

## ATTACHMENT 1: DRAFT CONDITIONS

### **PART A – GENERAL CONDITIONS OF CONSENT:**

#### **1. Approved plans and supporting documentation**

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

| Plan                       | Revision | Plan Title                           | Drawn By          | Dated      |
|----------------------------|----------|--------------------------------------|-------------------|------------|
| <b>Architectural Plans</b> |          |                                      |                   |            |
| PLA-DA-0003                | A        | Proposed Site Plan                   | Plus Architecture | 19/11/2024 |
| PLA-DA-0005                | B        | Demolition Plan                      | Plus Architecture | 16/06/2025 |
| PLA-DA-10B2                | B        | General Floor Plan – Basement 02     | Plus Architecture | 23/05/2025 |
| PLA-DA-10B1                | B        | General Floor Plan – Basement 01     | Plus Architecture | 23/05/2025 |
| PLA-DA-1000                | B        | General Floor Plan – Lower Ground 00 | Plus Architecture | 23/05/2025 |
| PLA-DA-1001                | B        | General Floor Plan – Upper Ground 00 | Plus Architecture | 23/05/2025 |
| PLA-DA-1002                | B        | General Floor Plan – Level 01        | Plus Architecture | 23/05/2025 |
| PLA-DA-1003                | B        | General Floor Plan – Level 02        | Plus Architecture | 23/05/2025 |
| PLA-DA-1004                | B        | General Floor Plan – Level 03        | Plus Architecture | 23/05/2025 |
| PLA-DA-1005                | B        | General Floor Plan – Level 04-05     | Plus Architecture | 23/05/2025 |
| PLA-DA-1006                | B        | General Floor Plan – Level 06        | Plus Architecture | 23/05/2025 |
| PLA-DA-1007                | B        | General Floor Plan – Roof            | Plus Architecture | 23/05/2025 |
| PLA-DA-2001                | C        | Elevations – Sheet 01                | Plus Architecture | 23/05/2025 |
| PLA-DA-2002                | C        | Elevations – Sheet 02                | Plus Architecture | 23/05/2025 |
| PLA-DA-3000                | C        | Section A                            | Plus Architecture | 23/05/2025 |

| Plan                   | Revision | Plan Title                        | Drawn By          | Dated      |
|------------------------|----------|-----------------------------------|-------------------|------------|
| PLA-DA-3001            | C        | Section B                         | Plus Architecture | 23/05/2025 |
| PLA-DA-3002            | C        | Section C                         | Plus Architecture | 23/05/2025 |
| PLA-DA-3003            | C        | Section D                         | Plus Architecture | 23/05/2025 |
| PLA-DA-3004            | C        | Street Sections                   | Plus Architecture | 23/05/2025 |
| PLA-DA-6001            | A        | Adaptable Apartment Layout        | Plus Architecture | 19/11/2024 |
| PLA-DA-7001            | A        | Material Schedule – Sheet 01      | Plus Architecture | 19/11/2024 |
| <b>Landscape Plans</b> |          |                                   |                   |            |
| LD-DA001               | 2        | Planting Schedule and Legend      | Land + Form       | 22/05/2025 |
| LD-DA002               | 2        | Tree Management Plan              | Land + Form       | 22/05/2025 |
| LD-DA100               | 2        | Composite Landscape GF Plan       | Land + Form       | 22/05/2025 |
| LD-DA101               | 2        | Lower Ground Floor Landscape Plan | Land + Form       | 22/05/2025 |
| LD-DA102               | 2        | Upper Ground Floor Landscape Plan | Land + Form       | 22/05/2025 |
| LD-DA110               | 2        | Level 1 Landscape Plan            | Land + Form       | 22/05/2025 |
| LD-DA120               | 2        | Level 6 Landscape Plan            | Land + Form       | 22/05/2025 |
| LD-DA201               | 2        | Lower Ground Floor Planting Plan  | Land + Form       | 22/05/2025 |
| LD-DA202               | 2        | Upper Ground Floor Planting Plan  | Land + Form       | 22/05/2025 |
| LD-DA400               | 2        | Landscape Section 1               | Land + Form       | 22/05/2025 |
| LD-DA401               | 2        | Landscape Section 2               | Land + Form       | 22/05/2025 |
| LD-DA402               | 2        | Landscape Section 3               | Land + Form       | 22/05/2025 |
| LD-                    | 2        | Typical Details and Outline       | Land + Form       | 22/05/2025 |

| Plan  | Revision | Plan Title                    | Drawn By | Dated |
|-------|----------|-------------------------------|----------|-------|
| DA900 |          | Specification and Maintenance |          |       |

| Document Title    | Ref./Version No. | Prepared By           | Dated      |
|-------------------|------------------|-----------------------|------------|
| BASIX Certificate | 1773256M         | Jensen Hughes Pty Ltd | 15/11/2024 |

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

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

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

## 2. Compliance with the Building Code of Australia

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

**Reason: Prescribed condition (Section 69 of the EP&A Regulation)**

## 3. 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 following design amendments are required to be submitted by a qualified landscape architect to the certifier:

### Signage

No building or business identification signage is approved by this consent and is to be removed from the plans prior to the issue of a Construction Certificate.

### Landscape Plans

- Remove the timber deck structure around T 5 and relocate the nature play area from within the Notional Root zone of T 5.
- Reconcile inconsistent planting numbers indicated within the plant schedule and the planting numbers of trees shown on landscape plans e.g. the numbers of Eucalyptus haemastoma and Angophora floribunda.
- Revise nominated pot sizes proposed over structure as the current 400Ltr sizing are ambitious when planting in mounded soil areas.
- Eucalypt and Angophora species need to be relocated away from the buildings as they are proposed over structure, under balcony and or in close proximity to buildings e.g. 2 x Angophora floribunda will conflict with the overhanging balconies and are proposed on or close to structure. These need to be relocated within deep soil areas to ensure that canopy targets can be achieved.
- Document appropriate soil profiles for podium and deep soil areas in response to the plants specified for each area.
- As a large amount of proposed tree canopy planting is to occur over podium in the current proposal, Soil volume calculations are required for all trees proposed on podium. This is to ascertain that the proposed trees can achieve their maximum height at maturity.
- The provisions for minimum soil volumes for planting on structures as outlined in Councils DCP Part J - Landscaping.

- h) Adequate soil volumes are also needed for the proposed trees planted in deep soil in the setback along Finlayson Street and Rosenthal Avenue. This is to ascertain that the proposed trees can achieve their maximum height at maturity.
- i) To assist with the growing environment of the rooftop planter boxes, a soil profile is to be specified and selected specifically for those plants proposed and this information is to form part of the Landscape Documentation Package.
- j) The raised, on structure garden beds are to be individually designed and documented at the construction certificate stage with soil volume calculations confirming compliance with the following "planting on structures" controls:
  - ADG 4P Planting on Structures
  - DCP Part J – Section 3.7.3 Planting on Structures Table 1.5

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

#### **4. Payment of security deposits**

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:

| <b>Security Deposit Type</b>                                                    | <b>Amount</b> | <b>Refunded post OC if deemed satisfactory by Council</b> |
|---------------------------------------------------------------------------------|---------------|-----------------------------------------------------------|
| <b>Infrastructure Damage Bond</b>                                               | \$5,000.00    | Yes                                                       |
| <b>Inspection Fee: \$215 per visit<br/>(17 inspections - can be paid later)</b> | \$3,740.00    | No                                                        |
| <b>Civil Reconstruction Work</b>                                                |               |                                                           |
| • Kerb/gutter work                                                              | \$41,300      | Yes                                                       |
| • Footpath work                                                                 | \$71,820      | Yes                                                       |
| • Road resealing                                                                | \$214,200     | Yes                                                       |
| • Turfing                                                                       | \$9,520       | Yes                                                       |
| • Pram Ramp (3)                                                                 | \$4,000       | Yes                                                       |
| <b>Positive Covenant Bond for all OSD Systems</b>                               | \$1,000       | Yes                                                       |
| <b>Council owned trees</b>                                                      | \$15,000      | Yes                                                       |

A **\$365,580.00** cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements.

The payments will be used for the cost of:

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

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

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

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

The following items are to be inspected:

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

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

## 5. Payment of development contributions

Payment of section 7.11 contributions in accordance with the LGA Wide Section 7.11 Contribution Plan.

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

- 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.
- The applicant must pay the following contributions to Council. The Section 7.11 Contribution is calculated as the follows:

| Type        | Average Occupancy | Cost per Unit | Number of Units | Total     |
|-------------|-------------------|---------------|-----------------|-----------|
| 2 bedrooms  | 1.9 persons       | \$20,000      | 15              | \$300,000 |
| 3 + bedroom | 2.4 persons       | \$20,000      | 33              | \$660,000 |

**Total Residential Credits:**

| Existing use | Residential Development | Credit       | Total credit |
|--------------|-------------------------|--------------|--------------|
| Residential  | 3 x dwelling houses     | 3 = \$60,000 | \$60,000     |

As at the date of this consent, the total contribution payable to Council under this condition is **\$900,000** in accordance with the LGA wide Section 7.11 Development Contributions Plan.

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

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

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

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

## 6. Payment of Housing and Productivity Contribution

Before the issue of a Construction Certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made.

| <b>Housing and Productivity Contribution</b>                                   | <b>Amount</b>       |
|--------------------------------------------------------------------------------|---------------------|
| Housing and Productivity Contribution (base component – April 2025 indexation) | +\$514,111.68       |
| Existing dwelling credit                                                       | -\$32,131.98        |
| Transport project component                                                    | Nil                 |
| Strategic biodiversity component                                               | Nil                 |
| <b>Total housing and productivity contribution</b>                             | <b>\$481,979.70</b> |

The HPC must be paid using the NSW planning portal.

At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).

The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.

The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.

**Reason: To require contributions to the provision of regional infrastructure.**

#### **7. Payment of building and construction industry long service levy**

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

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

#### **8. Compliance with Home Building Act 1989 Requirements**

Residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—

- (a) for work that requires a principal contractor to be appointed—
  - (i) the name and licence number of the principal contractor, and
  - (ii) the name of the insurer of the work under the Home Building Act 1989, Part 6,
- (b) for work to be carried out by an owner-builder—
  - (i) the name of the owner-builder, and
  - (ii) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.

If the information notified under subsection is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.

**Reason: Prescribed condition (Section 71 of the EP&A Regulation)**

#### **9. BASIX Certificate**

Fulfilment of all BASIX Certificate commitments on BASIX Certificate No. 1773256M.

**Reason: Prescribed condition (Section 75 of the EP&A Regulation)**

#### **10. Underground Power Lines**

The existing overhead powerlines in the public domain for the extent of the site frontage to Finlayson Street are to be undergrounded at the applicant's cost prior to the issue of any Occupation Certificate.

**Reason: Enhancement of the public domain.**

## **11. Ausgrid Requirements**

Compliance with the following requirements from Ausgrid:

- a) Ausgrid Underground Cables are in the vicinity of the development**
  - (i) 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.
  - (ii) The developer is to 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 Before You Dig Australia (BYDA).
  - (iii) In addition to BYDA 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.
  - (iv) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
  - (v) Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.
  - (vi) 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.
- b) Ausgrid Overhead Powerlines in the vicinity of the development**
  - (i) 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.
  - (ii) 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.
  - (iii) 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](http://www.ausgrid.com.au).
  - (iv) 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.
- c) New Driveways – Proximity to Existing Poles**
  - (i) Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.
- d) New or Modified Connection**
  - (i) To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

**Reason: Compliance with Ausgrid requirements**

## 12. Cladding

No external combustible cladding is permitted on the building.

**Reason: To ensure fire safety**

## 13. Tree preservation and approved landscaping works

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

- (a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or
- (b) lop or otherwise remove a substantial part of the vegetation.

The clearing of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW).

The maximum penalty that may be imposed in respect to any such offence is \$1,100,000 per individual and \$5,500,000 per corporation.

The following trees shall be retained:

| Tree No. | Species                      | Location                                                    | Dimension (metres) |
|----------|------------------------------|-------------------------------------------------------------|--------------------|
| 1        | <i>Eucalyptus racemosa</i>   | Nature strip of Council Road Reserve along Rosenthal Avenue | 10.5 x 18m         |
| 5        | <i>Eucalyptus paniculata</i> | Finlayson St Front Setback of subject site                  | 25 x 20m           |
| 24       | <i>Lophostemon confertus</i> | Nature strip of Council Road Reserve along Finlayson St     | 14 x 15m           |

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

| Tree No. | Species                             | Location     | Dimension (metres) |
|----------|-------------------------------------|--------------|--------------------|
| 2        | <i>Photinia glabra</i>              | Subject site | 4 x 5m             |
| 3        | <i>Camellia setsugeka</i>           | Subject Site | 3 x 2m             |
| 4        | <i>Viburnum odoratissimum</i>       | Subject Site | 3 x 2m             |
| 6        | <i>Plumeria sp</i>                  | Subject Site | -                  |
| 7        | <i>Camellia setsugeka</i>           | Subject Site | 3 x 5m             |
| 8        | <i>Ceratopetalum gummiferum</i>     | Subject Site | 5 x 4m             |
| 9        | <i>Leptospermum petersonii</i>      | Subject Site | 6 x 11m            |
| 10       | <i>Camellia setsugeka</i>           | Subject Site | 3 x 4m             |
| 11       | <i>Jacaranda mimosifolia</i>        | Subject Site | 11 x 14m           |
| 12       | <i>Jacaranda mimosifolia</i>        | Subject Site | 10 x 15m           |
| 13       | <i>Jacaranda mimosifolia</i>        | Subject Site | 11 x 16m           |
| 14       | <i>Magnolia sp.</i>                 | Subject Site | 3 x 4m             |
| 15       | <i>Syzygium paniculatum</i>         | Subject Site | 8 x 15m            |
| 16       | <i>Magnolia sp.</i>                 | Subject Site | 5 x 6m             |
| 17       | <i>Dead Tree</i>                    | Subject Site | -                  |
| 18       | <i>Olea europa subsp. Cuspidata</i> | Subject Site | 6 x 7m             |
| 19       | <i>Ligustrum lucidum</i>            | Subject Site | 6 x 4m             |
| 20       | <i>Banksia integrifolia</i>         | Subject Site | 6 x 4m             |
| 21       | <i>Banksia integrifolia</i>         | Subject Site | 7 x 5m             |



|    |                                          |                                                         |          |
|----|------------------------------------------|---------------------------------------------------------|----------|
| 22 | <i>Leptospermum laevigatum</i>           | Nature strip of Council Road Reserve along Finlayson St | 3 x 4m   |
| 23 | <i>Lophostemon confertus</i>             | Nature strip of Council Road Reserve along Finlayson St | 10 x 13m |
| 25 | <i>Pyrus calleryana</i>                  | Subject Site                                            | 6 x 8m   |
| 26 | <i>Pyrus calleryana</i>                  | Subject Site                                            | 6 x 8m   |
| 27 | <i>Pyrus calleryana</i>                  | Subject Site                                            | 5 x 9m   |
| 28 | <i>Ligustrum lucidum</i>                 | Subject Site                                            | 9 x 7m   |
| 29 | Stand of 2 x <i>Lagerstroemia indica</i> | Subject Site                                            | 4 x 4m   |
| 30 | Hedgerow 3 x <i>Syzygium paniculatum</i> | Subject Site                                            | 5 x 4m   |
| 31 | Hedgerow 4 x <i>Syzygium paniculatum</i> | Subject Site                                            | 5 x 4m   |

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 racemosa</i>   | Nature strip of Council Road Reserve       | Demolition of existing structures, excavation and construction of hard surface, raised planter and associated landscape works |
| 5        | <i>Eucalyptus paniculata</i> | Finlayson St Front Setback of subject site | Demolition of existing structures, excavation and construction of residential flat Building with basement parking             |

No tree pruning is permitted as part of this consent unless otherwise conditioned. Any tree pruning requires a formal Tree Works Authority Application to be made to Council.

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

#### 14. Public Utility Relocation:

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

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

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

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

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

## **15. Schedule of Conservation Works**

Prior to any demolition works and/or prior to any construction certificate being issued, a Schedule of Conservation Works (SCW) is required to be prepared, consistent with Heritage NSW's guidelines for conservation and heritage management in consultation with a suitably qualified Heritage Architect and must be submitted to and approved by Council.

**Reason: Heritage conservation.**

## **16. Heritage Architect to be commissioned**

Prior to any demolition works and/or prior to any construction certificate being issued, a qualified Heritage Architect/Consultant and must be engaged for the duration of the project, to ensure that the works to the Church Hall are carried out in accordance with this consent and the approved Schedule of Conservation Works. Written confirmation of the engagement is to be provided with the construction certificate.

**Reason: Heritage conservation.**

## **17. Photographic Archival Recording**

Prior to the commencement of demolition a photographic survey shall be submitted to the written approval of Council. The photographic survey shall be prepared generally in accordance with the guidelines "Archival Recording of Heritage Items Using Film or Digital Capture" published by the NSW Heritage Office.

**Reason: Heritage conservation.**

## **18. Operational Plan of Management**

Before the issue of an occupation certificate, an operational plan of management is to be prepared to the satisfaction of Council's Director – Planning and Sustainability addressing management of the place of public worship and community facility including hours of operation, noise management measures and procedures, operational parameters regarding use of the main auditorium, car park management, emergency evacuation, travel access guide, EV charging management and a complaints management procedure.

**Reason: Amenity.**

## **19. Drainage plan amendments (if applicable)**

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by Intrax, reference No: NSW230045, revision: A and dated in 21/11/24. This amended plan shall satisfy Part O of the Council's stormwater DCP.

- a) All new down pipes shall be connected to appropriate pipe system.
- b) All inlet pits are to be 450mm\*450mm size in minimum.
- c) Proposed drainage system should show pipe sizes and invert levels up to the connection point; confirming pipe system satisfies Part O of Council' storm water DCP.
- d) Sediment control fence shall be placed around the construction site and shown in plan.
- e) The stormwater requirements shown in Basix certificate shall be included in stormwater management plan and satisfied.
- f) Subsoil seepage agg-line drainage is required around proposed retaining wall, dwelling, basement or as it is necessary and connected to proposed pump-out system.
- g) Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
- h) A pollution control pit (as shown in section 3.4.1 in Part O of Council's stormwater DCP) with mesh (RH3030) and sump (300mm minimum) is required within the site,

at start of the connection pipe to the Council pit. These details shall be shown in plan.

- i) As per stormwater management plan, there is a grated pit proposed on driveway at fence line. This shall be connected to drainage system.
- j) Driveway grated strip pit shall have minimum 200mm of depth and minimum 1% fall inside.
- k) 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.
- l) Only roof water shall be connected to rainwater tank.
- m) The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
- n) The detailed cross section of the OSD and Rainwater tank is required, showing levels, sizes, depths, widths, volume, orifice size, invert level and overflow device. top water level, overflow path detail and pump system.
- o) A suitable overflow device shall be provided to OSD and the overflow from OSD shall be connected satisfactorily. The details of the overflow device such as levels, width and depth shall be shown in plan.
- p) No flow is allowed to flow back to rainwater tank from OSD. The obvert of overflow pipe from the OSD must be 200mm lower than top water level in rainwater tank to separate water in both tanks.
- q) To facilitate cleaning of the tank it is to have a minimum of two 600x600mm access grates where the clear internal height of the tank is less than 600mm. Additional grates are to be provided if the distance between access grates exceeds 10m.
- r) A suitable insect screen shall be required between rainwater tank and OSD to maintain quality of the water.
- s) A suitable pump out system is required inside 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. This pump out system shall be located within basement car park area and designed for capturing runoff from driveway and seepage around basement.
- t) A MUSIC analyses shall be carried out and a Gross Pollutant Trap (GPT) suitable for this site needs to be designed. The details of this GPT shall be shown in stormwater plan.
- u) The location of the GPT shall be inside the property boundary before connecting to Council's drainage system. A suitable access to the GPT is required for future maintenance.
- v) Installation of pipe system near the Council's and protected trees must be assessed and approved by Council Tree Officer
- w) All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified structural engineer.
- x) The applicant has to get Section 138 of Road Act 1993 approval from Lane Cove Council to do any works on public Road. The amended plan showing all asset improvement works on public Road shall be submitted to Council with Section 138 application.

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:

- y) Compliance with the amendments detailed in this condition.
- z) 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.**

## **20. Boundary Levels:**

The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping, driveway and stormwater drainage plans and shall be obtained prior to the issue of the relevant Construction Certificate. Note: The finished floor level of the proposed garage or carport shall be determined by Council. The Applicant has to lodge Vehicular Crossing Application form with application fee as shown in the form.

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

**21. 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. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council's Traffic Section must be submitted to the Principal Certifying Authority prior to the issue of the relevant Construction Certificate.

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

**22. Environmental Reports Certification**

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

- a) Geotechnical Investigation Report by morrow Ref: P3294\_01, Date 10 July 2024
- b) Operational Waste Letter by TTM, Ref: 24SYW0011, Date: 23 May 2025
- c) Noise Impact Assessment by Acoustic Logic, Ref: 20240840.1 Rev 1, Date: 13/11/2024
- d) Waste Management Plan by TTM, Ref: 24SYW0011 Rev 3, Date: 20/11/2024

**Reason: Compliance with submitted documents**

**23. Prepurchase of Replacement Trees**

The applicant is to provide receipt of pre purchased trees (those specified at greater than 200L+) 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.**

**24. Tree Protection Plan**

Prior to the issue of a construction certificate, a site-specific Tree Protection Plan must be prepared by a minimum Australian Qualitative Framework (AQF) Level 5 arborist and submitted to Council's Principal Arborist for approval. The plan must be written and conform to all Arboricultural plan / report requirements outlined within Appendix 5 of the Lane Cove Development Control Plan Part J 2023 amendment. Plans are to be kept on site until the release of an occupation certificate.

**Reason: Protection of Trees**

**25. Project Arborist**

Prior to the commencement of any works including demolition, a project arborist of minimum Australian Qualitative Framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. A letter of engagement must be provided to Council prior to issue of a construction certificate for certification. 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.

The project Arborist shall:

- a) Clearly identify and tag trees (where appropriate) which are to be removed and which trees are to be retained as part of this consent.
- b) Certify all tree protection measures listed within the approved tree protection plan have been installed prior to demolition works.
- c) Prepare a pre-construction arboricultural report on the health of the trees to be retained and protected following a site visit with Council's Principal Arborist. 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.
- d) Oversee the demolition works, excavation works within the TPZ/SRZ of retained trees.
- e) Oversee any stormwater works within the TPZ/SRZ of retained trees.
- f) Oversee the any retaining wall works within the TPZ/SRZ of retained trees.
- g) Provide 3 monthly health and condition assessments on protected trees during the construction phase.
- h) Prepare a post construction Arboricultural report regarding the health, viability, and condition of the retained trees. The report must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

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

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

## **26. Compliance with demolition standard**

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

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

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

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

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

**Reason: Prescribed condition under the EP&A Regulation 2021.**

**27. Demolition Traffic Management Plan**

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

The DTMP must:-

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

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

**28. 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:

- a) Minimum clearance between bins of 300mm; Minimum door openings of 1700mm.
- b) Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- c) The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
- d) Concrete which is at least 75mm thick; or
- e) Other equivalent material; and
- f) Graded and drained to a floor waste which is connected to the sewer
- g) Floors finished to a smooth even surface, coved at the intersection of walls and floor.
- h) Walls constructed of solid impervious material and cement rendered internally to a smooth even surface coved at all intersections.
- i) Provision of adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- j) 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.
- k) Constructed to prevent the entry of vermin.

- l) Provision of artificial light controlled by switches located both outside and inside the rooms.
- m) 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.**

## **29. Planting on structure soil volume**

Planter boxes must meet minimum depths and widths required to grow the selected species. Where tree species are proposed, the planter boxes are to be at least 800mm depth for small trees and 1m depth for medium trees. Soil depths and widths are to be shown in the Landscape Documentation Package on plan and in one section, which is to be approved as complying with these requirements by a suitably qualified landscape architect prior to the issue of a Construction Certificate.

**Reason: To provide new tree plantings with a sufficient volume of soil for an optimal growing potential.**

## **30. Asbestos removal, handling and disposal**

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

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

## **31. Dilapidation report**

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

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

## **32. Erosion and sediment control plan**

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

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

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

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

## **33. Construction site management plan**

Prior to any demolition works and before the issue of a construction certificate, the applicant must

ensure a construction site management plan (CSMP) is prepared before it is provided to and approved by the certifier. The plan must include the following matters:

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian 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.
- any demolition/construction management measures required by other conditions of this consent.

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

All demolition and construction works are to undertaken in accordance with the construction site management plan.

#### **Council Approvals**

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

#### **Additional Council Requirements**

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

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

#### **34. 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:

- a) be submitted to the Principal Certifying Authority prior to issue of the relevant Construction Certificate;
- b) include a geotechnical report to determine the design parameters appropriate to the specific development and site;
- c) include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.
- d) This shall include traffic management plan as well as storage and manoeuvring areas, impacts on public assets and appropriate remedial works on Council assets.

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

**Reason: To protect neighbouring buildings.**

### **35. On-site stormwater detention requirements**

Certification shall be obtained from a suitably qualified Engineer that:

- a) the on-site stormwater detention (OSD) system complies with the requirements under Part O of Council's DCP; and
- b) OSD system must show correct dimensions, levels, overflow details, orifice size, minimum 1% of base slope, RH3030 mesh and accesses; and
- c) the CC drawings and specifications indicate the following:
  - (i) The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in Council's DCP-Stormwater management. An approved plate may be purchased from Council's customer service desk.
  - (ii) All access grates to the onsite stormwater detention tank are to be hinged and fitted with a locking bolt and installed as per Section 7.4.2 of part O of Council DCP. Any tank greater than 1.2 m in depth must be fitted with step irons.

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

### **36. 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 work;
- upper-level floor framing;
- basement structure.

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

**Reason: To ensure structural adequacy.**

### **37. Ventilation**

Suitable design documentation is to be submitted to the Certifier prior to the issue of the relevant Construction Certificate demonstrating the following waste and car park ventilation requirements:

- a) Waste rooms are to have an approved system of mechanical exhaust ventilation in accordance with the requirements of the Building Code of Australia and *Australian Standard*

AS 1668 or permanent unobstructed natural ventilation openings with contact direct to the external air, having an aggregate area of not less than 1/20<sup>th</sup> of the floor area. One half of the openings shall be situated at or near the floor level and one half at or near the ceiling level.

- b) The covered car park must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.
- c) Where permanent natural ventilation openings are provided the openings shall be designed to prevent the entry of rainwater.
- d) All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
- e) All exhaust discharge vents must be located in a position where no nuisance or danger to health will be created and at least 6 metres from any fresh air intake vent or natural ventilation opening

**Reason: Amenity.**

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

### **38. 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.**

### **39. Tree Protection Measures Fencing/Trunk Protection**

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

- (a) Tree Protection Fencing must be in accordance with the approved tree protection plan.
- (b) Where fencing has been specified, the fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 4 on page 18 of the Australian Standard 4970-2025 The Protection of Trees on Development.
- (c) 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.
- (d) Where Trunk protection has been specified the trunks of the trees must be protected during the construction period by a trunk guard that consists of the following:
  - (i) Timber Planks (50mmx100mm or similar) shall be placed at 100mm intervals and must be fixed by wire ties or strapping to a height of 2m.
  - (ii) Hessian cloth is to be placed between the trunk and the planks to minimise damage. The timber planks are not to be fixed directly to the tree in any way.An example of suitable trunk protection can be found on page 17 within the Australian Standard 4970-2009 The Protection of Trees on Development Sites.
- (e) 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.
- (f) Tree Protection fencing/trunk protection and signage must be erected Prior to Demolition including site preparation and remain in place for the duration of the construction work.
- (g) Movement of Tree Protection Fencing must be overseen and approved by the Project Arborist.

**Reason: To protect the natural environment**

#### **40. Signs on Site**

A sign must be erected in a prominent position on a site —

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

The sign must be—

- (d) maintained while the building work, subdivision work or demolition work is being carried out, and
- (e) removed when the work has been completed.

**Reason: Prescribed Condition – Section 70 of the EP&A Regulations**

#### **41. 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.**

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

#### **42. No Demolition of Extra Fabric**

Alterations to, and demolition of, the existing heritage item shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent. No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained. Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council.

No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition will result in the Council immediately instituting legal proceedings.

**Reason: Heritage conservation.**

#### **43. Hours of work**

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

- Monday to Friday (inclusive) 7.00am to 5.30pm
- Saturday 7.00am to 4.00pm

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

- 8.00am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday, &
- Saturday between 8.00am to 12 noon
- with NO high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.

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

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency. Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works. Note: Any variation to the hours of work requires Council's **prior written** approval.

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

#### **44. 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.**

#### **45. 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 5 working days for approval.

**Reason: To ensure public safety**

#### **46. 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**

#### **47. General Remediation Requirement**

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

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

#### **48. 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.**

#### **49. Evidence of disposal of all waste, spoil and excavation material**

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

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

#### **50. 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.**

#### **51. Soil Management**

While site work is being carried out, 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 certifier.
- (b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason: To protect the environment.**

#### **52. Implementation of the site management plans**

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

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

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

#### **53. 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.**

#### **54. Automatic irrigation system**

An automatic drip irrigation system is to be designed and installed by a suitably qualified irrigation company that meets the relevant Australian Standards to all garden bed areas, including rooftop planters.

**Reason: Maintenance of landscaping.**

**55. Waterproofing of raised planter boxes**

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

**Reason: To 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.**

**56. 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.**

**57. Erosion and Sedimentation Controls – Major Works**

Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

**Reason: Amenity of neighbourhood.**

**58. Stabilised Access Point**

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (blue Book).

**Reason: Amenity of neighbourhood.**

**59. Dust Control and Dust During Construction**

The following measures must be taken to control the emission of dust:

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

Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding residences.

**Reason: Amenity of neighbourhood.**

**60. Noise Control – Car Park Security Grills**

To minimise the impact on the amenity of surrounding residents, all sound producing plant, equipment, machinery or fittings within or forming part of the proposed security door fitted to the car parking area entrance shall be acoustically attenuated so that the noise emitted does not exceed 5db(A). Notwithstanding the above any noise that is emitted shall not be audible within any premises and comply with the Protection of the Environmental Operations Act 1997.

**Reason: Amenity.**

#### **61. Noise Monitoring**

All demolition and earthworks to be undertaken in accordance with the NSW Government Construction Noise Guidelines. Where required, or if directed by Council, noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work.

**Reason: Amenity.**

#### **62. Car parking details and additional Council requirements**

The car park is to comply with the following requirements:

- (a) Car parking is to be allocated in accordance with the approved plans.
- (b) Car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.
- (c) 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.
- (d) All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
- (e) All vehicles must front in/ front out to/ from the development.
- (f) car wash bay, motorcycle parking, bicycle parking, place of public worship parking, residential visitor, accessible and resident parking to be sign posted and adequately line marked.
- (g) The garbage collection and holding area is to be clearly signposted and linemarked and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and allow the vehicle to enter and exit in a forward direction.
- (h) 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.
- (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.
- (j) 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.
- (k) The subdivision and sale of excess car parking spaces is prohibited.

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

#### **63. Proposed Vehicular Crossing**

The vehicular crossing servicing the property shall be constructed prior to the issue of the Occupation Certificate. The existing driveway shall be completely demolished and apart from the area of the new driveway shall be reinstated by standard kerb and gutter satisfying Council's standard. The new driveway shall be designed and comply with Council's standard drawing No: 3.2. The full section of vehicular crossing and driveway shall be designed and certified by qualified Traffic Engineer and approved by Traffic section of Council.

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The applicant has to lodge Vehicular Crossing Application form and pay the application fee to obtain these levels. This shall be done prior to Construction Certificate.
- b) The driveway opening width along at the face of kerb is to be no wider than 5.5(Double).
- 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 traffic engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) The excavation for driveway near Council tree and construction shall satisfy Council's Tree preservation Officer.
- f) The section of the driveway between fence line and kerb line shall be perpendicular to kerb.
- g) The following plans shall be prepared and certified by a suitably qualified engineer:
  - (i) 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.
  - (ii) 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.
  - (iii) Sections showing the clearance to the underside of any overhead structure complies with the clearance provisions of AS2890.1.

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

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

#### **64. 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.**

#### **65. 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.**

#### **66. Shoring and adequacy of adjoining property**

If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, 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 (Section 74 of the EP&A Regulation).**

**67. Heavy vehicle requirements**

- a) 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.
- b) 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.
- c) 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.**

**68. 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.**

**69. Encroachments**

No portion of the proposed structure shall encroach onto the adjoining properties and/or road reserve.

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 pipelines without Council's approval.

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

**70. Stockpiles**

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

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

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 delivered and stored within the subject site.

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

**71. Works zones**

Loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone. If a Works Zone is required,

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

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

## **72. 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:

- a) The relevant conditions of this consent
- b) The Construction Site Management Plan (CSMP) required under this consent (where applicable)
- c) The relevant requirements of AS 4970-2009 Protection of trees on development sites
- d) Any arborist's report approved under this consent (where applicable)
- e) This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
- f) Specific conditions within this consent supersede any conflicting recommendations within an applicable CSMP or Arborist report.

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

## **73. 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 delivered and stored within the subject site.

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

## **74. Demolition of structures within the Tree Protection Zone / Structural Root Zone of protected trees**

- a) The demolition of the existing (Structure) within the Tree Protection Zone / Structural Root Zone of tree 1, 5 and 24 must be overseen by the project arborist.
- b) Demolition of above ground components must be undertaken from within the footprint of the existing structure. Machinery use is permitted. Unauthorized damage to the branch structure of a protected tree is a breach of consent.
- c) The demolition of below ground elements within this area must be undertaken via the use of handheld pneumatic breaker tools (ie Jackhammer) and removed by hand under the supervision of the project arborist. No machinery within this area is to be used below existing grade.
- d) Roots <40mm diameter that conflict with approved cut lines must be documented by the Project arborist and pruned with a sharp implement.
- e) Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2009 *The protection of trees on Development Sites*.

**Reason: To protect the root system of retained trees.**

## **75. Excavation for stormwater services**

Excavation and installation of stormwater services within the Tree Protection Zone / Notional Root Zone / Structural Root Zone of trees 1, 5 and 24 must be overseen by the project arborist.

- a) Excavation is to be undertaken using non-destructive methods (Hand tools, Hydrovac, Directional Drilling).

- b) No roots greater than 40mm diameter are to be damaged / severed as part of works.
- c) Roots less than 40mm diameter than conflict with services must be documented by the project arborist within a compliance certificate and pruned using a sharp implement.
- d) Service location must be flexible, with a 200mm diameter buffer allowed to roots greater than 40mm diameter to allowed for future growth.
- e) Exposed roots must be treated and protected in accordance with provisions outlined within section 4.5.4 of AS4970-2025 The protection of trees on Development Sites.

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

#### **76. Installation of retaining walls within the TPZ of retained trees**

The installation of any retaining walls within the Tree Protection Zone / Notional Root Zone of retained trees:

- a) Must be done so using an isolated pier and beam method or use existing footings under the supervision of the project arborist.
- b) No roots greater than 40mm diameter are to be severed to facilitate the installation of the piers. A 200mm buffer must be given to roots greater than 40mm diameter.
- c) Roots >40mm diameter must be incorporated into the wall.
- d) Roots >40mm diameter must be bridged using a lenti.
- e) Roots less than 40mm diameter that conflict with the location of piers must be documented by the Project arborist, pruned with a sharp implement and recorded for compliance.
- f) Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2025 The protection of trees on development sites.
- g) The excavated area adjoining the wall must be backfilled using a coarse (>20mm) aggregate and site soil. An Ag line must be installed at the base of the wall to ensure adequate drainage.

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

#### **77. Waste management**

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

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

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

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

### **PART E - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE:**

#### **78. Conservation works to be completed**

Prior to the release of any occupation certificate, all conservation works nominated in this consent and in the Schedule of Conservation Works are to be completed to the written satisfaction of the project Heritage Architect/Consultant.

**Reason: Heritage conservation.**

**79. 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.**

**80. Outdoor lighting**

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

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

**81. Registration of water cooling and warning 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.**

**82. Works-as-executed plans and any other documentary evidence**

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

- a) All stormwater drainage systems and storage systems
- b) The following matters that Council requires to be documented:
  - Compliance with *Part O - Stormwater Management* of Lane Cove DCP 2010. Where a variation is sought, written approval shall be obtained from Council's Urban Services Division.
  - Compliance with AS-3500.
  - Certification from a suitably qualified engineer that the approved stormwater pipe system and on-site stormwater detention and rainwater tank system have been constructed in accordance with the approved plans.
  - Where relevant, registration of any positive covenants over the OSD system and basement pump out system are required.
  - Signed plans by a registered surveyor clearly showing the surveyor's details and date of signature.
  - Evidence of removal of all redundant gutter and footpath crossings and reinstatement of all kerb, gutter, turfing and footpaths, to the satisfaction of Council's Urban Services Division.
  - Certification from Stormwater Consultant who install GPT that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
  - Certification from Storm Filter Consultant that the storm filter devices and cartridges have been installed satisfying relevant Australian Standards
  - Certification from suitable licenced contractor that the all works have been constructed satisfying relevant Australian standards.
  - Certification from qualified structural engineer that the proposed construction have been completed according to approved plan and structurally satisfied

- A Works As Executed (WAE) survey plan of the new street drainage system from Allison Ave to Haldane Cre will need to be prepared and certified by qualified Engineer to demonstrate that the drainage system constructed is in accordance with the approved plan and submitted to Council.

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.**

### **83. Completion of public utility services**

Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services required as a result of the development, is completed to the satisfaction of the relevant authority. All costs associated with the relocation or removal of services shall be borne by the applicant.

The certifier must request written confirmation from the relevant authority that the relevant services have been completed.

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

### **84. Post-construction dilapidation report**

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

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

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

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

### **85. Preservation of survey marks**

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

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

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

### **86. Practical Completion Report**

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. The report must certify that all landscape works have been completed in accordance with the landscape working drawing.

Where the project is being supervised by a private certifier, for the purposes of public record, a copy

of the certification must be forwarded to the attention of Council's landscape Architect via email at within five (5) working days of the date of issue.

**Reason: Consistency between the landscape design intent and the installation and ongoing performance of the plants.**

#### **87. Post Construction Dilapidation Report - Trees to be Retained**

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

The principal certifier is to provide a copy of the post construction Arboricultural report to Council (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.**

#### **88. Footpaths**

- a) All footpaths adjacent to the site are to be installed or upgraded, or as otherwise agreed with Council's Director Open Space and Infrastructure, ensuring a consistent width and surface treatment. The minimum footpath width for all footpaths in the area is 1.8m and is to be clear of any obstructions including tree branches.
- b) 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.**

#### **89. Redundant Gutter Crossing:**

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

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

#### **90. 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.**

#### **91. 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 waste collection service.

**Reason: Waste management.**

#### **92. 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.**

### **93. Electrical Vehicle (EV) Charging Provision**

The required provision of cabling for EV chargers for the residential, residential visitor and place of public worship 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 place of public worship parking area **prior to the issue of an occupation certificate.**

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

### **94. 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.**

### **95. NSW Police Crime Prevention Through Environmental Design**

Compliance with the following Crime Prevention Through Environmental Design requirements prior to the issue of an Occupation Certificate:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) 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 inside the building i.e., a mail room. Large banks of mailboxes in the lobby area that are accessible to the public increase the risk of mail and parcel theft.
- (e) Residential storage cages within the basement levels should be made of solid materials that can't be cut open and should be covered by CCTV cameras. They should have a material encasing them that prevents individuals being able to see into the storage cage from the outside of the cage. Signs should be placed in the area warning residents not to leave valuable items in storage cages, i.e mountain and/or road bikes.
- (f) Any bicycle parking should be covered with CCTV cameras.
- (g) Appropriate signage should be erected around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
- (h) "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.
- (i) An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.

**Reason: Police Requirements safety and security.**

**96. Regulated systems**

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

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

**97. Pedestrian Fencing**

A design for median pedestrian safety fencing along the Rosenthal Avenue frontage is to be approved by Council's Traffic and Transport Section and installed at the cost of the applicant, or as otherwise agreed with Council, prior to the issue of any Occupation Certificate.

**Reason: Pedestrian safety.**

**98. Acoustic Compliance**

Prior to any occupation certificate, a suitably qualified acoustic consultant is to certify that the development meets/provides the specified acoustic measures within the construction certificate and conditions of this consent. The certification is to include a statement that the development as constructed achieves the target acoustic criteria. The certification is to be based on physical testing. This is to include, but is not limited to, testing of the place of public worship auditorium noise emissions (including physical testing of the public address system as installed) and testing the internal amenity criteria for the apartments is achieved when the place of public worship is in use (including physical testing).

**Reason: Amenity.**

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

**99. 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.**

**100. Location of mechanical ventilation**

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

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

**101. Maintenance of stormwater treatment device**

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.**

#### **102. 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.

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

#### **103. Hours of Operation**

The place of public worship and community facility approved hours of operation are as follows:

- Sunday to Thursday: 7:00am to 10:00pm
- Friday to Saturday: 7:00am to 11:00pm

The place of public worship cannot use any part of the building when the main auditorium is in use as a community facility, with the exception of place of public worship staff.

The community facility cannot use any part of the building when the main auditorium is in use as a place of public worship.

**Reason: To ensure the amenity impacts of a multi-purpose space is mitigated.**

#### **104. Minimum Car Parking Maintained**

A minimum 50 car parking spaces is to be maintained for sole use of the place of public worship/community facility for the life of the development.

**Reason: To ensure adequate car parking is provided.**

#### **105. Operational Plan of Management**

Compliance with the operational plan of management required by this consent.

**Reason: Amenity.**

## 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 2021*.

**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.