

## **ANNEXURE 1: DRAFT CONDITIONS**

That pursuant to the provisions of Section 4.16 of the Environmental Planning and Assessment Act 1979, Council recommends development consent to be granted to DA146/2024 for the alterations and additions to the previously approved part 10 and part 12 - storey residential flat building inclusive of the following;

- The construction of four additional storeys providing a total of 24 additional apartments (120 apartments total) with 21 apartments dedicated to affordable housing accommodation; and
- The expansion of the basement parking footprint of levels B4, B3, and B2, to provide an additional 36 parking spaces;

at 12 Marshall Avenue, St Leonards, subject to the following conditions;

### **PART A – GENERAL CONDITIONS**

#### **A.1 - Approved plans**

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

<b>Plan No</b>	<b>Revision</b>	<b>Plan Title</b>	<b>Drawn By</b>	<b>Dated</b>
DA-00-0000	G	Cover	PTW	30/10/2024
DA-00-0003	E	Site Plan	PTW	30/10/2024
DA-09-0010	J	Level B4 Plan	PTW	17/01/2025
DA-09-0030	H	Level B3-B2 Plan	PTW	22/10/2024
DA-09-0040	L	Level B1 Plan	PTW	17/01/2025
DA-10-0001	N	Lower Ground Plan	PTW	17/01/2025
DA-10-0003	I	Upper Ground Plan	PTW	30/10/2024
DA-10-0004	H	Level 01 Plan	PTW	30/10/2024
DA-10-0005	I	Level 02 – 03 Plan	PTW	30/10/2024
DA-10-0006	G	Level 04 Plan	PTW	30/10/2024
DA-10-0007	G	Level 05 – 06 Plan	PTW	30/10/2024
DA-10-0009	E	Level 07 – 10 Plan	PTW	30/10/2024
DA-10-0012	G	Level 11-14 Plan	PTW	30/10/2024
DA-10-0013	G	Level 15 Plan	PTW	30/10/2024
DA-10-0014	F	Level 16 Plan	PTW	30/10/2024
DA-10-0015	F	Plant Plan	PTW	30/10/2024
DA-10-0016	A	Roof Plan	PTW	30/10/2024
DA-20-0001	F	North Elevation	PTW	30/10/2024
DA-20-0002	G	South Elevation	PTW	30/10/2024
DA-20-0003	H	East Elevation	PTW	30/10/2024
DA-20-0004	G	West Elevation	PTW	30/10/2024

DA-30-0001	H	Section 1	PTW	30/10/2024
DA-30-0002	I	Section 2	PTW	30/10/2024
DA-30-0003	I	Section 3	PTW	30/10/2024
DA-50-2000	D	Adaptable / Silver Livable Units	PTW	30/10/2024
DA-50-2100	D	Adaptable / Silver Livable Units	PTW	30/10/2024
DA-50-2200	C	Adaptable / Silver Livable Units	PTW	30/10/2024
DA-50-3000	G	ADG Compliance Diagram	PTW	30/10/2024
DA-78-0001	D	External Finishes	PTW	30/10/2024
DA-97-0001	C	Perspective View 01 North East View	PTW	30/10/2024
DA-97-0002	C	Perspective View 02 South East View	PTW	30/10/2024

Landscape Plans				
LT-000	H	Cover Sheet	Studio IZ	21/01/2025
LT-001	H	Legend, Notes & Planting Schedule	Studio IZ	21/01/2025
LT-201	H	Existing Tree Plan	Studio IZ	21/01/2025
LT-301	H	Lower Ground Floor Landscape Plans	Studio IZ	21/01/2025
LT-311	H	L1 General Arrangement Plan – Sheet 1	Studio IZ	21/01/2025
LT-312	H	L1 General Arrangement Plan – Sheet 2	Studio IZ	21/01/2025
LT-313	H	L1 Planting Plan Sheet 1	Studio IZ	21/01/2025
Lt-314	H	L1 Planting Plan Sheet 2	Studio IZ	21/01/2025
LT-321	H	Level 4 & Level 15 Landscape Plans	Studio IZ	21/01/2025
LT-401	H	Landscape Sections – Sheet 1	Studio IZ	21/01/2025
LT-402	H	Landscape Sections – Sheet 2	Studio IZ	21/01/2025
LT-700	H	Typical Details – Sheet 1	Studio IZ	21/01/2025

LT-701	H	Typical Details – Sheet 2	Studio IZ	21/01/2025
<b>Stormwater Management Plans</b>				
S-001	01	<i>Stormwater services Cover Sheet, Legend, Notes &amp; Drawing Index</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-002	01	<i>Stormwater services Cover Sheet, Legend, Notes &amp; Drawing Index</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-003	01	<i>Stormwater Services Erosion and Sediment Control Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-101	01	<i>Stormwater Services - Basement 4 Stormwater Management Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-103	01	<i>Stormwater Services Basement 2 Stormwater Management Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
H-102	01	<i>Stormwater Services Basement 3 Stormwater management Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-105	01	<i>Stormwater Services Lower Ground Floor Stormwater Management Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-104	01	<i>Stormwater Services Basement 1 Stormwater Management Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-106	01	<i>Hydraulic Services Upper Ground Floor Stormwater Management Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-107	01	<i>Hydraulic Services Level 1 Stormwater Management Plan</i>	<i>TDL Engineering Consulting</i>	12/11/2024
S-201	01	<i>Stormwater Services OSD Detail</i>	<i>TDL Engineering</i>	12/11/2024

		<i>and Sections</i>	<i>Consulting</i>	
S-202	01	<i>Stormwater Services Music Model Detail Sheet</i>	<i>TDL Engineering Consulting</i>	12/11/2024

<b>Document Title</b>	<b>Version No.</b>	<b>Prepared By.</b>	<b>Dated Title.</b>
Statement of Environmental Effects	WTJ24-467	Willowtree Planning	26/11/2024
Response to Council's Request for Further Information	WTJ24-467	Willowtree Planning	26/11/2024
NatHERS and BASIX Assessment	1201118M_06	LC Consulting Engineers	18/11/2024
ADG Compliance Assessment and Design Statement	03	PTW	10/2024
Construction & Demolition Waste Management Plan	A	Elephants Foot Consulting	10/10/2024
Operational Waste Management Plan	C	Elephants Foot Consulting	12/11/2024
Natural Ventilation Assessment	1.2	SLR	11/11/2024
Environmental Wind Impact – Desktop Study	R02-v5.2	SLR	12/11/2024
Traffic Analysis Report (Lift Study)	1.24.11.0	Schindler	07/11/2024
Lane Cove Development Control Plan 2010 Assessment	-	Willowtree Planning	-
Estimated Development Cost (EDC) Report	-	Construction Consultants	06/12/2024
DA Stage BCA Assessment Report	1	Jensen Hughes	15/11/2024
DA Acoustic Assessment	0	Acoustic Logic	11/11/2024
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Traffic and Parking Assessment	Final	MLA Transport Planning	21/01/2025

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

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

**Reason:** To ensure all parties are aware of the approved plans and

**supporting documentation that applies to the development.**

#### **A.1A - Restrictive Covenant**

Prior to or simultaneously to the transfer of land (comprising the pocket park-approximately 400sqm of public open space) (**Public Open Space**), the developer is to secure agreement with the owner of the Public Open Space to the imposition of a restrictive covenant which stipulates that:

- No development may be carried out in the part of the Public Open Space that is within 3 meters from the boundary of the Public Open Space near the northern building façade of the approved development facing Marshall Avenue; and
- The restrictive covenant is required to be on terms reasonably acceptable to Council.

#### **Reason: Fire protection of openings in proximity to the boundary**

#### **A2A – Modification of Consent for DA187/2021**

This consent requires the modification of development consent DA187/2021 **prior to the issue of the relevant Construction Certificate** for works of the subject DA (DA146/2024). Development consent DA187/2021 was approved on 13 October 2022 by the Sydney North Planning Panel for the demolition of all existing structures and construction of a part-10 and part-12 storey residential flat building comprising 96 apartments and basement parking for 110 vehicles.

It is a requirement of this condition that a new condition A.1A is to be inserted into development consent DA187/2021 as follows:

Despite any provision of this development consent DA187/2021, this consent does not authorise or require anything that is inconsistent with the work approved in accordance with development consent DA146/2024 and to the extent of any inconsistency the latter consent applies. The terms of development consent DA146/2024 must be satisfied when carrying out development under this consent.

It is a requirement of this condition that a new condition A.1B is to be inserted into development consent DA187/2024 as follows:

Despite condition A.1, the development must be implemented in accordance with the following approved plans and documents as amended by conditions of this consent:

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DA-00-0000	G	Cover	PTW	30/10/2024
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		Sheet 1		
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The modification is to be effected under section 4.17(1)(b) and section 4.17(5) of the *Environmental Planning and Assessment Act 1979* prior to the issue of any construction certificate for the subject building.

The required modifications:

- are to be set out in a notice of modification of development consent DA187/2021; and
- must be lodged with the consent authority, in compliance with the requirements of section 67 of the *Environmental Planning and Assessment Regulation 2021* ("the EP&A Regulation").

in the terms prescribed by any condition of this consent that sets out a required modification to DA187/2021.

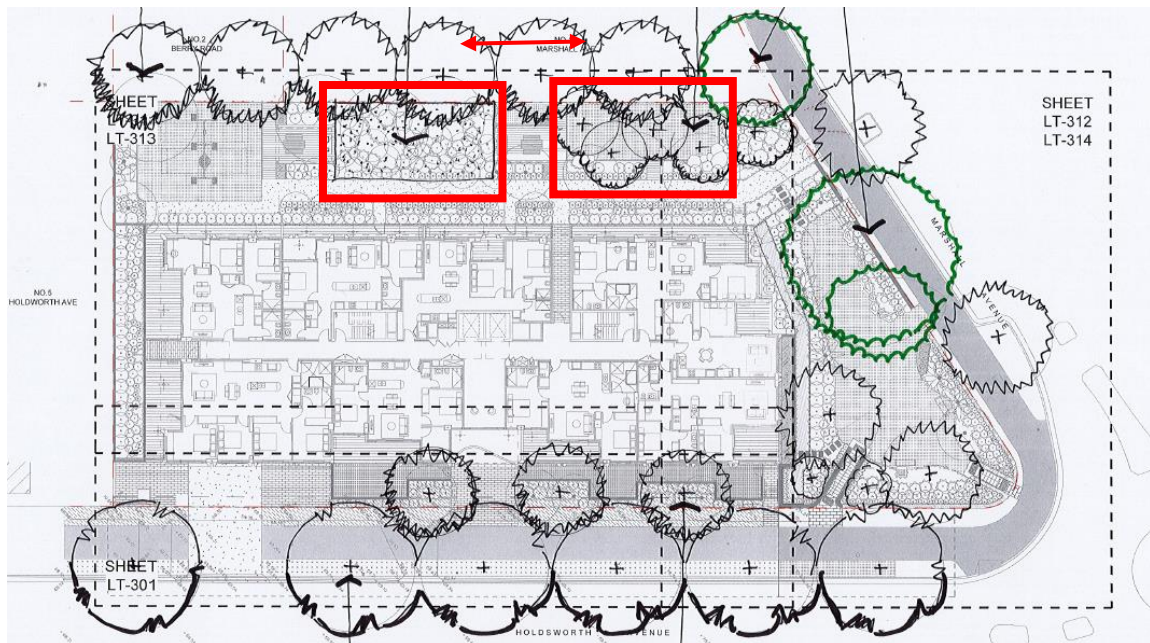
**Reason:** To ensure consents are consistent.

## **A.2B - Design amendments**

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

### **1. Location of Open Turf Area:**

The open turf area shown on Drawing Number LT-000 by Studio IZ dated 06/11/2024, is to be relocated to the south of its currently proposed location. The area at which it is currently proposed is to be populated by vegetation. This allows the proposed vegetation to be planted in a deep soil area as there would be no basement structure beneath, thus improving root development. The relocation is highlighted in the attached drawings by Council's landscape architect;



## 2. Revised Landscape Plan

A revised set of landscape plans is required which shall provide the following changes as per Council's Landscape Architect:

- a) The three species located at the eastern elevation with Holdsworth Avenue are to be *Syncarpia glomulifera*. The trees are to be planted in the structural root cell such as the strata vault by citygreen. The revised species are to be shown on a new landscape plan and provided to Council's landscape architect and arborist prior to the issue of a construction certificate.
- b) A dedicated plan showing the tree replenishment of the medium and large trees removed shall be provided.
- c) A plan showing the existing tree canopy cover and the proposed canopy cover (at maturity) shall be provided to ensure the targets in table 1.3 *Canopy Targets for Land Use Zones Part J Landscaping* and tree preservation are met.
- d) Due to power lines being moved underground throughout the neighbourhood, trees #16, #25, #26, #27, #28, #29, and #31 are approved for removal to accommodate the excavation necessary for infrastructure works including undergrounding the power lines and the realignment of the kerb and gutter to accommodate wider footpaths including a shared user path.
- e) All trees must be capable of growing to the mature dimensions of the trees removed and all trees are to be planted in a root cell system such as Strata vault by City Green or approved equal. All trees shall have 60m<sup>3</sup> of soil available within the root cells with an imported soil mix as specified by a soil scientist for the species of tree installed.

- f) All tree species will be determined by Council staff and procured from the Council inventory being grown for this project by Trees Impact.
- g) A 1:1 replacement ratio is required for the 7 street trees that will be removed and all trees must be 4m in height above finished ground levels and each tree must be accompanied by an AS2303:2018 certificate and be accepted by Council Staff prior to planting.

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

### **A.3 - Payment of security deposits**

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

<b>Security deposit</b>	<b>Revision</b>
<b>Inspection Fee</b>	\$205 for one inspection
<b>Infrastructure damage bond</b>	\$15,000.00
<b>Civil reconstruction work</b>	\$45,000.00
<b>Positive Covenant Bond for all OSD Systems (if applicable)</b>	\$1,000.00
<b>Council owned trees</b>	\$30,000.00

The payments will be used for the cost of:

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

**Note:** The inspection fee includes Council's fees and charges and includes the Public Road and

Footpath Infrastructure Inspection Fee (under the Roads Act 1993). The amount payable must be in accordance with council's fees and charges at the payment date.

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

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

The following items are to be inspected:

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

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

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

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

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy as calculated 0.35% of the total DA cost at the date of this consent to the Long Service Corporation or Council under sections 34, 35 and 36 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

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

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

##### **Payment of Housing and Productivity Contributions 2023**

The applicant is to provide written evidence to the certifier from the Department of Planning, Housing and Infrastructure that payment of the Housing and Productivity Contribution has been made in accordance with the section 7.24 of the EP&A Act.

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Payment of Housing and Productivity Contribution) Determination 2023 (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 Housing and Productivity 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://pp.planningportal.nsw.gov.au/development-and-assessment/contributions/housing-and-productivity-contribution>)

Please refer enquiries to [hpc.enquiry@planning.nsw.gov.au](mailto:hpc.enquiry@planning.nsw.gov.au)

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

### **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:**

As a requirement of the Planning Agreement the Developer must:

- a) 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 (3) of the E.P.&A. Act 1979 must be paid, except as provided by subclause (2) of the E.P.&A. Act 1979.
- b) If no construction certificate in respect of the erection of any building to which the consent relates has been issued on or before 25 September 2022, the monetary contribution must be paid before the issue of the first construction certificate after that date for any such building.

The development proposes an additional 24 apartments which are calculated based on occupancy. Since payment of the previous 7.11 contribution, the St Leonards South Development Contribution rate has been updated. The revised calculations are as below;

Section 7.11 Contributions				
Type	Cost per Unit	Number	Difference	Total
Studio/1 bedroom	<b>\$23,570.52</b>	29	-	-
2 bedrooms	<b>\$33,673.17</b>	51	6	\$202,039.02
3 + bedrooms	<b>\$52,194.69</b>	40	18	\$939,504.42
Difference Payable				<b>= \$1,141,543.44</b>

The total contribution payable to Council under this condition is **\$1,141,543.44** as calculated at the date of this consent, in accordance with St Leonards South Precinct Section 7.11 Development Contributions Plan 2024/2025.

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

**Note:** If the previous Section 7.11 contributions under DA187/2021 have not been paid, then the abovementioned contribution rate is required to be paid in addition to the original sum of \$2,700,752.00. The revised rate would therefore be **\$3,842,295.44**. If the previous contributions have been paid, then the difference payable of **\$1,41,543.44** is required under this consent.

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

### **A.5B Civil Reconstruction Bond**

A \$45,000 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgment of this bond is required **prior to the issue of the Construction Certificate**. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Occupation Certificate**. All costs associated with the construction of the above works are to be borne by the applicant.

**Reason: To ensure the civil infrastructure is complied with.**

### **A.5B – Affordable Housing Component**

In this condition:

- **“Affordable Housing Guidelines”** means the NSW Affordable Housing Ministerial Guidelines published by the Department of Community and Justice and approved by the Minister for Families, Communities and Disability Services from time to time.
- **“registered community housing provider”** has the same meaning as in the Community Housing Providers (Adoption of National Law) Act 2012, section 13.
- **“Registrar of Community Housing”** means the Registrar of Community Housing appointed under the Community Housing Providers (Adoption of National Law) Act 2012, section 10.
- **“affordable housing”** means housing for very low income households, low income households or moderate income households, being such households as are prescribed by Section 13 of State Environmental Planning Policy (Housing) 2021.

**(i) Before the issue of any occupation certificate for the development—**

- (a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure that apartments identified as **Units LG01, LG03, UG01, 101, 108, 109, 202, 206, 207, 208, 210, 211, 302, 305, 306, 307, 308, 311, 503, 504, and 505** on the approved plans must be used for affordable housing and must be managed by a registered community housing provider for a period of at least 15 years commencing on the day an occupation certificate is issued for the development.
- (b) evidence of an agreement with a registered community housing provider for the management of the apartments identified as **Units LG01, LG03, UG01, 101, 108, 109, 202, 206, 207, 208, 210, 211, 302, 305, 306, 307, 308, 311, 503, 504, and 505** on the approved plans must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and
- (c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

**(ii) During the period of 15 years** commencing on the day an occupation certificate is issued for the development:

- (a) the apartments identified as **Units LG01, LG03, UG01, 101, 108, 109, 202, 206, 207, 208, 210, 211, 302, 305, 306, 307, 308, 311, 503, 504, and 505** on the approved plans must be used for affordable housing, and
- (b) the apartments identified as **Units LG01, LG03, UG01, 101, 108, 109, 202, 206, 207, 208, 210, 211, 302, 305, 306, 307, 308, 311, 503, 504, and 505** on the approved plans must be managed by a registered community housing provider, and
- (c) notice of a change in the registered community housing provider who manages the apartments referred to in paragraphs (a) and (b) must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
- (d) the registered community housing provider who manages the apartments referred to in paragraphs (a) and (b) must apply the Affordable Housing Guidelines.”

**Reason:** To provide new affordable rental housing associated with the uptake on the site of a floor space ratio bonus.

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

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

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

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

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

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

#### **The following trees shall be retained:**

Tree No.	Species	Location	Dimension (metres)
30	<i>Angophora costata</i>	Front 12 Marshall Ave	12 x 9
32	<i>Eucalyptus resinifera</i>	Front 12 Marshall Ave	19 x 16
38	<i>Lagerstroemia indica</i>	Front 12 Marshall Ave	6 x 4
39	<i>Lophostemon confertus</i>	14 Marshall Avenue	12 x 10
40	<i>Jacaranda mimosifolia</i>	Marshall avenue verge	4 x 4

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

Tree No.	Species	Location	Dimension (metres)
1	<i>Lophostemon confertus</i>	Marshall verge	14 x 10
2	<i>Melaleuca bracteata</i>	3 Holdsworth Ave	9 x 6
3	<i>Camellia sasanqua</i>	3 Holdsworth Ave	6 x 4
4	<i>Archontophoenix cunninghamiana</i>	3 Holdsworth Ave	11 x 4
5	<i>Archontophoenix cunninghamiana</i>	3 Holdsworth Ave	10 x 4
6	<i>Angophora costata</i>	3 Holdsworth Ave	13 x 10
7	<i>Pittosporum undulatum</i>	3 Holdsworth Ave	7 x 6
8	<i>Corymbia torrelliana</i>	3 Holdsworth Ave	17 x 18
9	<i>Cyathea cooperi</i>	3 Holdsworth Ave	8 x 2
10	<i>Camellia sasanqua</i>	3 Holdsworth Ave	6 x 4
11	<i>Camellia sasanqua</i>	3 Holdsworth Ave	6 x 4
12	<i>Camellia sasanqua</i>	3 Holdsworth Ave	6 x 6
13	<i>Michelia doltsopa</i>	3 Holdsworth Ave	8 x 4
14	<i>Triadica sebifera</i>	3 Holdsworth Ave	7 x 5
15	<i>Viburnum odoratissimum</i>	3 Holdsworth Ave	7 x 4
16	<i>Lophostemon confertus</i>	Holdsworth Avenue verge	13 x 10
17	<i>Howea forsteriana</i>	1 Holdsworth Ave	7 x 6
18	<i>Michelia figo</i>	1 Holdsworth Ave	6 x 4
19	<i>Melaleuca styphelioides</i>	1 Holdsworth Ave	11 x 8
20	<i>Melaleuca styphelioides</i>	1 Holdsworth Ave	11 x 8
21	<i>Howea forsteriana</i>	1 Holdsworth Ave	7 x 6
22	<i>Viburnum odoratissimum</i>	1 Holdsworth Ave	8 x 8
23	<i>Melaleuca bracteata</i>	1 Holdsworth Ave	10 x 8
24	<i>Leptospermum petersonii</i>	1 Holdsworth Ave	9 x 8
25	<i>Lophostemon confertus</i>	Holdsworth Avenue verge	12 x 8
26	<i>Lophostemon confertus</i>	Holdsworth Avenue verge	7 x 6
27	<i>Lophostemon confertus</i>	Holdsworth Avenue verge	7 x 7
28	<i>Lophostemon confertus</i>	Holdsworth Avenue verge	12 x 8
29	<i>Lophostemon confertus</i>	Marshall Avenue verge	12 x 8
31	<i>Lophostemon confertus</i>	Marshall avenue verge	14 x 8
33	<i>Angophora costata</i>	12 Marshall Ave	14 x 12
34	<i>Fraxinus griffithi</i>	12 Marshall Ave	7 x 7
35	<i>Lagerstroemia indica</i>	12 Marshall Ave	7 x 6
36	<i>Phoenix canariensis</i>	12 Marshall Ave	8 x 6
37	<i>Banksia integrifolia</i>	12 Marshall Ave	10 x 8

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

Tree No.	Species	Location	Permitted works in TPZ
16	<i>Lophostemon confertus</i>	Holdsworth Ave verge	Demolition and construction of boundary retaining wall



25	<i>Lophostemon confertus</i>	Holdsworth Ave verge	Demolition and construction of boundary retaining wall
26	<i>Lophostemon confertus</i>	Holdsworth Ave verge	Demolition and construction of boundary retaining wall
29	<i>Lophostemon confertus</i>	Marshall Ave verge	Demolition and construction of boundary retaining wall
30	<i>Angophora costata</i>	Front 12 Marshall	Minor excavation for Installation of stormwater services
32	<i>Eucalyptus resinifers</i>	Front 12 Marshall	Minor excavation for Installation

**Tree removal may only occur upon issue of a Construction Certificate**

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

**A.7 – Public Domain Works**

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

The design of the public domain surrounding the site (including 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 first construction certificate.

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

The public domain works required by this consent include,

1. Shared user path (i.e. 2.5m), landscaping and kerb and gutter to Council specifications to Holdsworth Avenue and Marshall 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 Holdsworth Avenue frontage 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, and
- 6. The 400sqm of Public Open Space fronting Marshall Avenue.

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

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

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

**Drainage Plans Amendments:** The stormwater drainage plan prepared is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;

1. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
2. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
3. Sediment control fence shall be placed around the construction site and shown in plan
4. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system
5. 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. The details of design level difference shall be shown in plan.
6. As per Section 4.3 in Part O of Council stormwater DCP, the pipe more than 150mm in size is not allowed to connect directly into existing stormwater pipeline.
7. A gross pollutant trap suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The suitable access to the GPT for future maintenance is required. The MUSIX analyses report is required, showing that there is no increase in pollution rates due to this development.
8. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP and should be shown in plan.
9. The detailed cross section of the OSD is required and shall show levels, sizes, depths and widths.
10. A suitable insect screen shall be required between rainwater tank and OSD to maintain the water quality

11. Council does not support pipe-lines underneath of any part of the buildings including garage and carport except seepage agg-line system.
12. Council will not support any pit where the flow direction changes more than 90 degree.
13. The pump out system in basement 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 submitted to Council. The pumps shall be connected to OSD only.
14. The proposed OSD within the basement shall be constructed with water-proof walls around it.
15. Installation pipe system near the protected trees must be assessed by Council Tree Officer (Refer to Condition A.2)  
The amended design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, for the issue of the relevant Construction Certificate.

**Drainage Plans New:** A stormwater drainage plan prepared and certified by a suitably qualified engineer is to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. The design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management.

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

#### **A.9 - Community engagement plan (major development in St Leonards)**

A comprehensive community engagement plan is to be prepared that addresses complaint management and strategies to address noise impacts on surrounding residents. The community engagement plan shall be prepared to the satisfaction of Council's Environmental Health Officer with written approval submitted to the Principal Certifying Authority, prior to the commencement of any works (including demolition).

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

#### **A.10 – NSW Police – Crime Prevention Through Environmental Design**

Compliance with the following provisions is to be incorporated into the construction certificate drawings prior to the issue of the relevant Construction Certificate to the satisfaction of the certifier:

1. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
2. Appropriate signage should be erected inside and around the perimeter

- of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
3. Bicycle parking should be in a secure area and covered with CCTV cameras.
  4. 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.
  5. If the site has storage cages, they should be made of suitable secure materials that can't be cut open. The storage cage is to be covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
  6. Lighting 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.
  7. 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.
  8. 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.
  9. Windows on the ground level of the site (being any level that has a finished floor level within 1.5m of the adjacent finished ground level) should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
  10. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
  11. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
  12. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal

- behaviour.
13. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could when mature, serve as screens or barriers to impede views.
  14. The boundaries of the site is to be clearly identified to deter unauthorised persons from entering the site.
  15. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
  16. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.

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

**A.11 – Separate Application for Subdivision and requirements.**

A separate application to Council is required for any subsequent subdivision of the consolidated development site.

Any future subdivision application is required to be approved by Council and is to be registered prior to the issue of any Occupation Certificate.

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

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

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

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

The linen plan of subdivision shall be suitable for endorsement by the general manager pursuant to Section 327 of the local government act and shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies.

**Reason: To ensure the subdivision provides for orderly development and the provision of shared communal open space.**

## **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 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:

1. 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;
2. any dead or dying tree, or other vegetation is replaced with the same or equivalent species shown on the approved landscaping plans;
3. all structures erected in accordance with the approved landscaping plans are maintained in good order and condition;
4. the storage of articles, matter or waste does not occur;
5. it is kept in a safe and healthy condition.

The terms of the covenant must also incorporate the following:

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

the Conveyancing Act 1919.”

**A.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.**

**A.14 – Compliance with Water NSW Requirements**

*Compliance with the General Terms of Approval provided by Water NSW dated 18 April 2024 as relevant. (Reference Number **S4551153680**)*

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

**A.14A – Dewatering Approval**

The connection to Council's stormwater system for the purposes of temporary dewatering is approved.

The temporary discharge of ground water into Council's stormwater system and water quality testing is to be carried out in accordance with all conditions of this consent and the Dewatering Management Plan (DMP) entitled 'Dewatering Management Plan completed by EI Australia dated 31 January 2024' attached to this consent and referenced in the consent conditions. (Condition April 2024).

**Reason: To ensure dewatering is carried out in accordance with the approved documentation.**

**A.15 – Cladding**

No external combustible cladding is permitted on the building.

**Reason: To ensure fire safety**

**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**

**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**

**A.18 - Works on Council Property**

Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall

include hoarding applications, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**

**Reason: To ensure public works are carried out in accordance with Council's requirements**

#### **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**

#### **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**

#### **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.

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

#### **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**

#### **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**

#### **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**

#### **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.

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

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

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

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

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

Compliance with the following Ausgrid requirements are relevant as follows:

##### **Overhead Powerlines**

Safe work NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, [www.ausgrid.com.au](http://www.ausgrid.com.au)

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. "Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing

overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."

### **Underground Cables**

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia – Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables. Should ground anchors be required in the vicinity of the 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: To ensure that the proposal within the proximity of existing electrical networks assets are protected and maintained.**

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

### **B.4.EH – Demolition work plan**

A demolition work plan must be prepared for the development in accordance with Australian Standard AS2601-2001 by a licensed demolisher who is registered with the NSW WorkCover. The demolition work plan must be submitted to the Principal Certifying Authority (PCA), not less than seven working days before commencing any demolition work. A copy of the demolition work plan must be maintained on site and be made available to Council officers upon request.

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

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

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

### **B.5.EH – Construction environmental management plan (larger/more complex developments)**

A construction environmental management plan (CEMP) must be prepared for the site and submitted to Council for written approval prior to the

commencement of work. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions. All works must be undertaken onsite in accordance with the approved CEMP.

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

#### **B.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.**

#### **B.13.L – Project arborist**

Prior to the commencement of any works including demolition, a project arborist of minimum Australian qualitative framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. Compliance certificates must be available upon request and submitted to the Principal Certifier **prior to the issue of an occupation certificate**. The project Arborist shall:

- Certify tree protection measures listed within section B. 14 and B.15 prior to demolition works
- Clearly identify and tag trees which are to be removed and which trees are to be retained as part of this consent
- Oversee the hand excavation required for the installation of stormwater services within the Tree protection Zones of trees #30 and #32
- Oversee the demolition and replacement of the boundary retaining walls
- Provide quarterly health and condition assessments on protected trees
- Statement upon completion for the development that all retained trees have been maintained in a healthy, viable condition and replacement planting has been undertaken. The statement must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

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

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

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

Tree Protection Fencing must be installed within the following locations:

1. Along the area marked within the tree protection plan within section 6.2, Page 17 of the Arboricultural Impact Assessment report by Bradshaw consulting dated 16/6/2022 (previous DA).

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 sites* or appendix E of the Supplied Arborist Report. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.

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

Such fencing and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work. Movement of Tree Protection Fencing must be overseen and approved by the project Arborist with notification provided to Council's Tree Management Officer in writing.

**Reason: To protect the natural environment**

#### **B.15 – Special Condition – Site Specific Tree protection plan and Construction Management Plan**

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

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

#### **B.16 - Demolition Traffic Management Plan**

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

The DTMP must:-

- a) Make provision for all construction materials to be stored on site, at all times.
- b) Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- c) Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.
- d) Include a Traffic Control Plan prepared by an RMS accredited ticket

- holder for any activities involving the management of vehicle and pedestrian traffic.
- e) Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.
  - f) Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council Street trees.
  - g) Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
  - h) Be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

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

#### **B.17 - Asbestos removal, handling and disposal**

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

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

#### **B.20 - Remediation Action Plan**

The site shall be remediated in accordance with the “Remedial Action Plan” prepared by Econ Environmental (21-1268 Rev A) dated 29 November 2021, or as amended, if required. The aforementioned plan must be reviewed to the satisfaction of a NSW EPA Accredited Site Auditor.

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

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

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

#### **B.21 - 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.**

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

### **C.0 - Environmental Reports Certification**

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

- a) Remediation Action Plan by Econ Environmental Pty Ltd, Ref: 21-1268, Date: 29 November 2021
- b) Detailed Site Investigation by Econ Environmental Pty Ltd, Ref: 20-1082, Date: 17 May 2021
- c) Construction Noise & Vibration Management Plan by Acoustics Works, Ref: 1021099 R02B, Date: 02 December 2021
- d) Acoustic Report by Acoustic Works, Ref: 1021099 R01G, Date: 24 June 2022
- e) SITE WASTE MINIMISATION PLAN & OPERATIONAL WASTE MANAGEMENT PLAN by Dickens Solutions Pty Ltd., Ref: 20237, Date: June 2022

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

Prior to any demolition works and before the issue of a construction certificate, the applicant must ensure a construction site management plan is prepared before it is provided to and approved by the certifier. The certifier is not to approve the construction site management plan until the requisite Council approvals have been received where specified in this condition. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- a detailed Construction Traffic Management Plan (CTMP), including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2009 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's

DCP) and trees in adjoining public domain as per the approved arborist report.

- Appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.

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

### **Council Approvals**

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

### **Additional Council Requirements**

1. Stockpiles or soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.
2. All stockpiles of contaminated materials must be stored in an environmentally sensitive manner in a secure area on the site and shall be suitably covered to prevent dust and odour nuisance.
3. All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).
4. A temporary footpath crossing must be provided at the Vehicular access points. It is to be [1.5m] in width, made of sections of hardwood with chamfered ends and strapped with hoop iron.
5. The construction site management plan is to contain the construction environmental management plan approved under Condition B.4.EH of this consent.

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

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

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

- Council's development control plan,
- the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the

- Blue Book), and the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).

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

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

### **C.3 - Waste Management Plan (WMP)**

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

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

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

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

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

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

- a) a letter of consent from electricity authority demonstrating that satisfactory arrangements can be made for the **undergrounding**, installation and supply of electricity.
- b) a response from Sydney Water as to whether the plans proposed to accompany the application for a construction certificate would affect any Sydney Water infrastructure, and whether further requirements need to



be met.

- c) other relevant utilities or services (e.g. Jemena (gas), telecommunications) - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

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

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

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

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

Additional Council requirements:

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.

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

### **C.6 - Adaptable units**

Before the issue of the relevant construction certificate, the applicant must ensure a report from a suitably qualified consultant is prepared and demonstrates, to the certifier's satisfaction, that any adaptable dwellings specified in the approved plans or supporting documentation comply with the provisions of *AS 4299-1995 Adaptable Housing Standards*. In addition, the report is to certify the construction drawings demonstrate compliance with condition C.17.B of this consent.

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

### **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.**

### **C.8 - 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 line-marked 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).
9. Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
10. Car share spaces and car wash spaces to be sign posted and adequately line marked.
11. **Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an "**Application for Standing Plant Permit**" shall be made to Council. Applications shall be submitted and approved prior to the start of any related works. Note: allow 4 working days for approval.
12. 2.5 meters shared user path to be constructed at Holdsworth and Marshall Avenue, St Leonards.

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

The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's

standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate.**

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

### **C.9- Car parking allocation and restrictions on excess spaces**

Car parking spaces shall be allocated to each dwelling type as per the established minimum car parking rates in Table 2 of Part R: Traffic, Transport, and Planning of the LCDCP 2009: Residential Flat Buildings.

- 0.5 spaces per 1-bedroom unit
- 0.9 spaces per 2-bedroom unit
- 1.4 spaces per 3-bedroom unit
- 1 disabled space for each adaptable housing unit
- 1 onsite removalist truck space to be used within the waste truck space
- 1 car wash bays
- 1 visitor space per 5 units
- 1 disabled space per 10 visitor spaces

The allocation of parking is to comply with the following principles:

1. The amount of car parking spaces to be allocated to each unit type (1 bed, 2 bed, 3 bed) is to be not less than the parking rate multiplied by the number of that unit type on a per building basis.
2. Once the allocation has been determined on a per unit type and building basis the following principles are to then apply:
  - a) A minimum of 1 space is to be provided for each adaptable housing unit; then
  - b) The remainder of the spaces are to be allocated at a rate of no more than the applicable parking rate rounded up to the nearest whole number, and no less than the applicable parking rate rounded down to the nearest whole number.

The subdivision and sale of excess car parking spaces is prohibited.

The schedule of allocation demonstrating compliance with this condition is to be submitted to and approved by Council's Manager Development Assessment prior to the issue of an Occupation or Subdivision Certificate, whichever occurs first.

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

### **C.10 – Pedestrians / cycling**

1. All bicycle racks and secure bicycle parking provided on-site shall comply with the minimum standards as outlined in Section 4.3 of *Part R: Traffic, Transport and Parking* of Lane Cove DCP 2009 and designed in accordance with AS 2890.3: 2015 *Bicycle Parking Facilities*. Alternative designs that exceed the Australian Standards will also be considered appropriate.

2. Basement bicycle parking is to be easily and safely accessible from the public domain, clearly labelled, and easily identifiable through appropriate way finding signage.

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

#### **C.11 - Offsite disposal of contaminated soil**

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

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

#### **C.12 - Hazardous or intractable wastes**

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

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

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

**Reason: To ensure health and safety**

#### **C.13 - Evidence of disposal of all waste, spoil and excavation material**

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

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

#### **C.14 - Construction waste management plan**

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

approval by Council's Manager Environmental Health.

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

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

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

### **C.15 - Waste Design and Construction Requirements**

The construction certificate drawings shall detail compliance with the requirements of Part Q of Lane Cove DCP 2009 for all waste and recycling, and bulky waste storage room(s). As a minimum this shall include the following:

- Minimum clearance between bins of 300mm; Minimum door openings of 1700mm.
- Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
  - Concrete which is at least 75mm thick; or
  - Other equivalent material; and
  - Graded and drained to a floor waste which is connected to the sewer
- Floors finished to a smooth even surface, coved at the intersection of walls and floor.
- Walls constructed of solid impervious material and cement rendered internally to a smooth even surface coved at all intersections.
- Provision of adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
- Constructed to prevent the entry of vermin.
- Provision of artificial light controlled by switches located both outside and inside the rooms.
- Clearly printed "No Standing" signs affixed to the external face of each waste/recycling and bulky waste storage room.

The construction certificate drawings shall detail compliance in relation to the following additional items:

- Garbage chute systems and interim recyclable storage facilities must be

provided to the development. Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.

- Garbage Chute Service Rooms must be provided on each residential floor of the building with the chute service opening located in a dedicated service room.
- Bulky Waste Storage Room must be located near the main garbage rooms for the use of all residents.
- All waste must be collected on-site via on-site access by Council's garbage collection vehicles. Construction certificate drawings are to provide travel clearance sectional drawings from a suitably qualified traffic engineer certifying and demonstrating access and manoeuvring can be achieved for the largest waste vehicle nominated in Part Q of Lane Cove DCP 2009.
- The applicant must provide a container for communal composting/worm farming.
- Internal waste/recycling cupboards with sufficient space for on day's garbage and recycling generation must be provided to each dwelling/unit and shown on the floor plan layout.

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

#### **C.16 - Compliance with acoustic report**

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

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

#### **C.17 - Accessibility requirements**

The construction drawings shall detail compliance with:

- a) relevant Disability (Access to premises – buildings) standards 2021 including AS1428.1 (as amended).
- b) Disability Discrimination Act 1992.
- c) Building Code of Australia; and
- d) recommendations contained in the approved Access Report including a minimum 20% adaptable and 80% visitable dwellings/units.

**Reason: To ensure equitable access.**

#### **C.18 - Structural engineer's details**

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

- underpinning;
- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork; and
- upper level floor framing;

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

**Reason: To ensure structural adequacy.**

#### **C.19 - On-site stormwater detention requirements**

Certification shall be obtained from a suitably qualified Engineer that:

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

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

#### **C.20 - Proposed vehicular crossing**

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council.
- b) The driveway opening width along at the face of kerb is to be no wider than shown on the approved plans.
- c) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- d) Certification is to be provided by a suitably qualified engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) The following plans shall be prepared and certified by a suitably qualified engineer:
  - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - Off Street Car Parking.
  - Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.
  - Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.

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

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

### **C.21 - Preliminary Public Art Strategy**

The preliminary public art strategy is to be updated to include the following detail, and approved by Council Executive Manager Human Services, prior to the issue of the relevant Construction Certificate:

- Compliance and adherence to Council's Public Art Policy;
- Confirmation of the value of work being a minimum 0.1% of the development construction value;
- Contact details and methodology for ongoing consultation directly between the artist and Council's Executive Manager Human Services on the preparation of the Strategy and resultant site-specific artwork;
- Provision of commentary surrounding artist's consideration of:
  - Climability, public interaction and safety of the artwork,
  - Consultation and/or collaboration with Aboriginal Heritage Office,
  - Logistical delivery of artwork, and
  - Typical maintenance schedule and lifecycle of artwork; and
- The inclusion of a 12-month defects period within the artist agreement, ensuring that the artist is available to conduct and/or consult on artwork repairs.

The development is to comply with the amended public art strategy.

**Reason: To ensure the development provides for public art.**

### **C.22 - Geotechnical Monitoring Program**

Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principle certifying authority prior to issue of a Construction Certificate for each stage. The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction.

The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical Report and is to include;

- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures;
- Excavation of the site (face of excavation, base, etc)
- Installation and construction of temporary and permanent shoring/ retaining walls.
- Foundation bearing conditions and footing construction.
- Installation of sub-soil drainage.
- Location, type and regularity of further geotechnical investigations and



testing.

Excavation and construction works must be undertaken in accordance with the Geotechnical and Monitoring Program.

**Reason: To ensure adequate monitoring of excavation works to protect the environment and required for any excavation greater than 2m.**

**C.24 - Temporary Footpath Crossing:** A temporary footpath crossing must be provided at the Vehicular access points. It is to be 1.5m in width, made of sections of hardwood with chamfered ends and strapped with hoop iron.

**Reason: To ensure safety vehicular movement to and from site.**

**C.25 - Splay of Front Fence:** The front fence is to have a 1x1m splay on both sides of the driveway to maintain pedestrian sight lines. Plans showing this amendment to the proposed design are to be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate**; all associated works are to be completed **prior to the issue of the Occupation Certificate**.

**Reason: To ensure good visibility**

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

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

**C.27- Tree Replacement:** The amended plans must satisfy Councils 1:1 tree replacement ratio **at a minimum**. A compliance table shall be prepared by the project landscape architect and submitted to Council's landscape architect for approval prior to the issue of the relevant Construction Certificate.

**Reason: To ensure adequate future tree canopy cover onsite and to facilitate Councils commitment to no net canopy loss across the LGA.**

#### **C.28.L - Landscaping requirements**

The Construction Certificate landscape documentation shall detail:

1. 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.
2. Minimum tree canopy coverage as outlined in the LMP.
3. Canopy trees in the front setback shall be a minimum 4m at the time of planting.

4. Provision of landscaped area in accordance with Clause 1.6 of Part J Landscaping of Lane Cove DCP 2010.
5. 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.
6. For development to which the *Apartment Design Guide Applies*, compliance with the minimum soil standards for plant types and sizes under the ADG.
7. The proposed irrigation system.
8. Where communal open space and rooftop communal open space areas are proposed:
  - Details of services and facilities including any awnings, toilet facilities, Barbeque facilities, power points, water and sink, lift access, provision of shade.

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

#### **C.29L - Location of existing utilities and services**

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

- (a) a letter of consent from **all utility and service providers** to the site demonstrating that satisfactory investigative research has been undertaken by the Applicant to the approval of each provider.
- (b) a response from **Sydney Water** as to whether the plans proposed to accompany the application for a construction certificate would affect any **Sydney Water** infrastructure, and whether further requirements need to be met.
- (c) other relevant utilities or services - that the development as proposed to be carried out is satisfactory to those other service providers, or if it is not, what changes are required to make the development satisfactory to them.

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

#### **C.30L - 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**

#### **C.31L - Rooftop planting on structure; soil profile:**

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

**Reason: To ensure that rooftop planting is installed as specified.**

### **C.32 - Soil Volume Calculations**

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

The provisions for minimum soil volumes for planting on structures as outlined in Councils DCP Part J - Landscaping. Adequate soil volumes are also needed for the proposed trees planted in deep soil in the setback along Holdsworth Avenue. This is to ascertain that the proposed trees can achieve their maximum height at maturity.

### **C.33 - Pocket Park Design and Amenities**

The Pocket Park is to be an inviting public space including efficient pathways, green lawn area, perimeter planting, signage, drinking fountain, generous seating and informal play opportunities. Pocket Park Amenities Installation and specification of amenities in the pocket park must be detailed prior to installation. These drawings are not needed to be provided until the release of the St Leonards South Public Domain Design Guide and can be executed in collaboration with Council.

**Reason: To ascertain that the design and materiality of the public domain is maximising the provided public benefit and is cohesive with all areas of St Leonards South.**

### **C.34 - Soil Profiles**

The project Landscape Architect is to design and document adequate soil profiles for podium and deep soil landscape throughout the proposal. These must be included in the Landscape Drawings and sent back to Councils Landscape Architect for assessment.

**Reason: To ascertain that the proposed planting has the correct soil profiles to stimulate healthy growth for the life of the property.**

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

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

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

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

### **D.2 – Tree protection measures**

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

**Reason: To protect and retain trees.**

### **D.3 – Signs on site**

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

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

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

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

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

### **D.6 – Notice regarding dilapidation report**

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

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

### **D.7 – Permit to Stand Plant**

Where the applicant requires the use of construction plant on the public road reservation, an “**Application for Standing Plant Permit**” shall be made to Council. Applications shall be submitted and approved prior to the start of any related works. Note: allow 4 working days for approval.

**Reason: To comply with Council’s requirements.**

### **D.8L - Compliance Certificate for waterproofing planting on structures**

A certificate must be submitted by a qualified practising Landscape Architect 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 to all raised and formed garden bed areas

**Reason: To ensure there is no water penetrating the planter boxes to the infrastructure or building below**

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

### **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) 7am to 5.30pm

High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between

12.00 noon to 1.30pm Monday to Friday  
Saturday 8am to 12 noon

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

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

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

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

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

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

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

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

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

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

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

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

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

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

implemented at all times.

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

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

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

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies, including the achievement of a 6-star NatHERS Rating.

**Reason: To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).**

#### **E.6 – Surveys by a registered surveyor**

While building work is being carried out, a registered surveyor is to measure and mark the positions of the following and provide them to the principal certifier.

- a) All footings/ foundations
- b) At other stages of construction – any marks that are required by the principal certifier.

**Reason: To ensure buildings are sited and positioned in the approved location.**

#### **E.7 – Construction noise**

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan

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

#### **E.8 – Tree protection**

While site or building work is being carried out, the applicant must maintain all required tree protection measures in good condition in accordance with the construction site management plan required under this consent, the relevant requirements of *AS 4970-2009 Protection of trees on development sites* any arborist's report approved under this consent and condition **B14**. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.

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

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

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet

pits, service provider pits, street trees or any other infrastructure in the street footpath area).

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

#### **E.10 – Shoring and adequacy of adjoining property**

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

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

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

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

#### **E.11 – Uncovering relics or Aboriginal objects**

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

In this condition:

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

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

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

#### **E.12 – Cut and fill**

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

- a) All excavated material removed from the site must be classified in

accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.

- b) All fill material imported to the site must be Virgin Excavated Natural as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

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

### **E.13 – Waste management**

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

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

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

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

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

### **E.14 – Works zones**

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

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

### **E.15 – Heavy vehicle requirements**

1. All contractors are to be notified of Council's requirements regarding truck cleanliness of vehicles leaving the site. A signed registered of all notified contractors is to be kept. Failure to comply shall result in the



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

**Reason: To protect the environment.**

#### **E.16 – Stockpiles**

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

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

#### **E.17 – Storage and assessment of potentially contaminated soils**

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

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

#### **E.18 – Environmental Impacts during construction**

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

**Reason: To protect the environment.**

#### **E.19 – Compliance tracking and reporting**

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

**Reason: To protect the environment.**

**E.21 – Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with approved plan.

Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the relevant Construction Certificate.**

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

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

**E.22 - Heavy Vehicle Duty Employee and Truck Cleanliness:**

The applicant shall:

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

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

**Reason: To protect the environment**

**E.23 - Covering Heavy Vehicle Loads:** All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.

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

**E.24 - Truck Shaker:** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

**Reason: To protect the environment**

**E.25 - Works within structural root zones of existing trees**

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

Officer for approval.

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

#### **E.26 - Plant supply**

All trees planted on site shall conform to Australian Standard AS 2303-2015 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.**

#### **E26T – Special Condition – Demolition and installation of retaining walls TPZ's**

The demolition of existing and installation retaining walls within the TPZ of protected trees must be done so within the same footprint of existing strip footings and overseen by the project arborist. No roots greater than 50mm diameter are to be severed to facilitate construction. Roots >50mm diameter must be incorporated into the wall and bridged using a lenti. A 150mm buffer must be given to roots greater than 50mm diameter. Roots less than 50mm diameter that conflict with the strip footings must be documented by the Project arborist and pruned with a sharp implement

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

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

#### **E.27 - Planting of garden beds**

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

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

#### **E.27L – 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 on the area designated as public open space on the northern side of the property or on the Council Owned Nature Strip. All building materials must be stored within the subject site

**Reason: To mitigate damage to Tree Protection Zones and Council Land**

#### **E.28 - Automatic irrigation system**

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

**Reason: To ensure adequate moisture levels are maintained for the 12-**

**month establishment period eliminating the threat of plants dying due to lack of water during this time of in times of future drought**

#### **E.29 - Raised planter boxes**

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

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

#### **E.30 - Special Condition – Excavation for stormwater services**

Excavation required for the installation of stormwater services within the TPZ of trees numbered 30 and 32 must be overseen by the project arborist. Excavation is to be undertaken using hand tools only. No roots greater than 30mm diameter are to be severed as part of works. A 150mm buffer must be given to roots greater than 30mm diameter at allow for future growth. Roots less than 30mm diameter that conflict with services may be pruned by the project arborist using a sharp handsaw and documented within the compliance certificate.

**Reason: to protect retained trees during construction**

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

#### **F.0 - 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. The Trees shall be replaced with endemic tree species at 75 litre pot size, selected from Councils DCP Part J – Landscape, Appendix 1 unless stated otherwise within this consent. Trees selected are to achieve a height greater (>) than 4 meters. Trees may be placed in suitable areas within the property unless stipulated elsewhere as part of this consent.

- *Tree 38 has been approved to be removed, it 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 (LCCDCP) 2023.*
- *A medium size Indigenous tree species may be selected from Appendix 1 LCCDCP Part J Amendment 2023.*
- *The replacement tree must be 4m at time of planning, indicative tree size can be found within LCCDCP Part J 3.7.2 table 1.4.*
- *Tree selected must be from a registered nursery and comply with provisions outlined within AS2303:2019 Tree Stock for Landscape Use.*

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

**Reason: Replacement planting**

#### **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 2009. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
- Compliance with the requirements for waste and recycling, and bulky waste storage room(s) set out in *Part Q – Waste Management and Minimisation* of Lane Cove DCP 2009.
- Compliance with AS-3500.
- Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention (OSD) system has been constructed in accordance with the approved plans.
- 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 and footpaths to the satisfaction of Council's Urban Services Division.
- Certification of the completion of all public domain works and the provision of works-as-executed plans for all public domain works required to be completed by this consent.

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

**Reason: To confirm the location of works once constructed that will become council assets.**

## **F.2 - Completion of public utility services**

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

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

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

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

Before the issue of an occupation certificate, a suitably qualified engineer must prepare a post-construction dilapidation report, to the satisfaction of the principal certifier, detailing whether:

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

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

Additional Council requirements:

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

**Reason: To identify damage to adjoining properties resulting from building work on the development site.**

#### **F.4 - Preservation of survey marks**

Before the issue of an occupation certificate, a registered surveyor must submit documentation to the principal certifier which demonstrates that:

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

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

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

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

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

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

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

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

Written evidence of the removal must be supplied to the satisfaction of the principal certifier.

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

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

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

Before the issue of the occupation certificate for each stage, the principal certifier must be satisfied that all landscape and tree-works have been completed for that stage in accordance with the approved plans and any relevant conditions of this consent.

Additional Council requirements are outlined below:

- A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council and 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.
- 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 (not limited to rooftop areas) have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.
- 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.
- Evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect for a period of at least 12 months from the date of issue of the Occupation Certificate.
- 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.

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

**F.8 - Sustainable transport action plan (STrAP)**

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

**Reason: To encourage sustainable transport in St Leonards.**

**F.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**

**F.10 - Outdoor lighting**

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

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

**F.11 - Waste collection / deed of indemnity**

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

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

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

**F.12 - Installation of Public Art**

Certification from the artist is to be provided to the Certifying Authority prior to the issue of an Occupation Certificate that the site-specific public art has been installed in accordance with the Public Art Strategy approved by this consent. The certification from the artist is to also include certification from Council's Executive Manager Human Services of installation and the meeting of the Council-specific terms of the Public Art Strategy.

**Reason: To ensure public art is delivered in accordance with the approved development.**

**F.13 - Dedication of Affordable Housing dwellings**

Provision of 2 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.**

**F.14 - Dedication of Public Open Space Recreation Area**

Provision of a Public Open Space comprising 400m<sup>2</sup> to be embellished in accordance with the “*Specifications for Community Facilities in the St Leonards South Precinct*” and dedicated to Council in perpetuity (Marshall Avenue) prior to the issue of an Occupation Certificate.

**Reason: To ensure facility maintenance and establishment has occurred and continues.**

**F.15 – Undergrounding of Electricity and other Utility Services**

All electricity service cables within the streets adjacent to the development (measured from the centre line of the road surface to the boundary of the subject site) or within the site, and any other above ground utility services, are to be undergrounded and redundant above ground infrastructure removed, at the sole expense of the applicant prior to the issue of an Occupation Certificate.

**Reason: To underground services in accordance with the St Leonards South Precinct Planning Scheme.**

**F.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**

**F.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**

**F.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
- All Civil works carried out on Canberra Avenue

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

**Reason: Statutory requirement**

#### **F.19 - Engineering Note**

All engineering compliance certificates are to contain the following declarations:

- a) This certificate is supplied in relation to **1 – 3 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**

#### **F.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.**

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

#### **H.1 - Release of securities / bonds**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **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 publicly owned east west pedestrian link.

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

#### **H.8 - Property Numbering**

Prior to registration of any strata plan, submit to Council for approval a schedule of unit numbers against lot numbers.

**Reason: To ensure the numbering system is in accordance with Australian Standard AS/NZS 4819:2011, and the NSW Address Policy and User Manual.**