

## Annexure A

### DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF CONSENT

**Development Application No:** 134/2022

**Development:** Demolition of existing buildings; construction of 42 independent living units in two buildings, joined by ground level and podium level communal open space; with a reception area drop off and pick up area and entry to the basement directly from Caroline Chisholm Lane; basement amenities; and associated landscaping works

**Site:** 40A Cope Street, Lane Cove  
being, Lot 120 of DP 613223 and Lot 51 of DP 862728

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

**Date of determination:** 26 February 2025

**Date from which consent takes effect:** Date of determination.

#### TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 40A Cope Street, Lane Cove (being, Lot 120 of DP 613223 and Lot 51 of DP 862728).

The conditions of consent are as follows:

**DA134/2022 CONDITIONS**  
**40A COPE STREET LANE COVE**  
**PART A – GENERAL CONDITIONS OF CONSENT:**

**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 prepared by Jackson Teece				
DA-001	6	Cover Sheet	Jackson Teece	7 June 2024
DA-003	5	Site Analysis	Jackson Teece	7 June 2024
DA-012	7	Areas – GFA	Jackson Teece	14 November 2024
DA-013	6	Areas Communal, Deep Soil, Landscaped	Jackson Teece	7 June 2024
DA-060	6	Site Plan	Jackson Teece	7 June 2024
DA-100	4	Basement 3	Jackson Teece	7 June 2024
DA-101	8	Basement 2	Jackson Teece	14 November 2024
DA-102	7	Floor Plan - Ground Floor + Basement 1	Jackson Teece	14 November 2024
DA-103	8	Floor Plan - Upper Ground Level	Jackson Teece	14 November 2024
DA-104	7	Floor Plan - First Level	Jackson Teece	14 November 2024
DA-105	5	Floor Plan - Second Level	Jackson Teece	7 June 2024
DA-106	5	Floor Plan - Third Level	Jackson Teece	7 June 2024
DA-107	5	Floor Plan - Fourth Level	Jackson Teece	7 June 2024
DA-108	5	Roof Plan	Jackson Teece	7 June 2024
DA-300	7	Elevations - North and East	Jackson Teece	14 November 2024
DA-301	7	Elevations - South and West	Jackson Teece	14 November 2024
DA-400	6	Sections – 01	Jackson Teece	14 November 2024
DA-401	7	Sections – 02	Jackson Teece	14 November 2024
DA-402	3	Sections – 03	Jackson Teece	14 November 2024
DA-911	7	Caroline Chisholm Lane Works	Jackson Teece	6 November 2024
DA-920	3	Relationship With 284-288 Burns Bay Road	Jackson Teece	7 June 2024

Civil plans prepared by Northrop				
DA-C01.01	1	Cover Sheet, Drawing List and Locality Plan	Northrop	14 June 2024
DA-C04.01	1	Civil Works Plan – Basement	Northrop	14 June 2024
DA-C04.02	1	Civil Works Plan – Lower Ground	Northrop	14 June 2024
DA-C04.03	1	Civil Works Plan – Upper Ground	Northrop	14 June 2024
Crossover plans prepared by BG&E				
SK-C-0100	A	Siteworks Plan	BG&E	25.10.2024
SK-C-0110	A	Longitudinal Section Alignment MK01	BG&E	25.10.2024
SK-C-0120	A	Cross Sections	BG&E	25.10.2024
SK-C-0130	A	Driveway Longitudinal Sections	BG&E	25.10.2024
Landscape plans prepared by Sturt Noble Associates				
DA-2215-01	A	Overall Plan	Sturt Noble Associates	13 June 2024
DA-2215-02	A	Lower Ground	Sturt Noble Associates	13 June 2024
DA-2215-03	A	Ground Floor	Sturt Noble Associates	13 June 2024
DA-2215-04	A	Level 1	Sturt Noble Associates	13 June 2024
DA-2215-05	A	Landscape Sections	Sturt Noble Associates	13 June 2024
DA-2215-06	A	Plant Schedule	Sturt Noble Associates	13 June 2024
DA-2215-07	A	Existing Canopy Plan 01	Sturt Noble Associates	13 June 2024
DA-2215-08	A	Existing Canopy Plan 02	Sturt Noble Associates	13 June 2024
DA-2215-09	A	Tree Canopy Plan	Sturt Noble Associates	13 June 2024
Section J Report prepared by Northrop 30 May 2024				
Design Verification Statement prepared by Jackson Teece 7 June 2024				
Operational Waste Management Plan prepared by TTM 10 June 2024				
DA Acoustic Report prepared by PKA Acoustic Consulting 11 June 2024				
Tree Impact Assessment Report prepared by Sturt Noble Arboriculture 13 June 2024				

Demolition and Construction Waste Management Plan by TTM 18 June 2024				
BCA Assessment Report prepared by Blackett Maguire Goldsmith 17 June 2024				
Statement of Compliance – Access for People with a Disability prepared by Accessible Building Solutions 17 June 2024				
Heritage Impact Statement prepared by Umwelt June 2024				
Traffic Report for Senior Living Development prepared by Colston Budd Rogers & Kafes Pty Ltd (CBRK) 24 June 2024				
Preliminary Construction Traffic Management Plan prepared by CBRK dated 6 November 2024 annexing the Construction Management Plan prepared by Hutchinson Builders dated 31 October 2024				
001A	06	Construction Methodology Plans: Stage 1A - Enabling Works - Establishment site fencing and amenities, dismantling heritage wall	Hutchinson Builders	18.6.2024
001B	06	Construction Methodology Plans: Stage 1B - Enabling Works - Crossover	Hutchinson Builders	18.6.2024
001C		Construction Methodology Plans: Stage 1C - Enabling Works - Temporary Construction Platform	Hutchinson Builders	18.6.2024
2	06	Construction Methodology Plans: Stage 2 Clearance	Hutchinson Builders	18.6.2024
3	06	Construction Methodology Plans: Stage 3 - Piling; Stage 4 - Bulk Excavation; Stage 4A - Bulk Excavation Bldg B	Hutchinson Builders	18.6.2024
	06	Stage 4B - Bulk Excavation Building A	Hutchinson Builders	18.6.2024
	06	Stage 5 - Substructure works; Stage 5A - Basement slab on ground	Hutchinson Builders	18.6.2024
006A	06	Construction methodology Plans: Stage 6A - Ground pour sequence	Hutchinson Builders	18.6.2024

006B	06	Construction methodology Plans: Stage 6B - Site establishment for superstructure in basement	Hutchinson Builders	18.6.2024
006C	06	Construction methodology Plans: Building Section Offstreet concrete pumping	Hutchinson Builders	18.6.2024
006D	06	Construction methodology Plans: Stage 6D superstructure construction	Hutchinson Builders	18.6.2024
006D	06	Construction methodology Plans: Stage 6D - Level 4 - superstructure construction	Hutchinson Builders	18.6.2024
Road Safety Expert Statement by Alan Finlay 15 July 2024				
BASIX Certificate No. 1327735M_03 12 July 2024				
NatHERS Certificate No. 0007998540 12 July 2024				

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

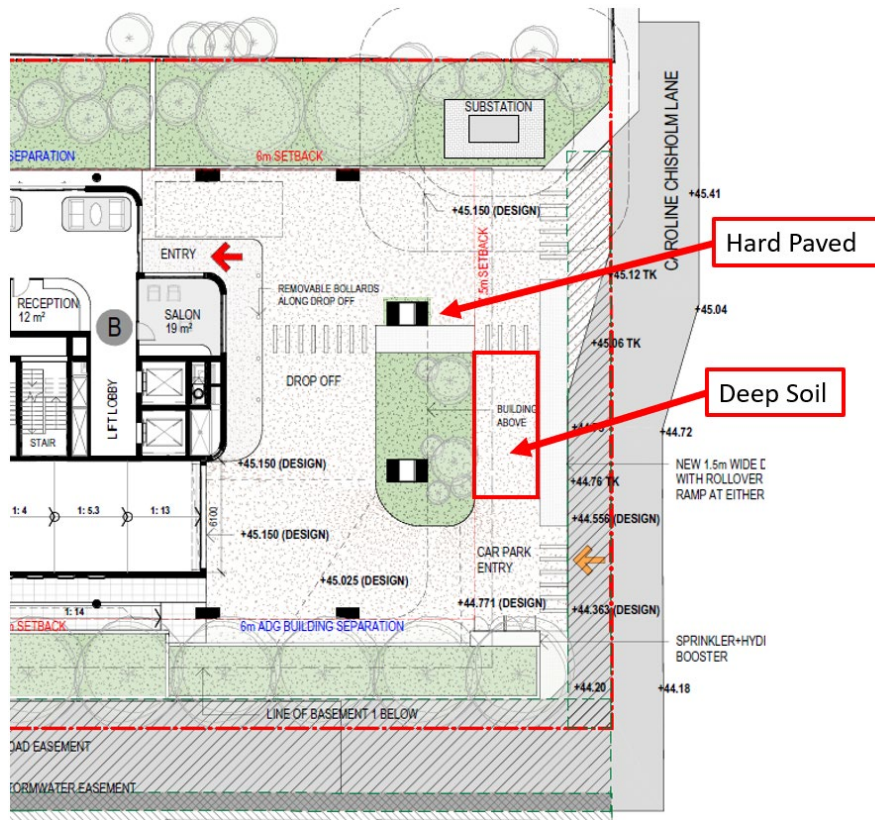
**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

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

## A.2 - Design amendments

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

- (a) The parapet on the southwest Level 2 terrace of Building B is to be deleted.
- (b) The hardstand area showing as driveway forward of the northern building line adjoining the Caroline Chisholm Lane frontage must be deleted and replaced with landscaping to the south of the pedestrian crossing as illustrated below. The new soil area (described in the diagram below as 'deep soil') is to provide adequate soil volume to accommodate 1 large or medium tree per 6 lineal metres of site frontage to screen the building façade. Please refer to red annotation in excerpt of upper ground level plan DA-103 below.



**Reason:** To require minor amendments to the approved plans and supporting documentation following assessment of the development.

### A.2A - Parking Allocation

Both the owner and occupier of the development and/or the strata body must provide and maintain the minimum parking allocation as follows;

- a) 42 residential spaces including 8 accessible spaces;
- b) 7 visitor spaces;
- c) 1 carwash bay;
- d) 1 service bay;
- e) 1 mini-bus bay.

The applicant is encouraged to explore opportunities for additional secure bicycle parking spaces.

**Reason:** To ensure parking spaces are provided in accordance with the determination

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

Before the commencement of any works on the site or the issue of the relevant 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 Type	Amount	Refunded post OC if deemed satisfactory by Council
Infrastructure Damage Bond	\$7,000.00	Yes
Inspection Fee: \$215 per visit	\$1,260.00	No
Civil Reconstruction Work	\$17,500.00	Yes
Footpath	\$58,400.00	Yes
Kerb/gutter		Yes
Drainage pit (2.4m)	\$4,500.00	Yes
Road resealing	\$12,700.00	Yes
Turfing	\$1850.00	Yes
Council Owned Trees	\$15,000.00	Yes
Positive Covenant Bond for all OSD Systems	\$1,000.00	Yes
<b><u>TOTAL:</u></b>	<b><u>\$119,210.00</u></b>	

A **\$119,210.00** cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements.

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 or proposed Council pit or pipe;
- all footpath, kerb/gutter and landscaping works; and
- any adjustment works in Council's land.

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

#### **A.5A - Payment of development contributions**

**Payment of section 7.11 contributions in accordance with LGA-wide Section 7.11 Development Contributions Plan**



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

- (i) 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 (ii) (below) must be paid.
- (ii) 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
1 bedroom	= \$15,400.82	1 x \$15,400.82	\$15,400.82
2 bedrooms	= \$24,384.00 <b>*Capped Rate \$20,000 per dwelling</b>	25 x \$20,000	\$500,000.00
3 + bedroom	\$30,801.65 x 20 dwelling. <b>*Capped Rate \$20,000 per dwelling</b>	16 x \$20,000	\$320,000.00
Total:			<b>\$835,400.82</b>

As at the date of this consent, the total contribution payable to Council under this condition is **\$835,400.82** in accordance with LGA-wide 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 LGA-wide 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 must be in the form of a bank cheque. Personal cheques or bank transfers will not be accepted.

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

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

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of **\$116,478.00** as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the principal certifier.

**Reason:** To ensure the long service levy is paid.

**A.5 - Council Drainage Infrastructure**

The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the stormwater line are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.

**Reason:** To protect public infrastructure

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

The protection of trees in Lane Cove is regulated under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP) parts 2.2 and 2.3 which prohibits the clearing of vegetation without the authority conferred by a permit granted by Council. Clearing under the SEPP is defined as:

- 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.

The clearing 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 per individual and \$5,500,000 per corporation.

The following tree numbers have been adopted from the supplied Tree Impact Assessment Report by Stuart Noble Arboriculture dated 13<sup>th</sup> June 2024: PROJECT: 2215 revision C

**The following trees shall be retained:**

Tree No.	Species	Location	Dimension (metres)
12a	<i>Quercus robur</i>	Neighbouring property	12 x 7
13	<i>Ficus rubiginosa</i>	Neighbouring property	22 x 27
23	<i>Magnolia grandiflora</i>	Side of property	18 x 23
25	<i>Camellia sasanqua</i>	Side of property	8 x 3
27	<i>Camellia sasanqua</i>	Side of property	8 x 5
28	<i>Camellia sasanqua</i>	Side of property	8 x 5
29	<i>Archontophoenix cunninghamiana</i>	Neighbouring property	9 x 3
30	<i>Archontophoenix cunninghamiana</i>	Neighbouring property	11 x 3
31	<i>Archontophoenix cunninghamiana</i>	Neighbouring property	11 x 3
34	<i>Cyathea australis</i>	Neighbouring property	8 x 3
35	<i>Syagrus romanzoffiana</i>	Neighbouring property	7 x 3
35a	<i>Syagrus romanzoffiana</i>	Neighbouring property	12 x 3
36	<i>Archontophoenix cunninghamiana</i>	Neighbouring property	9 x 3
37	<i>Archontophoenix cunninghamiana</i>	Neighbouring property	9 x 3
44	<i>Leptospermum petersonii</i>	Neighbouring property	9 x 4
47	<i>Quercus robur</i>	Neighbouring property	12 x 16
51	<i>Eucalyptus sp</i>	On Council property	18 x 13
52	<i>Eucalyptus saligna</i>	On Council property	24 x 12

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

Tree No.	Species	Location	Dimension (metres)
1	<i>Afrocarpus falcatus</i>	Eastern side	17 x 13
2	<i>Tibouchina alstonville</i>	Eastern side	5 x 4
3	<i>Camellia japonica</i>	Southern boundary	4 x 4
4	<i>Camellia japonica</i>	Southern boundary	5 x 4
5	<i>Camellia japonica</i>	Southern boundary	6.5 x 5
6	<i>Dyopsis lutescens</i>	Southern boundary	6 x 4
7	<i>Schefflera actinophylla</i>	Southern boundary	4 x 3
8	<i>Camellia japonica</i>	Centrally located	3.5 x 3
8A	<i>Plumeria rubra</i>	Centrally located	6 x 5
9	<i>Camellia japonica</i>	Centrally located	6 x 3
10	<i>Camellia japonica</i>	Centrally located	5 x 4
10A	<i>Camellia japonica</i>	Centrally located	5 x 4
11	<i>Camellia japonica</i>	Centrally located	3.5 x 3
12	<i>Camellia japonica</i>	Centrally located	3.5 x 3
14	<i>Brachychiton acerifolius</i>	Southwest border	6 x 5
15	<i>Lophostemon confertus</i>	Western boundary	16 x 7
16	<i>Lophostemon confertus</i>	Western boundary	16 x 6
17	<i>Lophostemon confertus</i>	Western boundary	15 x 10
18	<i>Lophostemon confertus</i>	Western boundary	14 x 11
19	<i>Lophostemon confertus</i>	Western boundary	16 x 9

20	<i>Phoenix canariensis</i>	Western boundary	6 x 6
21	<i>Olea europea var cuspidata</i>	Northwest Boundary	4
22	<i>Magnolia grandiflora</i>	Northern boundary	15 x 12
22a	<i>Plumeria rubra</i>	Northern Boundary	5 x 4
24	<i>Camellia sasanqua</i>	Northern boundary	6 x 3
32	<i>Cyathea australis</i>	Northern Boundary	6 x 3
41	<i>Murraya paniculata</i>	Northeast boundary	8 x 5
41A	<i>Michelia figo</i>	Northeast boundary	8 x 5
45	<i>Leptospermum petersonii</i>	Northeast boundary	9 x 4
48	<i>Ficus microcarpa hillii</i>	On Council property	18 x 8
49	<i>Ficus microcarpa hillii</i>	On Council property	18 x 16
50	<i>Cupressus species</i>	On Council property	17 x 7

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

Tree No.	Species	Location	Permitted works in TPZ
13	<i>Ficus rubiginosa</i>	Neighbouring property	Demolition of existing structures Excavation and construction of new building Construction of new landscape elements
23	<i>Magnolia grandiflora</i>	Northern Boundary	Demolition of existing structures Excavation and construction of new building Construction of elevated decking Stormwater services
25	<i>Camellia sasanqua</i>	Northern boundary	Construction of elevated decking
27	<i>Camellia sasanqua</i>	Northern boundary	Construction of elevated decking
28	<i>Camellia sasanqua</i>	Northern boundary	Construction of elevated decking

**No pruning of any other trees (other than trees 13, 23, 25, 27, 28) is permitted under this consent. Any additional pruning requires a separate application.**

**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.9T - 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.EH - Community engagement plan**

A comprehensive community engagement plan is to be prepared that addresses complaint management and strategies to address noise impacts on surrounding residents during the construction phase of the development. 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 surrounding residential properties during construction**

#### **A10 – Special condition – Prepurchase of Replacement Trees**

To the extent the below trees are included on the construction drawings submitted under B1.L, the applicant is to provide receipt of pre-purchased trees as outlined below from a registered nursery that will attain the prescribed height of replacement trees as part of this consent.

Quantity	Species	Common Name	Container size
5	<i>Angophora costata</i>	Smooth-barked Apple	400L
2	<i>Backhousia myrtifolia</i>	Grey Myrtle	200L
3	<i>Banksia integrifolia</i>	Coastal Banksia	100L
4	<i>Ceratopetalum gummiiferum</i>	NSW Christmas Bush	100L
3	<i>Corymbia gummifera</i>	Red Bloodwood	400L
2	<i>Elaeocarpus reticulatus</i>	Blueberry Ash	100L
14	<i>Elaeocarpus reticulatus</i> 'Prima-Donna'	Pink Flowering Blueberry Ash	100L
1	<i>Eucalyptus haemastoma</i>	Scribbly Gum	400L
4	<i>Lophostemon confertus</i>	Queensland Brush Box	1000L
1	<i>Melaleuca linariifolia</i>	Snow in Summer	100L
15	<i>Tristaniaopsis laurina</i> 'Luscious'	Luscious Water Gum	400L
1	<i>Acer palmatum</i>	Japanese Maple	100L
1	<i>Hibiscus tiliaceus</i> 'Rubra'	Red Cottonwood	100L
4	<i>Lagerstroemia indica x fauriei</i> 'Sioux'	Crepe Myrtle (hot musk pink)	100L
1	<i>Magnolia grandiflora</i> 'Little Gem'	Magnolia Little Gem	100L
5	<i>Waterhousea floribunda</i>	Weeping Lilly Pilly	200L

The receipt is to be provided to Council's Landscape Architect **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.10A - Boundary Levels

The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping, driveway and stormwater drainage plans and shall be obtained **prior to the issue of the Construction Certificate.**

Applicant has to lodge Vehicular Crossing Application form with application fee as shown in the form.

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

#### A.10.E Drainage plan amendments

Prior to the issue of any construction certificate, the following plans must be amended to reflect the detailed design of the stormwater system set out in the report of Northrop, reference No: NL171503-00 dated 14 November 2024:

DA-C04.01	1	Civil Works Plan – Basement	Northrop	14 June 2024
DA-C04.02	1	Civil Works Plan – Lower Ground	Northrop	14 June 2024
DA-C04.03	1	Civil Works Plan – Upper Ground	Northrop	14 June 2024

The plans must also:

1. Detail the location of existing Council's stormwater pipe system.
2. show pipe sizes and invert levels up to the connection point; confirming pipe system satisfies part O of Council's storm water DCP.
3. include the stormwater requirements shown in the Basix certificate for the development.
4. Include clean out pits at all low points of charged drainage line if charged pipe system is proposed.
5. Show the location of sediment control fences around the construction site.
6. Show subsoil seepage agg-line drainage around the proposed retaining wall, dwelling, basement or as it is necessary and connected to proposed drainage system
7. Provide for stormwater runoff from the driveway being collected by grated driveway pit and connected to stormwater system.
8. Any proposed pipe beneath of driveways shall be replaced by a suitable RHS
9. The proposed connection to the Council pipe system is to be selected based on advice obtained by the applicant from a suitably qualified engineer demonstrating the suitability of the proposed connection point. The OSD can be connected to the existing pit located in the southwestern corner of the site.
10. Provide for the installation of a gross pollutant trap (GPT) suitable for this site following the carrying out of a MUSIC analyses and provide for suitable access to the GPT for future maintenance.
11. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
12. The detailed cross section of the OSD is required, showing levels, sizes, depths and widths.
13. Orifice inverts shall be shown in typical cross sections of the OSDs.
14. Discharge control pits in OSD shall have sump(300mm)
15. Overflow weir details such as levels, width and depth shall be shown in Basin.
16. To facilitate cleaning of the tank it is to have a minimum of two 600x600mm access grates where the clear internal height of the tank is less than 600mm. Additional grates are to be provided if the distance between access grates exceeds 10m.
17. A CCTV reports of the existing Council's pipe system running through site from Cope St to Burns Bay Road is to be submitted to Council, prior to construction start and after completion of work.
18. A suitable pump out system is required for the basement and shall satisfy section 5.4 of part O of Council's stormwater DCP. The pump is to be connected to the OSD system. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan and submitted to Council.
19. The proposed basement shall be constructed with water-proof walls around the basement
20. Installation of pipe system near the protected trees must be assessed by Council Tree Officer
21. Additional pits are required in terrace area and connected to OSD.
22. Retaining wall is required along northern boundary fence line. All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified structural engineer.
23. The applicant has to obtain full details of the required reconstruction works related to stormwater pit and pipe connection on Burns Bay Road from TfNSW, provide TfNSW with the updated stormwater plan and obtain confirmation that the works proposed on Burns Bay Road are acceptable, and submit this confirmation to Council.

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.11 - Services**

Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.

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

**A.15 – Cladding**

No external combustible cladding is permitted on the building.

**Reason: To ensure fire safety**

## **PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE:**

### **B.1.L LANDSCAPE DOCUMENTATION**

A detailed set of construction drawings shall be prepared by a registered Landscape Architect in accordance with Lane Cove Development Control Plan Part J Landscaping Section 2.4 and be submitted to Council's Manager Open Space for assessment and approval prior to the issue of a Construction Certificate for landscape works. The approved plans are to form part of the Construction Certificate approval from the Private Certifier.

The documentation shall address all the points of the following planning instruments:

1. Development Application Landscape Checklist
2. LCC DCP Part J – Landscaping
3. State Environmental Planning Policy (Biodiversity and Conservation) 2021
4. LCC LEP 2009
5. State Environmental Planning Policy Housing 2021 and the Apartment Design Guide

The construction documentation must include the following:

1. Landscape designer's name, qualifications, company name, contact phone details are on plan;
2. For medium/high density residential, commercial and industrial development, the front setback with endemic planting only in areas visible from the street
3. The side and rear setbacks
4. Screening issues
5. Details, sections and elevations of raised garden beds with soil profiles, volumes and specified media
6. One elevation from each of the north, south, east and west directions
7. One long and one short section through the entire length of the site
8. A detailed plant schedule in accordance with Part J Landscaping
9. Tree protection measures for trees to be retained consistent with the recommendations of the project arborist
10. All drainage and OSD measures clearly outlined
11. All landscape areas calculations clearly delineated with a measurable outline including a table showing:
  - a. Communal open space;
  - b. Deep soil planting compliant with the Housing SEPP 2021; and
  - c. Landscaped area
    - i. *Note: the calculations prepared by other project consultants will not be accepted. The final figures must be provided by the Landscape Architect/designer and including within the landscape documentation package with the latest issue clearly displayed*
12. Location of new and/or altered services; sewer, storm water, underground cables
13. Extent of excavations, earthworks, cut & fill or ground disturbance is indicated
14. The extent of areas to be irrigated and method of irrigation is indicated (plantings over slabs and in the planter-boxes may require an irrigation system)

**Reason: Landscaping Requirements.**

### **B.2.L1 Tree planting:**

All trees in the Burns Bay Road setback shall be of a height of at least 4M above natural ground level at time of installation and therefore covered by Lane Cove Councils Tree Preservation order.

Councils Landscape Architect shall be advised when the trees have been installed so an inspection of the trees can be conducted by Councils Landscape Architect and the Occupation Certificate shall not be issued until Councils Landscape Architect is satisfied that this condition has been satisfied. An arborist report must be provided to Council every 12 months following the issue of an Occupation Certificate stating the condition of the trees. All trees must be maintained in a healthy condition for 3 years following the issue of an Occupation Certificate.

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

**B.2.L2- Tree retention as part of LCC Climate Emergency:**

Lane Cove Council has declared a Climate Emergency in the LGA and a focus of development moving forward is to increase the amount of canopy cover on development sites to a minimum of 35%. One strategy which will help to achieve this goal is to retain mature trees that already provide some amount of environmental benefit, followed by new tree plantings in appropriate areas of the development site where they have sufficient room for proper root development so that they may achieve their full growth potential. Should there be any minor design amendments to the building or the construction management plan that allow for further trees to be retained, this would be of great benefit.

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

**B.2.L3 Screen planting:**

Screen planting is required along both the northern and southern boundaries as per the landscape plans provided by Sturt Noble dated 13.06.2024. These plants must be healthy, good quality nursery stock in accordance with Australian Standard **AS 2303:2015**, grown to at least 45 L pot size, being free of girdling roots and other defects and have a height at maturity of at least 4 m tall. Plants must be spaced at appropriate intervals to ensure a continuous hedge within 24 months of installation. Residents are strongly encouraged to use local native plant species in their gardens. A species list of local native plants suitable for gardens is available from Council.

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

**B.2.L3A Privacy Screens**

Privacy screens to a height of 1.6m above the level adjacent terrace level are to be provided in the following locations -

- I. Centrally within the southern planters between the southern pathway and the private open space terraces of the southern units in Building A;
- II. Centrally within the planter, adjacent bbq area, to the northwestern edge of the courtyard terrace on the upper ground level where the balcony interfaces the communal space;
- III. To the western edge of the southern pathway adjacent to the library and meeting room; and

**REASON: To ensure adequate privacy is achieved for these apartments.**

**B.2.L4 - Revised Landscape Documentation required.**

A revised landscape documentation package shall be submitted to Council's Landscape Architect for assessment that is fully compliant with Council's requirements for a Development Application. A compliance certificate is to be issued to Council confirming that the landscape documentation is consistent with the approved plans and otherwise compliant with the following:

- Local Environment Plan 2009
- Lane Cove Councils Development Control Plan 2009
  - Part J Landscaping
  - Part C Residential
  - Part O Stormwater Management
- The Development Application Landscape Checklist
- The Apartment Design Guide 2015

**REASON: This level of detail with larger scale developments is necessary to undertake a proper assessment of the landscape works and how they relate both the ground plane and the built form to ensure good and usable design of the external spaces.**

**B.2.M Noise Control – Car Park Security Grills**

To minimise the impact on the amenity of surrounding residents, all sound producing plant, equipment, machinery or fittings within or forming part of the proposed security door fitted to the car parking area



entrance shall be acoustically attenuated so that the noise emitted does not exceed 5db(A) above the ambient background level at the most sensitive receiver. Notwithstanding the above any noise that is emitted shall not be audible within any premises within the hours of 10pm and 7am on weekdays and 10pm and 8am on weekends and public holidays and comply with the *Protection of the Environmental Operations Act 1997*. Details of the acoustic treatment are to be shown on the application for a construction certificate.

**Reason: EH Requirement.**

#### **B.2.N - Noise Control – Mechanical Plant**

To minimise the impact of noise from all mechanical plant and equipment serving the development including air conditioners, refrigeration units, supply and exhaust fans and any other outdoor plant items must be selected and located to ensure compliance with the Project Noise Trigger Levels as established in Table 4-1 of the DA Acoustic Report prepared by PKA Acoustic Consulting [Ref: 11225 R02v1 dated 11 June 2024]. The details and final equipment selections must be checked by a qualified acoustic consultant and where exceedances are predicted, noise controls measures must be implemented, or alternate selections must be made to ensure compliance.

**Reason: EH Requirement.**

#### **B.2.O - Foot path Regrading**

Prior to the issue of a construction certificate, a sample excavation is to be carried out at the location of the greatest depth of the proposed regrading, to determine the depth and location of the wall and its footings.

If the wall and its footings are to be impacted by the regrading works, details are to be provided by a suitably qualified structural engineer with heritage experience, and approved by the heritage officer at Council.

The wall and its footings are to be retained in the regrading works and protected during and after regrading. Details of the protection of the wall and footings are to be to the written approval of the project heritage consultant and the Heritage Officer at Council.

**Reason: Heritage requirement.**

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

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

**Reason: To ensure worker and public health and safety.**

**B.3.L- Site engineering of the Burns Bay Road setback re-establishment area.**

The revised landscape plans shall address the rehabilitation of the Burns Bay Road setback area which shall include the removal of any concrete or other building materials used to create the access drive during construction. The soil profile shall be approved by a soil scientist ensuring a proper A horizon, B horizon and compacted subbase to ensure roots have the best growing conditions to support a healthy root plate with anchor roots evident within the first twelve months of growing.

An expanded establishment period of 2 x growing seasons shall form part of this condition to ensure the trees are well established and in a healthy condition.

**Reason: Replacement of trees.**

**B.4.L Revised landscape documentation required (compliant with ADG)**

The communal open space area to the northeast of the building needs to be fully resolved by the landscape architect including DDA compliant access and circulation through the area and it must include a variety of recreation activities available to all levels of abilities and shall be compliant with Clause 3D and in particular 3D-2 of the Apartment Design Guide, prepared by NSW Planning & Environment, dated 2015.

**REASON: to provide quality amenity for residents.**

**B.4.LA Revised landscape documentation required (compliant with ADG)**

A revised landscape documentation package shall be submitted to Council's Landscape Architect for assessment that is compliant with the Apartment Design Guide 2015 standards for minimum soil depths for plants (table below) shall be submitted to Council's Landscape Architect before issue of Construction Certificate. The documentation shall include construction drawings fully dimensioned and include waterproofing, irrigation, soil profile mix and all required information to construct

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

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

The Applicant must ensure that 'on' structure landscaping has adequate soil depth, volume and suitable profile to support the number of trees and shrubs as proposed in the approved Landscape Documentation Package. Soil volumes and depths must be in accordance with the relevant sections

of the Apartment Design Guide and LCC-DCP Par J Landscaping and must form part of the Landscape Documentation Package submitted to Council for assessment.

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

#### **B.4.EH Demolition work plan**

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

The demolition work plan must be submitted to the Principal Certifying Authority (PCA), not less than seven 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.T Demolition Traffic Management Plan.**

As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and report shall be prepared by a suitably qualified person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must: -

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. 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.
- iv. Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- v. 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.

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.

- i. 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.
- ii. The DTMP shall 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”.

**NOTE:** This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

**Reason: Traffic Condition.**

#### **B.9.EH General remediation requirement**

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

**Reason: Environmental Health**

#### **B.10. E. Construction Traffic Management Plan**

A Construction Traffic Management Plan must be lodged with Council prior to the issuing of a Construction Certificate and approved by Council. A Construction Traffic Management Plan is to be submitted to and approved by TfNSW via a Road Occupancy Licence (ROL) where required. As per DCP Part R, the Construction Management Plan should address (but not necessarily be limited too) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, and any conflict with other road users in the street including public transport. Heavy vehicles will not be permitted to travel on local roads unless prior Council permission is obtained from Council’s Traffic section. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.

The Construction Management Plan should specify proposed Work/Construction Zones and the impact of the construction traffic activities to all road users including pedestrians and cyclists. The Construction Management Plan may contain issues requiring the attention and approval of the Lane Cove Traffic Committee (LTC). The Construction Management Plan should also assess and address the impact of construction vehicles travelling through the surrounding road network.

Any temporary construction access via Burns Bay Road must obtain an approval under Section 138 of the Roads Act 1993 for the proposed civil works on the Burns Bay Road frontage for a temporary access only and the following TfNSW requirements:

- a) The design and construction of the temporary construction vehicular access and associated works on Burns Bay Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by emails to [developmentworks.sydney@transport.nsw.gov.au](mailto:developmentworks.sydney@transport.nsw.gov.au). Detailed design plans are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works  
The vehicular access on Burns Bay Road shall be temporary for the construction period only and must be removed and replaced with kerb and gutter to meet TfNSW requirements, prior to the issue of any Occupation Certificate.
- b) A section of the existing pedestrian fence on Burns Bay Road adjacent the subject site will need to be removed to accommodate the proposed construction access. Following construction of the subject development and associated removal of the temporary construction access, the applicant shall erect a new pedestrian fence on Burns Bay Road that is compliant with current standards, which shall form part of the TfNSW Works Authorisation Deed (WAD) requirements. The new pedestrian fence shall be installed prior to the issue of any Occupation Certificate.
- c) Any public utility adjustment / relocation works on the state road network will require detailed civil design plans for road opening / underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain necessary approvals from the various public utility authorities and / or their agents.
- d) A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be

submitted to TfNSW for review and endorsement prior to the issue of a construction certificate.

- e) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.

A Road Occupancy licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Burns Bay Road during construction activities.

**Reason: Traffic Condition.**

**B.11 Road Dilapidation Survey**

The applicant is to prepare a dilapidation survey and a dilapidation report that includes details of the existing state of repair / condition of the road surface of **Caroline Chisholm Lane** and provide that survey and report to the Council prior to the issue of the first **Construction Certificate**. Following completion of construction of the development and prior to the issue of the first occupation certificate, the applicant is to cause to be prepared a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence truck movements associated with the construction of the development. The Council may apply funds from the security deposits paid in favour of this consent to meet the cost of making good any damage caused to the surface of the said public road as a consequence truck movements associated with the construction of the development to which the consent relates.

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

**Reason: To provide a record of Council's infrastructure and protect them**

**B.12 - Geotechnical Report**

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

**Reason: To protect the environment and required for any excavation greater than 2m**

**B.13 - Environmental Reports Certification:**

Prior to the issue of an Occupation Certificate, written certification from a suitably qualified person(s) shall be submitted to the Principal Certifier and Council, stating that all works/methods/procedures/control measures/recommendations approved by Council's Environmental Health Officer and the following reports have been completed:

- a. Construction Noise and Vibration Management Plan – JHA, Ref: 210171, Date: 12 August 2021
- b. Remediation Action Plan – eiaustralia, Ref: E25775.E06\_Rev0, 27 June 2023
- c. Acoustic Report – PKA, Ref: 11225 R01v1, Date: 16 August 2022
- d. Demolition Construction and Waste Management Plan (Revision 2) – ttm, Date: 06 September 2022.

**Reason: EH Requirement.**

**B.13.L - Project arborist**

Prior to the commencement of any works including demolition, a project arborist of minimum Australian Qualification Framework (AQF) Level 5 Arboriculture 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 of this consent have been installed

- 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 the demolition works including the existing concrete hardstand within the TPZ of T13 and T23
- Oversee the civil works excavation with the TPZ of trees 13 and 23
- Oversee the construction of landscape elements (including garden beds, retaining walls and decks) within the TPZ of trees 13 and 23
- Oversee the installation of stormwater services within the TPZ of trees 13, 23, and all other retained trees
- Oversee the pruning of T13
- 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.**

#### **B14 Special Condition – Site Specific Tree Protection Plan and Construction Management Plan**

**Prior to the Issue of a Construction Certificate**, a site-specific Tree Protection Plan (TPP), prepared by the Project Arborist is to be developed and incorporated within the 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 TPP is to be sent to Council's Principal Arborist for approval prior to the issue of a Construction Certificate.

The TPP must be written and conform to all Arboricultural plan / report requirements outlined within Appendix 5 of the Lane Cove Development Control Plan Part J 2023 amendment. The TPP is to be kept on site until the release of an occupation certificate.

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

**B.14E - Excavation Greater Than 1m depth:** Where there are structures on adjoining properties including all Council infrastructures, located within 5 meters of the proposed excavation.

The applicant shall: -

- (a) seek independent advice from a suitably qualified engineer on the impact of the proposed excavations on the adjoining properties
- (b) detail what measures are to be taken to protect those properties from undermining during construction
- (c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties

The above matters are to be completed and documentation submitted to principal certifying authority **prior to the issue of the Construction Certificate.**

- (d) Provide a dilapidation report of the adjoining properties and Council infrastructure. The dilapidation survey must be conducted **prior to the issue of the Construction Certificate**. The extent of the survey must cover the likely "zone of influence" that may arise due to excavation works, including dewatering and/or construction induced vibration. The dilapidation report must be prepared by a suitably qualified engineer. A second dilapidation report, recording structural conditions of all structures originally assessed shall be submitted to the principle certifying authority **prior to the issue of the Occupation Certificate.**

All recommendations of the suitably qualified engineer are to be carried out during excavation. The applicant must give at least seven (7) days' notice to the owner and occupiers of the adjoining allotments

before the excavation works commence.

**Reason: To protect surrounding properties and identify vulnerable structures**

#### **B.15 - Drainage Construction**

The stormwater drainage on the site is to be constructed generally in accordance with approved plan and any modifications in accordance with condition A.10.E. Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Construction Certificate.**

The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans for the purposes of construction. They are to determine what details, if any, are to be added to the Construction Certificate plans, for the issue of the Construction Certificate.

**Reason: To maintain the stormwater management of the property**

#### **B15.T Special Condition - Pre-Construction Dilapidation report: Trees to be Retained**

Before the issue of a construction certificate, the appointed project arborist must prepare a pre-construction dilapidation report on the health of the trees to be retained and protected. The report shall include photographs of each tree and any existing damage, defects or areas of concern well represented.

**Reason: To identify preconstruction condition to existing trees on the development site**

#### **B.16 T - Special Condition - Tree Protection Measures Fencing**

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

1. Tree Protection Fencing must be in accordance with the approved tree protection plan.
2. Where fencing has been specified, 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.
3. 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.
4. Where Trunk protection has been specified the trunks of the trees must be protected during the construction period by a trunk guard that consists of the following:
  - i. 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.
  - ii. 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.
  - iii. In addition to i and ii, tree armour as specified in the Tree Impact Assessment Report by Sturt Noble dated 13 June 2024, shall be installed to all retained trunks and limbs across Caroline Chisholm Lane. The tree armour is to be installed to the height of 6m or to the first limb, whichever is higher.

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.

5. 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.

6. Tree Protection fencing/trunk protection and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work.
7. Movement of Tree Protection Fencing must be overseen and approved by the Project Arborist.

**Reason: To protect the natural environment**

#### **B.17.T – Traffic**

Prior to the issue of a construction certificate a detailed design certificate from an experienced and qualified traffic engineer with tertiary qualifications is to be submitted to and approved by the Principal Certifying Authority confirming the following:

- a) The car parking layout and loading areas associated with the development (including, driveway grades, headroom clearance, turn paths, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1:2004, AS2890.2:2018 and AS2890.6:2022. Any departures from those standards needs to be adequately justified by the qualified traffic engineer.

**Reason: Safety and amenity.**

#### **B.18.T – Road Works**

Obtain a Roads Act Works Approval by submitting an application to Council for a Section 138 Roads Act Works Approval for all works required within the road reserve.

The application is to be accompanied by detailed design drawings, reports and other documentation prepared by a suitably experienced qualified professional.

Fees, in accordance with Council's Fees and Charges, will be invoiced to the applicant following lodgement of the application. Fees must be paid prior to Council commencing assessment of the application.

- a) Design drawings, reports and documentation will be required to address the following works within the road reserve:
  - i. A 1.5m wide footpath on the western side of Caroline Chisholm Lane, terminating 7m south of the existing Masonry Piers in Caroline Chisholm Lane to ensure two-way vehicular passing is possible.
  - ii. Provision of two-way passing between a B99 and B85 design vehicle at the entry to Caroline Chisholm Lane at the intersection of Cope Street / Caroline Chisholm Lane with a varying width of 5.4m between Masonry Piers (existing width retained), 6.05m between the eastern and western boundary and 5.2m between parked vehicles on the eastern side and the western boundary.
  - iii. Provision of a minimum 3.6m wide carriageway between the parking bays to the east and the footpath to the west between Cope Street and the subject site.
  - iv. Provide a give way sign at the southern end of the one way section so that should two vehicles approach this section of Caroline Chisholm Lane, the northbound vehicle would give way to the southbound vehicle.
  - v. Widening of the lane to some 5 metres for the last 35 metres (along the frontage of the subject site);
  - vi. Retention of the two existing speed humps in Caroline Chisholm Lane between Cope Street and the subject site.
  - vii. Provision of Lighting to be implemented to improve visibility at night.
- (b) Prior to the issue of a construction certificate, the applicant must make an application to the Local Traffic Committee, and if approved, carry out the following works:



- i. Install road signage and linemarking and carry out works on the western approach of Cope Street to the intersection of Cope Street / Caroline Chisholm Lane to improve and establish traffic priority for the intersection.
- (c) The detailed design of the works noted in condition (b)i. above is to be undertaken in accordance with the relevant Standards, guidelines and technical directions, and submitted to Council's Local Traffic Committee for consideration.
- (d) If approval is granted to the works in condition (b)i. above, all cost associated with approval and construction, including relevant Council fees, are to be paid by the applicant at no cost to Council.

The section 138 Roads Act Works Approval must be issued by Council and all conditions of that approval must be addressed prior to occupying and commencing any works in the road reserve.

**Reason: Safety and amenity.**

## **PART C – WHILE BUILDING WORK IS BEING CARRIED OUT:**

### **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 access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, *'Part 3 - Traffic control devices for works on roads'*
  - pedestrian and vehicular site access points and construction activity zones
  - 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.

### **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.

### **Additional Council Requirements**

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.

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.2 - Erosion and sediment control plan**

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

Council's development control plan,  
the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the 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.3 - Waste management plan (WMP)**

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

- a) Council's Development Control Plan (Part Q: *Waste Management and Minimisation*). details the following:
    - the contact details of the person(s) removing the waste
    - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
    - the disposal and destination of all waste material spoil and excavated material
- The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

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

### **C.4 - Utilities and services**

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

- b) a letter of consent from Energy Australia demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- 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.
- 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.**

### **C5 Dilapidation Report (if applicable)**

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.12.EH Offsite disposal of contaminated soil**

All contaminated material to be removed from the site will need to be assessed, classified, and managed in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines (2014). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

**Reason: To ensure health and safety.**

**C.13.EH - Hazardous or intractable wastes**

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

- Work Health and Safety Act 2011;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection of the Environment Operations Act 1997 (NSW);
- Protection of the Environment Operations (Waste) Regulation 2005;
- Waste Avoidance and Resource Recovery Act 2001; and
- NSW EPA Waste Classification Guidelines (2014).

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

**Reason: To ensure health and safety**

**C.25.E - 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.

This shall include traffic management plan as well as storage and manoeuvring areas, impacts on public assets and appropriate remedial works on Council's assets.

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

**Reason: To protect neighbouring buildings.**

**C.16.EH - Construction waste management plan**

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

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.**

**C.24.E - Structural engineer's details**

The Construction Certificate plans and specifications must include detailed professional structural engineering plans and/or specifications for the following:

- underpinning;
- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork;
- upper level floor framing;
- and where relevant in accordance with any recommendations contained in an approved geotechnical report.

**Reason: To ensure structural adequacy.**

**C.26.E - On-site stormwater detention requirements**

Certification shall be obtained from a suitably qualified Engineer that:

- a) the on-site stormwater detention (OSD) system complies with the requirements under Part O of Council's DCP; and statement prepared by Northrop, reference No: NL171503-00 dated 14 November 2024 and
- b) the CC drawings and specifications indicate the following:
  - (i) 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.
  - (ii) 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.**

**C28.EH Mechanical Rock Pick Machines**

- (a) The use of mechanical rock pick machines on building sites is prohibited due to the potential for damage to adjoining properties.
- (b) Notwithstanding the prohibition under condition (a), the principal certifying authority may approve the use of rock pick machines providing that:-
  - (1) A Geotechnical Engineer's Report that indicates that the rock pick machine can be used without causing damage to the adjoining properties.
  - (2) The report details the procedure to be followed in the use of the rock pick machine and all precautions to be taken to ensure damage does not occur to adjoining properties.
  - (3) With the permission of the adjoining owners and occupiers comprehensive internal and external photographs are to be taken of the adjoining premises for evidence of any cracking and the general state of the premises PRIOR TO ANY WORK COMMENCING. Where approval of the owners/occupiers is refused they be advised of their possible diminished ability to seek damages (if any) from the developers and where such permission is still refused Council may exercise its discretion to grant approval.
  - (4) The Geotechnical Engineer supervises the work and the work has been carried out in terms of the procedure laid down.

COMPLIANCE WITH THE REQUIREMENTS OF THIS CONDITION MUST BE SATISFIED  
**PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

**Reason: Safety and amenity**

#### **C.29 - Work Zone**

A Construction Traffic Management Plan and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of the demolition and prior to any works that require construction vehicle and machinery movements to and from the site. If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to RMS for approval. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council's Traffic Section must be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**Reason: To provide safer working environment and minimize interruption to pedestrians and motorists**

#### **C.30 - Traffic Management Plan**

Prior to submission to the principle certifying authority a traffic management plan is to be submitted to and approved by the following consent authorities,

- Lane Cove Council

The traffic management plan shall be prepared and certified by a suitably qualified person. The plan is to fully comply with AS-1742.3 and the consent authority's requirements.

The plans and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

**Reason: To ensure safety of pedestrian and motorist around work site**

#### **C.31 -Council Inspection Requirements**

The following items are to be inspected:

- Proposed stormwater drainage construction works in Council streets
- All footpath, kerb/gutter and landscaping works
- Any adjustment works in Council road reserve

Each item is to be inspected prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

An Inspection fee (\$205 for one inspection) is to be paid **prior to the issue of the Construction Certificate.**

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

#### **C.32 - Car Parking Certification**

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

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

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

#### **C.33 - Interpretation Plan**

An Interpretation Plan for the development that records the history of the site and the house is required to be submitted to Council for written approval prior to the release of the Construction Certificate. The Interpretation Plan should include the reuse of fabric salvaged from the demolition the

Walhalla House and explain the history of the site including the Ludowici family and their businesses and the stone boundary wall.

**Reason: Heritage requirement.**

#### **C.34 - Archival Recording**

A Photographic Archival Record for the former 'Walhalla' House is to be prepared in accordance with Australia ICOMOS Burra Charter and Heritage NSW guidelines. The Archival Recording is to be prepared by a suitable qualified heritage consultant and submitted to Council for written approval prior to the release of the construction certificate.

**Reason: Heritage requirement.**

#### **C.35 - Removal and Reconstruction of Stone Wall**

The heritage listed stone wall is to be dismantled, stored and reconstructed strictly in accordance with the methodology provided in Section 5.2, Salvage and Reconstruction Techniques, of the Heritage Impact Statement, 40A Cope Street Lane Cove, Umwelt June 2024.

**Reason: Heritage requirement.**

#### **C.36 - Protection of Tree 13 (Port Jackson Fig)**

- (a) No construction access or loading area shall be constructed below existing grades in the TPZ of Tree No. 13.
- (b) No construction vehicles with a height greater than 7m are permitted under the canopy of Tree No. 13.
- (c) In respect of Tree No. 13, non-invasive root mapping to all areas to be excavated shall be carried out to map roots greater than 40mm in diameter as specified in the Tree Report by Sturt Noble Revision C dated 13 June 2024 and reviewed by the Project Arborist.
- (d) The existing concrete pavement in the TPZ of Tree 13 shall be retained until the end of construction works and only removed prior to landscaping as specified in the Tree Report by Sturt Noble Revision C dated 13 June 2024 and reviewed by the Project Arborist.
- (e) All pruning to Tree No. 13 shall be as specified in the Tree Report by Sturt Noble Revision C dated 13 June 2024 and reviewed by the Project Arborist and supervised by the Project Arborist and Council's Principal Arborist.
- (f) The project arborist shall visit the site at 6-weekly intervals to visually inspect the health of Tree 13 *Ficus rubiginosa* and report any instances of decline in the tree health or any instances of activity taking place in the exclusion zone to Council's Principal Arborist for immediate action.

**Reason: To protect and ensure the long term health of Tree 13.**

#### **C37 - Protection of Trees in Caroline Chisholm Lane**

- (a) No construction vehicles, including construction vehicle loads, with a height greater than 6m are permitted along or to use Caroline Chisholm Lane.

**Reason: To protect and ensure the long term health of the trees to be retained along Caroline Chisholm Lane.**

#### **C38 - No works on neighbouring properties**

No works are approved by this consent, or are to be carried out on neighbouring properties which do not form part of this consent. In this regard:

- (a) No works to the heritage wall situated on DP 378250 are to be carried out;
- (b) No use of any driveways associated with SP 19076 is permitted.

**REASON: Any such works do not form part of the Development Application and no owner's consent for any such works has been provided.**



## **PART D – BEFORE THE COMMENCEMENT OF BUILDING WORK:**

### **D.1 - Erosion and sediment controls in place**

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

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

### **D.2 - Tree protection measures (if applicable)**

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

**Reason: To protect and retain trees**

### **D.3 - Signs on site**

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

- c) showing the name, address and telephone number of the principal certifier for the work, and
  - d) 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
  - e) stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

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

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

### **D.4 - 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. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, wastewater, waste products or otherwise.

**Reason: EH Requirement.**

### **D.5 - Works on Council Property**

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

**Reason: To ensure necessary approvals are acquired.**

**D.7 - Safety fence along the boundary of the property:** Before commencement of any works, barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.

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

### **D.8 - Pedestrian Fence along Burns Bay Road**

Where the crossfall of the regraded footpath along Burns Bay Road exceeds 5%, then:

- (a) a pedestrian fence is to be provided along the regraded section of the footpath north of the exit driveway; and
- (b) the entry driveway is to be regraded to a maximum of 2.5% crossfall, or a temporary fence is to be in place on the top of the kerb across the entry driveway when trucks are not entering the site.

**REASON: Pedestrian Safety.**

## **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 limited to the following hours:

All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted as follows:-

Monday to Friday (inclusive)	7am to 5.30pm
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**High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday**

Saturday	8am to 12 noon
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**with NO high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.**

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

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

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

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

**Reason: To protect the amenity of the surrounding area.**

### **E.2 - Compliance with the Building Code of Australia**

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

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

### **E.3 - Procedure for critical stage inspections**

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

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

### **E.4 - Implementation of the site management plans**

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

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

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

### **E.5 - Implementation of BASIX commitments**

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

**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.8 - Tree protection**

While site or building work is being carried out, the applicant must maintain all required tree protection measures outlined in the TPP in good condition in accordance with:

- 1. The relevant conditions of this consent.
- 2. The relevant requirements of *AS 4970-2009 Protection of trees on development sites*.
- 3. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

Specific conditions within this consent supersede any conflicting recommendations within an applicable CSMP or Arborist report.

**Reason: To protect trees during construction.**

#### **E.9 - Responsibility for changes to public infrastructure**

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

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

#### **E.12 - Cut and fill (if applicable)**

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.15.B - 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;
- f) upper level floor and roof framing

**Reason: EP&A Act requirement.**

#### **E.17.E – Heavy vehicle requirements**

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

**Reason: To protect the environment.**

#### **E.19.1 Heavy Vehicle Duty Employee and Truck Cleanliness:** The applicant shall

- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
- Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
- Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.

Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.

**Reason: To protect the environment**

#### **E.20 - Covering Heavy Vehicle Loads:**

All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the *Protection of the Environment Operations (Waste) Regulation, 1996* to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.

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

**E.20.A - Truck Shaker:** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

**Reason: To protect the environment**

#### **E.20.B - No obstruction of public way**

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, unless prior approval has been obtained. 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.21.B - 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.22 Dust Control:** The following measures must be taken to control the emission of dust:

- a) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
- b) All stockpiles of materials that are likely to generate dust must be kept damp or covered
- c) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

**Reason: EH Requirement.**

**E.23 Dust During Construction:** Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding residences.

**Reason: EH Requirement.**

**E.24 - Noise Monitoring**

Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work.

**Reason: EH Requirement.**

**E.25 - Amenity of Neighbourhood**

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 1997 or NSW Occupational Health & Safety Act (2000) & Regulations (2001).

**Reason: EH Requirement**

**E.25T – Special condition – Excavation of pier footings for elevated decking**

Excavation of pier footings within the tree Protection Zone and Structural Root Zone of trees 23, 25, 27 and 28 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 to 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 10mm diameter must be documented by the project arborist for site compliance.

**Reason – To protect the root system of retained trees**

**E.26 - Materials on Roads and Footpaths:** Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a “*Building waste containers or materials in a public place*” application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

**Reason: To ensure public safety and amenity**

**E26T – Demolition of existing hardscape**

Demolition works including the existing concrete hardscape within the Tree Protection Zones and trees 13 and 23 are 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.

**Reason: To protect the root system of adjoining trees**

#### **E.27 - 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.

**Reason: To ensure public safety**

#### **E.28 - Restoration**

Public areas must be maintained in a safe condition always. Restoration of disturbed Council land and assets is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.

**Reason: To maintain Council infrastructure**

#### **E28T – Special Condition – Installation of retaining walls, boundary fences and garden beds within the TPZ of retained trees**

The installation retaining walls, boundary fences or garden beds within the Tree Protection Zone of retained trees must be done so using an isolated pier and beam method or use existing footings. Excavation for pier footings must be done under the supervision of the project arborist. No roots greater than 30mm diameter are to be severed to facilitate the installation of the pier footings. A 150mm buffer must be given to roots greater than 30mm diameter. Roots less than 30mm diameter that conflict with the location of piers must be documented by the Project arborist and pruned with a sharp implement. Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2009 *The protection of trees on Development Sites*

**Reason: To mitigate damage to retained trees**

#### **E.29 - Public Utility Relocation**

If any public services are to be adjusted, because of the development, the applicant is to arrange with the relevant public utility authority the alteration or removal of those affected services. All costs associated with the relocation or removal of services shall be borne by the applicant.

**Reason: To protect, maintain and provide utility services**

#### **E.29T Special condition – Tree Pruning.**

Selective pruning of tree #13 *Ficus rubiginosa* (Port Jackson Fig) located on the adjoining property of 278 Burns Bay Rd is limited to the following branches as depicted within page 29 of the Arborist report by Sturt Noble Arboriculture dated 21/3/23:

- 2x 250mm diameter branches
- 1x 150mm diameter branch
- 3x 100mm diameter branches
- 9x 75mm diameter branches
- 3x 50mm diameter branches
- 12% live foliage is permitted to be removed from this tree.

All pruning works must be done in accordance with AS4373-2007 *The Pruning of Amenity Trees*. All branches must be pruned to branch collars to the specified branch diameters listed above.

All pruning works must be undertaken from within the subject site. This consent does not authorise the applicant or the contractors engaged to do the works to enter the neighbouring property. Written consent must be provided by the tree owner to enter their property. Pruning outside of the authorised works will result in regulatory action.

Branches that conflict with scaffold must be adequately protected using a branch guard method.

Tree pruning must be overseen and certified by the project arborist.

**Reason: To provide appropriate building clearances whilst maintain health and aesthetic of tree**

#### **E.30 - Pedestrian Access Maintained**

Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, 'Part 3 - Traffic control devices for works on roads'.

**Reason: To ensure pedestrian access is maintained**

### **E.31 - 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 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.**

### **E.32 Works Zone**

Due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone.

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

**Reason: Traffic Condition.**



## **PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **F.1.L Implementation of 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 approved plans and documents listed in Condition A.1 and the relevant conditions of development consent, . A copy of the report must be submitted to Council **PRIOR TO THE ISSUE OF THE 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, on-site stormwater detention and basement pump out system 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 Stormwater Consultant who installed GPT 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.

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.1.1 - Rooftop planting on structure:**

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

### **F.1.2 - Rooftop planting on structure; irrigation:**

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

### **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 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.3 - Post-construction dilapidation report (if relevant)**

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:

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

**Reason: To protect the State's survey infrastructure.**

### **F.5 - Repair of infrastructure**

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.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 biosecurity classed 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.13 Indemnity:**

**Prior to the issue of an Occupation Certificate**, the applicant must enter into a suitable Deed indemnifying Council and its contractors against claims for loss or damage to common property, liabilities, losses, damages and any other demands arising from any on-site collection service.

**Reason: Waste Requirement.**

#### **F.17 NSW Police Conditions**

Prior to the issue of the Occupation Certificate, the following Crime Prevention Through Environmental Design (CPTED) treatment options need to be considered and where appropriate implemented for the proposed development in order to reduce opportunities of crime:

1. The site should be clearly identified with signage that is visible from the street. This will enable all emergency services to locate the premises. Where possible visibility into the building should not be obscured by vegetation or any type of structure which can create opportunities for concealment.
2. A high definition CCTV system should be included to provide maximum surveillance of all common areas of the building including entry/exits, mailboxes, car parks and storage areas. 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 office areas to allow the manager to view all areas under camera surveillance.
3. 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".
4. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled 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.
5. 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.
6. Windows within the building 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.
7. An emergency control and evacuation plan should be implemented within the building.
8. All recording made by the CCTV system should 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.
9. Wheelchair access (ramp) should at no time be blocked nor impede access to anyone with a disability.
10. 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.
11. Mailboxes should be placed in a secure room or area.
12. An after-hours contact for the facility should be provided to North Shore Police.
13. 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.
14. Staff should be provided with a secure area in which to store their personal effects whilst working. The landscaping design around the facility needs to be free from potential hiding

places and provide sightlines throughout the area. 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.

**Reason. NSW Police recommendations.**

#### **F.18 - Certification of Retaining Structures and Excavations**

A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out;

- In accordance with Approved plan
- In accordance with the relevant Australian Standards and Codes of Practise.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Occupation Certificate.**

**Reason: To ensure the structural integrity of the works**

#### **F.19 - Stormwater System Engineering Certification**

On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:

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

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

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

#### **F.19T - Special Condition – 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 unless otherwise stated within this consent.

Tree planting and location is to be done in accordance with the approved landscape plans by Sturt Noble Associates.

A revised set of landscape plans must include the projected canopy size of the proposed replacement trees in both 5 and 10 years from the date of installation to justify the 40% canopy cover projection as proposed by the project landscape architect Sturt Nobel and Associates.

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

**Reason: Replacement Planting**

#### **F.19TASpecial condition – Post Construction Dilapidation report: Trees to be Retained.**

Before the issue of an occupation certificate, the principal certifier must obtain and review the post construction Arboricultural Assessment report prepared by the appointed Project Arborist and be satisfied that all retained trees have been maintained in a healthy, viable condition and any replacement planting has been undertaken.

The principal certifier is to provide a copy of the post construction Arboricultural report to Council's Principal Arborist (where Council is not the principal certifier) and to any relevant adjoining property owner(s).

**Reason: To ensure retained trees have been protected during construction.**

**F.19.L - Landscape Practical Completion Report:**

A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council within 7 working days of the date of practical completion of all landscape works **Prior to the issue of any form of Occupation Certificate**. This report must certify that all landscape works have been completed in accordance with the approved landscape documentation package. The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate**.  
**Reason: Landscaping Requirement**

**F.19TR - Road Works**

If the application made pursuant to condition B.18.T – Road Works (a) and Condition B.18.T – Road Works (b) is approved then the applicant shall construct the road works at its costs prior to the issue of any occupation certificate.

**Reason: Safety and amenity.**

**F19H - Heritage Consultant to be Commissioned**

A qualified and experienced Heritage Consultant must be engaged to guide and approve the removal and reinstatement of the heritage listed stone. The heritage consultant is to ensure that the approved methodology is properly implemented and that the stones are properly numbered and stored in a suitable location when the wall is dismantled. Written confirmation of the engagement of the heritage architect is to be provided with the construction certificate. Written confirmation that the works have been undertaken in accordance with the approved methodology and to the heritage architect's approval is to be provided prior to the issue of the occupation certificate.

**Reason Heritage requirement.**

**F.20.L - Waterproofing and soil Certification:**

A certificate must be submitted by a qualified practising landscape architect, Landscape / environmental designer or horticulturist, certifying that the proposed subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings and specification.. The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate**.

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

**F.21.L- 12 Month Maintenance agreement:**

Prior to issue of the Certificate of Occupation, the applicant must submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation. The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) prior to the release of **any form or Occupation Certificate**.

**REASON: To ensure the ongoing health and vitality of the plants during the establishment period.**

**F.23.L Automatic irrigation system:**

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

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

**Reason: Landscaping Requirement**



## **PART G - PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE**

### **G.1.B - SYDNEY WATER REQUIREMENTS**

The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In" for approval. A section 73 certificate is to be obtained for development or subdivision requiring servicing of sewer and water.

**Reason: To comply Sydney Water requirements.**

## **PART H - OCCUPATION AND ONGOING USE**

### **H.4 - Maintenance of wastewater and stormwater treatment device (if applicable)**

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, pump house, GPT 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.5 - Annual fire safety certificate (if applicable)**

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.6 - Garbage Chutes:**

A garbage chute system and interim recyclable storage facilities must be provided to the development.

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

**Reason: Waste Requirement.**

### **H.7 - Garbage Chute Service Rooms:**

The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.

- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute must be no longer than 1m.



- Each service room must include provision for 2x240L recycling bins for the storage of recyclable materials. Signage regarding the materials that can be recycled must be displayed near these recycling bins.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute, the types of materials which must be deposited into recycling bins, and bulky waste collection arrangements including the location and travel paths to the bulky waste storage room.

**Reason: Waste Requirement.**

**H.8 - Waste and Recycling Storage Rooms:**

Waste and recycling rooms must be of sufficient size to accommodate garbage chute systems, a total of 1 x240L garbage bins per 3 units, 1 x240L yellow recycling bins per 10 units and 1 x 240L blue recycling bins per 10 units with adequate space for manoeuvring garbage and recycling bins. 240L green waste bins available upon request.

- Minimum clearance between bins of 300mm;
- Minimum door openings of 1700mm; &
- Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).

The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:

- Concrete which is at least 75mm thick; or
- Other equivalent material; and
- Graded and drained to a floor waste which is connected to the sewer

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

The walls of waste and recycling rooms, bulky waste storage areas and waste service compartments must be constructed of solid impervious material and must be cement rendered internally to a smooth even surface coved at all intersections.

All waste and recycling rooms and bulky waste storage rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.

A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.

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

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

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

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

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

**Reason: Waste Requirement.**

**H.9 - Bulky Waste Storage Room:**

Readily accessible bulky waste storage areas located near the main garbage rooms must be provided for the use of all residents.

- Bulky waste storage rooms must be designed to the following minimum sizes:
  - 1-10 units: 10m<sup>2</sup>
  - 11-20 units: 20m<sup>2</sup>
  - >21 units: 30m<sup>2</sup>
- Doorways and travel paths must be a minimum width of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point.

**Reason: Waste Requirement.**

**H.10 - Access to Waste Collection Point:**

All waste must be collected on-site via on-site access by Council's garbage collection vehicles.

- The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for both occupants and Council's waste collection contractors.
- The minimum finished ceiling height must be 4.5m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
- The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%). The turning area at the base of any ramp must be sufficient for the maneuver of a 6.0m rigid vehicle to enter and exit the building in a forward direction.
- Where security gates are proposed, a Council master key system must be installed to permit unimpeded access.

**Reason: Waste Requirement.**

**H.11 - Ventilation – Garbage Rooms:**

Garbage rooms shall be ventilated by:-

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

**Reason: EH Requirement.**

**H.12 - Car Park Ventilation:**

The basement car park must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.

**Reason: EH Requirement.**

**H.13 Final Landscape Maintenance Agreement:**

At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council certifying that all plant material has been successfully established, that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the

Owner/ Occupier. The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au)

**Reason: Landscaping Requirement**

#### **H.14 Accessibility of Carpark Travel Alternatives**

The accessible spaces are not to be allocated to any one apartment, but are to be actively managed between residents and allocated from time to time to those residents with the greatest access requirements.

**Reason: To meet the accessibility needs of the residents and justification for the departure from the applicable development standard.**

#### **H.15 Minibus Service**

A minibus service is to be organised and provided for the residents for the duration of the development.

**Reason: To meet the accessibility needs of the residents and justification for the departure from the applicable development standard.**

#### **H.16 Accessibility of Minibus Service**

All minibuses that service the development must have a wheelchair loader and/or an accessible ramp.

**Reason: To meet the accessibility needs of the residents and justification for the departure from the applicable development standard.**

#### **H.17 Trees and Landscaping**

All trees and landscaping are to remain in perpetuity. Where a tree or vegetation dies, it is to be replaced in accordance to the approved landscape plans.

**Reason: To ensure that the landscape plans operate for the life of the development.**

#### **H.18 Restrictions on Occupation of Seniors Housing**

A restriction as to user is to 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*, limiting the use of any accommodation to which the application relates to the kinds of people referred to in Clause 88(1) of the *State Environmental Planning Policy (Housing) 2021* prior to any Occupation Certificate.

Specifically, the development will be for the accommodation of only:

- Seniors or people who have a disability;
- People who live in the same household with seniors or people who have a disability; and
- Staff employed to assist in the administration and provision of services to the development.

For the purpose of this condition, 'seniors' has the same meaning as in the State Environment Planning Policy (Housing) 2021.

**Reason: To satisfy section 88 of the Housing SEPP 2021 and to restrict development to the approved use.**