

ANNEXURE 1

PART A – GENERAL CONDITIONS OF CONSENT:

Note: This part of the consent will not become operable until Council advises in writing that the matters contained in Part A are satisfied.

1. A.1 - Approved plans and supporting documentation

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

Plan No	Revision	Plan Title	Drawn By	Dated
Architectural Plans				
DA- A110010	D	Cover Page	PTW	20/12/2023
DA- A110020	F	Development Information	PTW	19/12/2023
DA-A110030	C	BASIX Notes	PTW	XX/XX/24
DA-A120010	D	Site Analysis	PTW	19/12/2023
DA-A120020	D	Demolition Plan	PTW	19/12/2023
DA-A130010	C	Site Plan	PTW	19/12/2023
DA- B1B0910	I	Basement 02 Plan	PTW	19/12/2023
DA-B1B1010	I	Basement 01 Plan	PTW	19/12/2023
DA-B1GRD10	I	Ground Floor Plan	PTW	19/12/2023
DA-B1L0110	I	Level 01 Plan	PTW	19/12/2023
DA-B1L0210	I	Level 02 Plan	PTW	19/12/2023
DA-B1L0310	H	Level 03 Plan	PTW	19/12/2023
DA- B1L0410	I	Level 04 Plan	PTW	19/12/2023
DA-B1L0510	I	Level 05 Plan	PTW	19/12/2023
DA-B1L0610	I	Level 06 Plan	PTW	19/12/2023
DA-B1L0710	I	Level 07 Plan	PTW	19/12/2023
DA-B1L0810	I	Level 08 Plan	PTW	19/12/2023
DA-B1L0910	I	Level 09 Plan	PTW	19/12/2023
DA-B1L1010	I	Level 10 Plan	PTW	19/12/2023
DA-B1L1110	I	Level 11 Plan	PTW	19/12/2023
DA-B1L1210	I	Level 12 Plan	PTW	19/12/2023
DA-B1L1310	H	Level 13 Plan	PTW	19/12/2023
DA-B1L1410	C	Roof Plan	PTW	19/12/2023
DA-C010010	D	East Elevation	PTW	19/12/2023
DA-C020010	D	South Elevation	PTW	19/12/2023
DA-C030010	D	West Elevation	PTW	19/12/2023
DA-C040010	D	North Elevation	PTW	19/12/2023
DA-C050010	D	West Elevation – Green Spine	PTW	19/12/2023

Plan No	Revision	Plan Title	Drawn By	Dated
DA-C060010	D	East Elevation – Green Spine	PTW	19/12/2023
DA-C070010	C	Area 13 South Elevation & Area 15 North Elevation	PTW	19/12/2023
DA-C510010	C	Perspective	PTW	20/12/2023
DA-C910010	C	Materials and Finishes Board	PTW	19/12/2023
DA-D110010	E	Section BLDG 14-15	PTW	19/12/2023
DA-D120010	D	Section BLDG 13-15	PTW	19/12/2023
DA-Q110010	D	GFA Plan 01	PTW	19/12/2023
DA-Q120010	D	GFA Plan 02	PTW	19/12/2023
DA-Q310010	D	Solar Access Compliance	PTW	19/12/2023
DA-Q410010	D	Cross Ventilation Compliance Diagrams	PTW	19/12/2023
DA-Q510010	C	Adaptable /Liveable Apartment Type Plan 1	PTW	19/12/2023
DA-Q520010	C	Adaptable /Liveable Apartment Type Plan 2	PTW	19/12/2023
DA-Q610010	D	Deep Soil Diagram	PTW	19/12/2023
DA-Q710010	D	Communal Open Space Diagram	PTW	19/12/2023
DA-Q810010	D	Height Plane Diagram	PTW	19/12/2023
DA-Y210010	D	Apartment Schedule	PTW	19/12/2023
Landscape Plans				
DA 21 of 52	G	3.1 Vegetation Management Plan	rps	December 2023
DA 22 of 52	G	3.2 Site Plan	rps	December 2023
DA 23 of 52	G	3.3 Overall ground floor	rps	December 2023
DA 24 of 52	G	3.3.1 Upper Ground Plan Green Spine	rps	December 2023
DA 25 of 52	G	3.3.2 Lower Ground Plan Green Spine	rps	December 2023
DA 26 of 52	G	3.3.3 Lower Ground Plan Spine	rps	December 2023
DA 27 of 52	G	3.4 Section A – Green Spine	rps	December 2023
DA 28 of 52	G	3.4.3 Section B – Green Spine	rps	December 2023
DA 29 of 52	G	3.5 Stormwater Plan	rps	December 2023
DA 30 of 52	G	3.6 Programming Plan – Green Spine	rps	December 2023
DA 31 of 52	G	3.7 Levels Plan	rps	December 2023

Plan No	Revision	Plan Title	Drawn By	Dated
DA 32 of 52	G	3.8 Roof Terrace Plan	rps	December 2023
DA 33 of 52	G	3.9 Roof Section	rps	December 2023
DA 35 of 52	G	4.1 Soil Plan	rps	December 2023
DA 36 of 52	G	4.2 Soil Depth Plan - Roof	rps	December 2023
DA 37 of 52	G	4.3 Canopy Plan	rps	December 2023
DA 38 of 52	G	4.4 Planting Character 1 of 2	rps	December 2023
DA 39 of 52	G	4.4 Planting Character 2 of 2	rps	December 2023
DA 40 of 52	G	4.5 Tree Plan	rps	December 2023
DA 41 of 52	G	4.6 Planting Plan	rps	December 2023
DA 42 of 52	G	4.6.1 Upper Ground Planting Plan	rps	December 2023
DA 43 of 52	G	4.6.2 Lower Ground Planting Plan	rps	December 2023
DA 44 of 52	G	4.6.3 Lower Ground Planting Plan	rps	December 2023
DA 45 of 52	G	4.7 Roof Planting Plan	rps	December 2023
DA 46 of 52	G	4.8 Planting Schedule	rps	December 2023
DA 48 of 52	G	5.1 Typical Details 1	rps	December 2023
DA 49 of 52	G	Typical Details 2	rps	December 2023
DA 50 of 52	G	5.2 Wind Details	rps	December 2023
DA 51 of 52	G	5.3 Maintenance Guidelines	rps	December 2023
Civil Plans				
C000	D	Cover Sheet	xavier knight	21/04/2023
C500	E	PUBLIC DOMAIN WORKS – GENERAL ARRANGEMENT PLAN	xavier knight	21/04/2023
C510	D	PUBLIC DOMAIN WORKS – LONGITUDAL SECTIONS SHEET 1	xavier knight	21/04/2023
C511	D	PUBLIC DOMAIN WORKS – LONGITUDINAL SECTION SHEET 2	xavier knight	21/04/2023
C512	C	PUBLIC DOMAIN WORKS – LOGITUDAL SECTIONS SHEET 3	xavier knight	21/04/2023

Plan No	Revision	Plan Title	Drawn By	Dated
Survey				
3438B -1	1	Detail Survey 1 of 6	Project Surveyors	25 July 2016 & 21 September 2021
3438B -2	1	Detail Survey 2 of 6	Project Surveyors	25 July 2016 & 21 September 2021
3438B -3	1	Detail Survey 3 of 6	Project Surveyors	25 July 2016 & 21 September 2021
3438B -4	1	Detail Survey 4 of 6	Project Surveyors	25 July 2016 & 21 September 2021
3438B -5	1	Detail Survey 5 of 6	Project Surveyors	25 July 2016 & 21 September 2021
3438B -6	1	Detail Survey 6 of 6	Project Surveyors	25 July 2016 & 21 September 2021

Document Title	Ref./Version No.	Prepared By	Dated
Traffic and Parking Assessment Report	21167	Varga Traffic Planning	27/04/2023
BCA Assessment Report	R1.2	Steve Watson & Partners	27/04/2023
Arboricultural Impact Assessment	-	Advanced Treescape Consulting	18/04/2023
Acoustic Assessment	SYD2021-1105 - R001B	acouras	14/04/2023
Statement of Compliance - Access for People with a Disability Job No: 22187	-	Accessible Building Solutions	24/04/2023
Detailed Site Investigation	0	Foundation Earth Sciences	14/09/2023
Operational Waste Management Plan	Revision C	Elephants Foot Consulting	20/04/2023
Construction and Demolition Waste Management Plan	Revision B	Elephants Foot Consulting	20/04/2023

BASIX Assessment Report	Rev 1.2	Eco Engineering Group	15/01/2024
Geotechnical Investigation Report	G511-1	Foundation Earth Sciences	11/10/2021
ESD Report	Rev 1.1	Eco Engineering Group	05/05/2023
Natural Ventilation -Design Review Project #2103338	-	rwdi	20/04/2023
Stormwater Management Report No. R02527 - SWMP	Rev C	At&I	13/06/2023
Updated Public Art Strategy	P2991	UAP	August 2023

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.

2. 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	\$24,000.00	Yes
Inspection Fee: \$210 per visit	\$2,100.00	No
Civil Reconstruction Work		
• Kerb/gutter work	\$70,800.00	Yes
• Footpath work	\$119,000.00	Yes
• Road resealing	\$184,000.00	Yes
• Pram Ramp (4)	\$8,000.00	Yes
(Additional ramps will be decided later)		
Council Owned Trees	\$100,000.00	Yes
Positive Covenant Bond for all OSD Systems	\$1,000.00	Yes
<u>TOTAL:</u>	<u>\$508,900.00</u>	

A **\$508,900.00** 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 connection to existing or proposed Council pit or pipe;
- all footpath, kerb/gutter and landscaping works; and
- any adjustment works in Council's Road reserve.

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

2A. A.5 - Payment of development contributions

Payment of special infrastructure contribution

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

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

The planning agreement must be consistent with the EP&A Act Clause 7.4(3) – the requirements of a planning agreement.

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

Planning agreement

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

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

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

2B. A.5A - Payment of development contributions

**Payment of section 7.11 contributions as a component of the Planning Agreement
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
Studio/1 bedroom	\$22,714.66	41	\$931,301.06
2 bedrooms	\$32,450.47	87	\$2,823,190.89
3, 4 and 5 bedrooms	\$50,299.46	57	\$2,867,069.22
Total:			\$6,621,561.17

Total credits: 10 x dwelling houses = 10 x \$20,000= (\$200,000.00)

\$6,621,561.17 – \$200,000.00= \$6,421,561.17

As at the date of this consent, the total contribution payable to Council under this condition is **\$6,421,561.17** in accordance with St Leonards South Precinct Section 7.11 Development Contributions Plan.

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

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

Payment method: Payment 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.

Payment of special infrastructure contribution

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - St Leonards and Crows Nest) Determination 2020 (as in force when this development consent takes effect). A person may not apply for a construction certificate or occupation certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Housing and Infrastructure that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution. More information A request for assessment by the Department of Planning, Housing and Infrastructure of the amount of the contribution that is required under this condition can be made through the NSW planning portal (<https://www.planning.nsw.gov.au/plans-for-your-area/infrastructure-funding/special-infrastructure-contributions>)

Please refer enquiries to SIContributions@planning.nsw.gov.au.

2C. 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 **\$276,798.00** 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.

2D. B.3.EH 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 2021.

3. A.7 – Public Domain Works

Separate applications shall be made to Council's OSUS Division for any associated works on Council property. Written approval is to be obtained prior to the start of any works on Council property. The design of the public domain surrounding the site (including any land to be dedicated to Council) shall be completed in conjunction with the St Leonards South Development Control Plan, Landscape Master Plan, Council staff and other relevant specifications.

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

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

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

The public domain works required by this consent include:

1. Shared user path (i.e. 3.0m), landscaping and kerb and gutter to Council specifications to Marshall Avenue, Berry Road, Holdsworth Avenue adjoining the frontage of the site.
2. Reinstatement of all public infrastructure damages identified in dilapidation report for public infrastructure required to be retained.
3. Street tree planting and structural root cell to Council specification along Berry Road and Holdsworth Avenue and Marshall Avenue frontages of the site.
4. Undergrounding of all above ground utility services including (but not limited to) electricity service cables and removal of redundant infrastructure (these public domain works require the consent of the specific utility authority);
5. Road design and construction to Council specification.

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

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

4. A.12 – Green Spine Title Restrictions

Prior to the issue of any occupation certificate, a right of foot way that benefits all lots except the future Council owned open space lot subject to this consent, in the terms set out in Part 2 of Schedule 8 of the Conveyancing Act 1919 must be registered against the title of the property on which development is to be carried out over the area shown as "green spine area".

Prior to the issue of any occupation certificate, a public positive covenant granting shared access between Areas 13, 14 and 15 to the green spines must be registered against the title of the property on which development is to be carried out in accordance with section 88E or 88B of the Conveyancing Act 1919, that will ensure that the following requirements are met in respect of the area shown as "green spine area" at the sole cost of the registered proprietor:

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

The terms of the covenant must also incorporate the following:

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

Reason: To ensure the requirements of the green spine are met.

5. A.13 – Compliance with Planning Agreement

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

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

6. A.14 – Compliance with Water NSW Requirements

Compliance with the General Terms of Approval provided by Water NSW dated 01 March 2024 as relevant. (Reference Number IDAS1150880).

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

7. A.9.T 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.

8. A.15 – Cladding

No external combustible cladding is permitted on the building.

Reason: To ensure fire safety

9. A.16 - Design and Construction Standards:

All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.

Reason: To ensure all works are in accordance with Council's requirements

10. A.17 - 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

11. A.19 - 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

12. A.20 - 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

13. A.21 - 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.

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 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 protect, maintain and provide utility services

14. A.22 - 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

15. **A.23 - 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 pipelines without Council's approval.

Reason: To protect public infrastructure

16. **A.24 - 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

17. **A.25 - 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 relevant Construction Certificate**.

Note: The finished floor level of the proposed garage or carport shall be determined by Council. The Applicant has to lodge Vehicular Crossing Application form with application fee as shown in the form.

Reason: To provide consistent street alignment levels

18. **A.26 - 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 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 relevant Construction Certificate**.

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

19. **A.27 – Compliance with Ausgrid Requirements**

Ausgrid Underground Cables are in the vicinity of the development:

- Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).
- In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
 - SafeWork Australia – Excavation Code of Practice.
 - Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Reason: AUSGRID condition.

20. **A.10.E Drainage plan amendments (if applicable)**

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 C and M Consulting Engineers, reference No: R02527-SWMP, revision: C and dated in April 2023. This amended plan shall satisfy part O of the Council's stormwater DCP.

1. This DA requires OSD. The detailed design of 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's storm water DCP.
3. The top water level in rainwater tank shall be shown in plan.
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 pollution control pit (as shown in section 3.4.1 in part O of Council's stormwater DCP) with mesh (RH3030) and sump(300mm minimum) is required within the site, at start of the connection pipe to the Council system. These details shall be shown in plan.
8. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP if charged system is used. The details of design level difference shall be shown in plan.
9. 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 device shall be shown in stormwater plan.
10. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
11. 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.
12. Step iron bars are required at all grated access points if depth is in excess of 1.2m
13. 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 full details of the hydraulic calculation for pump out system shall be included in stormwater management plan and submitted to Council.
14. The proposed basement shall be constructed with water-proof walls around the basement.
15. Construction of drainage system associated with the proposed pool satisfy relevant Australian standards.

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

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

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

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

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

Prior to any works and before the issue of the relevant 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.
- A Traffic Management Plan shall be prepared by a Transport for NSW accredited person and approved by Council's Traffic Department prior to commencing of any work.

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

Council Approvals

1. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
2. Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".
3. Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

Additional Council Requirements

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

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

22. 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 the Electricity Supply Authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) a response from Water NSW as to whether the plans proposed to accompany the application for a construction certificate would affect any Water NSW infrastructure, and whether further requirements need to be met.
- c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

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

23. C.5 - Dilapidation report (if applicable)

Before the issue of the relevant 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.

24. 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 and steel work;
- upper level floor framing;
- basement structure.

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

Reason: To ensure structural adequacy.

25. 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 the relevant Construction Certificate;
- include a geotechnical report to determine the design parameters appropriate to the specific development and site;
- include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

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

Reason: To protect neighbouring buildings.

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

Certification shall be obtained from a suitably qualified Engineer that:

- the on-site stormwater detention (OSD) system complies with the requirements under Part O of Council's DCP; and
- the CC drawings and specifications indicate the following:
 - The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in Council's DCP-Stormwater management. An approved plate may be purchased from Council's customer service desk.

- All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt and installed as per Section 7.4.2 of part O of Council DCP. Any tank greater than 1.2 m in depth must be fitted with step irons.

Reason: To ensure compliance with Council's requirements.

27. 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.

28. 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.

29. E.10 - Shoring and adequacy of adjoining property (if applicable)

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

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

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

Reason: Prescribed condition – (EP&A Regulation clause 98E)

30. 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.

31. 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).

The following documents before it is provided to and approved by Council:

- Council's development control plan, Particularly Part O Stormwater Section O.11 Silt and Sediment Control
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction' (the Blue Book), and
- '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 always kept on-site during site works and construction.

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

32. 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; and
- g) as requested by the Council.

Reason: EP&A Act requirement.

33. 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.

34. E.18.B - 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.

35. E.19.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.
3. No encroachment is to occur into public open space.

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

36. E.20.EH - Stockpiles

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

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

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

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

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
 - Compliance with *Part O - Stormwater Management* of Lane Cove DCP 2010. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
 - Compliance with AS-3500.
 - Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention and rainwater tank 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 install GPT that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
 - Certification from Storm Filter Consultant that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
 - Certification from suitable licenced contractor that the all works have been constructed satisfying relevant Australian standards.
 - Certification from qualified structural engineer that the proposed construction have been completed according to approved plan and structurally satisfied
 - Certification from qualified traffic engineer for a swept path for proposed car parking space and garage in forward in/out directions

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.

38. 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.

39. 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.

40. 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.

41. F.10.E - Footpaths

1. All footpaths adjacent to the site are to be installed or upgraded ensuring a consistent width and surface treatment. The minimum footpath width for this area is 3.0m for shared footpath.
2. All kerb and gutter around the site shall be reconstructed satisfying Council standards.
3. All turfing and stairs are to be reconstructed satisfying Council standards.
4. Resurfacing minimum of half of the roadway in Holdsworth Avenue, Marshal Avenue and Berry Road along the site is required satisfying Council
5. 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.

42. FA.8A Residential Apartment Noise Attenuation:

A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from **any**

internal or external noise source and when constructed achieve a 5-star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the relevant plans for a Construction Certificate.

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

43. FA.8B Acoustic Attenuation.

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

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

44. FA.9- Compliance with acoustic report

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

Reason: To ensure adequate internal acoustic amenity

45. 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, rainwater tank sumps and traps, storm-filter devices, pollution control pit, cartridges 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.

46. 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 trees shall be retained:

Tree No.	Species	Location	Dimension (metres)
7	<i>Lophostemon confertus</i>	14 Marshall Ave	16m
B1	<i>Fraxinus spp</i>	Berry Rd Verge	7m
B3	<i>Callistemon viminalis</i>	Berry Rd Verge	5m
B4	<i>Eucalyptus spp</i>	Berry Rd Verge	8m
B5	<i>Fraxinus spp</i>	Berry Rd Verge	8m

B6	<i>Callistemon viminalis</i>	Marshall Ave Verge	4m
B7	<i>Callistemon viminalis</i>	Marshall Ave Verge	4m
B8	<i>Callistemon viminalis</i>	Marshall Ave Verge	5m
B9	<i>Lophostemon confertus</i>	Marshall Ave Verge	14m
B10	<i>Lophostemon confertus</i>	Marshall Ave Verge	13m
B11	<i>Lophostemon confertus</i>	Marshall Ave Verge	14m
B12	<i>Jacaranda mimosifolia</i>	Marshall Ave Verge	6m
B14	<i>Lophostemon confertus</i>	Holdsworth Ave Verge	15m
B15	<i>Melaleuca quinquenervia</i>	Holdsworth Ave Verge	8m
B16	<i>Lophostemon confertus</i>	Holdsworth Ave Verge	14m
B17	<i>Lophostemon confertus</i>	Holdsworth Ave Verge	15m

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

Tree No.	Species	Location	Dimension (metres)
1	<i>Juniperus sp.</i>	2 Berry Rd	6m
2	<i>Pyrus spp</i>	2 Berry Rd	6m
3	<i>Syzygium smithii</i>	16 Marshall Ave	10m
4	<i>Liquidambar styraciflua</i>	16 Marshall Ave	16m
5	<i>Cupressocyparis x leylandii</i>	16 Marshall Ave	6m
6	<i>Lophostemon confertus</i>	14 Marshall Ave	6m
8	<i>Camellia sasanqua</i>	5 Holdsworth Ave	8m
9	<i>Livistona australis</i>	5 Holdsworth Ave	12m
10	<i>Magnolia grandiflora</i> (Little Gem)	5 Holdsworth Ave	6m
11	<i>Archontophoenix cunninghamiana</i>	10 Berry Rd	8m
12	<i>Leptospermum spp</i>	10 Berry Rd	12m
13	<i>Jacaranda mimosifolia</i>	10 Berry Rd	12m
14	<i>Lagerstroemia indica</i>	10 Berry Rd	6m
15	<i>Jacaranda mimosifolia</i>	7 Holdsworth Ave	14m
16	<i>Araucaria columnaris</i>	7 Holdsworth Ave	16m
17	2x <i>callistemon viminalis</i>	10 Berry Rd	4m
18	<i>Schefflera actinophylla</i>	10 Berry Rd	5m
19	<i>Callistemon viminalis</i>	10 Berry Rd	4m
20	2x <i>Camellia sasanqua</i>	10 Berry Rd	3m
21	<i>Pinus radiata</i>	9 Holdsworth Ave	16m
22	<i>Archontophoenix cunninghamiana</i>	9 Holdsworth Ave	6m
23	<i>Dyopsis lutescens</i>	9 Holdsworth Ave	3m

B2	<i>Jacaranda mimosifolia</i>	Berry Rd Verge	7m
B13	<i>Lophostemon confertus</i>	Holdsworth Ave	14m

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

Tree No.	Species	Location	Permitted Works Within TPZ
7	<i>Lophostemon confertus</i>	14 Marshall Ave	Demolition of adjoining sandstone wall Construction of new retaining wall, pathways and landscaping
B4	<i>Eucalyptus spp</i>	Berry Rd Verge	Construction of retaining walls and landscape elements
B9	<i>Lophostemon confertus</i>	Marshall Ave Verge	Construction of boundary walls
B10	<i>Lophostemon confertus</i>	Marshall Ave Verge	Construction of boundary walls
B11	<i>Lophostemon confertus</i>	Marshall Ave Verge	Construction of boundary walls, pedestrian pathway links
B15	<i>Melaleuca quinquenervia</i>	Holdsworth Ave Verge	Construction of boundary walls, landscape elements
B16	<i>Lophostemon confertus</i>	Holdsworth Ave Verge	Construction of boundary walls, landscape elements
B17	<i>Lophostemon confertus</i>	Holdsworth Ave Verge	Construction of p[edestrian through link elements

Tree removal may only occur upon issue of the relevant Construction Certificate

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

47. A10 – Special condition – Prepurchase of Replacement Trees

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

48. B.13.L - Project arborist

Prior to the commencement of any works 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 the relevant 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 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 of the existing sandstone wall within the SRZ of T7 along with the construction of any new wall / fencing within the protection zone of this tree.

- Oversee the excavation and installation of stormwater services within the Tree Protection Zone of retained trees
- 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.

49. **B.14 - Special Condition - Tree Protection Measures Fencing**

The following tree protection measures must be in place prior to 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 around T7 offset 3m contained within appendix 1 of the supplied Arborist report by Advanced Treescape Consulting dated 18/4/23
2. Around each tree located on the council verge nominated for retention forming a “box”

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

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

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

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

Reason: To protect the natural environment

50. **B15- Special Condition - Site Specific Tree protection plan and Construction Management Plan**

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

The trunks of the following trees must be protected during the construction period by a trunk guard.

1. All trees nominated with trunk guards as per the Tree Protection Plan
2. Timber Planks (50mmx100mm or similar) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m. Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way. An example of suitable trunk protection can be found on page 17 within the Australian Standard 4970-2009 *The Protection of Trees on Development Sites*. Trunk and branch protection is to be installed **Prior to the issue of the relevant construction certificate.**

Reason: To protect trees during construction

51. **B16 – Special Condition – Site Specific Tree Protection Plan and Construction Management Plan**

Prior to the Issue of the relevant Construction Certificate, a site specific Tree Protection Plan, prepared by the Project Arborist is to be developed alongside a Construction Management Plan detailing Tree Protection Methods in accordance with the Australian Standard 4970-2009 where proposed construction activities will affect the longevity of retained trees. This includes excavation, assembly of crane platforms, delivery storage and movement of site materials and location of site sheds.

Reason: To ensure the protection of retained trees.

51A. B17 - 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

52. E.8 - Tree protection

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

Reason: To protect trees during construction.

53. E.9 Aboriginal Heritage.

The Aboriginal Heritage Office recommends a preliminary inspection ('due diligence' under the National Parks and Wildlife Act 1974) by a qualified Aboriginal heritage professional. The assessment would provide information on what potential Aboriginal heritage issues exist on the land and recommendations for any further action if required. Under the National Parks and Wildlife Act 1974 (NPW Act) all Aboriginal objects are protected. Should any Aboriginal Cultural Heritage items be uncovered during earthworks, works should cease in the area and the Aboriginal Heritage Office assess the finds. Under Section 89a of the NPW Act should the objects be found to be Aboriginal, Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC) should be contacted.

Reason: Protection of Aboriginal Heritage

54. E.25 Special Condition – Excavation of sandstone wall

Excavation along the proposed lines for the boundary retaining walls within the TPZ of Trees B9, B10 and B15 must be undertaken by hand tools only to a depth of 500mm under the supervision of the project arborist. Once the specified depth has been achieved, it is to be measured and signed off by the project arborist for compliance before mechanical machinery is to be used. Roots greater than

30mm diameter are to be documented within this area 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*.55. **E.26 – Special condition – 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

55. E.26 – Construction of the sandstone wall

Demolition of the existing sandstone front wall adjoining T7 is to be overseen by the project arborist. Construction of a new fence / retaining structure is to use existing footings. Roots greater than 40mm diameter discovered within the footings area must be retained and bridged. Roots <40mm diameter must be documented and pruned by the project arborist with a sharp implement if required. Exposed roots must be treated by provisions outlined in section 4.5.4 of AS4970-2009.

Reason: To protect the root system of retain trees

56. 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 practicing 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).

57. F.19 - Special Condition – 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 planting and installation is to be undertaken in conjunction with the approved Landscaping Plan and conditions as part of this consent. All landscaping documentation must be approved by Councils Manager of Open Space.

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

Reason: Replacement Planting

58. F.20 – Special condition – Planting

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

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

59. 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. For residents who work from home, strategies to address noise impacts may include the applicant hiring a serviced office (at the Applicant's cost) for the use of affected residents during the construction period. 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.

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

59A. B.2.EH 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.

60. 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.

60A. 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.

61. C.13 - 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.

61A. 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: To ensure health and safety.

62. C.14.EH - Contaminated land

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

Reason: To ensure health and safety.

63. C.15.EH - Evidence of disposal of all waste, spoil and excavation material

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

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

64. C.20.EH - Compliance with acoustic report

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the Acoustic Report, prepared by Acoustics Consultancy, Revision SYD2021-1105-R001B, dated 14 April 2023. The Report is to include details of the specified AC plant and any other plant equipment for which details are unknown at the DA stage.

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

65. C.21.E - Vehicular Parking Requirements

- (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) Provision for electrical vehicle including cabling to be provided for 1 car parking space per dwelling.
- (f) The following plans shall be prepared and certified by a suitably qualified engineer:
 - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 – Off Street Car Parking.
 - Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.
 - Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.
 - A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All works associated with construction of the crossing shall be completed prior to the issue of any Occupation Certificate.

Additional conditions

- 1. Car share spaces and car wash spaces to be sign posted and adequately line marked.
- 2. Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
- 3. 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.
- 4. 3.0m shared user path to be constructed on Holdsworth Avenue and Berry Road along the frontage of the development.
- 5. All residential dwellings spaces are to be provisioned with cabling (and adequate electricity capacity provided) for electrical vehicle charging for a minimum of 1 vehicle space per dwelling. Certification is to be provided to the certifier prior to the issue of the relevant Construction Certificate in relation to this requirement from a suitably qualified person. The cabling infrastructure is to be located in such a way that the installation of a car charger would not impact parking space dimensions (e.g. infrastructure raised on tracks or similar).

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

66. C.8.T.A - Electrical Vehicle (EV) Charging Provision

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

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

67. C.7 - Car parking details

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

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

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

Additional Council car parking requirements are set out below:

1. The proposed car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.
2. All accessible car parking spaces are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and height clearance.
3. All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
4. All vehicles must front in/ front out to/ from the development.
5. Small car spaces must form no more than 10% of the overall parking provision in public car parks.
6. Small car parking, car share, car wash bay, motorcycle parking, retail parking, tenant parking, and resident parking to be sign posted and adequately line marked.
7. The garbage collection and holding area is to be clearly signposted and linemarked and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and allow the vehicle to enter and exit in a forward direction.
8. All residential dwellings spaces are to be provisioned with cabling (and adequate electricity capacity provided) for electrical vehicle charging. That is, all dwellings allocated 1 or more car parking spaces are to have private cabling provision for a minimum of 1 car parking space. Certification is to be provided to the certifier prior to the issue of the relevant Construction Certificate in relation to this requirement from a suitably qualified person. The cabling infrastructure is to be located in such a way that the installation of a car charger would not impact parking space dimensions (e.g. infrastructure raised on tracks or similar).

Reason: To comply with Council car parking requirements.

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

Car parking spaces shall be allocated as per the established minimum car parking rates (rounded up to the nearest whole number) in Table 1 of Part R: Traffic, Transport, and Planning of the LCDCP 2010. The subdivision and sale of excess car parking spaces is prohibited.

Reason: To comply with Council's car parking requirements

70. C.10.T – Pedestrians / cycling

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 2010 and designed in accordance with AS 2890.3: 2015 Bicycle Parking Facilities. Alternative designs that exceed the Australian Standards will also be considered appropriate.

Basement bicycle parking is to be located as close as possible to the car park entrance, clearly labelled, and easily identifiable through appropriate way finding signage.

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.

71. E.16.T – Works zones

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

Reason: To ensure pedestrian and traffic safety.

72. 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.

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.

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

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

Reason: To encourage sustainable transport in St Leonards.

74. E.1 - Hours of work

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) 7.00am to 5.30pm
- Saturday 7.00am to 4.00pm

High noise generating activities, including rock breaking and saw cutting be restricted between

- 8.00am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday, &
- Saturday between 8.00am 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.

75. 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.

76. E.7 - Construction noise

While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Reason: To protect the amenity of the neighbourhood.

77. E.13 - Waste management

While building work, vegetation removal is being carried out, the principal certifier must be satisfied all waste management is undertaken in accordance with the approved waste management plan. Upon disposal of waste, the applicant is to compile and provide records of the disposal to the principal certifier, detailing the following:

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

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

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

78. E.21.EH - Storage and assessment of potentially contaminated soils

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

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

79. E.22.EH - Environmental Impacts during construction

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

Reason: To protect the environment.

80. E.23.EH - Compliance tracking and reporting

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

Reason: To protect the environment.

81. F.11.EH - Compliance with acoustic report

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

Reason: To ensure adequate internal acoustic amenity.

82. F.13.EH - Outdoor lighting

Outdoor lighting shall comply with Australian Standard AS 4282-1997 – Control of the obtrusive effects of outdoor lighting. Where sites adjoin bushland, all outside lighting must be appropriately baffled to minimise light pollution into the bushland area. Native plantings may be used to absorb lighting.

Reason: To protect the amenity of nearby residential properties.

82A. FA.13 - Dedication of Affordable Housing dwellings

Provision of 3 affordable housing dwellings dedicated to Council in perpetuity, prior to the issue of an Occupation Certificate. Each dwelling shall comprise a minimum of 2 bedrooms with an internal area of at least 70 sqm (plus storage) and one car space, embellished in accordance with the “Specifications for Affordable Housing in the St Leonards South Precinct”;

Reason: To ensure affordable dwellings are complied with.

82B. FA.14 Dedication to Council of Pedestrian Link

Provision of the western portion of the 15m wide pedestrian and bicycle link (within Area 15) connecting Berry Road and Holdsworth Avenue embellished in accordance with the “*Specifications for Public Open Space in the St Leonards South Precinct*” and dedicated to Council in perpetuity prior to the issue of an Occupation Certificate.

Reason: To ensure pedestrian link is complied with.

82C. F.15.P - Lot Consolidation

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

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

83. FB.16 - 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 the relevant Australian Standards and Codes of Practice.

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 retaining walls are constructed according to approved plan.

84. FB.17 - 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

85. FB.18 - Engineering Certification:

A suitably qualified engineer shall certify that following has been constructed in accordance with the approved plans and is within acceptable construction tolerances.

- Pump out system
- Rainwater tank
- All repair works identified in Dilapidation report
- OSD

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

Reason: Statutory requirement

86. FB.19 - Engineering Note: All engineering compliance certificates are to contain the following declarations:

- a. This certificate is supplied in relation to **14 – 16 Marshall Avenue, 2-10 Berry Road and 5-9 Holdsworth Avenue St Leonards South**
- b. **[INSERT NAME OF ENGINEER AND COMPANY]** have been responsible for the supervision of all the work nominated in (a) above.
- c. I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.
- d. I have kept a signed record of all inspections and tests undertaken during the works and can supply the Principal Certifying Authority with a copy of such records and test results if and when required.

Reason: Statutory requirement.

87. FB.20 - Positive Covenants OSD and Pump Out System:

Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Occupation Certificate.** The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

Reason: Statutory requirements and to protect stormwater infrastructure and confirm future maintenance.

88. FB.21 - Works as Executed Drawings for OSD:

A works as executed survey of the onsite detention facility will need to be prepared and certified to demonstrate that the OSD system functions as per the intention of the approved design. A suitably qualified engineer must certify that the construction system is satisfactory.

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

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

Reason: Statutory requirements

89. FB.22 - Redundant Gutter Crossing:

All redundant kerb/gutter and footpath crossings shall be removed, and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out **prior to the issue of the Occupation Certificate.**

Reason: To ensure Council's footpath and nature strip is free from potential vehicular or other obstructions.

90. FB.23 - Rooftop planting on structure and irrigation:

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

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

Reasons: To ensure proper shade and amenity for users of the rooftop facilities.

91. FB.24 - Repair of infrastructure

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

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

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

92. G.10 – NSW Police Crime Prevention Through Environmental Design

1. 1.The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
2. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
3. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
4. The Traffic Management Plan should cover the impact the excavation phase will have, including truck usage etc.
5. Bicycle parking should be in a secure area and covered with CCTV cameras.
6. Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
7. If the site has storage cages they should be covered by CCTV cameras and made of solid material. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
8. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage.
9. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti-social behaviour. The lighting will also

need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.

10. 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.
11. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
12. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
13. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
14. “Park Smarter” signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
15. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
16. The boundaries of the site (public park and communal open space) should be clearly identified to deter unauthorised persons from entering the site.

Reason. Police Requirements safety and security.

93. 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.

94. H.3 - Location of mechanical ventilation

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

Reason: To satisfy Council's Engineering requirements. To protect the residential amenity of neighbouring properties.

95. H.4 - Maintenance of stormwater treatment device (if applicable)

During occupation and ongoing use of the building, the applicant must ensure all stormwater treatment devices (including drainage systems, sumps and traps, pump out system, storm filter devices, silt arrester pits, rainwater tank 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.

96. H.8.EH - Regulated systems

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

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

97. H.9.EH - Registration of water cooling and warm water systems

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

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

98. H.7 - Landscape Completion Report and Ongoing Maintenance

At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council and the accredited certifier, certifying that all plant material has been successfully established, that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Owner/ Occupier. The landscaping approved by this consent is to be maintained for the life of the development with the exception of the publically owned east west pedestrian link.

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

99. J.1 - 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: Health and safety.

100. J.2 - 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 1 x 240L 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: Health and safety.

101. J.3 – 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: Health and safety.

102. J.4 - Composting/Worm Farming

The applicant must provide a container for communal composting/worm farming, the siting of such must have regard to potential amenity impacts. **A clearly marked communal compost/worm farm is to be shown on plans and must be submitted.**

Reason: Health and safety.

103. J.5 - Internal Waste Management

Internal waste/recycling cupboards with sufficient space for one day's garbage and recycling generation must be provided to each dwelling. **A clearly marked internal waste/recycling cupboards are to be shown on plans and must be submitted.**

Reason: Waste management.

104. J.6 - Provision of Waste Services

Prior to the issue of an Occupation Certificate, the applicant must make written application to Council for the provision of domestic waste services.

Reason: Waste management.

105. Amended Landscape Plan Requirements

All final landscape drawings, details and specifications are to be submitted to Council's Landscape Architect for assessment and comment. The final documentation package must overlay the following critical information ensuring their location is not within any area nominated as deep soil:

1. All stormwater infrastructure
2. All rainwater tanks above or below ground
3. All sewer infrastructure
4. All electrical infrastructure including the location of the substation(s)
5. All fire apparatus

The landscape documentation package must be compliant with all aspects of the Lane Cove Development Control plan and the Lane Cove Local Environment Plan 2009 particularly:

1. St Leonards South Landscape Master Plan 2018
2. Lane Cove Council DCP Part C Localities #8 St Leonards South
3. Lane Cove Council DCP Part J landscaping and
4. Part 7 Additional local provisions – St Leonards South Area parts 7.5 & 7.6 as follows:

- **7.5 Requirements for pedestrian links and roads**

(e) for Area 15 or Area 16—a 15-metre-wide pedestrian link through the land to connect Holdsworth Avenue and Berry Road.

- **7.6 Design excellence—St Leonards South Area**

(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

(2) This clause applies to land within the St Leonards South Area.

(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters -

(c) whether the development protects and enhances the natural topography and vegetation including trees or other significant natural features,

(g) how the development addresses the following matters—

(viii) the achievement of the principles of ecologically sustainable development,

The Applicant must ensure that electronic copies of compliance reports/certificates are received by Lane Cove Council at the following address: service@lanecove.nsw.gov.au prior to the release of **any form of Occupation Certificate**.

Reason: To ensure that Landscape Plans fully completed to the satisfaction of Council

107. Tree Work

Any approved tree works shall be in accordance with Australian Standard: **AS4373-2007**

Pruning of Amenity Trees

Reason: To protect the natural environment through tree preservation

108. Trees on Development Sites

All trees to be retained on site and within 5 metres of the site boundaries shall have appropriate tree protection measures in place in accordance with Australian Standard: **AS4970-2009**

Protection of Trees on Development Sites

Reason: To protect the natural environment through tree preservation.

109. Tree Stock & Confirmation of tree stock ordered

All trees specified for installation shall be in accordance with Australian Standard: **AS2303-2018**

Tree Stock for Landscape Use

The Applicant is to provide Council with copies of the order from an accredited nursery for all trees to be installed ensuring that the trees will be available and the nominated approved size ready for installation when the time is appropriate. Substitutions will not be allowed by Council due to failure to procure stock ahead of time. The Applicant shall order surplus stock to allow for up to 10% loss of tree stock following installation and at least 1 x extra tree species ordered and left in the nominated nursery for a period of not less than 12 months following practical completion and to coincide with the completion of the nominated establishment period, whichever is greater.

Reason: To ensure healthy, resilient stock true to form is installed

110. Tree Planting

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

All other supplied trees are to be a minimum pot-size of at least 100 litres and must comply with AS

2303:2018.

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

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

111. Landscape Calculation Plan

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

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

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

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

112. Soil Volume Calculations and Profiles

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

The provisions for minimum soil volumes for planting on structures as outlined in Councils DCP Part J - Landscaping. The current landscape calculations show insufficient soil volumes and the raised planters on structure need to be amended to provide the metrics as outlined in Part J and the ADG.

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

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

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

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

113. Tree Planting species selection:

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

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.

- d) 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.

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

114. Plant supply – quality assurance:

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

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

Reason: To help minimise the required use of water for the development. To ensure that all plants are grown to industry best-practice standards

115. Pre and Post-Construction Dilapidation report: Trees to be Retained

Before the issue of the relevant construction and occupation certificates, a suitably qualified Arborist with a minimum of an AQF level 5 Degree must prepare a pre-construction dilapidation report and post construction dilapidation 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.

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

The Applicant must ensure that electronic copies of the pre-construction dilapidation; trees to be retained report is received by Lane Cove Council at the following address: service@lanecove.nsw.gov.au prior to the release of **any form of Occupation Certificate**.

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

116. Works within structural root zones of existing trees

Where works must take place within the Structural Root Zone of any tree to be retained, root mapping through hand digging shall take place and a report showing the findings shall be prepared by the Project Arborist with an AQF5 qualification and then shall be submitted to Council's Senior Tree Assessment Officer for approval.

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

117. 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 vigor

118. Planting of garden beds

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

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

119. Automatic irrigation system

An automatic drip irrigation system is to be designed and installed to all garden bed areas that will ensure the ongoing health of the planting scheme for the life of the development

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

120. Rainwater capture and re-use

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

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

121. Raised planter boxes

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

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

122. Tree Retention, Removal and Replenishment Plan.

- a) The amended landscape documentation package must satisfy Councils 1:1 tree replacement ratio. A separate drawing showing all trees to be retained, removed, or replenished is to be submitted to Council for assessment that clearly identifies each existing tree, what is proposed for each tree and the trees that are proposed to replace those trees removed.
- b) A minimum tree replacement ratio of 1:1. Replacement trees are to achieve the mature height and spread of the removed tree (as a minimum). Replacement trees must be healthy, high quality nursery stock and comply with **AS 2303-2018 Tree Stock for Landscape Use** and achieve the minimum tree canopy coverage as outlined in the LMP and not be less canopy coverage than existed prior to development.
- c) Canopy trees in all building setbacks shall be a minimum 4m at the time of planting.
- d) Provision of landscaped area in accordance with Clause 1.6 of Part J Landscaping of Lane Cove DCP 2010.
- e) Where planting on structures is proposed, compliance with the provision requirement under Clause 1.6 and requirements for planting on structures under Clause 1.10 of Part J Landscaping of Lane Cove DCP 2010.
- f) For development to which the *Apartment Design Guide Applies*, compliance with the minimum soil standards for plant types and sizes under the ADG.

The tree and canopy replenishment must meet the objectives in the Lane Cove Council Development Control Plan Part J – Objectives for Landscaping, specifically Section 1.412 which states:

12. Trees that are removed as part of the DA process must be replaced at a 1:1 ratio. Replacement trees must be able to reach the potential mature dimensions of the removed tree.

NOTE: Council will only consider tree planting that is proposed in areas that are fit for purpose for tree growth with and adequate amount of soil, access to water and nutrients, access to air exchange and that in the Opinion of Council experts, with ensure the ongoing health and vitality of each tree.

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

123. 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 trees that have been installed including height and spread at time of installation
- (c) All raised garden bed soil volume calculations
- (d) All irrigation
- (e) Any allowed plant substitutions pre-arranged with Council staff
- (f) All on-site adjustments that were required but not approved by Council with justification for such adjustments in writing and certified by the appropriate expert in the field that required the adjustment.

Reason: To confirm the location of works once constructed and to have the reasons why the changes were made on file at Council.

124. Practical Completion Report - Landscape works

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

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

125. Practical Completion Report - Landscape maintenance and establishment

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

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

126. 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. **Works must not progress until Council or the accredited certifier has confirmed that this condition has been fully satisfied.** The Applicant must ensure that electronic copies are received by Lane Cove Council at the following address: 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.

127. (OC-05) 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 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.

128. 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 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.

129. Services and Fire Hydrant Enclosure

Prior to the issue of a Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & 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.

130. Street Trees

Lane Cove Council LMP for St. Leonards South under Master Plan – Planting states:

Where a new street and / or undergrounding of power lines is proposed and new street tree planting is required, a structural root cell system (such as Strata Vault by City Green or approved equal) shall be used and the appropriate amount of both structural soil and an adequate supply of loose, well-aerated, moist and uncompacted soil structure.

If any street trees are to be removed, they must be replaced at a 1:1 ratio in the streetscape within a structural root cell system (such as Strata Vault by City Green or approved equal). The Landscape Plans are to include a detail showing the extent of the structural root cell system and construction. The species of replacement tree is to be selected as outlined in the LMP.

All street trees 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. All trees are to be maintained in a healthy condition for the life of the development with replacement trees to be installed within 6 months of the trees demise at the next optimum planting season. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance and establishment period.

REASON: To ensure the longevity and accelerated growth of Street Tree Species in the public domain.

131. Setbacks

The overall design of the front setbacks is generally favourable as it fits within the delegated envelope of the DCP, therefore allowing adequate deep soil. However, as per the LMP (page 48 Private Open Space Typologies – Setbacks) either an elevated or an on-grade setback should endeavour to include tree planting.

Holdsworth Avenue and Berry Road

The Private Terrace setbacks on Holdsworth Avenue and Berry Road should include (at a minimum) 1 medium-large tree per private terrace. This is to ensure good amenity and privacy for residents whilst

reducing the size and bulk of the built form.

- The tree species should be selected from Council's DCP Part J Landscaping Appendix 1 or the LMP.
- This is to ensure good amenity and privacy for residents whilst reducing the size and bulk of the built form.

Prior to issue of the relevant Construction Certificate the Landscape Plans must be amended to depict this information and sent back to Council's Landscape Architect for Assessment.

REASON: To achieve the objectives of the LMP and allow for maximum deep soil to facilitate tree planting on site.

132. Design variations that occur at any time in the future.

Any design variations that arise due to unforeseen influences that affect the stamped, approved landscape plans must be brought to the attention of Council's Landscape Architect immediately for inclusion in the resolution process. A reduction in tree planting number, sizes or locations nor a reduction in deep soil areas will NOT be allowed for any reason.

REASON: to avoid non-approved changes to the stamped approved plans that would be at the detriment of tree planting and provision of tree canopy.

133. Consistency of documents.

All construction certificate documentation prepared by the Project Landscape Architects must be consistent with all other documents in the stamped, approved construction certificate drawing package. The sudden appearance of any services, car park exhaust vent shafts or subterranean rainwater tanks or gross pollutant traps or multiple stormwater pipes or other infrastructure in any garden bed, deep soil, strata vault areas or any other areas contributing to the landscape component will not be allowed. (This is not a comprehensive list and all elements proposed shall be reviewed by Council's Landscape Architect.

REASON: to avoid compromising any areas of planting and soil volumes for successful root development and tree growth when the current proposed deep soil requirements are already non-compliant.

134. Tree removal or relocation at the advice of others.

Council will not entertain any recommendations from any consultants that work for the applicant to remove, relocate or reduce the size of any of the trees that form part of the stamped, approved landscape construction certificate drawings for any reason. Where any conflict arises, the solution will require other elements to be redesigned or relocated.

REASON: to avoid compromising any areas of planting and soil volumes for successful root development and tree growth when the current proposed deep soil requirements are already non-compliant.

135. Co-ordination with City Green.

The applicant will need to coordinate with the City Green design team regarding the final design of all the strata vault requirements for all of the areas where it is required. The final design and documentation will be provided by City Green which is then to be submitted to Council by the Project Civil Engineering team for the applicant for approval by Council. Soil volumes per tree are to be in accordance with the nominated volumes by Council.

REASON: to ensure soil volumes for successful root development and tree growth when the current proposed deep soil requirements are already non-compliant.

136. Coordination with Trees Impact for tree supply.

The applicant will need to coordinate with trees impact for the procurement of tree supply from the consignment that has been arranged between Lane Cove Council and Trees Impact for the supply of all public domain trees for the entire St Leonards South Development.

Trees from any other source will not be accepted.

REASON: to ensure all trees supplied meet the Australian Standard 2303:2018 Tree Sock for Landscape use and that trees are supplied by an accredited nursery chosen by Council.

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).