

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

### PART A – GENERAL CONDITIONS

#### A.1 - Approved plans and supporting documentation

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

Plan No	Revision	Plan Title	Drawn By	Dated
02	F	Site Plan	Architex	14-02-23
03	G	Basement Level 03	Architex	17-05-23
04	G	Basement Level 02	Architex	17-05-23
05	G	Basement Level 01	Architex	17-05-23
06	F	Level 01	Architex	14-02-23
07	F	Level 02	Architex	14-02-23
08	E	Roof Plan	Architex	01-04-22
09	E	Site Elevations	Architex	01-04-22
10	E	Site Elevations	Architex	01-04-22
11	E	Site Sections	Architex	01-04-22
13	F	Driveway Ramp Sections	Architex	14-02-23
14	E	Driveway Ramp Sections	Architex	01-04-22
15	E	Schedule of Finishes	Architex	01-04-22
2399.GD. 01	B	Landscape Plan – Level 1	Greenland Design	31-03-22
2399.GD. 02	B	Landscape Plan – Level 2	Greenland Design	31-03-22
2399.GD. 03	B	Landscape Details & Specification	Greenland Design	31-03-22
2399.GD. 04	B	Landscaped Area – Level 1	Greenland Design	31-03-22
Sheet 1	A	Basement Level 1	Architex and Robert Moore & Associates	March 2022
Sheet 2	A	Level 1	Architex and Robert Moore & Associates	March 2022
Sheet 3	A	Level 2	Architex and Robert Moore &	March 2022

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

Plan No	Revision	Plan Title	Drawn By	Dated
			Associates	
Sheet 4	A	Site Sections	Architex and Robert Moore & Associates	March 2022
Sheet 5	A	Basin Detail	Robert Moore & Associates	March 2022
Sheet 6	A	OSD Calculations	Robert Moore & Associates	March 2022
Sheet 7	A	Catchment Plan	Robert Moore & Associates	March 2022
Sheet 8	A	Drainage Long Section	Robert Moore & Associates	March 2022
Sheet 9	A	Drainage Calculations	Robert Moore & Associates	March 2022
Sheet 10	A	Drainage Calculations	Robert Moore & Associates	March 2022
-01	B	Proposed Irrigation Layout	Architex and Total Irrigation Designers	23-09-2022
-02	B	Proposed Irrigation Layout	Architex and Total Irrigation Designers	23-09-2022
-03	B	Proposed Irrigation Layout	Architex and Total Irrigation Designers	23-09-2022

Document Title	Ref./Version No.	Prepared By	Dated
Environmental Statement Letter	E25663.E09_Rev0	EI Australia	17 February 2023
Traffic Report	21NL155-TR2	Loka Consulting Engineers	17 <sup>th</sup> February 2023
Access Review Report	21NL155-A1	Loka Consulting Engineers	13 <sup>th</sup> August 2021
Acoustic Assessment	SYD2021-1110-R001C	Acouras Consultancy	24/03/2022

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

Arboricultural Impact Assessment and Tree Management Plan	7503	Redgum Horticultural	11 April 2022
Preliminary Site Investigation	E25663.E01_Rev0	EI Australia	03 June 2022
Detailed Site Investigation	E25663.E02_Rev0	EI Australia	17 October 2022
Capital Investment Value Report	Q21CO93	Construction Consultants	18 March 2022
Hazardous Materials Survey	E25663.E10_Rev0	EI Australia	7 June 2022
Water Quality Report	22036-RPT01-A2	Diversi	16 May 2022
Cascade Separator	Rev 1	Ocean Protect	Aug 2020
Statement of Final Environmental Effects	Final	Think Planners	31 March 2022
Stormwater Letter	210009	Robert Moore & Associates	13 May 2022
Survey Detail Plan	210009 DT3	Robert Moore & Associates	July 2021
Survey Plan of Ground Floor Warehouses	210009 DT1	Robert Moore & Associates	March 2021
Waste Management Plan	21NL155-WMP1	Loka Consulting Engineers	13 August 2021

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

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

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

### A.2 - Design amendments

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendment (and to the satisfaction of Council) to the approved plans stamped by Council and supporting documentation, including but not limited to those specified with the following:

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

1. **Basement Parking Details:** Submission of amended plans that deletes at least 82 car parking spaces and to be replaced with 28 truck spaces/loading bays. The likely outcome would be that 32 car parking spaces would be lost on Basement Levels 2 and 3 each to gain 12 truck spaces/loading bays each on those same levels. Further, there would be loss of 10 car parking spaces on Basement Level 1 to gain four truck spaces/loading bays.
2. **Plant List Details:** The plant list contained within Landscape plan 2399.GD.03 issue B dated March 22 is to be updated to reflect the following. The 4 x *Angophora costata* (Smooth Bark Apple) and 11 x *Eucalyptus haemastoma* (Scribbly Gum) must be planted from a container size of no less than 200L.

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

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

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

Security deposit	Revision
Inspection Fee (\$210.00 per visit)	\$1,260.00
Infrastructure damage bond	\$21,500.00
Civil reconstruction work	
Footpath	\$39,020.00
Kerb and gutter	\$69,765.00
Drainage pit (2.4m)	\$4,500.00
Turfing	\$16,080.00
Road resealing	\$21,075.00
Positive Covenant Bond for all OSD Systems (if applicable)	\$1,000.00
Council owned trees	\$45,000.00

The payments will be used for the cost of:

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

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

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

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

**Note:** Required Council inspections for civil works involving Council assets are to be carried out prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.

The following items are to be inspected:

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

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

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

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

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

**Reason: To ensure the longservice levy is paid.**

### A.5 - Payment of development contributions

#### Payment of Section 7.11 contributions

The total contribution payable prior to the issue of the Construction Certificate to Council under this condition is **\$300,010.48** as calculated at the date of this consent, in accordance with Council's Section 7.11 Contributions Plan.

The total contribution payable included is based on 11,287m<sup>2</sup> (GFA) at the current contribution rate (2022/2023) of \$47.41per sqm of additional industrial floor space (\$535,116.67) minus 4,959m<sup>2</sup> of industrial (GFA) at the current contribution rate (2022/2023) of \$47.41per sqm of existing industrial floor space (\$235,106.19).

The total amount payable may be adjusted at the time the payment is made, in accordance with the provisions of the contributions plan.

**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.**

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

### A.6 - Tree preservation and approved landscaping works

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

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

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

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

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

**The following trees shall be retained:**

Tree No.	Species	Location	Dimension (metres)
1	<i>Eucalyptus botryoides</i>	Sirius Rd Verge	17 x 15
2	<i>Callistemon citrinus</i>	Mars Rd Verge	4 x 4
3	<i>Callistemon citrinus</i>	Mars Rd Verge	4 x 4
4	<i>Callistemon citrinus</i>	Mars Rd Verge	4 x 4
5	<i>Callistemon citrinus</i>	Mars Rd Verge	4 x 4
6	<i>Callistemon citrinus</i>	Mars Rd Verge	4 x 4
7	<i>Callistemon citrinus</i>	Mars Rd Verge	4 x 4
10	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	10 x 10
13	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	8 x 2
14	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 6
15	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 6
16	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 6
17	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 6
18	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 6

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

19	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	10 x 10
20	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	10 x 10
21	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 8
22	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 8
23	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 10
24	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 10
25	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 10
26	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	9 x 10
28	<i>Cinnamomum camphora</i>	Neighbouring property Chaplain Drive	-
29	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	8 x 4
30	<i>Pinus radiata</i>	Neighbouring property Chaplain Drive	10 x 6

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

Tree No.	Species	Location	Dimension (metres)
8	<i>Eucalyptus scoparia</i>	67 Mars Rd	8 x 6
9	<i>Eucalyptus scoparia</i>	67 Mars Rd	10 x 8
11	<i>Melaleuca bracteata</i>	67 Mars Rd	8 x 6
12	<i>Acacia elata</i>	67 Mars Rd	9 x 6
27	<i>Eucalyptus nicholii</i>	67 Mars Rd	10 x 12

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

Tree No.	Species	Location	Permitted works within TPZ
1	<i>Eucalyptus botryoides</i>	Sirius Rd Verge	- Landscaping, construction of paths and retaining walls
4	<i>Callistemon citrinus</i>	Mars Rd Verge	- Landscaping, construction of pathway
5	<i>Callistemon citrinus</i>	Mars Rd Verge	- Landscaping, construction of pathway

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

10	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
13	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
14	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
15	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
16	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
17	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
18	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
19	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
20	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
21	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
22	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
23	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
24	<i>Lophostemon confertus</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building
30	<i>Pinus radiata</i>	Neighbouring property Chaplain Drive	- Construction of driveway / building

**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.7 – Prepurchase of Replacement Trees**

The applicant is to provide receipt of pre purchased trees from a registered nursery that will attain the prescribed height of replacement trees and are of the approved contained size as part of this consent. The receipt is to be provided to Council's Landscape and Tree department



## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

**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.8 - Drainage plans amendments and new**

**Drainage Plans Amendments:** Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by Robert Moore and associates Pty Ltd, reference No: 210009 E1, version: A and dated on 01/04/22. This amended plan shall satisfy part O of the Council's stormwater DCP

1. This DA requires OSD system. The detailed design for this proposed system is required
2. Proposed drainage system should show pipe sizes and invert levels up to the connection point; confirming pipe system satisfies part O of Council' storm water DCP.
3. BASIX certificate shall be submitted to Council as part of the application. The stormwater requirements shown in Basix certificate shall be included in stormwater management plan and satisfied.
4. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
5. Sediment control fence shall be placed around the construction site and shown in plan
6. Subsoil seepage agg-line drainage is required around proposed retaining wall, dwelling, basement or as it is necessary and connected to proposed drainage system
7. A MUSIC analyses shall be carried out and a gross pollutant trap (GPT) suitable for this site needs to be designed. The details of this GPT shall be shown in stormwater plan. A suitable access to the GPT for future maintenance is required.
8. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
9. The detailed cross section of the OSD is required, showing levels, sizes, depths and widths.
10. Access grates to the OSD shall be on top slab of the OSD.
11. Overflow from the OSD shall not re-enter the site via proposed driveway and must be directed to an acceptable stormwater system.
12. Orifice invert and size shall be shown in typical cross sections of the OSDs.
13. The proposed pit (Pit23) in adjoining property shall be an inlet pit. The pipe between pit23 and Council pit shall be redesigned by considering additional catchment area. 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.9 – Crime Prevention Through Environmental Design**

The development shall be carried out in accordance with the following:

- The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

- Appropriate signage is to be erected inside and around the perimeter of the building to warn of security treatments in place e.g. “This site is under 24 video surveillance”.
- The front windows of the business are to remain free of clutter and promotional material so as not to restrict sightlines into and out of the premises.
- All staff areas are to be clearly marked as such and physical barriers such as doors and gates are to be erected to prevent unauthorised entry.
- Staff is to be provided with a secure area in which to store their personal effects whilst working.
- Lighting in and around the proposed development should comply with Australian Standard AS:1158 and should provide for adequate, uniform illumination. External lighting should be of a ‘white light’ source. Note that high or low pressure sodium ‘orange’ lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from staff only areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) is to be designed to reduce opportunities for malicious damage. Internal after hours security lighting is to provide adequate illumination to allow inspection by security patrols.
- Lighting needs to be positioned in a way to reduce opportunities for offenders to commit crime i.e. vandalism and graffiti. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low or high pressure lighting is not compatible with surveillance systems.
- Doors is to 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.
- Windows within the businesses is to be of solid construction. These windows is to be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows are to be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
- An electronic surveillance system is to be included to provide for maximum surveillance of all areas of the warehouse including entry/exits and areas where cash is either kept or handled. Cameras is also to cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering. Monitors should be placed in the office area to allow the manager to view all areas under camera surveillance.
- An intruder alarm system is to be designed and installed to the Australian Standard – Domestic & Commercial Alarm Systems to enhance the physical security of the premises.
- An emergency control and evacuation plan should be implemented within the building. Management and staff are to be trained in the execution of the plan in emergency situations.

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

- 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 staff member 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 lawful requirement 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 any individual who may be involved in criminal behaviour.
- The CCTV footage is also to cover the car parking facilities. Park smarter signage is to be displayed in this area to warn/educate motorists to secure their vehicles and not leave valuable items visible in their cars. The car park will also have adequate lighting.
- Wheelchair access (ramp) should at no time be blocked or impede access to anyone with a disability.
- The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks. Trees and shrubs are to 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.
- Storage cages at the facilities are to remain locked with high quality locks and are to be constructed so that they cannot be forced or cut open and property can be concealed.

Where relevant, the amendments are to be shown on the Construction Certificate drawings **prior to the issue of the relevant Construction Certificate** to the satisfaction of the Principal Certifier. The security measures specified in this condition are to be installed **prior to the issue of an Occupation Certificate** and are to be maintained for the life of the development.

**Reason: To ensure crime prevention is incorporated within industrial developments.**

**A.10 – Cladding:** No external combustible cladding is permitted on the building.

**Reason: To ensure fire safety**

**A.11 - Works on Council Property:** 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.12 – Separate Application:** Separate application/s are to be lodged for the fit-out of the Level 1 and 2 units and for any signage.

**Reason: To ensure the necessary required approvals are obtained**

**A.13 - Landscape Documentation**

The landscape documentation set is to show the latest revisions and issued sets from all other professions involved in the development application package for consistency.

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

**Reason:** to ensure no variations to the approved plans have occurred without written consent from Council and that all aspects of the landscape installation have been completed.

### **A.14 - Plant supply**

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

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

## **PART B – PRIOR TO DEMOLITION WORKS**

### **B.1 - Demolition Traffic Management Plan**

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

The DTMP must:-

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

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

### **B.2- 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

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

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 - Demolition work plan**

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

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

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

- The name, address, contact details and licence number of the Demolisher / Asbestos Removal Contractor.
- Details of hazardous materials (including asbestos).
- Method/s of demolition (including removal of any asbestos).
- Measures and processes to be implemented to ensure the health & safety of workers and community.
- Measures to be implemented to minimise any airborne dust and asbestos.
- Methods and location of disposal of any hazardous materials (including asbestos).
- Other relevant details, measures and requirements to be implemented.
- Details of re-use, recycling and disposal of waste materials.
- Date the demolition works will commence.

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

### **B.4 - Construction environmental management plan**

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

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

### **B.5 - Remediation Action Plan**

**Prior to the issue of a construction certificate**, a Remediation Action Plan must be submitted to Council. The plan must be reviewed to the satisfaction of a NSW EPA Accredited Site Auditor.

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

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

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

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

### B.6 - Project arborist

Prior to the commencement of any works including demolition, a project arborist of minimum Australian qualitative framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. A letter of engagement must be provided to Council prior to issue of a construction certificate. Compliance certificates must be available upon request, submitted to the Principal Certifier within five days of site attendance and must be available to council immediately upon request **prior to the issue of an occupation certificate**; failure to produce the latest certificate will be considered a breach of conditions. Each compliance certificate must contain photographic evidence to confirm site attendance. A compliance certificate is required for each of the following phases.

The project Arborist shall:

- Certify all tree protection measures listed within Part B prior to demolition works
- Clearly identify and tag trees which are to be removed and which trees are to be retained as part of this consent
- Oversee the construction of the pathway and retaining walls within the TPZ of tree #1
- Oversee the demolition of the exiting concrete side path and hardstand within the SRZ of trees 10-24 and 30
- Oversee the excavation for the basement on the eastern side of the building within the protection zone of trees 10 – 24, 29 and 30 on the neighbouring property.
- Provide quarterly health and condition assessments on protected trees
- Statement upon completion for the development that all retained trees have been maintained in a healthy, viable condition and replacement planting has been undertaken. The statement must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

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

### B.7 - Tree Protection Measures Fencing

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

Tree Protection Fencing must be installed within the following locations:

1. Along the area marked within the tree protection plan located on page 38 of the supplied Arborist report by Redgum Horticultural dated 11 April 2022. Fencing for street trees must be offset a minimum 3m from the trunk of each tree within the verge

The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 3 on page 16 of the Australian Standard 4970-2009 *The Protection of Trees on Development*. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.

A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

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

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

**Reason: To protect the natural environment**

**B.8 - 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**

### **B.9 - Compliance with demolition standard**

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

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

## **PART C - BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **C.1 - Construction site management plan**

Prior to any demolition works and before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian 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.

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

### **Council Approvals**

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".
3. Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*"

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

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

### C.2 - Erosion and sediment control plan

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

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

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

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

### C.3 - Waste management plan (WMP)

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

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

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

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

### C.4 - Utilities and services

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

- a) a letter of consent from electricity authority demonstrating that satisfactory arrangements can be made for the undergrounding, installation and supply of electricity.



## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

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

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

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

### **C.5 - Dilapidation report**

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

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

### **C.6 - Car parking details**

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

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

### **C.7 - Car parking details and additional Council requirements**

Additional Council car parking requirements are set out below:

1. The proposed car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.
2. All accessible car parking spaces are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and height clearance.
3. All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
4. All vehicles must front in/ front out to/ from the development.
5. Small car spaces must form no more than 10% of the overall parking provision in public car parks.
6. Small car parking, car share, car wash bay, motorcycle parking, retail parking, tenant parking, and resident parking to be sign posted and adequately line marked.

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

7. The garbage collection and holding area is to be clearly signposted and linemarked and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and allow the vehicle to enter and exit in a forward direction.
8. Car spaces to be sign posted and adequately line marked.
9. Signage plan is required to show all the traffic signs including signs showing that there is no access for MRV vehicle to the basement. The signage plan must be approved by a Traffic Consultant.
10. Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
11. Provision for electrical vehicle including cabling to be provided for all car parking spaces.

**Reason: To comply with Council car parking requirements.**

### **C.8- Car parking allocation**

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

Light Industrial

- 1 space per 77sqm of light industrial space; and
- 1 disabled space per 50 spaces provided for.

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

### **C.9 – Pedestrians / cycling**

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

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

### **C.10 - Offsite disposal of contaminated soil**

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

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

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

### **C.11 - Hazardous or intractable wastes**

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

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

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

**Reason: To ensure health and safety**

### **C.12 - Construction waste management plan**

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

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

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

**Reason: To promote resource recovery and environmental protection.**

### **C.13 - 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;

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

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

**Reason: To ensure structural adequacy.**

### **C.14 - On-site stormwater detention requirements**

Certification shall be obtained from a suitably qualified Engineer that:

- the on-site stormwater detention (OSD) system complies with the requirements under Part O of Council's DCP; and
- the CC drawings and specifications indicate the following:
  - The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in Council's DCP-Stormwater management. An approved plate may be purchased from Council's customer service desk.
  - All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt and installed as per Section 7.4.2 of part O of Council DCP. Any tank greater than 1.2 m in depth must be fitted with step irons.

**Reason: To ensure compliance with Council's requirements.**

### **C.15 - 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 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 - Fire Hydrant Enclosure**

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

**Reason: To ensure essential services are appropriately screened.**

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

### C.17 - 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.**

### C.18 - Design amendments

The landscape plans are to be revised and resubmitted to Council’s Landscape Architect for assessment including:

- A north to south elevation showing the planting areas, depth of soil, soil volumes and planting treatment
- An east to west elevation showing the planting areas, depth of soil, soil volumes and planting treatment
- A revised planting plan and schedule that complies to Part J Landscaping Section 1.4 Objectives
  1. For medium/high density residential, commercial, and industrial development, all substantial trees, and that part of the landscaping scheme visible from the public domain shall comprise indigenous plants. (These are to be selected from the Appendix int Part J)

### C.19 - Soil volume calculations

One of the most important requirements for proper development of trees in the urban landscape is the amount of good quality, friable soil with the correct level of organic matter for the trees to draw on in the first few years of establishment.

A revised set of landscape plans shall be submitted to Council’s Landscape Architect for assessment that show the soil volumes for each of the trees along Mars Road and Sirius Road within the development as well as any required street tree replenishment planting.

The following soil volumes shall be provided:

Suggested soil volumes on sites with sand, clay, alluvial, transition and disturbed soils:

- Large trees 13-18m 16m 80m<sup>3</sup>
- Medium tree 9-12m 8m 35m<sup>3</sup>
- Small tree 6-8m 4m 15m<sup>3</sup> Note.

### C.20 - Location of existing utilities and services

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

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

(b) a response from **Sydney Water** as to whether the plans proposed to accompany the application for a construction certificate would affect any **Sydney Water** infrastructure, and whether further requirements need to be met.

(c) other relevant utilities or services - that the development as proposed to be carried out

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

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

### **C.21 - Pre-Construction Dilapidation report: Trees to be Retained**

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

(a) after comparing the pre-construction dilapidation report to the post- construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and

(b) where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent.

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

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

### **C.22 - Provision of Street Trees:**

The Applicant shall plant 5 x *Lophostemon confertus* (Queensland Brushbox) along Sirius Road within the Council nature strip. The plants are to be 200 Litre Pot size.

### **C.23 – Prepurchase of Replacement Trees**

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

### **C.24 - Proposed vehicular crossing**

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council.
- b) The driveway opening width along at the face of kerb must be as shown in the architectural drawing.
- c) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- d) Certification is to be provided by a suitably qualified engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) The following plans shall be prepared and certified by a suitably qualified engineer:
  - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - Off Street Car Parking.

- Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.
- Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.

A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All works associated with construction of the crossing shall be completed prior to the issue of any Occupation Certificate.

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

## **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 – Signs on site**

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

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

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

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

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

### **D.3 – Notice regarding dilapidation report**

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

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

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

### **D.4 – 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 comply with Council’s requirements.**

### **D.5 - Tree protection measures**

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 retained trees

## **PART E – WHILE BUILDING WORK IS BEING CARRIED OUT**

### **E.1 – Hours of work**

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

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

Monday to Friday (inclusive)                      7am to 5.30pm

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

Saturday    8am to 12 noon

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

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

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

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

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

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



## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

### **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 environmental management plan, construction site management plan and the erosion/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 – 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.6 – Construction Noise and Vibration Management Plan**

**Prior to the issue of a construction certificate**, a Construction Noise and Vibration Management Plan must be prepared for the site and submitted to Council to address procedures to prevent excessive noise and vibration being emitted from onsite demolition, excavation and construction works which may cause unreasonable loss of amenity to nearby receivers.

**Reason: To protect the amenity of the neighbourhood.**

### **E.7 – Tree protection**

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* and any arborist's report approved under this consent. This

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

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

### **E.8 – 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.9 – Uncovering relics or Aboriginal objects**

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

In this condition:

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

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

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

### **E.10 – Cut and fill**

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

- (a) All excavated material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.

All fill material imported to the site must be Virgin Excavated Natural Material 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.11 – Waste management**

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

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

approved waste management plan.

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

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

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

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

### E.12 – 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.13 – Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

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

### E.14 – Storage and assessment of potentially contaminated soils

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

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

### E.15 – Environmental Impacts during construction

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

**Reason: To protect the environment.**

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

### **E.16 – No obstruction of public way**

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

**Reason: To ensure public safety.**

### **E.17 – Stockpiling of Materials**

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

**Reason: To mitigate damage to Council land**

### **E.18 - Construction of the new pathway**

The new pathway within the Protection Zone of tree #1 is to be constructed entirely above grade. Permeable fill consisting of 20mm angular stone is to be required to level any undulating ground. A geotextile fabric should then be used to separate the fill from a sand bedding layer. Permeable paving may then be placed on the layer of sand bedding. Level depths of subbase are to be determined by the landscape company. Installation of the side pathway is to be overseen by the project arborist, no excavation is permitted within the Tree Protection Zone of tree #1 for the installation of the pathway.

**Reason: To mitigate damage to the root system of protected trees**

### **E.19 - Installation of retaining walls within TPZ**

The installation retaining walls within the protection zone of tree 1 must be done so using an isolated pier and beam method under the supervision of the project arborist. Pier locations must be flexible. No roots greater than 30mm diameter are to be severed to facilitate the installation of the piers. 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 the root system of protected trees**

### **E.20 – Demolition of existing hardscape**

Demolition of existing concrete hardscape / side path within the Tree Protection Zones of trees 10-24 and 30 is to be undertaken via the use of pneumatic breaker tools (I.E Jackhammer) only under supervision of the project arborist. Demolished pieces are to be unloaded by hand; no machinery is to be used to mitigate damage to the root system of adjoining trees.

Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2009 *The protection of trees on Development Sites*.

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

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

### **E.21 - Excavation for the basement**

Excavation required for the basement must be overseen by the project arborist. Roots discovered within the excavated area must be documented and cleanly 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 the root system of protected trees**

### **E.22 - Encroachments**

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

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

### **E.23 – Works zones**

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

**Reason: To ensure pedestrian and traffic safety.**

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

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

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

- (a) All stormwater drainage systems and storage systems.
- (b) All infrastructure that is located within the Council verge.
- (c) The following matters that Council requires to be documented:
  - Compliance with *Part O - Stormwater Management* of Lane Cove DCP 2010. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
  - Compliance with AS-3500.
  - Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention have been constructed in accordance with the approved plans.

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

- Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
- Certification from Stormwater Consultant who install GPT that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
- Certification from suitable licenced contractor that the all construction 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.2 - Completion of public utility services**

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

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

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

### **F.3 - Post-construction dilapidation report**

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

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

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

**Reason: To identify damage to 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:

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

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

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

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

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

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

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

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

### **F. 6 - Removal of waste upon completion**

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

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

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

### **F.7 - Completion of landscape and tree works**

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

Additional Council requirements are outlined below:

- Certification of the above shall be provided by the project arborist (if applicable) or by a qualified practising landscape architect. Certification shall also be provided for the following:
  - subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings.
  - All landscaping areas have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.

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

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

### **F.8 - Waste collection / deed of indemnity**

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

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

**Reason: To manage risk to any Council infrastructure.**

### **F.9 - 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.**

### **F.10 - Replacement Planting**

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

Tree species and placement must be done in accordance with landscape drawing 2399.GD.01 issue B dated March 22.

The proposed 4 x *Angophora costata* (Smooth Bark Apple) and 11 x *Eucalyptus haemastoma* (Scribbly Gum) must be planted from a container size of no less than 200L in size.

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

**Reason: Replacement Planting**

### **F.11 - Reporting:**

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. This report must certify that all landscape works have been completed in accordance with the landscape working drawing. A copy of the report must be submitted to Council **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE.**

**Reason:** to ensure no variations to the approved plans have occurred without written consent from Council and that all aspects of the landscape installation have been completed.

### **F.12 - 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.***



## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

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

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

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

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

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

#### **H.2 - Annual fire safety certificate**

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

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

#### **H.3 - Location of mechanical ventilation**

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

**Reason: To protect the residential amenity of neighbouring properties.**

#### **H.4 - Maintenance of wastewater and stormwater treatment device**

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

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

#### **H.5 - Regulated systems**

Any air handling and water systems regulated under the Public Health Act 1991 must be installed, operated, and maintained in accordance with the requirements of the Public Health (Microbial Control) Regulation 2000. The premise is to be registered with Council together with payment of the approved fee, prior to occupancy of the building.

**Reason: To satisfy Council's Engineering requirements and to ensure health and safety.**

#### **H.6 - Registration of water cooling and warm water systems**

Any water cooling and warm water systems regulated under the Public Health Act 1991 must be registered with Council's Environmental Services Unit within one month of installation.

## **ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT**

**Reason: To satisfy Council's Engineering requirements. Statutory requirement and to ensure health and safety.**

### **H.7 - Tree Replenishment:**

All trees shall always be maintained in a healthy and vigorous condition for the life of the development. Any tree that shows signs of stress shall be inspected by a Qualified Arborist with an AQF5 education and should the tree(s) require immediate replacement, this shall be at the next best growing season and the replacement tree is to be of similar dimensions as the tree removed.

This Condition of Consent shall become the responsibility of the Strata Plan and Body Corporate with a special line item in the sinking fund to cover such costs as they occur without the need for a special levy.

### **H.8– Noise**

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

**Reason: To satisfy Council's Engineering requirements. To ensure acoustic amenity.**

## ANNEXURE 1 – DRAFT CONDITIONS OF CONSENT

### Dictionary

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

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

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

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

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

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

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

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

**Council** means Lane Cove Council.

**Court** means the NSW Land and Environment Court.

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

**EPA** means the NSW Environment Protection Authority.

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

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

**LG Act** means the *Local Government Act 1993*.

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

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

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

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