

MEMO

Date: 2 May 2023

To: Sydney North Planning Panel

From: Robert Montgomery (Independent DA Assessor)

Subject: PPSSNH-352 – 180 River Road Lane Cove
Draft conditions and additional acoustic report

On page 10 of my report to the Panel I make the following statement in respect of the applicant's proposal to operate the bistro until midnight Fri-Sun:

*The applicant states that these hours reflect the existing operations on site. It is noted however, that the Acoustic report has assumed that the bistro and function rooms would operate only between the hours of 7:00am to 10:00pm and modelled the impacts based on this. **It is appropriate to impose a condition which limits the operation to those hours.***

Following discussion with the applicant, an additional acoustic report was submitted today, which demonstrates that noise levels at residential receptors are acceptable during the hours 10:00pm – midnight. A copy of the additional acoustic report is attached (Acoustic Logic dated 1/05/2023 Ref: 20200184.6/0105A/R0/AW)

In view of this additional information, I have altered the draft condition H1 to reflect the operating hours requested,

Please find attached the complete list of draft conditions, which have been revised in consultation with the applicant.

Yours sincerely

A handwritten signature in black ink, appearing to be 'RM', with a long horizontal stroke extending to the right.

Robert Montgomery MPIA

Principal

Independent Development Assessor for Lane Cove Council

20200184.6/0105A/R0/AW

1/05/2023

Allen Jack + Cottier Architects Pty Ltd
79 Myrtle Street
CHIPPENDALE NSW 2008

Attn: Sarah Slattery

Lane Cove Sports & Recreation Centre - Additional Assessment of Bistro Area**1 INTRODUCTION**

This letter has been prepared to provide an additional detailed assessment of the Bistro area as part of the proposed Lane Cove Sports & Recreation Centre (DA/147/2022). As part of the planning submission, a Noise Impact Assessment was prepared to support the development (ref: 20200184.6/2911A/R2/AW, dated 29/11/2022).

With respect to the Bistro area, the acoustic report provided a preliminary assessment of noise between the period of 7am – 10pm. The report noted that whilst standard acoustic treatments and management controls could be implemented to achieve compliance during the night time period (10pm – 7am, or part thereof), it should be subject to a more detailed noise assessment.

At the time of completing the assessment, specific operational and architectural details for the area were not sufficiently detailed to allow for this assessment. However, the project has now developed to a point where this can be undertaken. The proposed operation of the Bistro between the hours of 10pm – 12am as assessed within this report is detailed below:

- No external seating proposed.
- A total of up to 100 patrons within the internal Bistro area.
- Background amplified music of up to 75 dB(A) L10 within the Bistro area.

Noise emissions from the above have been predicted to the surrounding residential receivers identified in the Noise Impact Assessment.

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2 ACOUSTIC CRITERIA

The submitted acoustic report considers noise emissions between 7am-10pm, and compares them to a 'background + 5dB(A)' requirement. In addition, a peer review of the acoustic report prepared by RWDI was included as part of submissions to Council during the notification period. This review further requested assessment of noise to Liquor & Gaming NSW standard noise conditions, being a more stringent method of compliance.

As part of the detailed assessment, both methodologies will be included.

2.1 NOISE IMPACT ASSESSMENT

Sections 2 and 4.1.1 of the submitted acoustic report identifies a number of residential receivers surrounding the site, and presents measured background noise levels at each. For the late evening (10pm – 12am) period, these are summarised in the table below.

Table 1 – Late Evening Bistro Noise Emission Levels

Receiver Locations	Late Evening (10pm – 12am)	Noise Emission Requirement (10pm – 12am)
Location 1 194 River Road (R1/R3)	39 dB(A) L ₉₀ (period)	44 dB(A) L _{eq} (15min)
Location 2 6 Stevenson Street (R1)	38 dB(A) L ₉₀ (period)	43 dB(A) L _{eq} (15min)

2.2 LIQUOR & GAMING NSW

Liquor & Gaming NSW provide standard noise conditions, however they are typically only applied to specific licenses. These apply to noise generated by patrons and by music when assessed at residential receivers.

"The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz -8kHz inclusive) by more than 5dB between 7:00am and 12:00 midnight at the boundary of any affected residence."*

The LA10 noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz -8kHz inclusive) between 12:00midnight and 7:00am at the boundary of any affected residence).*

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 7:00am"

LA10 is the average maximum deflection of the noise emission from the licensed premises"

The following assessment criteria have been determined based on the noise levels measured. These apply when measured outside the open window of a residential façade. Based on the measured noise levels at residential receivers, the following noise emission goals apply during the late evening period (10pm – 12am)

Table 2 - Summarised Operation Noise (Music/Patron) Noise Emission Criteria

Receivers	Time	31.5Hz	63Hz	125Hz	250Hz	500Hz	1kHz	2kHz	4kHz	8kHz	A- wt
Location 1 194 River Road (R1/R3)	Late Evening (10pm – 12am)	47	49	50	40	39	36	34	30	30	44
Location 2 6 Stevenson Street (R1)	Late Evening (10pm – 12am)	46	48	49	39	38	35	33	29	29	43

3 NOISE EMISSIONS ASSESSMENT

An assessment of noise emissions from the use of the Bistro during the period of 10pm – 12am has been conducted, considering the proposed operation between these hours.

An assessment of patron and music noise has been conducted and the predicted noise levels are shown below. Noise emissions will be predicted based on the following adopted modelling parameters:

Patron noise in indoor areas are of a sound power level of 77 dB(A)_{L10}, representative of a raised voice, with one in two patrons speaking at any one time and a total of 100 patrons in the Bistro.

Music within the Bistro area is to be an internal sound pressure level of 75 dB(A)_{L10}. This is representative of amplified "background" music.

Operation of the bistro is internal only, i.e. no outdoor seating between 10pm – 12am.

Entry doors are generally closed, however can be opened for egress. For the purposes of this assessment, it has been assumed that the entry door is open to simulate a worst case scenario.

3.1 PREDICTED NOISE LEVELS FROM BISTRO AREA

Predicted noise levels from the bistro to surrounding residents are present below.

Table 3 – Patron/Music Noise Emission to R3, R4 & R5 (Residential)

Receivers	f (Hz)	31.5	63	125	250	500	1k	2k	4k	8k	A-wt
Location 1 194 River Road (R1)	Predicted Noise Level dB(A) _{L10}	<30	<30	<35	28	34	31	26	17	<15	35
	Noise Emission Goal (Late Evening)	47	49	50	40	39	36	34	30	30	44
	Compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Location 2 6 Stevenson Street (R1)	Predicted Noise Level dB(A) _{L10}	<30	<30	<35	29	35	32	27	18	<15	36
	Noise Emission Goal (Late Evening)	46	48	49	39	38	35	33	29	29	43
	Compliance	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

3.2 SUMMARY AND DISCUSSION

Based on the above predicted noise levels, we note that internal use of the Bistro area between the hours of 10pm – 12am is acceptable acoustically, and is able to comply with both the 'background + 5dB' assessment criteria identified in the submitted acoustic report, as well as the more stringent requirements of Liquor & Gaming for the proposed hours of operation.

Whilst the above demonstrates that noise levels at residents can be achieved with egress doors open during this period, we recommend that these are generally retained closed where feasible to minimise noise emissions to surrounding residents.

4 CONCLUSION

This letter has been prepared to provide an additional detailed assessment of the Bistro area as part of the proposed Lane Cove Sports & Recreation Centre (DA/147/2022). With respect to the Bistro area, the submitted acoustic report identified that a detailed assessment of noise emissions should be undertaken for operation during the night time period (10pm – 12am) – this report has provided that assessment.

Based on the proposed operation, use of internal areas of the bistro (including amplified background music) between 10pm – 12am is able to meet the noise requirements for the site.

Please contact us should you have any further queries.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Alex Washer', is positioned below the 'Yours faithfully,' text.

Acoustic Logic Consultancy Pty Ltd
Alex Washer

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
DA001	A	Cover Sheet	AJ&C	24/11/22
DA002	A	3D Views	AJ&C	24/11/22
DA1001	A	Site Plan	AJ&C	24/11/22
DA1002	A	Site Analysis	AJ&C	24/11/22
DA1003	A	Notification Site Plan	AJ&C	24/11/22
DA1004	A	Notification Elevations	AJ&C	24/11/22
DA1101	A	Demolition Plan	AJ&C	24/11/22
DA2101	A	Level 1 Plan	AJ&C	24/11/22
DA2102	A	Level 2 Plan	AJ&C	24/11/22
DA2103	A	Level 3 Plan	AJ&C	24/11/22
DA2104	A	Roof Plan	AJ&C	24/11/22
DA2901	A	Shadow Diagrams – 9AM	AJ&C	24/11/22
DA2902	A	Shadow Diagrams –12PM	AJ&C	24/11/22
DA2903	A	Shadow Diagrams – 3pm	AJ&C	24/11/22
DA3101	A	Elevations – Sheet 1	AJ&C	24/11/22
DA3102	A	Elevations - Sheet 2	AJ&C	24/11/22
DA3201	A	Sections – Sheet 1	AJ&C	24/11/22
DA3202	A	Sections – Sheet 2	AJ&C	24/11/22
3610-LD-G12	7	Tree Protection & Removal	Environmental Partnership	Nov 2022
3610-LD-CA01	7	Civil Alignment Plan	Environmental Partnership	Nov 2022
3610-LD-GA01	7	General Arrangement: Ground Floor	Environmental Partnership	Nov 2022
3610-LD-GA02	7	General Arrangement: First Floor	Environmental Partnership	Nov 2022
3610-LD-PL01	7	Planting Plan: Regeneration Areas	Environmental Partnership	Nov 2022
3610-LD-PL02	7	Planting Plan: Ground Floor	Environmental Partnership	Nov 2022
3610-LD-PL03	7	Planting Plan: First Floor	Environmental Partnership	Nov 2022

3610-LD-IR01	7	Irrigation Areas: Ground Floor	Environmental Partnership	Nov 2022
3610-LD-IR02	7	Irrigation Areas: First Floor	Environmental Partnership	Nov 2022
3610-LD-SP01	7	Soil Plan: Ground Floor	Environmental Partnership	Nov 2022
3610-LD-SP02	7	Soil Plan: First Floor	Environmental Partnership	Nov 2022
3610-LD-CR01	7	Cross Sections 1	Environmental Partnership	Nov 2022
3610-LD-CR02	7	Cross Sections 2	Environmental Partnership	Nov 2022
3610-LD-DE01	7	Hard Landscape Detail 1	Environmental Partnership	Nov 2022
3610-LD-DE01	7	Soft Landscape Detail 1	Environmental Partnership	Nov 2022
257-11G L01 [06]		Subdivision Plan / Lot Layout	Craig and Rhodes	4/5/21

Document Title	Prepared By.	Dated
Spill Light Study	Steensen Varming	25/11/22
Aboricultural Impact Assessment Report	Seasoned Tree Consulting	29/11/22
Remediation Action Plan	Douglas Partners	Nov 22
Stormwater Management Report	TTW	29/11/22
Construction & Demolition Waste Management Plan	Elephants Foot Recycling Solutions	28/11/22
Operational Waste Management Plan	Elephants Foot Recycling Solutions	28/11/22
Ecologically Sustainable Development	Steensen Varming	24/11/22
Noise Impact Assessment	Acoustic Logic	29/11/22
Access Review	Funktion	26/11/22
BCA Compliance Statement	Blacket Maguire & Goldsmith	28/11/22

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.

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

A.2 - 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 long service levy is paid.

A.3 - Payment of security deposits

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
Infrastructure Damage Bond	\$15000
Inspection Fee (\$210.00 per visit)	\$1050
Civil Reconstruction Work	\$49500.00

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 or pipe;
- any adjustment works in Council's land.

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

A.4 Tree preservation and approved landscaping works

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

The following trees shall be retained:

4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 17, 23, 24, 26, 28, 30, 49, 50, 51, 54, 53, 55, 56, 57, 58, 59, 62, 63, 64, 65, 68, 69, 70, 73, 74, 75, 77, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 158, 159, 160, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 186, 187, 188, 189, 276, 277, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307
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308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322, 323, 234, 235, 236, 237, 238, 321

61, 76, 86, 94, 167, 185, 278, 280* all dead trees

(162 total)

This consent approves the removal of the following trees:

10, 16, 18, 19, 20, 21, 22, 25, 27, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 62, 60, 66, 67, 71, 72, 92, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233,

(79 total)

A.5 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.

Part B – Prior to Demolition Works

B.1 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 3 Health Section, prior to commencing any demolition works.

Reason: To ensure worker and public health and safety.

B.2 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.3 Demolition work plan

A demolition work plan shall 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 Principal Certifying Authority (PCA), not less than seven (7) working days before commencing any demolition work. A copy of the demolition work plan must be maintained on site and be made available to Council officers upon request.

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

- The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor.
- Details of hazardous materials (including asbestos).
- Method/s of demolition (including removal of any asbestos).

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

Reason: To ensure health and safety.

B.4 - Remediation Action Plan

The site shall be remediated in accordance with the "Remedial Action Plan" prepared by Douglas Partners Pty Ltd, records number: 99535.02.R.001.Rev2, dated 29 November 2022, or as amended, if required.

Any variations to the remediation strategy or, new information which is identified during remediation, demolition or construction works that has the potential to alter previous conclusions about site contamination or the remediation strategy shall be notified to the Site Auditor and Council immediately in writing.

The written concurrence of the Site Auditor must be obtained prior to implementing any changes to the remediation action plan, strategies, or associated conditions of consent.

Reason: To ensure health and safety.

B.5- 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. A letter of engagement must be provided to Council prior to issue of a construction certificate. 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**; failure to produce the latest certificate will be considered a breach of conditions. Each compliance certificate must contain photographic evidence to confirm site attendance. A compliance certificate is required for each of the following phases.

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
- Oversee pier hole excavation for the elevated walkway within the Protection zone of retained trees.
- Oversee the installation of the electrical substation and associated services
- Oversee the installation of fire suppression services
- Oversee the installation of stormwater services
- Oversee the demolition of the existing asphalt driveway within the TPZ of protected trees towards the end of the development
- 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.6 –Site Specific Tree Protection 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 must be submitted to Council's Senior Tree Management Officer for approval.

Reason: To ensure the protection of retained trees.

B.7- Tree Protection 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 in the areas marked within the site-specific Tree Protection Plan

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 remain in place for the duration of the construction work

Reason: To protect the natural environment

B.8 - Tree Protection Measures Trunk Protection

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

The trunks of all trees to be retained must be protected during the construction period by a trunk guard, installed to the following requirements:

- Timber Planks (50mmx100mm or similar) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m.
- Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way.
- An example of suitable trunk protection can be found on page 17 within the Australian Standard 4970-2009 *The Protection of Trees on Development Sites*.

Reason: To protect trees during construction

B.9– Ground protection

Ground protection is required within the area marked on the Tree Protection Plan within the fenced areas adjoining the driveway. Ground protection is to consist of:

- A 100mm depth of coarse weed free woodchip mulch that must be maintained for the life of construction.

A suitable example of ground protection can be found under section 4.5.3 of The Australian standard 4970-2009 *The Protection of Trees on Development Sites*.

Reason: To limit compaction around protected trees.

Part C – Prior to Issue of a Construction Certificate

C.1 - Application under Roads Act 1993

Prior to the issuing of any construction certificate for building structures, an application shall be made to TfNSW under section 87 (4) of the *Roads Act 1993* for Traffic Controlled Signals (TCS) at the site access on River Road. Evidence of lodgement of the application must be provided to the PCA.

Reason: Compliance with Transport for NSW requirement

C.2 - Construction site management plan

A construction site management plan is to be prepared and submitted to the PCA. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- For sites adjoining bushland a 1.8m chain mesh perimeter fence with 1m sediment fencing attached to the lower portion is required to ensure that no foreign materials enter the bushland.
- 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
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.

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

Council Approvals

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

Additional Council Requirements

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

Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

C.3 - 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 Blue Book), 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.4 Drainage plan amendments

The certifier must ensure that the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by TTW, reference No: 191309, revision: P8 and dated on 29/11/22. This amended plan shall satisfy part O of the Council's stormwater DCP

1. The location of existing Council's stormwater pipe system shall be located and shown in the plan.
2. This DA requires 200 kilo litre of rainwater tank. The detailed design for this proposed system is required
3. Proposed drainage system should show pipe sizes and invert levels up to the connection point; confirming pipe system satisfies part O of Council' storm water DCP.
4. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
5. Sediment control fence shall be placed around the construction site and shown in plan
6. A pollution control pit (as shown in section 3.4.1 in part O of Council's stormwater DCP) with mesh (RH3030) and sump(300mm minimum) is required within the site, at start of the connection pipe to the Council pipe system. These details shall be shown in plan.
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. A MUSIC analyses shall be carried out and a gross pollutant trap (GPT) suitable for this site needs to be designed. The details of this GPT shall be shown in stormwater plan. A suitable access to the GPT for future maintenance is required.
9. The proposed rainwater reuse system with a minimum effective capacity of 200,000 litres and to be installed in accordance with Section 7.3 in Council's Stormwater DCP and

relevant Australian standards. This tank shall have 100mm air gap on top and 100mm sludge zone at the bottom.

10. Only roof water shall be connected to rainwater tank.
11. A CCTV reports of the existing Council's pipe system running through site is to be submitted to Council, prior to construction start and after completion of work.
12. Installation of pipe system near the protected trees must be assessed by Council Tree Officer
13. A plan with longitudinal section of the proposed pipe system from the site to the existing Council pipe/pit with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels and existing surface levels to confirm that the pipe system satisfies Council's DCP.
14. Construction of drainage system associated with 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.

C.5 - 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 Ausgrid demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to be met.
- c) other relevant utilities or services - 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.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. Construction plans shall demonstrate that:

1. 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.
2. All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
3. All vehicles must front in/ front out to/ from the development.
4. 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.

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

C.7 - Waste and recycling, and bulky waste storage room(s)

The construction certificate drawings shall detail compliance with the requirements of Part Q of Lane Cove DCP 2010 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.

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

C.8 - Compliance with acoustic report

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the Acoustic Report, prepared by Acoustic Logic, document number: 20200184.6/2911A/R2/AW, dated 29 November 2022. The Report is to include details of the specified AC plant and any other plant equipment for which details are unknown at the DA stage.

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

C.9 - 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 work;

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

Reason: To ensure structural adequacy.

C.10 – Design of Pedestrian Pathway

Prior to the issue of any construction certificate for building structures, the applicant shall submit detailed plans to Council for approval of the proposed pedestrian pathway connecting the building with the River Road bus stop. The plans shall detail construction methods, materials, location, dimensions and identification of any tree protection zones which may be compromised. The plans must demonstrate that there will be no impact on any of the trees which are identified for retention.

Reason: To ensure the pedestrian pathway construction does not adversely impact trees which are to be retained.

C.11 – Entry Design

Prior to the issue of any construction certificate for building structures, the applicant shall submit detailed plans to Council for approval of treatments to be implemented to provide a sense of arrival to the building. The treatments shall include, but are not limited to the following:

- Patterned, coloured and/or textured finish to concrete surfaces;
- Signage is to be integrated and/or recessed into concrete panels;
- Additional detail of proposed metal cladding, including product specification and colour;
- Additional detail of proposed glass and louvres to the eastern elevation;
- Additional landscaping as appropriate at the base of concrete wall;
- Decorative paving and delineation between pedestrian and vehicle movement paths.

Reason: To provide an appropriate sense of entry to the building.

Part D - Prior to Commencement of Building Works

D.1 - Erosion and sediment controls in place

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

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

D.2 - 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.

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. The Applicant must submit a copy of the CWMP for review to Council prior to the commencement of work.

Reason: To promote resource recovery and environmental protection.

D.3 - Signs on site

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

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

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

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

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:

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm

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

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 - Offsite disposal of contaminated soil

Any 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.

E.3 - 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 Work Cover 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

E.4 - Removal of Underground Storage Tanks

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) and AS4976-2008 The removal and disposal of underground petroleum storage tanks. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

Reason: To protect the environment.

E.5 - 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.6 - 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 work;

Reason: EP&A Act requirement.

E.7 - 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.8 - 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.9 - 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* any arborist's report approved under this consent inclusive or conditions listed within section B of this determination. 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.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 - Cut and fill

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

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

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

E.12 - 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.13 – 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.14 – 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.15 - No obstruction of public way

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

Reason: To ensure public safety.

E.16 - 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.

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

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

Any stockpiles of potentially contaminated soil shall be stored in an environmentally acceptable manner in a secure area on the site, and 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.

E.20 - 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-Excavation for piers for elevated walkway

Excavation for piers within the Tree Protection Zone or Structural Root Zone for the elevated walkway must be done so via the use of hand tools only under the supervision of the project arborist. Pier locations must be flexible, with no roots greater than 30mm diameter to be pruned. A 150mm buffer must be allowed for roots greater than 30mm diameter at allow for future growth. Tree roots less than 30mm that conflict with pier locations must be severed cleanly with a sharp implement in accordance with provisions outlined in section 4.5.4 of AS4970-2009. All roots greater than 30mm diameter must be documented by the project arborist for site compliance.

Reason – To protect the root system of retained trees

E.22 Excavation for stormwater services

Excavation required for the installation of stormwater services within Structural Root Zone of protected trees must be overseen by the project arborist. Excavation is to be undertaken using hand tools only. No roots greater than 30mm diameter are to be severed as part of works. A 150mm buffer must be given to roots greater than 30mm diameter at allow for future growth. Roots less than 30mm diameter that conflict with services may be pruned by the project arborist using a sharp handsaw and documented within the compliance certificate.

Reason: to protect retained trees during construction

E.23 – Excavation for electrical services

The installation of the electrical conduit to power the facility must be underground from the new facility to the proposed substation adjoining River Road. Where the conduit intersects the Tree Protection Zone of retained trees, the excavation for the trench housing the conduit must be excavated using non-destructive methods (I.E hand tools) under the supervision of the project Arborist. No roots greater than 30mm diameter to be pruned. A 150mm buffer must be allowed for roots greater than 30mm diameter at allow for future growth. Tree roots less than 30mm that conflict with the location of the conduit must be severed cleanly with a sharp implement in

accordance with provisions outlined in section 4.5.4 of AS4970-2009.

Depths and installation of electrical equipment must be undertaken in accordance with the relevant Australian Standards and best practice.

The electrical substation must be placed on a concrete pad footing outside the Tree Protection Zone of retained trees.

Reason: To preserve the root system of retained trees.

E.24 - Excavation and installation of fire suppression services

The installation of fire suppression services must be underground from the new facility to the proposed hydrant and sprinkler booster adjoining River Road. Where the trench intersects the Tree Protection Zone of retained trees, the excavation for the trench housing the pipe work must be excavated using non-destructive methods (I.E hand tools) under the supervision of the project arborist. No roots greater than 30mm diameter to be pruned. A 150mm buffer must be allowed for roots greater than 30mm diameter at allow for future growth. Tree roots less than 30mm that conflict with the location of the pipe work must be severed cleanly with a sharp implement in accordance with provisions outlined in section 4.5.4 of AS4970-2009.

Depths and installation of fire suppression services must be undertaken in accordance with the relevant Australian Standards and best practice.

The installation of the Hydrant and Sprinkler booster in the Tree Protection Zone of retained trees is to be undertaken under the supervision of the project arborist. Roots severed within this area must be done so with a sharp implement and documented for site compliance,

Reason: To preserve the root system of retained trees.

E.25 – Demolition of existing hardscape

Demolition of existing asphalt hardscape driveway within Tree Protection Zones is to be undertaken via the use of pneumatic breaker tools (I.E Jackhammer) only under supervision of the project arborist. Demolished pieces are to be unloaded by hand; no machinery is to be used to mitigate damage to the root system of adjoining trees. Demolition of this hardscape is to be done as part of the landscape phase after construction of the main facility structure to minimise additional compaction to the root system of protected trees.

Reason: To protect the root system of adjoining trees

E.26 - 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 —

- c) All footings/ foundations
- d) 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.27 Reduction of impacts of lighting on bushland

Lighting shall be designed and installed to minimise light spill on to adjoining bushland.

Reason: To reduce potential impacts of bushland habitat

E.28 – 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

Part F - Prior to Issue of an Occupation Certificate

F.1 – Completion of Signalised Intersection

Prior to issuing of an occupation certificate, the traffic controlled signals at the intersection to River Road shall be operational and all associated intersection works shall be completed to the satisfaction of Council.

Reason: To ensure safe vehicular and pedestrian access to the site.

F.2 - 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 rainwater tank system **have** been constructed in accordance with the approved plans.
 - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
 - Certification from Stormwater Consultant who install GPT that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
 - Certification from Storm Filter Consultant that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
 - Certification from suitable licenced contractor that the all works have been constructed satisfying relevant Australian standards.
 - All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified structural engineer. The structural design is to comply with, all relevant design codes and Australian Standards.

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

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

F.3 - 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 required as a result of the development, is completed to the satisfaction of the relevant authority. All costs associated with the relocation or removal of services shall be borne by the applicant.

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.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:

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

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

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

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

F. 6 - Removal of waste upon completion

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

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

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

F.7 - Completion of landscape and tree works

Before the issue of 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 has been completed before occupation, in accordance with the approved landscaping plan(s).

F.8 - Footpaths

1. All footpaths adjacent to and within 25m of the site are to be installed or upgraded ensuring a consistent width and surface treatment. The minimum footpath width for all footpaths in the area is 1.8m and is to be clear of any obstructions including tree branches.
2. 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.9 - Replacement Planting

Trees that are removed must be replaced on a minimum 1:1 ratio to comply with provisions outlined within Part J Landscaping of the Lane Cove Council Development Control plan 2010 plus additional trees to generally comply with the DA documentation.

Tree species and planting location shall be selected in accordance with the approved landscape plan and signed off by Council's Manager of Open Space prior to the issue of the construction certificate.

Trees must be planted in accordance with relevant provisions under AS2303:2018 *Tree Stock for Landscape Use*.

Trees must be installed and signed off by the project arborist.

Reason: Replacement Planting

F.10 - Compliance with acoustic report

At completion of the construction works and prior to the issue of any occupation certificate for stage 1, a validation certificate is to be submitted to the Principal Certifier confirming that the development has been constructed in accordance with the acoustic report, and that the internal noise levels have been achieved.

Reason: To ensure adequate internal acoustic amenity

F.11 - Outdoor lighting

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

Where sites adjoin bushland, all outside lighting must be appropriately baffled to minimise light pollution into the bushland area. Native plantings may be used to absorb lighting.

Reason: To protect the amenity of nearby residential properties.

F.12- Construction and fit-out of food premises

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

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

A certificate of compliance with (iv) for the proposed kitchen design shall be submitted to the Principal Certifying Authority, prior to issuing the relevant Occupation Certificate.

Reason: To ensure food preparation areas meet the relevant requirements

F.13 – Bushfire Management Plan

A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan. A copy of the Plan should be provided to the Local Emergency Management Committee for its information.

Reason: Safety during bushfires

Part G – Prior to the Issue of a Subdivision Certificate

G.1.B - Sydney Water requirements

A section 73 certificate is to be obtained for development or subdivision requiring servicing of sewer and water.

Reason: Sydney Water requirement.

Part H – Occupation and Ongoing Use

H.1 Hours of Operation

The facility shall operate during the following hours only:

- **Outdoor Multi-courts:**
 - Monday to Sunday (7 days a week): 7am to 10pm
- **Bistro**
 - Monday to Thursday: 7am to 10:00pm
 - Friday to Sunday: 7am to 12am (midnight)

The outdoor terrace area shall not be used after 10:00pm on any night. In this regard all patrons are to vacate the area before 10:00pm and the access doors to the terrace shall be closed at 10:00pm.

- **Multipurpose sports halls**
 - General operating, Monday to Sunday (7 days a week): 6am to 10pm
- **Function rooms**
 - Monday to Thursday: 6am to 10pm
 - Thursday to Sunday: 6am to 12am (midnight)

Reason: To protect the residential amenity of neighbouring properties.

H.2 - Noise

On-going use of the approved development shall not give rise to any offensive noise as defined in the PEOA Act 1997, including noise from any mechanical plant, public address system or sound amplifying equipment.

Reason: To ensure acoustic amenity.

H.3 - Location of mechanical ventilation

During occupation and ongoing use of the building, the applicant must ensure 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 - 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.5 - Maintenance of wastewater and stormwater treatment device

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, sumps and traps) are regularly maintained.

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

H.6 - Private Waste Service

A private waste contractor must be engaged to service all waste streams generated by the building. The designated collection zone highlighted in the Operational Waste Management Plan titled as "*External Drop off Area*" must be kept clear on the scheduled collection time and dates.

Reason: To ensure regular collection of waste and public health

H.7- 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.

Compliance with the following conditions provided by Transport for NSW

1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along River Road boundary.
2. Prior to the issuing of any construction certificate for building structures on the subject site, an application shall be made to TfNSW under section 87 (4) of the *Roads Act 1993* for Traffic Controlled Signals (TCS) at the site access on River Road.

Subject to the section 87 (4) approval of TfNSW, the Applicant will be required to enter a Works Authorisation Deed (WAD) with the agency for the proposed TCS and associated civil works prior to commencing the signal and road works. The delivery of the TCS shall be at no cost to TfNSW.

3. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on River Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplinclLogin.jsf>.

Compliance with the following conditions provided by the North Shore Police Area Command – NSW Police Force

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. All 'Staff only' areas should be clearly marked as such and physical barriers such as doors and gates should be erected to prevent unauthorised entry.
4. Staff should be provided with a secure area in which to store their personal effects whilst working.
5. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage. Internal after-hours security lighting should provide adequate illumination to allow inspection by security patrols.

Lighting in and around the building 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 staff to identify signs of intoxication or 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.

6. 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.
7. Windows within the business 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.
8. Cash registers should be positioned out of reach and should front customers to enable staff to maintain vision of the servicing area and beyond.
9. An efficient and secure cash collection and storage system should be implemented to minimise the risk of robbery offences and should include a safe designed and installed to the Australian Standards.
10. An electronic surveillance system should be included to provide maximum surveillance of all areas of the business including entry/exits, bar and service areas, corridors and areas where cash is either kept or handled. 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. Monitors should be placed in the store/office areas to allow staff to view all areas under camera surveillance.
11. An intruder alarm system should be designed and installed to the Australian Standard - Domestic & Commercial Alarm Systems to enhance the physical security of the premises.
12. An emergency control and evacuation plan should be implemented within the business. Management and staff should be trained in the execution of the plan in emergency situations.

13. All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff 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.
14. The CCTV footage should also cover the car parking facilities. "Park Smarter" signage should be displayed within this area to warn/educate motorists to secure their vehicles and not leave valuable items visible in their cars. The car park will also need to have adequate lighting.
15. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
16. The proprietors/management of the premises must take all steps necessary to ensure that no increased noise emissions occur from persons entering or leaving the premises. Management must also ensure the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood and that patrons leave the vicinity in an orderly manner.
17. The landscaping design around the building needs to be free from potential hiding places and provide sightlines throughout the outside area and into any surrounding areas such as car parks, recreational amenities and toilets. 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.

APPENDIX 1

Dictionary

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

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

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

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

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

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

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

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

Council means Lane Cove Council.

Court means the NSW Land and Environment Court.

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

EPA means the NSW Environment Protection Authority.

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

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

LG Act means the *Local Government Act 1993*.

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

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

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