</i>	34 Berry Rd	14 x 4
29	<i>Cupressus cashmeriana</i>	34 Berry Rd	9 x 4
30	<i>Ulmus parvifolia</i>	34 Berry Rd	18 x 9
31	<i>Cupressus cashmeriana</i>	34 Berry Rd	15 x 5

32	<i>Cupressus spp</i>	34 Berry Rd	3 x 1
35	<i>Lophostemon confertus</i>	Holdsworth Ave Council verge	9 x 6
40	<i>Pittosporum undulatum</i>	21 Holdsworth Ave	7 x 3
41	<i>Camellia sasanqua</i>	23 Holdsworth Ave	4 x 2
42	<i>Syncarpia glomulifera</i>	23 Holdsworth Ave	12 x 9
44	<i>Angophora costata</i>	23 Holdsworth Ave	5 x 1
45	<i>Callistemon viminalis</i>	25 Holdsworth Ave	4 x 2
46	<i>Mangifera indica</i>	25 Holdsworth Ave	4 x 3
47	<i>Murraya paniculata</i>	25 Holdsworth Ave	5 x 2
48	<i>Cupressocyparis x leylandii</i>	25 Holdsworth Ave	4 x 3
49	<i>Eriobotrya japonica</i>	25 Holdsworth Ave	8 x 4
50	<i>Dead tree</i>	25 Holdsworth Ave	-
51	<i>Jacaranda mimosifolia</i>	27 Holdsworth Ave	11 x 7
52	<i>Magnolia grandiflora</i>	27 Holdsworth Ave	5 x 3
53	<i>Murraya paniculata</i>	27 Holdsworth Ave	5 x 2
54	<i>Camellia sasanqua</i>	27 Holdsworth Ave	3 x 2
55	<i>Magnolia denudata</i>	Infront of 31 Holdsworth Ave	4 x 3
58	<i>Elaeocarpus reticulatus</i>	24 Berry St	9 x 3
59	<i>Camellia sasanqua</i>	24 Berry Rd	5 x 4
60	<i>Grevillea Moonlight</i>	24 Berry Rd	4 x 3
61	<i>Pittosporum laeviegatum</i>	24 Berry Rd	3 x 2
62	<i>Camellia sasanqua</i>	26 Berry Rd	5 x 3
63	<i>Metrosideous excelsa</i>	24 berry Rd	4 x 2
64	<i>Dicksonia spp</i>	26 Berry Rd	6 x 2
65	<i>Syagrus romanzoffianum</i>	24 Berry Rd	11 x 4
66	<i>Syagrus romanzoffianum</i>	24 Berry Rd	11 x 4
67	<i>Syzygium leuhmanii</i>	24 Berry Rd	10 x 4
68	<i>Cratageus monogina</i>	24 Berry Rd	5 x 4
69	<i>Olea europea subsp. cuspidata</i>	26 Berry Rd	11 x 5
70	<i>Pittosporum undulatum</i>	26 Berry Rd	7 x 4
71	<i>Citrus spp</i>	26 Berry Rd	4 x 2
72	<i>Cratageus monogina</i>	26 Berry Rd	5 x 4
73	<i>Cupressus sempervirens</i>	26 Berry Rd	5 x 1
74	<i>Archontophoenix cunninghamiana</i>	27 Holdsworth Ave	8 x 3
75	<i>Cupressocyparis x leylandii</i>	27 Holdsworth Ave	8 x 4
76	<i>Camellia sasanqua</i>	30 Berry Rd	4 x 2
77	<i>Quercus robur</i>	32 Berry Rd	22 x 9
78	<i>Ligustrum sinense</i>	32 Berry Rd	5 x 3
79	<i>Archontophoenix cunninghamiana</i>	32 Berry Rd	4 x 2
80	<i>Celtis australis</i>	32 Berry Rd	4 x 3

81	<i>Plumeria acutifolia</i>	30 Berry Rd	4 x 3
82	<i>Corymbia maculata</i>	34 Berry Rd	16 x 7
83	<i>Corymbia maculata</i>	34 Berry Rd	10 x 5
84	<i>Araucaria columnaris</i>	30 Berry Rd	15 x 4
85	<i>Araucaria columnaris</i>	30 Berry Rd	15 x 4
86	<i>Ligustrum lucidum</i>	30 Berry Rd	4 x 3
87	<i>Metrosiderous excelsa</i>	30 Berry Rd	5 x 3
88	<i>Camellia sasanqua</i>	31 Holdsworth Ave	4 x 3
89	<i>Glochideon ferdinandi</i>	30 Berry Rd	4 x 3
90	<i>Jacaranda mimosifolia</i>	34 Berry Rd	11 x 4
91	<i>Rhododendron arboreum</i>	46 River Rd	5 x 2
92	<i>Cupressus macrocarpa</i>	44 River Rd	12 x 4
93	<i>Ulmus parvifolia</i>	44 River Rd	8 x 3
94	<i>Cinnamomum camphora</i>	44 River Rd	4 x 2
95	<i>Cupressus cashmeriana</i>	44 River Rd	6 x 2
96	<i>Cupressus macrocarpa</i>	44 River Rd	7 x 4
97	<i>Camellia sasanqua</i>	44 River Rd	4 x 3
98	<i>Celtis australis</i>	44 River Rd	12 x 5
99	<i>Liquidambar styraciflua</i>	44 River Rd	16 x 8
100	<i>Rhododendron arboreum</i>	44 River Rd	5 x 2
101	<i>Glochideon ferdinandi</i>	44 River Rd	4 x 3
102	<i>Glochideon ferdinandi</i>	42 River Rd	12 x 6
103	<i>Celtis australis</i>	42 River Rd	6 x 4
104	<i>Murraya paniculata</i>	42 River Rd	5 x 3
105	<i>Camellia sasanqua</i>	42 River Rd	5 x 3
106	<i>Phoenix canariensis</i>	42 River Rd	11 x 3
107	<i>Schefflera actinophylla</i>	42 River Rd	10 x 4
108	<i>Celtis australis</i>	42 River Rd	4 x 3
109	<i>Pittosporum tenuifolium</i>	42 River Rd	11 x 4
110	<i>Celtis australis</i>	42 River Rd	12 x 4
111	<i>Cinnamomum camphora</i>	42 River Rd	14 x 6
112	<i>Phoenix canariensis</i>	21 Holdsworth Ave	11 x 4
113	<i>Ligustrum lucidum</i>	21 Holdsworth Ave	11 x 4
114	<i>Ligustrum lucidum</i>	21 Holdsworth Ave	4 x 3
115	<i>Camellia sasanqua</i>	21 Holdsworth Ave	4 x 2
116	<i>Ligustrum lucidum</i>	21 Holdsworth Ave	4 x 3
117	<i>Pittosporum tenuifolia</i>	21 Holdsworth Ave	5 x 3
118	<i>Cinnamomum camphora</i>	21 Holdsworth Ave	6 x 3
119	<i>Lagerstroemia indica</i>	21 Holdsworth Ave	7 x 4
120	<i>Lagerstroemia indica</i>	21 Holdsworth Ave	7 x 4
121	<i>Magnolia grandiflora</i>	21 Holdsworth Ave	11 x 4
122	<i>Magnolia grandiflora</i>	22 Berry Rd	7 x 4
123	<i>Persea americana</i>	22 Berry Rd	7 x 4
124	<i>Camellia sasanqua</i>	22 Berry Rd	6 x 4
125	<i>Camellia sasanqua</i>	22 Berry Rd	6 x 4
126	<i>Cyathea australis</i>	22 Berry Rd	7 x 1
127	<i>Magnolia denuata</i>	22 Berry Rd	6 x 3

128	<i>Cyathea australis</i>	22 Berry Rd	7 x 2
129	<i>Michelia figo</i>	Council verge 22 Berry	3 x 2
130	<i>Michelia figo</i>	Council verge 22 Berry	3 x 2
131	<i>Podocarpus elatus</i>	Council Verge 20 Berry Rd	4 x 3
Total			109
Please note tree #43 was marked as previously removed			

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

Tree No.	Species	Location	Permitted works in TPZ
4	<i>Melaleuca quinquenervia</i>	Berry Rd	Demolition of existing structures, excavation, and construction of new structures
26	<i>Casuarina cunninghamiana</i>	Berry Rd Reserve	Demolition of existing structures, excavation, and construction of new structures
36	<i>Lophostemon Confertus</i>	Holdsworth Avenue	Demolition of existing structures, excavation, and construction of new structures
37	<i>Lophostemon confertus</i>	Holdsworth Avenue	Demolition of existing structures, excavation, and construction of new structures
38	<i>Lophostemon confertus</i>	Holdsworth Avenue	Demolition of existing structures, excavation, and construction of new structures

Tree removal may only occur upon issue of a Construction Certificate

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

A.6 – Prepurchase of Replacement Trees

The applicant is to provide receipt of pre purchased trees from a registered nursery that will attain the prescribed height of replacement trees as part of this consent. The receipt is to be provided to Council's Landscape and Tree department **prior to the issue of a construction certificate**. Purchased trees are to be grown in accordance with specifications outlined within AS2303:2018 *Tree Stock for Landscape Use*.

Reason: To ensure replacement trees are at appropriate size upon completion of the development.

A.7 – 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 paths (i.e. 2.5m), landscaping and kerb and gutter to Council specifications to River Road, Holdsworth Avenue and Berry Street adjoining the frontage of the site.
2. 6m wide pedestrian link to Council specification, dedicated to Council, connecting Holdsworth Avenue and Berry Street (through the subject site) to be in accordance with the draft Section 88B instrument. There is to be no building including any ground level terrace encroachments into this dedicated link area. The associated pathway is to be located entirely within the 6m wide dedicated area. Amended plans are to be submitted prior to the issue of the construction certificate to ensure that this outcome is achieved.
3. Reinstatement of all public infrastructure damages identified in dilapidation report for public infrastructure required to be retained.
4. Street tree planting and structural root cell to Council specification along River Road, Holdsworth Avenue and Berry Street frontage of the site.
5. 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
6. 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.8 Works on Council land

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

Reason: To manage impacts to Council's assets.

A.9 - Drainage plans amendments

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. This DA requires OSD. The detailed design for this proposed system is required
2. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
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, basement or as it is necessary and connected to proposed drainage system
6. One silt arrester pit mesh (RH3030) and sump(200mm) is required within the site, at start of the discharge pipe to Council 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 used. The details of design level difference shall be shown in plan.
8. The stormwater connection pipe from fence line to pit shall be designed for gravity discharge only and no charged pipe line allowed.
9. A gross pollutant trap (GPT) suitable for this site needs to be designed and shown in the plan. The details of this GPT shall be shown in stormwater plan. A suitable 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. Step iron bars are required at all grated access points if depth is in excess of 1.2m.
12. The detailed cross section of the OSD is required, showing levels, sizes, depths and widths.
13. Overflow from the OSD shall not re-enter the basement 4 and must be directed to an acceptable stormwater system if outlet pipe(150mm) from OSD outlet chamber is blocked.

14. To facilitate cleaning of the OSD tank it is to have a minimum of two 600x600mm access grates. Additional grates are to be provided if the distance between access grates exceeds 10m.
15. The proposed basement shall be constructed with water-proof walls around the basement since it is within flood zone
16. Construction of drainage system associated with swimming pool satisfy relevant Australian standards.

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 - 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 – 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 relevant 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 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.
7. 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.
8. If the site has storage cages they should be made of solid materials that can't be cut open and should be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.

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. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could when mature, serve as screens or barriers to impede views.

14. The boundaries of the site is to be clearly identified to deter unauthorised persons from entering the site.

15. "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.

16. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.

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

A.12 – Lot Consolidation and Subdivision

Subdivision as per the updated plan of subdivision approved by this consent subject to this consent is to be registered prior to the issue of any Occupation Certificate.

88B Instrument: An instrument under 88B of the Conveyancing Act 1919 plus two copies is to be submitted to Council prior to the release of subdivision certificate. The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies.

Where Council, interallotment drainage lines or services are located within the development, drainage easements and easements for services shall be created in accordance with Council's minimum widths as set out in Council's DCP-Stormwater Management.

Part 2 of the 88B instrument shall contain a provision that any easements, rights of way, covenants shall not be extinguished or altered without the written consent of Council.

Linen Plan of Subdivision: A Linen Plan of Subdivision plus five copies are to be submitted to Council prior to the release of subdivision certificate.

The linen plan of subdivision shall be suitable for endorsement by the general manager pursuant to Section 327 of the local government act and shall properly reflect the requirements

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

Reason: To ensure the subdivision provides for orderly development.

A.13 – 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".

Prior to the issue of any occupation certificate, a 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, granting shared access within the communal open space area.

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" 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 – Compliance with Planning Agreement

The developer must comply with the requirements of the planning agreement entered into with the Council pursuant to condition **A.4** by the time or times specified in the agreement.

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

A.15 – Compliance with Water NSW Requirements

Compliance with the General Terms of Approval provided by Water NSW dated 10 August 2022 as relevant.

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

A.16 – Cladding

No external combustible cladding is permitted on the building.

Reason: To ensure fire safety

A.17 – Compliance with Ausgrid Requirements

Compliance with the following Ausgrid requirements are relevant as follows:

The design submission must comply with relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice for construction works near existing electrical assets. The “as constructed” minimum clearances to Ausgrid’s infrastructure must not be encroached by the building development. It also remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Ausgrid’s Network Standards can be sourced from Ausgrid’s website, www.ausgrid.com.au. Should you have any enquiries, please contact Ausgrid at Development@ausgrid.com.au

Reason: To ensure that the proposal within the proximity of existing electrical networks assets are protected and maintained.

A.18 – Compliance with Aboriginal Heritage Office Requirements

Compliance with the following Aboriginal Heritage Office requirements are relevant as follows:

The following recommendations are provided based on the recognition of the legal requirements and automatic statutory protection provided to Aboriginal ‘objects’ and ‘places’ under the terms of the National Parks and Wildlife Act of 1974, and as outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales 2010.

Recommendation 1: Aboriginal cultural heritage induction Prior to works commencing, it is recommended that an induction is presented to ensure that all construction personnel and subcontractors involved in the proposed work are aware of their obligations under the National Parks and Wildlife Act (NSW) 1974 (‘the NPW Act’).

Recommendation 2: Unexpected finds procedure, Aboriginal object/s If suspected Aboriginal objects are identified during works, the following procedures must be followed:

- Immediately cease all activity at the location and notify the site manager.
- Do not move or handle the object. Secure the area where the find is located.
- Contact a suitably qualified archaeologist experienced in the assessment and management of Aboriginal Cultural Heritage to assess the find.

- If the consultant confirms the find is an Aboriginal object, notify the Heritage NSW pursuant to s89A of the NPW Act and Metropolitan Local Aboriginal Land Council.
- If the consultant determines the find is not an Aboriginal object, the consultant will provide written advice to the client that works may re-commence and proceed with caution. If any human remains are discovered, you must cease work immediately and:
- Not further disturb or move the remains
- Notify NSW Police
- Notify Heritage NSW Environment Line on 131 555 as soon as practicable and provide available details of the remains and their location
- Not recommence any work at the location unless authorised in writing by Heritage NSW. If human remains unexpectedly encountered are believed to be Aboriginal, the Metropolitan Aboriginal Land Council must be notified immediately.

Recommendation 3: Record keeping. The prepared due diligence assessment must be kept by CIFI St Leonards Development Management Pty Ltd so that it can be presented, if needed, as a defence from prosecution under Section 86(2) of the National Parks and Wildlife Act 1974.

A.19 River Road Frontage: The River Road front setback shall be redesigned to include the required 1 metre planting strip within the subject property, north of the shared user path and a retaining wall of not more than 1.2 metres in height in compliance with DCP Part C – Localities and the Landscape Master Plan.

The level area in front of the building must incorporate 4 x planting areas with a dimension of not less than 4 metres to support the growth of 4 x medium- large trees subject to approval by Council's Landscape Architect and Tree Officer.

Reason: To provide a buffer between the shared user path and the retaining wall.

A.20 Accessible path from River Road

The accessible pathway is to be made of exposed aggregate concrete or unit pavers to provide unencumbered room for root growth for the proposed trees in the front setback.

Reason: To further provide areas of soil that will not conflict with tree roots.

A.21 Rainwater capture and re-use

The civil documentation package shall contain detailed design showing the collection and storage of rainwater for use in irrigation of all garden beds.

Reason: To help minimise the required use of water for the development.

PART B – PRIOR TO DEMOLITION WORKS

B.1 Compliance with demolition standard

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

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

B.2 - 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 a 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.3 - 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.4 - 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.5 - 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.6 - 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 - 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. Compliance certificates must be available upon request, submitted to the Principal Certifier within five days of site attendance and must be available to council immediately upon request **prior to the issue of an occupation certificate.**

The project Arborist shall:

- Certify all tree protection measures listed within Part B prior to demolition works
- Clearly identify and tag trees which are to be removed and which trees are to be retained as part of this consent
- Provide quarterly health and condition assessments on protected trees
- Statement upon completion for the development that all retained trees have been maintained in a healthy, viable condition and replacement planting has been undertaken. The statement must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

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

B.8 - Tree Protection Measures Fencing

The following tree protection measures must be in place prior to demolition works and certified by the project arborist.

Tree Protection Fencing must be installed within the following locations:

1. Along the area marked within the Tree Protection Plan encompassing all street trees to be retained as part of this consent

The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 3 on page 16 of the Australian Standard 4970-2009 *The Protection of Trees on Development*. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed. A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or

relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

Such fencing and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work

Movement of Tree Protection Fencing must be overseen and approved by the project Arborist with notification provided to Council's Tree Management Officer in writing.

Reason: To protect the natural environment

B.9 – Site Specific Tree Protection Plan and Construction Management Plan

A site-specific Tree Protection Plan, prepared by the Project Arborist is to be developed alongside a Construction Management Plan detailing Tree Protection Methods in accordance with the Australian Standard 4970-2009 where proposed construction activities will affect the longevity of retained trees. This includes the demolition of existing structures, excavation, assembly of crane platforms, delivery storage and movement of site materials and location of site sheds. The tree protection plan is to show the location of and ensure all retained Street trees are adequately protected using fencing described within section B14. The Tree Protection plan and Construction Management Plan must be sent to Councils Tree and Landscape department prior to issue of Construction Certificate.

Reason: To ensure the protection of retained trees.

B.10 - Pre-Construction Dilapidation report: Trees to be Retained

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.

(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).

Reason: To identify damage to existing trees retained resulting from building work on the development site

B.11 Tree protection measures

Before the commencement of any site or building work (including demolition), the principal certifier must ensure the measures for tree protection detailed in the Arborist Report and construction site management plan are in place. Certification must be supplied to Council in writing for our records.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

Reason: To protect and retain 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 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
- details of construction traffic management, 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 2010 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, if applicable) and trees in adjoining public domain (if applicable)
- For major works, 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
- prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.
- 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*".
3. Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

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. Where sites adjoin bushland:
 - For sites identified to be within bushfire prone land An Asset Protection Zone (APZ) shall be provided entirely within the site boundary. To protect bushland and property from fire risk, APZ standards are to be in accordance with Planning for Bushfire Protection (PBP) 2019.

- Access to the site from adjacent parks/reserves/bushland for the purposes of carrying out building works, landscaping works, storage materials, storage of soil or rubbish is not permitted.

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

C.2 - 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.3 - 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 the relevant ELECTRICITY SUPPLY AUTHORITY demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) a response from the relevant WATER AUTHORITY as to whether the plans proposed to accompany the application for a construction certificate would affect any relevant WATER AUTHORITY infrastructure, and whether further requirements need to be met.
- c) other relevant utilities or services - 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.

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

C.4 - 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, public roads 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.

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

C.5 - 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*.

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

C.6 - 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.7 - 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. Car share spaces and car wash spaces to be sign posted and adequately line marked.
7. 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.
8. 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.
9. All residential dwellings are to be provisioned with cabling (and adequate electricity capacity provided) for electrical vehicle (EV) charging for a minimum of one car parking space. A minimum of five EV chargers are to be provided to the communal/visitor parking areas and available to occupants. Certification is to be provided to the certifier prior to the issue of the relevant 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).
10. Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
11. **Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an "**Application for Standing Plant Permit**" shall be made to Council. Applications shall be submitted and approved prior to the start of any related works.
Note: allow 4 working days for approval.

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

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

Reason: To comply with Council car parking requirements.

C.8- 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 1 of Part R: Traffic, Transport, and Planning of the LCDCP 2009 for residential flat building developments.

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.
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.9 – 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.10 - 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.11 - 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.12 - Contaminated land

Prior to issuing the relevant construction certificate for the development, a detailed site contamination investigation must be undertaken by an independent appropriately qualified environmental consultant in order to provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site. The detailed site contamination investigation must be undertaken in accordance with relevant NSW Environment Protection Authority guidelines. **The recommendation/s of the detailed site contamination is to be implemented prior to construction.**

Reason: To ensure health and safety.

C.13 - 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 - 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 - 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 must be provided on each residential floor of the building with the chute service opening with a separate door as a minimum.
- 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 - Compliance with acoustic report

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the Noise Impact Assessment prepared (see condition A.1 for details). The Report is to include details of the specified AC plant and any other plant equipment.

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

C.17 - 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 BCA/Australian Standards and adaptable housing unit provisions.

Reason: To ensure equitable access.

C.18 - 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;
- basement structure

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

Reason: To ensure structural adequacy.

C.19 - Construction methodology report

Where there are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations, a suitably qualified engineer must prepare a Construction Methodology Report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure.

The report must:

- be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate;
- include a geotechnical report to determine the design parameters appropriate to the specific development and site;
- include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

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

Reason: To protect neighbouring buildings.

C.20 - 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.21 - 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 the relevant 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 public art consultant's and/or artist's consideration of:
 - Public accessibility and viewability of artwork location at street level;
 - 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 - 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.23 - 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 must be as shown in the architectural drawing.
- 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 Construction

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

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

C.24 - 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.

C.25 - Fire Hydrant Enclosure

Prior to the issue of a Construction Certificate for works above Ground/Podium slab level, the Certifying Authority is to be provided with plans indicating that all fire hydrant and sprinkler booster valves and the like are enclosed in a manner that compliments the building and in accordance with the requirements of EP1.3 & EP1.4 of the BCA.

Reason: To ensure essential services are appropriately screened.

C.26 - Design of Retaining Structures: All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate.**

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

C.27 - Design of Pool Structure: The proposed concrete pool is to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate.**

Reason: To ensure structural stability and the proposed design is in accordance and comply with Australian Standard

C.28 - Overland Flow, Pool Damage: Council accepts no liability for any damage to the pool as a result of overland flows or high tide inundation. The property owner shall submit written acceptance of liability of any damages **prior to the issue of the relevant Construction Certificate.**

Reason: To ensure Council accepted stormwater management around the pool

C.29 - Pool Construction: The pool design shall ensure that either during construction or upon completion, surface water is not be directed or diverted so as to have an adverse impact upon adjoining properties.

Council accepts no liability for any damage to the pool as a result of overland flows or high tide inundation. The property owner shall submit written acceptance of liability of any damages **prior to the issue of the relevant Construction Certificate**.

Reason: To ensure Council accepted stormwater management around the pool

C.30 - Pool Construction Stormwater: The stormwater runoff from the new impervious areas surrounding the pool shall be connected to the proposed drainage system in accordance with the requirements of Lane Cove Council's DCP Stormwater Management.

Reason: To ensure Council accepted stormwater management around the pool

C.31 – Landscape Checklist: The Development Application Landscape checklist has been completed incorrectly and as a result the following information is missing and needs to be as part of the Construction Certificate landscape design package:

#9. Planting plan: with lawn areas, all new plantings, plant schedule showing species, container size and size at maturity soil types, soil additives and mulches to be used.

#14 Raised planter boxes are to be fully detailed including height, depth of soil, soil composition, waterproofing, and construction methods and materials as per Lane Cove Council's DCP Part J Landscaping.

#16 Communal Open Space clearly outlined with calculations in accordance with DCP part J – Landscaping, Part B – Residential Development, and the Apartment Design Guide.

Reason: To ensure that Council's Landscape checklist is correctly and fully completed to the satisfaction of Council.

C.32 – Tree Replacement:

The amended plans must satisfy Councils 1:1 tree replacement ratio as per Part J - Landscaping. A compliance table shall be prepared by the project landscape architect and submitted to Council's landscape architect for approval prior to the issue of the relevant Construction Certificate.

Reason: To ensure adequate future tree canopy cover onsite and to facilitate Councils commitment to no net canopy loss across the LGA in response to the Climate Emergency declared by Council in 2019.

C.33 - Landscaping requirements

The Construction Certificate landscape documentation shall detail:

- a) 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.
- a) Minimum tree canopy coverage (50% of green spine) as outlined in the LMP
- b) Canopy trees in the front setback shall be a minimum 4m at the time of planting.
- c) Where planting on structures is proposed, compliance with the provision requirement under Clause 1.6 and requirements for planting on structures under Clause 1.10 of Part J Landscaping of Lane Cove DCP 2010.
- d) For development to which the Apartment Design Guide Applies, compliance with the minimum soil standards for plant types and sizes under the ADG.
- e) The proposed irrigation system.
- f) Where communal open space and rooftop communal open space areas are proposed:
 - Details of services and facilities including any awnings, toilet facilities, Barbeque facilities, power points, water and sink, lift access, provision of shade both natural and mechanical

- Provision of on structure, raised plating beds in accordance with the controls in Part 4P of the ADG and Section 1.10 of Lane Cove Council's DCP

Reason: To maintain and increase the amount of tree canopy cover in Lane Cove in response to Climate Change Emergency declared in 2019.

C.34 Works within structural root zones of existing trees

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 by the Project Arborist with an AQF5 qualification and then shall be submitted to Council's Senior Tree Assessment Officer for approval

Reason: To ensure that no damage occurs to the root system of trees to be retained thus ensuring their ongoing health and vigour

C.35 Plant supply – quality assurance

All trees planted on site shall conform to Australian Standard AS 2303-2018 Tree Stock for Landscape Use. All other plants shall conform to NATSPEC specifications and be free from disease or defects and be in a healthy condition.

Reason: To ensure that all plants are grown to industry best-practice standards.

C.36 Plant supply – low water use plants

The majority of trees and shrubs should be endemic to Lane Cove Council selected from Appendix 1 of Part J – Landscaping and should be low water-use plants where applicable.

Reason: To help minimise the required use of water for the development.

C.37 Tree Planting

River Road Street Frontage

The River Road 10M building setback must contain 4 x medium - large trees selected from the Landscape Master Plan with a dimension of at least 4m as an acceptable variation to the ADG requirement of 6m. All trees are to be a minimum height of 4 metres above finished ground levels at the time of planting and therefor covered by Council's Tree Preservation Policy.

All other supplied trees are to be a minimum pot size of at least 75 litres and must comply with AS 2303:2018.

All tree stock is to be inspected by Council's Tree Officer upon arrival on site and refusal of stock provided is at the sole discretion of Council Staff.

Reason: To satisfy Part J- Landscaping Section 1.4 Objective 2 which states: *The proposed landscape treatment should assist in ensuring that the development is not visually intrusive by providing visual softening of buildings, driveways and car parking areas.*

C.38 Tree Planting species selection

Due to the omission of critical information at the DA stage in the form of a plant schedule as required by the Development Application Landscape checklist, all tree species will be reviewed by Council upon receipt of the Construction Certificate where plant substitutions may be required.

C.39 - Location of existing utilities and services

Before the issue of the relevant construction certificate, the applicant must submit the following written evidence of service provider location of assets and ensure that the relevant utility and service provider has confirmed the location of their asset and has provided written approval for the works.

- g) a letter of consent from all utility and service providers to the site demonstrating that satisfactory investigative research has been undertaken by the Applicant to the approval of each provider.

- h) 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.
- i) other relevant utilities or services - 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.

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

C.40 - Landscape Calculation Plan

The Landscape Calculation Plans and Deep Soil Plans are to be updated to reflect the requested design amendments. The Landscape calculation and deep soil plans should comprise of a site plan clearly showing percentage landscape area and deep soil planting as hatching/shading; and a table showing the % of each calculation as well as the overall site clearly labelled. These drawings are to be submitted to Councils Landscape Architect for assessment **prior to issue of relevant construction certificate**. Only areas that meet the following definition are to be counted:

*“area of soil within a development that are **unimpeded by buildings or structures above and below ground** and have a **minimum dimension of 6m**. Deep soil zones exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas”*

Note: Council will not accept landscape calculation plans drawn by the Architect.

Reason: To assess the true extent of deep soil on the property.

C.41 - Planting of garden beds

All garden beds shall be planted out with enough plant quantities and spacing to ensure that no areas of bare mulch remain visible following the typical 12-month landscape establishment period. Where screen planting is required throughout the development, plants must have a height of 2 m at planting.

Reason: For suppression of weeds and to fulfil the Landscape Design Intent

C.42 - Rooftop planting on structure:

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

The raised, on structure garden beds are to be individually designed and documented at the construction certificate stage with soil volume calculations confirming compliance with the following “planting on structures” controls:

- ADG 4P Planting on Structures
- DCP Part J – Section 1.10 Planting on Structures

Reason: To ensure that rooftop planting is installed as specified with adequate soil volume and profile

C.43 - Soil Volume Calculations

As a large amount of proposed tree canopy planting is to occur over podium in the current proposal, Soil volume calculations are required for all trees proposed on podium. This is to ascertain that the proposed trees can achieve their maximum height at maturity.

The provisions for minimum soil volumes for planting on structures as outlined in Councils DCP Part J - Landscaping.

Adequate soil volumes are also needed for the proposed trees planted in deep soil in the setback along Holdsworth Avenue. This is to ascertain that the proposed trees can achieve their maximum height at maturity.

C.44 - Soil Profiles

The project Landscape Architect is to document appropriate soil profiles for podium and deep soil areas in response to the plants specified for each area.

This information must form part of the Construction Certificate information and be submitted to Council for assessment by Council's Landscape Architect.

REASON: To ensure the proposed planting has the correct soil profiles to stimulate healthy growth for the life of the property.

C.45 - Apartment Noise Attenuation Design

A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from **any internal** or external noise source and when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the relevant plans for a Construction Certificate.

Reason: To comply with best practice standards for residential acoustic amenity.

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, all erosion and sedimentation control measures must be in place in accordance with the stamped approved plans to the satisfaction of Council. Certification must be supplied to Council in writing for our records.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

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

D.2 – Signs on site

A sign must be erected in a prominent position on any site on which buildingwork 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.3 – 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.4 – 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, clause 98B(2) and (3).

D.5 – 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.

D.6 Tree protection measures

Before the commencement of any site or building work (including demolition), the principal certifier must ensure the measures for tree protection detailed in the Arborist Report and construction site management plan are in place. Certification must be supplied to Council in writing for our records.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

Reason: To protect and retain trees.

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

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

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

A new BASIX certificate is to be prepared prior to the issue of the Construction Certificate. While the building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed within the updated BASIX certificate(s).

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 no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal

or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

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 – Stockpiling of Materials

No stockpiling of materials, building equipment or additional activities listed in section 4.2 of AS4970-2009 *The Protection of trees on Development Sites* is to occur within designated tree protection areas or on the Council Owned Nature Strip. All building materials must be stored within the subject site.

Reason: To mitigate damage to Council land

E.10 – 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.11 – 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.12 – 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.13 – 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 Materials 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.14 – 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.15 – 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.16 – 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.17 – 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.18 – 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.19 – 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.

E20 – 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.21 - 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 and the pedestrian link to be dedicated. 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.

E.22 - Plant supply

The Applicant must ensure that all landscaping is completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications.

Reason: To ensure the proposed planting is free of disease and defects to provide the best chance for successful establishment and ongoing health and vigour.

E.23 - Planting of garden beds

All garden beds shall be planted out with enough plant quantities and spacing to ensure that no areas of bare mulch remain visible following the typical 12-month landscape establishment period.

Reason: For suppression of weeds and to fulfil the Landscape Design intent.

E.24 - Automatic 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

Reason: To ensure adequate moisture levels are maintained for the 12-month establishment period eliminating the threat of plants dying due to lack of water during this time of in times of future drought

E.25 - Raised planter boxes

All raised planter boxes shall be waterproofed by a licensed professional in accordance with AS4654.1-2012 *Waterproofing membranes for external above-ground use*.

Reason: The ensure the structural integrity of the planter box and parking structure below are maintained and to ensure that no leaks occur in the raised planter box as installed.

E.26 - Critical stage inspections

Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000. Where Lane Cove Council is appointed as the PCA, an inspection is to be booked for each of the following relevant stages during the construction process:

- a) underpinning;
- b) retaining walls;
- c) footings;
- d) reinforced concrete work;
- e) structural steelwork;
- f) upper level floor and roof framing; and
- g) as requested by the Council.

Reason: EP&A Act requirement.

E.27 - Encroachments

1. No portion of the proposed structure shall encroach onto the adjoining properties.
2. The proposed construction shall not encroach onto any existing Council drainage pipe or easement unless approved by Council. If a Council stormwater pipe is located at site during construction, Council is to be immediately notified. Where necessary the drainage line is to be reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the drainage pipe are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.
3. No encroachment is to occur into public open space.

Reason: To ensure works are contained wholly within the subject site.

D.28 Erosion and sediment controls in place

During building work, all erosion and sedimentation control measures must remain in place and functional in accordance with the approved plans to the satisfaction of Council. Certification must be supplied to Council in writing for our records.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

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

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 2010. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
 - Compliance with AS-3500.
 - Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention (OSD) system / basement pump out system has/have been constructed in accordance with the approved plans.
 - Where relevant, 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, turfing and footpaths to the satisfaction of Council's Urban Services Division.
 - Certification from suitable engineer that the swimming pool has been constructed satisfying relevant Australian standards.
 - Certification from Storm Filter Consultant that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
 - Certificate from Park contractors that the all park items installed are Australian Standards and installed satisfying relevant standards.
 - 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.

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 relevant 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).

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:

- no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
- 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 - Footpaths

1. All footpaths adjacent to the site are to be installed or upgraded ensuring a consistent width and surface treatment. The minimum footpath width for this area is 1.8m and 3.0m for shared path in River Road.
2. All kerb and gutter around the site shall be reconstructed satisfying Council standards.
3. All turfing and stairs are to be reconstructed satisfying Council standards.
4. Resurfacing of one lane way in River Road is required satisfying Council's standards.
5. Resurfacing minimum of half of the road way in Holdsworth Ave and Berry Rd along the site is required satisfying Council
6. The levels of the street alignment shall be obtained from Council and incorporated into the design to ensure consistent street alignment levels.

Reason: To ensure public amenity and safety.

F. 7 - 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.8 - Completion of landscape and tree works

Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Additional Council requirements are outlined below:

- Certification of the above shall be provided by the project arborist (if applicable) or by a qualified practising landscape architect. 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 have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.

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

F.9 - Replacement Planting

Trees that are removed must be replaced on a 1:1 ratio to comply with provisions outlined within Part J Landscaping of the Lane Cove Council Development Control plan 2010 unless otherwise stated within this consent.

Tree species and planting location are to be done in accordance with the stamped landscape plans for the site and comply with any relevant landscaping conditions as part of this consent.

Trees must be installed and signed off by the project arborist **Prior to the issue of an Occupation Certificate.**

Reason: Replacement Planting

F.10 – Planting

Any tree that will attain a height greater than 8m as defined under section 4O & 4P of the Apartment Design Guide must be planted a minimum 3m from any structure, service or excavation cut.

Reason: To ensure replacement trees will achieve their maximum future potential

F.11 - 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.12- 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.13 - 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.14 - 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.15 - 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.16 - Dedication to Council of Pedestrian Link

Provision of a 6m wide pedestrian link connecting Berry Road and Holdsworth Avenue embellished in accordance with the "*Specifications for Public Open Space in the St Leonards South Precinct*" and dedicated to Council in perpetuity prior to the issue of an Occupation Certificate to occur consistent with the draft 88B instrument.

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

F.17 – 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.18 - 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

F.19 - Acoustic Noise Attenuation Construction

An AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) **demonstrating that the construction of the internal party walls ensures that all sound between apartments**, sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of the relevant Occupation Certificate.

Reason: To comply with best practice standards for residential acoustic amenity.

F.20 – Electrical Vehicle (EV) Charging Provision

The required provision of EV chargers, power capacity, cabling and access for both the residential and communal/visitor car parking spaces are to be provided at occupation stage of the development and is to be demonstrated prior to the issue of the occupation certificate. A minimum of five EV chargers are to be provided to the communal/visitor parking areas and available to occupants.

Reason: To ensure EV charging for the development occurs at occupation.

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 - 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 - Registration of waster 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.5 - Landscape Completion Report and Ongoing Maintenance Agreement

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 except for the publicly owned east west pedestrian link. Certification must be supplied to Council in writing for our records.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

Reason: To ensure the establishment and ongoing health of all trees, shrubs and groundcovers.

H.6 - 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.

H.7 - Maintenance of stormwater treatment device (if applicable)

During occupation and ongoing use of the building, the applicant must ensure all stormwater treatment devices (including drainage systems, swimming pool, sumps and traps, pump out system, storm filter devices, silt arrester pits and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

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

H.8 Post Construction Dilapidation report: Trees to be Retained

Before the issue of a construction 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 existing damage, defects or areas of concern well represented.

- (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).

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

Reason: To identify damage to existing trees retained resulting from building work on the development site.

H.9 Practical Completion Report - Landscape works

A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report must certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of the report must be submitted to Council.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue.

Reason: To ensure the landscape works have been carried out in accordance with the stamped approved construction documents.

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 work).