

ANNEXURE 1

PART A – GENERAL CONDITIONS

A.1 - Approved plans and supporting documentation

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

Plan No	Revision	Plan Title	Drawn By	Dated
Architectural and Draft Subdivision Plans				
TP00.00	<i>L</i>	Cover Page	rothelowman	<i>26/07/2024</i>
TP00.01	<i>E</i>	Site Plan	rothelowman	<i>24/07/2024</i>
TP00.02	<i>C</i>	Demolition Plan	rothelowman	<i>26/07/2023</i>
TP01.00	<i>N</i>	Basement 4	rothelowman	<i>26/07/2024</i>
TP01.01	<i>M</i>	Basement 3	rothelowman	<i>26/07/2024</i>
TP01.02	<i>M</i>	Basement 2	rothelowman	<i>26/07/2024</i>
TP01.03	<i>P</i>	Basement 1	rothelowman	<i>26/07/2024</i>
TP01.04	<i>M</i>	Level 0	rothelowman	<i>26/07/2024</i>
TP01.05	<i>P</i>	Level 1	rothelowman	<i>13/09/2024</i>
TP01.11	<i>N</i>	Level 2	rothelowman	<i>13/09/2024</i>
TP01.12	<i>L</i>	Level 3	rothelowman	<i>24/07/2024</i>
TP01.13	<i>L</i>	Level 4	rothelowman	<i>24/07/2024</i>
TP01.14	<i>K</i>	Level 5	rothelowman	<i>24/07/2024</i>
TP01.15	<i>L</i>	Level 6	rothelowman	<i>26/07/2024</i>
TP01.16	<i>J</i>	Level 7	rothelowman	<i>24/07/2024</i>
TP01.17	<i>J</i>	Level 8	rothelowman	<i>24/07/2024</i>
<i>TP01.18</i>	<i>K</i>	<i>Level 9</i>	<i>rothelowman</i>	<i>24/07/2024</i>
TP01.19	<i>L</i>	Level 10	rothelowman	<i>26/07/2024</i>
TP01.20	<i>K</i>	Level 11	rothelowman	<i>24/07/2024</i>
TP01.21	<i>K</i>	Level 12	rothelowman	<i>24/07/2024</i>
TP01.22	<i>K</i>	Level 13	rothelowman	<i>24/07/2024</i>
TP01.23	<i>K</i>	Level 14	rothelowman	<i>24/07/2024</i>
TP01.24	<i>K</i>	Level 15	rothelowman	<i>24/07/2024</i>

Plan No	Revision	Plan Title	Drawn By	Dated
TP01.25	K	Level 16	rothelowman	24/07/2024
TP01.26	H	Level 17	rothelowman	24/07/2024
TP01.27	H	Level 18	rothelowman	24/07/2024
TP01.28	H	Level 19	rothelowman	24/07/2024
TP01.29	H	Level 20	rothelowman	24/07/2024
TP01.30	A	Level 21	rothelowman	24/07/2024
TP01.31	A	Level 22	rothelowman	24/07/2024
TP01.32	A	Level 23	rothelowman	24/07/2024
TP01.33	A	Level 24	rothelowman	24/07/2024
TP01.34	A	Roof	rothelowman	24/07/2024
TP02.01	J	North Elevation Building 1 & 2	rothelowman	24/07/2024
TP02.02	J	South Elevation Building 4	rothelowman	24/07/2024
TP02.03	J	South Elevation Building 1 & 2	rothelowman	24/07/2024
TP02.04	K	East Elevation Building 1	rothelowman	24/07/2024
TP02.05	H	East Elevation Building 2 & 4	rothelowman	24/07/2024
TP02.06	H	West Elevation Building 2 & 4	rothelowman	24/07/2024
TP02.07	J	West Elevation Building 1	rothelowman	24/07/2024
TP02.08	J	North Elevation Building 4	rothelowman	19/07/2024
TP02.50	A	Exterior Finishes Schedule	rothelowman	13/05/2024
TP03.01	L	Section A1	rothelowman	26/07/2024
TP03.02	K	Section A2	rothelowman	26/07/2024
TP03.03	L	Section B	rothelowman	26/07/2024
TP03.04	K	Section C	rothelowman	26/07/2024
TP03.11	G	Section - Ramps	rothelowman	26/07/2024
TP11.01	H	GFA – Tower One 01	rothelowman	26/07/2024
TP11.02	C	GFA – Tower One 02	rothelowman	26/07/2024
TP11.03	H	GFA – Tower Two and Four - 01	rothelowman	26/07/2024
TP11.04	C	GFA – Tower Two and Four 02	rothelowman	26/07/2024
TP11.05	H	GFA – Tower Two and Four 03	rothelowman	26/07/2024
TP11.06	C	GFA – Tower Two and Four	rothelowman	26/07/2024

Plan No	Revision	Plan Title	Drawn By	Dated
		04		
TP12.01	D	3D Solar POV Studies 01	rothelowman	24/07/2024
TP12.02	D	3D Solar POV Studies 02	rothelowman	24/07/2024
TP12.03	D	3D Solar POV Studies 03	rothelowman	24/07/2024
TP05.00	N	Overall Development Summary	rothelowman	26/07/2024
TP13.01	F	SEPP 65 Compliance -01	rothelowman	24/07/2024
TP13.02	F	SEPP 65 Compliance -02	rothelowman	24/07/2024
TP13.03	F	SEPP 65 Compliance -03	rothelowman	24/07/2024
TP13.04	F	SEPP 65 Compliance -04	rothelowman	24/07/2024
TP13.05	K	Deep Soil + Site Amenity	rothelowman	13/09/2024
TP13.06	H	Communal Open Space	rothelowman	26/07/2024
TP13.07	F	Height Plane Diagram	rothelowman	24/07/2024
TP13.11	H	Storage Compliance	rothelowman	26/07/2024
TP14.01	D	Shadows Proposed -01	rothelowman	24/07/2024
TP14.02	D	Shadows Proposed -02	rothelowman	24/07/2024
TP14.03	D	Shadows Proposed -03	rothelowman	24/07/2024
TP15.01	G	Adaptable and Visitable Compliance	rothelowman	24/07/2024
TP15.02	F	Adaptable Layout Plans -01	rothelowman	24/07/2024
TP15.03	F	Adaptable Layout Plans -02	rothelowman	24/07/2024
TP15.04	F	Adaptable Layout Plans -03	rothelowman	24/07/2024
TP15.05	E	Adaptable Layout Plans -04	rothelowman	24/07/2024
(Condition Amended: April 2025)				
Landscape Plans				
000	F	Cover Sheet	Arcadia	16/08/2023
001	F	Master Legend	Arcadia	16/08/2023
100	D F J	Landscape Masterplan 0,1,2	Arcadia	26/07/2024
101	F	Masterplan Existing Tree	Arcadia	16/08/2023

Plan No	Revision	Plan Title	Drawn By	Dated
		Strategy		
400	J	Plant Schedule	Arcadia	16/08/2023
401	<i>F</i>	Softworks Plan 01	Arcadia	16/08/2023
402	<i>F</i>	Softworks Plan 02	Arcadia	16/08/2023
403	<i>F</i>	Softworks Plan 03	Arcadia	16/08/2023
404	<i>F</i>	Softworks Plan 04	Arcadia	16/08/2023
405	<i>F</i>	Softworks Plan 05	Arcadia	16/08/2023
406	<i>F</i>	Softworks Plan 06	Arcadia	16/08/2023
407	<i>F</i>	Softworks Plan 07	Arcadia	16/08/2023
408	<i>F</i>	Softworks Plan 08	Arcadia	16/08/2023
601	<i>F</i>	Typical Details	Arcadia	16/08/2023
700	<i>F</i>	Landscape Specification	Arcadia	16/08/2023
(Condition Amended: April 2025)				
Civil Plans				
CI-000-001		Cover Sheet Drawing Registry & Locality Plan	stantec	17/06/2022
CI-007-001	C	General Notes	stantec	17/06/2022
CI-050-001	C	Existing Conditions Plan	stantec	17/06/2022
CI-060-001	B	General Arrangements Plan	stantec	17/06/2022
CI-070-001	C	Erosion and Sediment Control Plan	stantec	17/06/2022
CI-076-001	C	Erosion and Sediment Control Details	stantec	17/06/2022
CI-100-001	B	Bulk Earthworks Plan	stantec	17/06/2022
CI-500-001	C	Stormwater Drainage Catchment Plan	stantec	17/06/2022
CI-520-001	D	Stormwater Drainage Ground Floor Plan	stantec	17/06/2022
C101	B	Stormwater Management Plan – Basement 5	Xavier Knight	21/06/2024
C102	G	Stormwater Management Plan Basement 4	Xavier Knight	27/07/2024
C105	C	Stormwater Management Plan – Basement 1	Xavier Knight	21/06/2024

Plan No	Revision	Plan Title	Drawn By	Dated
C106	C	Stormwater Management Plan – Basement 2	Xavier Knight	20/06/2024
C150	B	Catchment Plan and MUSIC Results	Xavier Knight	20/06/2024
CI 526-001 C200	B	Stormwater Drainage Details Sheet 1	Stantec Xavier Knight	17/06/2022 20/06/2024
CI 526-002 C201	B	Stormwater Drainage Details Sheet 2	Stantec Xavier Knight	17/06/2022 20/06/2024
CI 526-003 C202	B	Stormwater Drainage Details Sheet 3	Stantec Xavier Knight	17/06/2022 20/06/2024

(Condition Amended: April 2025)

Survey

Sheet 1 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 2 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 3 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 4 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 5 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 6 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 7 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 8 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021
Sheet 9 of 9	A	PLAN OF DETAIL AND LEVELS	LTS Lockley	23/03/2021

Document Title	Ref./Version No.	Prepared By	Dated
Traffic Impact Assessment	Issue D	stantec	30/06/2022

Traffic and Parking Assessment Report	22109	CJP Consulting Engineers	29/07/2024
National Construction Code Compliance Assessment Report	3U014-03	Certified Building Specialist	31/07/2024
Arboriculture Impact Assessment Report	Version 3	Blues Bros Arboriculture	31/08/2022
Acoustic Report	003	stantec	17/06/2022
Acoustic Letter	TN625-04F01	Renzo Tonin & Associates	29/07/2024
DA Stage Access Assessment Report	115389-Access-r3	BCA Logic	01/07/2022
Statement of Compliance – BCA Access Provisions	Revision A	Accessible Building Solutions	26 July 2024
Preliminary Site Investigation	Revision 1	Geosyntec	18/02/2022
Operational Waste Management Plan	Revision H	Elephants Foot	29/07/2024
Construction and Demolition Waste Management Plan	Revision G	Elephants Foot	29/07/2024
NatHERS	Certificate Number: D4ZUGII6U4	stantec	02/07/2022
BASIX Assessment Report	Revision 3	Integrated Group Services	26/07/2024
BASIX Assessment - Area 1	Certificate Number: 1315121M_07	Integrated Group Services	25/07/2024
BASIX Assessment - Area 2	Certificate Number: 1315119M_04	Integrated Group Services	25/07/2024
BASIX Assessment - Area 4	Certificate Number: 1262669M_04	Integrated Group Services	25/07/2024
Geotechnical Investigation Report	P2160_02	morrow	16/02/2022
ESD Report	301350653	stantec	19/07/2022

	Rev 7		
Public Art Strategy	P3058	UAP	July 2022
Landscaping Report	Rev I	Arcadia	21 November 2022
Stormwater Management Plan	301350653-SWMP.003	stantec	17/06/2022
SEPP 65 Design Verification Statement/ ADG Compliance Summary	D	rothelowman	24/07/2024
Wind Report	R01	CPP	31/07/2024
Reflectivity Report	Updated Drawings	CPP	19/07/2024
Urban Design Report	-	rothelowman	July 2022

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

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

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

A.2 - Design amendments

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

The Landscape plan set developed by Arcadia updated 6/9/22 is to be updated to reflect the following. Tree #18 *Cedrus deodara* (Himalayan cedar) is to be deleted due to the unacceptable level of impact to the root system and canopy of the tree. The tree is to be replaced by a 1000L *Angophora costata* (Sydney Red Gum) to be placed in the vicinity of the tree, equidistant from the boundary to built form.

All *Eucalyptus scoparia* (Wallangarra White Gums) proposed for the green spine are to be replaced with *Corymbia citriodora subsp maculata* (Spotted Gum) of 200L pot size.

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

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

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

Security Deposit Type	Amount	Refunded post OC if deemed satisfactory by Council
Infrastructure Damage Bond	\$23,000.00	Yes
Inspection Fee (12 inspection (12 x205))	\$2,460.00	No
Civil Reconstruction Work		
• Kerb/gutter work	\$66,850.00	Yes
• Footpath work	\$112,170.00	Yes
• Turfing work	\$9,060.00	Yes
• Road resealing	\$346,700.00	Yes
• Pram Ramp (5)	\$11,000.00	Yes
(additional ramps will be decided later)		
Positive Covenant Bond for all OSD Systems	\$1,000.00	Yes
Council Owned Trees	\$100,000.00	Yes

The payments will be used for the cost of:

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

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

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

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

The following items are to be inspected:

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

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

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

Before the issue of the relevant construction certificate, the applicant is to ensure that the person liable pays the long service levy. Payments are to be made to the Long Service Corporation or Council under sections 34, 35 and 36 of *the Act- Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

Prescribed rates for long service levy — Section 14 of Part 3 -Long Service Levies of *Building and Construction Industry Long Service Payments Regulation 2022 [NSW]*

For the Act, section 35, the prescribed rate for a long service levy payable for a building is —
(a) until 31 December 2022—0.35% of the cost of erecting the building, or
(b) from 1 January 2023—0.25% of the cost of erecting the building.

Note— The prescribed rate for an additional amount of the long service levy under the Act, section 41(3), is also calculated at this rate.

Reason: To ensure the longservice levy is paid.

A.5 - Payment of development contributions

Payment of special infrastructure contribution

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

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

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

Planning agreement

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

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

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

A.5A - Payment of development contributions

**Payment of section 7.11 contributions as a component of the Planning Agreement
For developments with an estimated cost of more than \$10 million:**

- (i) Before the issue of the first construction certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (ii) (below) must be paid.
- (ii) The applicant must pay the following contributions to Council. The Section 7.11 Contribution is calculated as the follows:

Type	Cost per Unit	Number of Units	Total
Studio/1 bedroom	\$21,174.10	46	\$974,008.60
2 bedrooms	\$30,249.61	131	\$3,962,698.91
3 + bedrooms	\$46,888.04	55	\$2,578,842.20
Total:			\$7,515,549.71

Total credits: 10 x 3-bedroom houses = 10 x \$46,888.04 = (\$468,880.40)

\$7,515,549.71 – \$468,880.40 = **\$7,046,669.31**

As at the date of this consent, the total contribution payable to Council under this condition is **\$7,046,669.31** in accordance with St Leonards South Precinct Section 7.11 Development Contributions Plan.

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

- (iii) ***Before the issue of the relevant construction certificate in respect of any building to which this s4.55(2) consent relates, an additional section 7.11 contribution calculated in accordance with subclause (i) (below) must be paid.***
- (iv) ***The applicant must pay the following contributions to Council. The Section 7.11 Contribution is calculated as the follows:***

Type	Cost per Unit	Number of Units	Total
Studio/1 bedroom	\$23,570.52	10	\$235,705.20
2 bedrooms	\$33,673.17	54	\$1,818,351.18
3 + bedrooms	\$52,194.96	13	\$678,534.48
Total:			\$2,732,590.86

As at the date of the modified consent (April 2025), the total contribution payable to Council under this condition is an additional \$2,732,590.86 in accordance with St

Leonards South Precinct Section 7.11 Development Contributions Plan.

The final total amount payable will be calculated at the time the payment is made, in accordance with the provisions of the St Leonards South Precinct Section 7.11 Development Contributions Plan. (Condition Amended: April 2025).

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

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

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

Payment of special infrastructure contribution

A special infrastructure contribution must be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution - St Leonards and Crows Nest) Determination 2020 (as in force when this development consent takes effect). A person may not apply for a construction certificate or occupation certificate (as the case may require, having regard to the Determination) in relation to development the subject of this development consent unless the person provides, with the application, written evidence from the Department of Planning, Industry and Environment that the special infrastructure contribution for the development (or that part of the development for which the certificate is sought) has been made or that arrangements are in force with respect to the making of the contribution. More information A request for assessment by the Department of Planning, Industry and Environment of the amount of the contribution that is required under this condition can be made through the NSW planning portal ([https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online\[1\]service/](https://www.planningportal.nsw.gov.au/special-infrastructure-contributions-online[1]service/)).

Please refer enquiries to SIContributions@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.6 – Affordable Housing component required for the development

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:

TOWER 1: T1.05. U01, T1.05. U07, T1.05. U06, T1.05. U05, T1.05. U04, T1.06. U07, T1.06. U06, T1.06. U05, T1.06. U04. TOWER 2: T2.03. U06, T2.03. U07, T2.03. U01, T2.03. U04, T2.03. U08, T2.04. U08, T2.04. U03, T2.04. U07, T2.04. U06, T2.04. U01, T2.05. U03, T2.05. U08, T2.05. U06, T2.08. U01, T2.08. U06, T2.08. U02, T2.08. U03, T2.08. U04, T2.08. U05, T2.09. U01, T2.09. U02, T2.09. U03, T2.09. U04, T2.09. U05, T2.09. U06. TOWER 4: T4.03. U08, T4.03. U04, T4.03. U09, T4.04. U01, T4.04. U07, T4.05. U07, T4.05. U06, T4.08. U01, T4.08. U02, T4.08. U03, T4.08. U04, T4.09. U01, T4.09. U02, T4.09. U03, T4.09. U04, T4.10. U01, T4.10. U02, T4.10. U03, T4.10. U04, T4.11. U01, T4.11. U02, T4.11. U03, and T4.11. U04 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: TOWER 1: T1.05. U01, T1.05. U07, T1.05. U06, T1.05. U05, T1.05. U04, T1.06. U07, T1.06. U06, T1.06. U05, T1.06. U04. TOWER 2: T2.03. U06, T2.03. U07, T2.03. U01, T2.03. U04, T2.03. U08, T2.04. U08, T2.04. U03, T2.04. U07, T2.04. U06, T2.04. U01, T2.05. U03, T2.05. U08, T2.05. U06, T2.08. U01, T2.08. U06, T2.08. U02, T2.08. U03, T2.08. U04, T2.08. U05, T2.09. U01, T2.09. U02, T2.09. U03, T2.09. U04, T2.09. U05, T2.09. U06. TOWER 4: T4.03. U08, T4.03. U04, T4.03. U09, T4.04. U01, T4.04. U07, T4.05. U07, T4.05. U06, T4.08. U01, T4.08. U02, T4.08. U03, T4.08. U04, T4.09. U01, T4.09. U02, T4.09. U03, T4.09. U04, T4.10. U01, T4.10. U02, T4.10. U03, T4.10. U04, T4.11. U01, T4.11. U02, T4.11. U03, and T4.11. U04 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: TOWER 1: T1.05. U01, T1.05. U07, T1.05. U06, T1.05. U05, T1.05. U04, T1.06. U07, T1.06. U06, T1.06. U05, T1.06. U04. TOWER 2: T2.03. U06, T2.03. U07, T2.03. U01, T2.03. U04, T2.03. U08, T2.04. U08, T2.04. U03, T2.04. U07, T2.04. U06, T2.04. U01, T2.05. U03, T2.05. U08, T2.05. U06, T2.08. U01, T2.08. U06, T2.08. U02, T2.08. U03, T2.08. U04, T2.08. U05, T2.09. U01, T2.09. U02, T2.09. U03, T2.09. U04, T2.09. U05, T2.09. U06.

- TOWER 4: T4.03. U08, T4.03. U04, T4.03. U09, T4.04. U01, T4.04. U07, T4.05. U07, T4.05. U06, T4.08. U01, T4.08. U02, T4.08. U03, T4.08. U04, T4.09. U01, T4.09. U02, T4.09. U03, T4.09. U04, T4.10. U01, T4.10. U02, T4.10. U03, T4.10. U04, T4.11. U01, T4.11. U02, T4.11. U03, and T4.11. U04 on the approved plans must be used for affordable housing, and***
- (b) the apartments identified as Units TOWER 1: T1.05. U01, T1.05. U07, T1.05. U06, T1.05. U05, T1.05. U04, T1.06. U07, T1.06. U06, T1.06. U05, T1.06. U04. TOWER 2: T2.03. U06, T2.03. U07, T2.03. U01, T2.03. U04, T2.03. U08, T2.04. U08, T2.04. U03, T2.04. U07, T2.04. U06, T2.04. U01, T2.05. U03, T2.05. U08, T2.05. U06, T2.08. U01, T2.08. U06, T2.08. U02, T2.08. U03, T2.08. U04, T2.08. U05, T2.09. U01, T2.09. U02, T2.09. U03, T2.09. U04, T2.09. U05, T2.09. U06. TOWER 4: T4.03. U08, T4.03. U04, T4.03. U09, T4.04. U01, T4.04. U07, T4.05. U07, T4.05. U06, T4.08. U01, T4.08. U02, T4.08. U03, T4.08. U04, T4.09. U01, T4.09. U02, T4.09. U03, T4.09. U04, T4.10. U01, T4.10. U02, T4.10. U03, T4.10. U04, T4.11. U01, T4.11. U02, T4.11. U03, and T4.11. U04 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.”***

(Condition Added: April 2025)

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

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 relevant construction certificate.

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

The public domain works required by this consent include:

1. Shared user path (i.e.3.0m), landscaping and kerb and gutter to Council specifications to Canberra Avenue, Holdsworth Avenue and Marshall Avenue adjoining the frontage of the site.
2. Reinstatement of all public infrastructure damages identified in dilapidation report for public infrastructure required to be retained.

3. Street tree planting and structural root cell to Council specification along 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 1300sqm 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.7.L Tree preservation and approved landscaping works

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

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

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

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

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

The following trees shall be retained:

Tree No.	Species	Location	Dimension (metres)
1	<i>Eucalyptus haemastoma</i>	Canberra Ave	16 x 14
3	<i>Eucalyptus haemastoma</i>	Canberra Ave	13 x 13
4	<i>Ficus rubiginosa</i>	Canberra Ave	6 x 4
4a	<i>Callistemon viminalis</i>	Canberra Ave	6 x 6
11	<i>Jacaranda mimosifolia</i>	Canberra Ave	11 x 16
12	<i>Lophostemon confertus</i>	Marshall Ave	18 x 14
13	<i>Tristaniopsis laurina</i>	Marshall Ave	8 x 8
14	<i>Tristaniopsis laurina</i>	Marshall Ave	7 x 6
15a	<i>Macadamia integrifolia</i>	6 Canberra Ave	8 x 8
16	<i>Eucalyptus globoidea</i>	6 Canberra Ave	16 x 11
17	<i>Lophostemon confertus</i>	Marshall Ave	15 x 9
22	<i>Lophostemon confertus</i>	Holdsworth Ave	13 x 9
23	<i>Lophostemon confertus</i>	Holdsworth Ave	15 x 7
24	<i>Lophostemon confertus</i>	Holdsworth Ave	10 x 12
30	<i>Lophostemon confertus</i>	Holdsworth Ave	

37	<i>Lophostemon confertus</i>	Holdsworth Ave	16 x 12
42	<i>Syzygium spp</i>	9 Holdsworth Ave	12 x 10
43	<i>Pittosporum undulatum</i>	9 Holdsworth Ave	9 x 9
45	<i>Lophostemon confertus</i>	Holdsworth Ave	16 x 19
47	<i>Syagrus romanzoffiana</i>	11 Canberra Ave	12 x 8
48	<i>Brachychiton acerifolius</i>	11 Canberra Ave	12 x 8
49	<i>Washingtonia robusta</i>	11 Canberra Ave	13 x 6
50	<i>Cinnamomum camphora</i>	13 Canberra Ave	18 x 15

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

Tree No.	Species	Location	Dimension (metres)
1	<i>Liquidambar styraciflua</i>	5 Canberra Ave	10 x 10
5	<i>Phoenix canariensis</i>	1 Canberra Ave	7 x 7
6	<i>Ligustrum lucidum</i>	1 Canberra Ave	-
7	<i>Cupressocyparis x leylandii</i>	1 Canberra Ave	-
8	<i>Cupressocyparis x leylandii</i>	1 Canberra Ave	-
9	<i>Cupressocyparis x leylandii</i>	1 Canberra Ave	-
10	<i>Cupressocyparis x leylandii</i>	1 Canberra Ave	-
15	<i>Pittosporum undulatum</i>	6 Marshall Ave	9 x 5
18	<i>Cedrus deodara</i>	8 Marshall Ave	
19	<i>Lophostemon confertus</i>	6 Marshall Ave	13 x 9
20	<i>Cinnamomum camphora</i>	8 Marshall Ave	9 x 9
21	<i>Phoenix canariensis</i>	8 Marshall Ave	9 x 8
25	<i>Syagrus romanzoffiana</i>	2 Holdsworth Ave	8 x 4
26	<i>Archontophoenix cunninghamiana</i>	2 Holdsworth Ave	8 x 5
27	<i>Syagrus romanzoffiana</i>	2 Holdsworth Ave	8 x 6
28	<i>Cupressus macrocarpa</i>	2 Holdsworth Ave	23 x 16
29	<i>Cupressus macrocarpa</i>	2 Holdsworth Ave	23 x 15
31	<i>Ulmus parvifolia</i>	4 Holdsworth Ave	14 x 17
32	<i>Cinnamomum camphora</i>	4 Holdsworth Ave	12 x 7
33	<i>Cinnamomum camphora</i>	4 Holdsworth Ave	12 x 7
34	<i>Viburnum spp</i>	4 Holdsworth Ave	9 x 5
35	<i>Cupressus leylandii</i>	4 Holdsworth Ave	7 x 2
36	<i>Syzygium leuhmanii</i>	4 Holdsworth Ave	9 x 5
38	<i>Archontophoenix Alexandria</i>	6 Holdsworth Ave	10 x 6
39	<i>Washingtonia robusta</i>	6 Holdsworth Ave	12 x 6
40	<i>Archontophoenix Alexandria</i>	6 Holdsworth Ave	12 x 6
41	<i>Washingtonia robusta</i>	6 Holdsworth Ave	12 x 6
44	<i>Jacaranda mimosifolia</i>	6 Holdsworth Ave	15 x 15
46	<i>Grevillea robusta</i>	8 Holdsworth Ave	16 x 10
51	<i>Jacaranda mimosifolia</i>	8 Marshall Ave	5 x 6

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

Tree No.	Species	Location	Permitted works in TPZ
1	<i>Eucalyptus haemastoma</i>	Canberra Ave	Driveway and Crossover

3	<i>Eucalyptus haemastoma</i>	Canberra Ave	Driveway and Crossover
22	<i>Lophostemon confertus</i>	Canberra Ave	Excavation of basement, construction of building and ancillary structures
23	<i>Lophostemon confertus</i>	Canberra Ave	Excavation of basement, construction of building and ancillary structures
24	<i>Lophostemon confertus</i>	Canberra Ave	Excavation of basement, construction of building and ancillary structures
30	<i>Lophostemon confertus</i>	Canberra Ave	Excavation of basement, construction of building and ancillary structures
37	<i>Lophostemon confertus</i>	Canberra Ave	Excavation of basement, construction of building and ancillary structures
45	<i>Lophostemon confertus</i>	Canberra Ave	Excavation of basement, construction of building and ancillary structures

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

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

A.10 – Special condition – Prepurchase of Replacement Trees

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

Reason: To ensure replacement trees are at appropriate size upon completion of the development.

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:

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

The terms of the covenant must also incorporate the following:

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

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

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 **Amended** General Terms of Approval provided by Water NSW ~~dated 24 October 2022~~ **dated 29 September 2023** at each stage as relevant. (Reference Number: ~~IDAS1145500~~ **S4551151300**).

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

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 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

Ausgrid Underground Cables are in the vicinity of the development:

- Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the

position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

- In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:
 - SafeWork Australia – Excavation Code of Practice.
 - Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

- Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Ausgrid Overhead Powerlines are in the vicinity of the development

- The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.
- Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.
- The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au.
- It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.
- Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website:
www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Reason: AUSGRID requirements.

B.13.L - Project arborist

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

The project Arborist shall:

- Certify all tree protection measures listed within Part B prior to any works
- Clearly identify and tag trees which are to be removed and which trees are to be

retained as part of this consent

- 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 any 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 and Construction Management Plan
2. Encompassing all street trees to be retained.
3. Offset 5m from the trunk of tree 16 to protect the SRZ – This Tree Protection Zone must be mulched to a depth of 100mm using an 80/20 woodchip to leaf litter mulch for the life of construction. This area must be watered using a timed irrigation system, with frequency determined by the project arborist and outlined within the tree protection and Construction Management Plan

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

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

Such fencing and signage must be erected **Prior to any works** 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 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.

C.4 - Utilities and services

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

- a) a letter of consent from the electricity authority demonstrating that satisfactory arrangements can be made for the installation and supply of electricity.
- b) a response from water authority as to whether the plans proposed to accompany the application for a construction certificate would affect any water authority 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.5 - Dilapidation report (if applicable)

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

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

C.6 - Construction site management plan

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

- location and materials for protective fencing and hoardings to the perimeter on the site.
- For sites adjoining bushland a 1.8m chain mesh perimeter fence with 1m sediment fencing attached to the lower portion is required to ensure that no foreign materials enter the bushland.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- For major works, appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds

- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.

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

Council Approvals

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

Additional Council Requirements

3. 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.
4. 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.
5. 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).
6. Where sites adjoin bushland:
 - For sites identified to be within bushfire prone land An Asset Protection Zone (APZ) shall be provided entirely within the site boundary. To protect bushland and property from fire risk, APZ standards are to be in accordance with Planning for Bushfire Protection (PBP) 2019.
 - Access to the site from adjacent parks/reserves/bushland for the purposes of carrying out building works, landscaping works, storage materials, storage of soil or rubbish is not permitted.

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

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.T - Car parking details and additional Council requirements

Additional Council car parking requirements are set out below:

7. The proposed car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.

8. 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.
9. All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
10. All vehicles must front in/ front out to/ from the development.
11. Small car spaces must form no more than 10% of the overall parking provision in public car parks.
12. 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.
13. 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.
14. All residential dwellings spaces are to be provisioned with cabling (and adequate electricity capacity provided) for electrical vehicle charging for a minimum of 1 vehicle space per dwelling. Certification is to be provided to the certifier prior to the issue of the relevant Construction Certificate in relation to this requirement from a suitably qualified person. The cabling infrastructure is to be located in such a way that the installation of a car charger would not impact parking space dimensions (e.g. infrastructure raised on tracks or similar).

Reason: To comply with Council car parking requirements.

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

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

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

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

Car parking spaces shall be allocated as per the established minimum car parking rates (rounded up to the nearest whole number) in Table **two** of Part R: Traffic, Transport, and Planning of the LCDCP 2010. The subdivision and sale of excess car parking spaces is prohibited. **(Amended: September 2024)**

Reason: To comply with Council's car parking requirements

C.10.T – Pedestrians / cycling

- (i) All bicycle racks and secure bicycle parking provided on-site shall comply with the minimum standards as outlined in Section 4.3 of Part R: Traffic, Transport and Parking of Lane Cove DCP 2010 and designed in accordance with AS 2890.3: 2015 Bicycle Parking Facilities. Alternative designs that exceed the Australian Standards will also be considered appropriate.
- (ii) Basement bicycle parking is to be located as close as possible to the car park entrance, clearly labelled, and easily identifiable through appropriate way finding signage.

- (iii) Line markings are to be provided to guide pedestrians to the lift in public car parking areas.

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

C.24.E - Structural engineer's details

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

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

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

Reason: To ensure structural adequacy.

C.25.E - Construction methodology report

Where there are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations, a suitably qualified engineer must prepare a Construction Methodology Report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure.

The report must:

- be submitted to the Principal Certifying Authority prior to issue of any Construction Certificate;
- include a geotechnical report to determine the design parameters appropriate to the specific development and site;
- include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

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

Reason: To protect neighbouring buildings.

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

Certification shall be obtained from a suitably qualified Engineer that:

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

on the marker plate is described in Council's DCP-Stormwater management. An approved plate may be purchased from Council's customer service desk.

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

Reason: To ensure compliance with Council's requirements.

C.27.E - Proposed vehicular crossing

- (a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council.
- (b) The driveway opening width along at the face of kerb must be as shown in the architectural drawing.
- (c) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- (d) Certification is to be provided by a suitably qualified engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street, Car Parking", and Council's standards and specifications.
- (e) The following plans shall be prepared and certified by a suitably qualified engineer:
 - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - Off Street Car Parking.
 - Transitional grades in accordance with AS2890. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.
 - Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.
 - A 'Construction of Residential Vehicular Footpath Crossing' application, design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate. All works associated with construction of the crossing shall be completed prior to the issue of any Occupation Certificate.

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

C.39 - Fire Hydrant Enclosure

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

Reason: To ensure essential services are appropriately screened.

F.7 - Completion of landscape and tree works

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

Additional Council requirements are outlined below:

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

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

F.19 - Special Condition – Replacement Planting

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

Tree species and planting location are to be done in accordance with the stamped landscape plans for the site and comply with any relevant landscaping conditions as part of this consent.

All trees that grow to a height of 12+ metres shall be installed at a minimum pot size of 400 litres and a height of at least 4 metres above finished ground levels at the time of installation. They shall comply with Australian Standard 2303:2018 Tree Stock for Landscape Use and the balance formula for soil volumes.

In addition to the approved Landscape plan, 1000L *Angophora costata* (Sydney Red Gum) is to be planted in the northwest corner of the dedicated green space area in lieu of tree 18.

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

Reason: Replacement Planting

F.20 – Special condition – Planting

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

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

F.21 - Arborist Report and Heritage Trees

An Arborist Report has been submitted as previously requested in the Pre-DA meeting. It is also noted that the Landscape Report incorporates high retention value trees and proposed tree protection measures. However, the Landscape Plans (CAD Drawings) must also be updated to depict this information.

All proposed tree protection measures as outlined in the Arboricultural Impact Assessment Report (completed by Blues Brothers Arboriculture 30th June 2022) shall be articulated on the Landscape Plans to ascertain that an accurate representation of the extent of tree protection onsite.

Reason: To comply with the Landscape DA Checklist and to assess an accurate Tree retention/removal and protection strategy.

F.22 - Street Trees

If any street trees (T4 or otherwise) are to be removed, they must be replaced at a 1:1 ratio in the streetscape within a structural root cell system (such as Strata Vault by City Green or approved equal). The Landscape Plans are to include a detail showing the extent of the structural root cell system and construction. The species of replacement tree is to be selected as outlined in the LMP

All street trees shall be of a height of at least 4M above natural ground level at time of installation and therefore covered by Lane Cove Councils Tree Preservation order. All trees are to be maintained in a healthy condition for the life of the development with replacement trees to be installed within 6 months of the trees demise at the next optimum planting season. This obligation shall become the responsibility of the Strata Management outside the Council appointed maintenance and establishment period.

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

F.23 Trees in Setbacks

The overall design of the front setbacks is generally favourable as it fits within the delegated envelope of the DCP, therefore allowing adequate deep soil. However, as per the LMP (pages 48-49 Private Open Space Typologies – Setbacks) either an elevated or an on-grade setback should endeavour to include tree planting.

Holdsworth Avenue

The Private Terrace setbacks on Holdsworth avenue should include (at a minimum) 1 medium-large tree per private terrace. This is to ensure good amenity and privacy for residents whilst reducing the size and bulk of the built form.

The tree species should be selected from Council's DCP Part J Landscaping Appendix 1 or the LMP.

Canberra Avenue

Tree planting should be provided within the raised planter boxes on the Canberra Avenue setback as this setback is deep soil.

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

The Landscape Plans must be amended to depict this information and sent back to Councils Landscape Architect for Assessment.

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

F.24 Green Spine

It is noted that Landscape Calculation plans have been included within the drawing package. However, the drawings do not accurately outline the true extents of the deep soil areas.

These landscape calculation plans must accurately depict the extent of deep soil throughout the site, particularly paying attention to achieving the deep soil objectives for the Green Spine. Page 63 of the DCP localities for St Leonards South states: *The Green spine shall comprise predominantly deep soil as per the LMP.*

From this one can ascertain that at least 51% of the green spine shall be deep soil

- (a) LCC defines deep soil as: Deep soil zones are areas of natural ground with relatively natural soil profiles retained within a development. Buildings, basement carparks, swimming pools, tennis courts, patios and decks, and impervious surfaces such as paved areas, driveways, carparking and roofed areas are NOT included as part of the deep soil zone.
- (b) The ADG defines deep soil as: Deep soil zones are areas of soil not covered by buildings or structures within a development. They exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas.

Any hard surfaces and light structures that are added to the Green Spine area that lie within the deep soil zone must increase the area of deep soil zone by the complimentary amount. The requirements for the Green Spine areas of St Leonards South are outlined below as per the LMP:

Lane Cove Council LMP for St. Leonards South – Private Open Space Typologies – Communal Open Space (Green Spines) states:

- New canopy trees to include min 50% large sized trees (12m high +) or medium sized trees (8-12m high) and max 50% small trees (up to 8m high)
- Max 40% of area to be hard paved (including soft-fall); min 60% of area to be soft with max 40% of this lawn & 60% planted

The Apartment Design Guide Part 3E provides suggested soil volumes for trees in deep soil areas as:

- Large trees: 13 – 18 metres in height require 80 cubic metres of soil volume
- Medium trees: 9 -12 metres in height require 35 cubic metres of soil volume
- Small trees: 6 - 8 metres in height require 15 cubic metres of soil volume

Each green spine area has obligations in accordance with the **Open Space Typologies – Facilities Matrix** on page 28 of the LMP

- a. As such, the surface area calculations for these elements needs to be added to the area considered “deep soil” in order to retain the 51% of the Green Spine in accordance with The DCP controls for private domain.

The Landscape Calculation Plans must be amended to depict this information and sent back to Councils Landscape Architect for Assessment.

Reason: The project Landscape Architect needs to provide accurate landscape calculation drawings for Councils’ Landscape Architect to assess if they meet the requirements for deep soil.

F.25 - Proposed Onsite Trees

As per Lane Cove Council LMP for St Leonards South the proposal must have a mature canopy cover (existing + proposed) of 50% of the area of communal open space (Green Spine).

New Canopy trees within communal open space (Green Spine) to include min 50% large sized trees (12m high +) or medium sized trees (8- 12m high) and max 50% small trees (up to 8m high);

In accordance with the requirements for soil depth as outlined in the ADG and LCC DCP Part

J Landscaping, no large sized trees shall be located over underground car parks unless a minimum soil depth of 1.3 metres is achieved and the Site Engineering is to the approval of Council's Landscape Architect.

Tree planting to building setbacks, particularly in front setbacks to the street to help reduce the scale of buildings is strongly encouraged.

The Project Landscape Architect is to amend their drawings to include information on canopy cover and size of trees proposed onsite (i.e whether they are classified as small, medium or large trees) and send back to Council's Landscape Architect for assessment. This information can be included within the Landscape Report.

Reason: To comply with the objectives of the LMP.

F.26 – Co-ordination with Neighbouring sites

Co-ordination is needed between sites, developers and consultants to address the following (but not limited to):

- Level changes on edges of sites
- Edge treatments to abutting sites
- Pedestrian access
- Linking Green Spines
- Site lines
- Solar access

Coordination of materials and final locations of crossovers/edge treatments can be conducted at a later stage with Council once the St Leonards South Public Domain Design Guide is released.

Reason: To ensure seamless transitions through adjoining sites.

F.27 – Tree Replacement Ratio

Lane Cove Council declared a Climate Emergency in 2019 and as a result, has committed to assist the canopy cover of the LGA and ensure no net canopy loss occurs on any site. Therefore, any tree that is removed by the applicant must be replaced at a 1:1 ratio and depicted on the Landscape Drawings. The replacement trees must be a species that is able to reach the mature height and spread of the removed tree. There must be no net loss of tree canopy cover and selected tree removal shall be at the discretion of Council.

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

F.28 - Basement Outline

The **basement outline** must be shown as an easily identifiable dashed line (on the Landscape Plans) with setback dimensions proving that the Green Spine predominately remains as "Deep Soil" areas with a mix of large, medium and small trees which may include some deciduous exotics (at the discretion of Council's Landscape Architect) in accordance with the **Landscape Masterplan** (LMP).

Reason: To ascertain the extents of deep soil onsite.

F.29 - Planting to Perimetre of 2 Marshall Avenue

A robust perimeter planting plan along the entire boundary with 2 Marshall Avenue with multiple vegetative layers including plants that create audible sensory buffer in the wind shall be designed and submitted to Council's Landscape Architect for approval prior to issue of a Construction certificate.

Reason: To help reduce the noise generated from the park.

F.30 - Connecting with Country

Prior to the issue of the relevant construction certificate, the Applicant must prepare a detailed Connecting with Country Strategy to Council's satisfaction. The strategy must:

- (a) be prepared by a qualified Connecting with Country consultant
- (b) include evidence of consultation with the local Aboriginal community, Council, school users and key stakeholders
- (c) include evidence of engagement with the Government Architect's Designing with Country Framework

Reason: To recognise the traditional landowners of the area.

F.31 - Pre-Construction Dilapidation report: Trees to be Retained

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

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

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

Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s). (d) include proposed methods of integration of the recommended outcomes / works of the Strategy into the development, including any necessary amendments to the proposed buildings or landscaping plans to accommodate this.

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

F.32- 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

F.33 – 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 vigour.

F.34 – 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

F.35 - Species substitutions

The following species substitutions shall be made:

- Clivia miniata to be replaced with Dianella caerulea variegata
- Pennisetum alopecuroides to be removed and replaced with other listed grasses
- Phormium cookianum to be removed and replace with other listed grasses or lilies

The following shall be replaced with plants from Appendix 1 in Part J - Landscaping

Magnolia grandiflora 'Little Gem' (Note: this plant appears on page 51 of the Updated Landscape Report but cannot be found in the updated landscape plans)

Reason: To ensure the integrity of the surrounding bush is maintained and to supplement the plant pallet of the existing Forest community of coastal Enriched Sandstone Moist Forest.

F.36 – 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.

F.37 – Raised Planted Boxes

A revised set of landscape plans shall be submitted to Council's Landscape Architect for assessment that details all proposed raised planter boxes for the development including proposed soil volumes and soil profiles.

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

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

F.38 - Uncovering relics or Aboriginal objects

While 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.

F.39 - Compliance Certificate for waterproofing planting on structures.

A certificate must be submitted by a qualified practicing 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.

F.40 - Post Construction Dilapidation report: Trees to be Retained

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

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

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

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

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

F.41- Practical Completion Report - Landscape works

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

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

F.42 - Practical Completion Report - Landscape maintenance and establishment

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

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

A.9.T Works on Council land

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

Reason: To manage impacts to Council's assets.

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

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans:

1. There is a stormwater pipe(450mm) running through 2 Marshal Ave and 1 Canberra Ave. The catchment for this pipe system is up to Pacific Highway. A flood study is required for this catchment to finalise top water level through this site.
2. The location of existing Council's stormwater pipe system shall be located and shown in the plan.
3. If the existing pipe system is relocated to accommodate proposed building, the applicant can relocate this pipe system at their cost. This proposed relocation shall be designed complying Part O of Council Stormwater DCP. The plan and longitudinal section of the pipe system for the relocation with relevant calculations shall be submitted to Council for further assessment and/or approval.
4. 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.
5. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
6. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP if charged system is used. The details of design level difference shall be shown in plan.
7. The last pit on the front left corner of Canberra Ave shall be modified into a pollution control pit (as shown in section 3.4.1 in part O of Council's stormwater DCP) with mesh (RH3030) and sump(300mm minimum) These details shall be shown in plan.
8. Sediment control fence shall be placed around the construction site and shown in plan
9. A gross pollutant trap (GPT) suitable for this site needs to be designed as per MUSIC analysis and shown in the plan. The details of this GPT shall be shown in stormwater plan. A suitable access to the GPT for future maintenance is required.
10. This DA requires OSD. The detailed design for this proposed OSD system is required.
11. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
12. Step iron bars are required at all grated access points if depth is in excess of 1.2m.
13. As per OSD cross section, the water from OSD tank can flow to rainwater tank. This is not acceptable. The top water level in OSD shall be lower than invert of overflow pipe from rainwater tank.
14. No overflow path is provided from OSD.
15. A suitable insect screen shall be installed between rainwater tank and OSD to maintain quality of the water in rainwater tank.
16. The rainwater tank shall show top water level, overflow path detail, pump system and insect screen between rainwater tank and OSD.
17. To facilitate cleaning of the OSD tank it is to have a minimum of two 600x600mm access grates. Additional grates are to be provided if the distance between access grates exceeds 10m.

18. A suitable pump out system is required for the basement and shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan and submitted to Council.
19. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, basement or as it is necessary and connected to pump out system.
20. A CCTV reports of the existing Council's pipe system running through site from Marshall Ave to Canberra Ave is to be submitted to Council, prior to construction start and after completion of work.
21. The proposed basement shall be constructed with water-proof walls around the basement.

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

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

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

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

E.6 - Surveys by a registered surveyor

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

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

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

E.8 - Tree protection

While site or building work is being carried out, the applicant must maintain all required tree protection measures 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 applicable)

If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within

a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense—

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

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

Reason: Prescribed condition - EP&A Regulation clause 98E

E.12 - Cut and fill (if applicable)

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

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

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

E.15.B - Critical stage inspections

Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000. Where Lane Cove Council is appointed as the PCA, an inspection is to be booked for each of the following relevant stages during the construction process:

- a) underpinning;
- b) retaining walls;
- c) footings;
- d) reinforced concrete work;
- e) structural steelwork;
- f) upper level floor and roof framing; and
- g) as requested by the Council.

Reason: EP&A Act requirement.

E.16.T – Works zones

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

Reason: To ensure pedestrian and traffic safety.

E.17.E – Heavy vehicle requirements

- (i) All contractors are to be notified of Council's requirements regarding truck cleanliness of vehicles leaving the site. A signed register of all notified contractors is to be kept. Failure to comply shall result in the contractor not being permitted re-entry to the site.
- (ii) 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.
- (iii) 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.18.B - No obstruction of public way

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

Reason: To ensure public safety.

E.19.B - Encroachments

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

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

E.26 – Special condition – Stockpiling of Materials

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

Reason: To mitigate damage to Council land

B.1.T Construction Traffic Management Plan

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

The CTMP 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.

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.

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

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

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
 - Compliance with *Part O - Stormwater Management* of Lane Cove DCP 2010.
 - Where a variation is sought, written approval shall be obtained from Council's

Urban Services Division.

- Compliance with AS-3500.
- Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention (OSD) system / basement pump out system has/have been constructed in accordance with the approved plans.
- Where relevant, registration of any positive covenants over the OSD system and basement pump out system.
- Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
- Evidence of removal of all redundant gutter and footpath crossings and reinstatement of all kerb, gutter, turfing and footpaths to the satisfaction of Council's Urban Services Division.
- Certification from the Engineer for the installation of GPT with filters devices and cartridges have been installed satisfying relevant Australian Standards
- Certificate from contractors that the all works completed according to approved plans and satisfying Australian Standards.

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

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

FA.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.

Before the issue of the 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.

FA.3 - Post-construction dilapidation report (if relevant)

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

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

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

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

FA.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.

FA.5 - Repair of infrastructure

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

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

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

FA.10.E - Footpaths

1. All footpaths adjacent to the site are to be installed or upgraded ensuring a consistent width and surface treatment. The minimum footpath width for this area is 3.0m for shared footpath.
2. All kerb and gutter around the site shall be reconstructed satisfying Council standards.
3. All turfing and stairs are to be reconstructed satisfying Council standards.
4. Resurfacing minimum of half of the road way for the frontage of site in Holdsworth Ave, Marshall Ave and Canberra Ave is required satisfying Council
5. The levels of the street alignment shall be obtained from Council and incorporated into the design to ensure consistent street alignment levels.

Reason: To ensure public amenity and safety.

FA.8.T - Sustainable transport action plan (STrAP)

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

Reason: To encourage sustainable transport in St Leonards.

Additional Traffic Conditions.

- (i) Car share spaces and car wash spaces to be sign posted and adequately line marked.
- (ii) Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
- (iii) Provision for electrical vehicle including cabling to be provided for 1 car parking space per dwelling.
- (iv) **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.

- (v) 3.0m wide shared user paths to be constructed on Canberra Ave, Marshall Ave and Holdsworth Ave along the frontage of the development.

~~FA.8A Residential Apartment Noise Attenuation:~~

~~A qualified acoustical engineer with membership of the Association of Australasian Acoustical Consultants must certify that the building has been designed to minimise the noise intrusion from **any internal** or external noise source and when constructed achieve a 5 star rating under the Association of Australasian Acoustical Consultants Guideline for Apartment and Townhouse Acoustic rating Version 1.0. Details of compliance are to be submitted with the relevant plans for a Construction Certificate.~~

~~**Reason: To comply with best practice standards for residential acoustic amenity.**
(DELETED May 2024)~~

~~FA.8B Acoustic Attenuation:~~

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

~~**Reason: To comply with best practice standards for residential acoustic amenity.**
(DELETED May 2024)~~

FA.9- Compliance with acoustic report

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

Reason: To ensure adequate internal acoustic amenity

FA.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.

FA.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.

FA.13 - Dedication of Affordable Housing dwellings

Provision of 28 affordable housing dwellings dedicated to Council in perpetuity, prior to the issue of ~~an~~ **the relevant** 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"*; **(Amended: September 2024)**

Reason: To ensure affordable dwellings are complied with.

FA.14 - Dedication of Public Open Space Recreation Area

Provision of a Public Open Space comprising 900 m² in Area 1 and 400 m² in Area 2 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~~ **the relevant** Occupation Certificate. **(Amended: September 2024)**

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

FA.9.EH - 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.

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

FA.5.EH - Construction environmental management plan

Prior to the commencement of any remedial works, a construction environmental management plan (CEMP) must be prepared for the site and submitted to the PCA 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.

FA.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 if relevant and Council from a suitably qualified environmental consultant upon completion of the remediation works.

Reason: To ensure health and safety.

FA.1 - Erosion and sediment controls in place

Before the commencement of any construction 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.

FA.2 - Erosion and sediment control plan

Prior to any construction 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

FA.12.EH - Offsite disposal of contaminated soil

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

Reason: To ensure health and safety.

FA.13.EH - Hazardous or intractable wastes

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

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

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

Reason: To ensure health and safety.

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

Prior to the relevant construction certificate, 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.

FA.18.EH - Waste and recycling, and bulky waste storage room(s)

The construction certificate drawings shall detail compliance with the requirements of Part Q of Lane Cove DCP 2010 for all waste and recycling, and bulky waste storage room(s). As a minimum this shall include the following:

- ~~Minimum clearance between bins of 300mm; Minimum door openings of 1700mm.~~
- ~~Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).~~ **(Amended: September 2024)**
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
 - Concrete which is at least 75mm thick; or
 - Other equivalent material; and
 - Graded and drained to a floor waste which is connected to the sewer
 - Floors finished to a smooth even surface, coved at the intersection of walls and floor.
 - Walls constructed of solid impervious material and cement rendered internally to a smooth even surface coved at all intersections.
 - Provision of adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
 - A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
 - Constructed to prevent the entry of vermin.
 - Provision of artificial light controlled by switches located both outside and inside the rooms.
 - Clearly printed "No Standing" signs affixed to the external face of each waste/recycling and bulky waste storage room.

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

G.1 - Hours of work

All building and 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 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.

G.4 - Implementation of the site management plans

While vegetation removal, or construction 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.

G.7 - 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.

E.20.EH – Stockpiles

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

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

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

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

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

E.22.EH - Environmental Impacts during construction

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

Reason: To protect the environment.

E.23.EH - Compliance tracking and reporting

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

Reason: To protect the environment.

FB.11.EH - Compliance with acoustic report

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

Reason: To ensure adequate internal acoustic amenity.

FB.13.EH - Outdoor lighting

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

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

Reason: To protect the amenity of nearby residential properties

FB.16 - Certification of Retaining Structures and Excavations: A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.

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

Reason: To ensure retaining walls are constructed according to approved plan

FB.17 - Stormwater System Engineering Certification: On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, Part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:

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

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

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

FB.18 - Engineering Certification: A suitably qualified engineer shall certify that following has been constructed in accordance with the approved plans and is within acceptable construction tolerances.

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

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

- a. This certificate is supplied in relation to **1 – 5 Canberra 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

FB.20 - Positive Covenants OSD and Pump Out System: Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Occupation Certificate**. The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

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

FB.21 - Works as Executed Drawings for OSD: A works as executed survey of the onsite detention facility will need to be prepared and certified to demonstrate that the OSD system functions as per the intention of the approved design. A suitably qualified engineer must certify that the construction system is satisfactory.

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

- (a) All stormwater drainage systems and storage systems

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

Reason: Statutory requirements

FB.22 - Redundant Gutter Crossing: All redundant kerb/gutter and footpath crossings shall be removed, and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out **prior to the issue of the Occupation Certificate**.

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

FB.23 - Rooftop planting on structure and irrigation:

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

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

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

FB.24 - Repair of infrastructure

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

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

cover the rectification work.

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

G.10 – NSW Police Crime Prevention Through Environmental Design

1. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
2. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
3. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
4. The Traffic Management Plan should cover the impact the excavation phase will have, including truck usage etc.
5. Bicycle parking should be in a secure area and covered with CCTV cameras.
6. Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
7. If the site has storage cages they should be covered by CCTV cameras and made of solid material. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
8. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage.
9. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
10. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
11. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
12. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
13. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.

14. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
15. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
16. The boundaries of the site (public park and communal open space) should be clearly identified to deter unauthorised persons from entering the site.

Reason. Police Requirements safety and security.

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

During occupation and ongoing use of the building, the applicant must ensure all stormwater treatment devices (including drainage systems, sumps and traps, pump out system, storm filter devices, silt arrester pits, rainwater tank and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant.

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

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.

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

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

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

H.2 - Annual fire safety certificate

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

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

H.3 - Location of mechanical ventilation

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

Reason: To protect the residential amenity of neighbouring properties.

H.4 - Maintenance of wastewater and stormwater treatment device

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

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

H.5 - Regulated systems

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

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

H.6 - Registration of waster 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.

J.1 - Garbage Chutes

- ☐ A garbage chute system and interim recyclable storage facilities must be provided to the development.
 - Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).
 - Garbage chutes must be located and insulated in a manner that reduces noise impacts.
 - Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.

- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and have a diameter of at least 500mm.
- Chutes must not have any ~~vents or~~ sections of reduced diameter in the main shaft of the chute; **(Amended: September 2024)**
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of the chute must extend above the roofline of the building.
- The upper end of the chute must be weather protected in a manner that does not impede the upward movement of air out of the chute.
- Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.

Reason: Health and safety.

J.2 - Garbage Chute Service Rooms

- The service opening (for depositing rubbish into the main chute) on each floor of ~~the building~~ **Tower 1** must be located in a dedicated service room.
 - The charging device for each service opening must be self-closing and must not project into the main chute.
 - Branches connecting service openings to the main chute must be no longer than 1m.
 - Each service room must include provision for 2x240L recycling bins for the storage of recyclable materials. Signage regarding the materials that can be recycled must be displayed near these recycling bins.
 - Each service room must be located for convenient access by users and must be well ventilated and well lit.
 - The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
 - Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute, the types of materials which must be deposited into recycling bins, and bulky waste collection arrangements including the location and travel paths to the bulky waste storage room.

Reason: Health and safety.

J.3 - Indemnity

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

Reason: Health and safety.

J.4 - Composting/Worm Farming

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

Reason: Health and safety.

J.5 - Internal Waste Management

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

Reason: Waste management.

J.6 - Provision of Waste Services

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

Reason: Waste management.

Dictionary

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

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

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

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

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

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

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

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

Council means Lane Cove Council.

Court means the NSW Land and Environment Court.

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

EPA means the NSW Environment Protection Authority.

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

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

LG Act means the *Local Government Act 1993*.

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

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

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

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