

## **ANNEXURE 1**

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

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

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

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

| Plan                                      | Revision           | Plan Title              | By      | Dated                            |
|-------------------------------------------|--------------------|-------------------------|---------|----------------------------------|
| <b>Architectural Plans</b>                |                    |                         |         |                                  |
| DA000                                     | E                  | Cover Page              | pbd     | 30/07/2024                       |
| DA003                                     | <del>E</del> F     | Demolition Plan         | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA004                                     | <del>E</del> F     | Site Analysis 1         | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA005                                     | <del>E</del> F     | Site Analysis 2         | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA006                                     | <del>E</del> F     | Site Analysis 3         | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA007                                     | <del>E</del> F     | Site Analysis 4         | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA008                                     | <del>E</del> F     | Site Plan               | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA100                                     | <del>E</del> F     | Basement 2 Floor Plan   | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA101                                     | <del>E</del> F     | Basement 1 Floor Plan   | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA102                                     | <del>E</del> H     | Ground Floor Plan       | pbd     | <del>30/07/2024</del> 14/07/2025 |
| DA103                                     | <del>E</del> F     | Upper Ground Floor Plan | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA104                                     | <del>E</del> F     | Level 1 Plan            | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA105                                     | <del>E</del> F     | Level 2 Plan            | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA106                                     | <del>E</del> H     | Level 3 Plan            | pbd     | <del>30/07/2024</del> 14/07/2025 |
| DA107                                     | <del>E</del> H     | Level 4 Plan            | pbd     | <del>30/07/2024</del> 14/07/2025 |
| DA108                                     | <del>E</del> H     | Roof Plan               | pbd     | <del>30/07/2024</del> 14/07/2025 |
| DA200                                     | <del>E</del> H     | North South Elevation   | pbd     | <del>30/07/2024</del> 14/07/2025 |
| DA201                                     | <del>E</del> H     | East & West Elevation   | pbd     | <del>30/07/2024</del> 14/07/2025 |
| DA300                                     | <del>E</del> H-WIP | Sections 1              | pbd     | <del>30/07/2024</del> 14/07/2025 |
| DA301                                     | <del>E</del> F     | Sections 2              | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA302                                     | <del>E</del> F     | Sections 3              | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA303                                     | <del>E</del> F     | Sections 4              | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA304                                     | <del>E</del> F     | Sections 5              | pbd     | <del>30/07/2024</del> 10/04/2025 |
| DA400                                     | <del>E</del> F     | Finishes Schedule       | pbd     | <del>30/07/2024</del> 10/04/2025 |
| <b>(Condition Modified: August 2025).</b> |                    |                         |         |                                  |
| <b>Landscape Plans</b>                    |                    |                         |         |                                  |
| 000                                       | <del>E</del> G     | Cover Page              | ARCADIA | <del>02/08/2024</del> 25/03/25   |
| 001                                       | <del>E</del> G     | 3.2 Site Plan           | ARCADIA | <del>02/08/2024</del> 25/03/25   |
| 100                                       | <del>E</del> G     | Existing site Plan      | ARCADIA | <del>02/08/2024</del> 25/03/25   |

| Plan                                      | Revision              | Plan Title                              | By                                       | Dated                                 |
|-------------------------------------------|-----------------------|-----------------------------------------|------------------------------------------|---------------------------------------|
| 101                                       | <del>F</del> <b>G</b> | Landscape Masterplan                    | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| 400                                       | <del>F</del> <b>G</b> | Plant Schedule                          | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| 401                                       | <del>F</del> <b>G</b> | Planting Plan Ground<br>Floor 01        | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| 402                                       | <del>F</del> <b>G</b> | Planting Plan Ground<br>Floor 02        | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| 403                                       | <del>F</del> <b>G</b> | Planting Plan Ground<br>Level 03        | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| 403                                       | <del>F</del> <b>G</b> | Planting Plan Ground<br>Level 04        | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| 600                                       | <del>F</del> <b>G</b> | Landscape Detail                        | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| 700                                       | <del>F</del> <b>G</b> | Landscape Specification                 | ARCADIA                                  | <del>02/08/2024</del> <b>25/03/25</b> |
| <b>(Condition Modified: August 2025).</b> |                       |                                         |                                          |                                       |
| <b>Civil Plans</b>                        |                       |                                         |                                          |                                       |
| CIV100                                    | 05                    | Cover Sheet                             | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |
| CIV101                                    | 06                    | General Notes                           | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |
| CIV200                                    | 06                    | Civil Driveway Design                   | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |
| CIV201                                    | 06                    | Long Section A-A                        | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |
| CIV202                                    | 06                    | Footpath Civil Design<br>Allison Avenue | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |
| CIV203                                    | 06                    | Footpath Long Section B-<br>B           | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |
| CIV204                                    | 06                    | Civil Footpath Design<br>Gatacre Avenue | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |
| CIV205                                    | 06                    | Footpath Long Section C-<br>C<br>1 of 2 | Civil Stormwater<br>Engineering<br>Group | 31/07/2024                            |

| <b>Plan</b>               | <b>Revision</b> | <b>Plan Title</b>                                                                                            | <b>By</b>                                | <b>Dated</b> |
|---------------------------|-----------------|--------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------|
| CIV206                    | 06              | Footpath Long Section C-C<br>2 of 2                                                                          | Civil Stormwater<br>Engineering<br>Group | 31/07/2024   |
| CIV300                    | 06              | Standard Details 1 of 3                                                                                      | Civil Stormwater<br>Engineering<br>Group | 31/07/2024   |
| CIV301                    | 06              | Standard Details 2 of 3                                                                                      | Civil Stormwater<br>Engineering<br>Group | 31/07/2024   |
| CIV302                    | 06              | Standard Details 3 of 3                                                                                      | Civil Stormwater<br>Engineering<br>Group | 31/07/2024   |
| CIV400                    | 06              | Erosion & Sediment<br>Control Plan                                                                           | Civil Stormwater<br>Engineering<br>Group | 31/07/2024   |
| CIV401                    | 06              | Erosion & Sediment<br>Control Plan Sections and<br>Details                                                   | Civil Stormwater<br>Engineering<br>Group | 31/07/2024   |
| CIV402                    | 06              | Erosion & Sediment<br>Control Plan Sections and<br>Details                                                   | Civil Stormwater<br>Engineering<br>Group | 31/07/2024   |
| <b>Survey</b>             |                 |                                                                                                              |                                          |              |
| 220804<br>Sheet 1<br>of 2 | 7               | Partial Boundary, Detail &<br>Levels Survey at 1<br>Gatacre Avenue & NO's<br>3-5 Allison Avenue Lane<br>Cove | Mitch Ayers<br>Surveying                 | 05/03/2024   |
| 220804<br>Sheet 2<br>of 2 | 7               | Partial Boundary, Detail &<br>Levels Survey at 1<br>Gatacre Avenue & NO's<br>3-5 Allison Avenue Lane<br>Cove | Mitch Ayers<br>Surveying                 | 05/03/2024   |
| 200082-<br>DET<br>1 of 2  | 1               | Plan Showing Levels &<br>Detail Over Lot A in DP<br>415448 & Lots 45 & 46 in<br>DP 11416                     | Metwest Surveys                          | 19/10/2020   |
| 200082-<br>DET<br>2 of 2  | 1               | Plan Showing Levels &<br>Detail Over Lot A in DP<br>415448 & Lots 45 & 46 in<br>DP 11416                     | Metwest Surveys                          | 19/10/2020   |

| <b>Document Title</b>                                                  | <b>Ref./Version No.</b> | <b>Prepared By</b>                        | <b>Dated</b> |
|------------------------------------------------------------------------|-------------------------|-------------------------------------------|--------------|
| Traffic and Parking Assessment Report                                  | 23152<br>Rev D          | ttpa                                      | July 2024    |
| BCA Assessment Report                                                  | R1.3                    | Steve Watson & Partners                   | 10/04/2024   |
| Arboricultural Development Impact Assessment Report                    | Rev E                   | Bords Tree Consultancy                    | 22/04/2024   |
| Acoustic Assessment                                                    | 20240128.1 –<br>Rev 1   | Acoustic Logic                            | 25/03/2024   |
| Access Report                                                          | IAR-0234<br>Rev B       | iAccess Residential                       | 17/04/2024   |
| Preliminary Site Investigation<br>P2008014JR03V01                      | 1                       | martens                                   | 04/05/2021   |
| Preliminary Site Investigation<br>Supporting Letter<br>P2008014JC03V01 | -                       | martens                                   | 27/05/2022   |
| Operational Waste Management Plan                                      | Revision F              | Elephants Foot Consulting                 | 10/04/2024   |
| Construction and Demolition Waste Management Plan                      | Revision C              | Elephants Foot Consulting                 | 13/03/2024   |
| BASIX Certificate                                                      | 1741369M_05             | JHA Consulting<br>Engineers (NSW) Pty Ltd | 23/04/2024   |
| NatHERs Certificate                                                    | 0009331920              | JHA Consulting<br>Engineers (NSW) Pty Ltd | 23/04/2024   |
| Geotechnical Investigation Report                                      | P2008014JR01V<br>Rev 06 | WINIM Developments Pty Ltd                | 04/04/2024   |
| Solar Access Report                                                    | -                       | Walsh Analysis                            | 01/08/2024   |
| Urban Design Expert Opinion                                            | -                       | ae                                        | 22/04/2024   |
| Stormwater Management Report                                           | QU2024.21               | Civil Stormwater Engineering Group        | 18/03/2024   |
| Visual Assessment Statement                                            | -                       | Urbis                                     | 11/04/2024   |

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. DESIGN AMENDMENTS:

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

The following design amendments are required to be submitted to Council for assessment and approval:

- A. All oblique, diagonal facing windows on the southern external walls must be non-operable and be an obscure finish up to 1.6m above finished floor level.
- B. The proposed evergreen tree species located on the Level 3 open space, must be changed to predominantly deciduous species. Trees must be positioned to maximise sunlight infiltration through the rooftop space to properties south of this development. Revised species selection and placement to be shown in the Landscape Documentation, which is to be approved by the Council Landscape Architect prior to the issue of the Construction Certificate.
- C. The roof top communal space and ground floor landscaping areas is also to accommodate these general items:
  - A general utility sink; and
  - Rubbish bins;
- D. The applicant is to submit revised landscape plans to Council's Landscape Architect showing an increase of vegetation screening adjacent to 7 Allison Avenue. This screening located west of the boardwalk, must include:
  - 3 x 300L *Syncarpia glomulifera*
  - 8 x 200L *Acmena smithii*
  - 6 x 200L *Eleocarpus reticulatus*
- E. To accommodate for the introduction of larger trees against the boundary of 7 Allison Avenue, the boardwalk must be realigned closer to the building/ rainwater tank portion. Additionally, the screening against the building to the east of the boardwalk must include large shrubs which grow to a minimum of 4 metres in height.
- F. The balustrades of the south facing balconies of Units UG.05, 105 and 2.05 (**level 2**) are to be constructed with solid obscure finishes up to 1.2m above FFL.
- G. Additional southern boundary sections with 7 Allison Avenue (at multiple intervals at the front yard, dwelling house, and rear yard) and 2A Gatacre (multiple intervals of the boundary retaining wall) are to be submitted demonstrating that the proposed boundary fence and retaining walls and associated footings in proximity to boundary will not adversely impact the dry-stone-wall and neighbouring trees.
- H. The 1.8m high southern side boundary timber fence with 7 Allison Avenue is to incorporate acoustically treated materials to reduce potential noise impacts. The timber fence also is to include galvanized steel posts for structural stability. The fence is to be wholly located within the subject development site. Details are to be provided to Council for approval.

- I. *The proposed southwest facing balconies on the 5<sup>th</sup> storey (3F) of units 302, and 205 are not approved and are required to be deleted from the plans.*
- J. *The proposed southwest facing balconies on the 6<sup>th</sup> storey (4F) of units 4.01 and 4.02 are to be reduced in trafficable area to a maximum of 2m in depth. To achieve this, the depth of the adjoining raised planter box is to be increased by approximately 1.2m*

**Reason:** To require minor amendments to the approved plans and supporting documentation following assessment of the development. *(Condition Modified: August 2025).*

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

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

| Security Deposit Type                                                  | Amount                     | Refunded post OC if deemed satisfactory by Council |
|------------------------------------------------------------------------|----------------------------|----------------------------------------------------|
| Infrastructure Damage Bond                                             | \$20,000.00                | Yes                                                |
| Inspection Fee: \$215 per visit<br>(23 inspections)(can be paid later) | \$4,945.00                 | No                                                 |
| Civil Reconstruction Work                                              |                            |                                                    |
| • Kerb/gutter work                                                     | \$17,500.00                | Yes                                                |
| • Footpath work                                                        | \$30,000.00                | Yes                                                |
| • Road resealing                                                       | \$99,000.00                | Yes                                                |
| • Turfing                                                              | \$9,000.00                 | Yes                                                |
| • Pram Ramp (2)                                                        | \$4,000.00                 | Yes                                                |
| (Additional ramps will be decided later)                               |                            |                                                    |
| • Drainage pits (5)                                                    | \$23,000.00                | Yes                                                |
| • Pipe Laying                                                          | \$53,000.00                | Yes                                                |
| Council Owned Trees                                                    | \$5,000.00                 | Yes                                                |
| Positive Covenant Bond for all OSD Systems                             | \$1,000.00                 | Yes                                                |
| <b><u>TOTAL:</u></b>                                                   | <b><u>\$266,445.00</u></b> |                                                    |

A **\$266,445.00** 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.**

4. **A.5A - 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               |
|-------------|-------------------|-------------------------------------------------------------------------|------------------------------------------------|---------------------|
| 1 bedroom   | 1.2 persons       | \$12,834.02 x 1.2<br>= <b>\$15,400.82</b>                               | 5 x <b>\$15,400.82</b><br>= <b>\$77,004.12</b> | <b>\$77,004.12</b>  |
| 2 bedrooms  | 1.9 persons       | \$24,384 x 18<br><b>*Capped Rate \$20,000 per dwelling</b>              | 18 x \$20,000<br>=                             | \$360,000.00        |
| 3 + bedroom | 2.4 persons       | \$30,801.65 x 20 dwelling.<br><b>*Capped Rate \$20,000 per dwelling</b> | 20 x \$20,000                                  | \$400,000.00        |
| Total:      |                   |                                                                         |                                                | <b>\$837,004.12</b> |

**Total Commercial Credits:**

| Existing use | Commercial Development | SQM              | Total credit         |
|--------------|------------------------|------------------|----------------------|
| Motel        | \$161.86per sqm        | <b>1262.4sqm</b> | <b>\$204,332.064</b> |
|              |                        |                  |                      |

**Total Residential Credits:**

| Existing use | Residential Development | Credit | Total credit |
|--------------|-------------------------|--------|--------------|
|--------------|-------------------------|--------|--------------|

|                |               |              |          |
|----------------|---------------|--------------|----------|
| Dwelling House | 1 x 3 bedroom | 1 = \$20,000 | \$20,000 |
|----------------|---------------|--------------|----------|

**\$837,004.12 – \$20,000.00 – \$204,332.064 = \$612,672.056**

As at the date of this consent, the total contribution payable to Council under this condition is **\$612,672.056** in accordance with St Leonards South Precinct Section 7.11 Development Contributions Plan.

The final total amount payable will be calculated at the time the payment is made, in accordance with the provisions of the 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.**

#### **5. Shared Boundary Wall**

There is to be no additional load on the boundary retaining wall/easement shared between 1 and 2 Gatacre Avenue and the stone wall between 5 Alison and 7 Allison Avenue. Structural Engineers details are to be provided to the private certifier prior to the issue of the Construction Certificate confirming that there would be no load during excavation/demolition/construction to the boundary wall. Any damage to the boundary wall is to be repaired by the Applicant and all costs are to be borne by the Applicant.

**Reason: To ensure the protection of the boundary wall.**

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

Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy of **\$105,075.00** as calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the principal certifier.

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

#### **6A. A.15 – Cladding**

No external combustible cladding is permitted on the building.

**Reason: To ensure fire safety**

#### **7. A.7.L Tree preservation and approved landscaping works**

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

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

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

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

**The following trees shall be retained:**

| Tree No. | Species | Location | Dimension (metres) |
|----------|---------|----------|--------------------|
|----------|---------|----------|--------------------|



|    |                                       |                                                     |         |
|----|---------------------------------------|-----------------------------------------------------|---------|
| 13 | <i>Araucaria columnaris</i>           | Gatacre Avenue front Setback                        | 19 x 6m |
| 14 | <i>Cupressus torulosa</i>             | Gatacre Avenue front Setback                        | 16 x 6m |
| 15 | <i>Lophostemon confertus</i>          | Gatacre Avenue Nature strip of Council Road Reserve | 15 x 8m |
| 34 | <i>Archontophoenix cunninghamiana</i> | Rear setback Neighbouring Property 7 Allison Ave    | 12 x 4m |
| 35 | <i>Archontophoenix cunninghamiana</i> | Rear setback Neighbouring Property 7 Allison Ave    | 12 x 4m |
| 36 | <i>Livistona australis</i>            | Rear setback Neighbouring Property 7 Allison Ave    | 12 x 4m |
| 37 | <i>Archontophoenix cunninghamiana</i> | Rear setback Neighbouring Property 7 Allison Ave    | 12 x 4m |
| 38 | <i>Archontophoenix cunninghamiana</i> | Rear setback Neighbouring Property 7 Allison Ave    | 12 x 4m |

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

| Tree No. | Species                                 | Location                                   | Dimension (metres) |
|----------|-----------------------------------------|--------------------------------------------|--------------------|
| 1        | <i>Elaeocarpus reticulatus</i>          | Allison Avenue front Setback               | 9 x 4m             |
| 2        | <i>Thuja occidentalis</i>               | Allison Avenue front Setback               | 12 x 6m            |
| 3        | <i>Elaeocarpus reticulatus</i>          | Allison Avenue front Setback               | 6 x 3m             |
| 4        | <i>Elaeocarpus reticulatus</i>          | Allison Avenue front Setback               | 11 x 5m            |
| 5        | <i>Elaeocarpus reticulatus</i>          | Allison Avenue front Setback               | 12 x 4m            |
| 6        | <i>Cupressus sempervirens 'Stricta'</i> | Adjacent western boundary of 1 Allison Ave | 11 x 2m            |
| 7        | <i>Cupressus sempervirens 'Stricta'</i> | Adjacent western boundary of 1 Allison Ave | 11 x 2m            |
| 8        | <i>Cupressus sempervirens 'Stricta'</i> | Adjacent western boundary of 1 Allison Ave | 11 x 2m            |
| 9        | <i>Cupressus sempervirens 'Stricta'</i> | Adjacent western boundary of 1 Allison Ave | 11 x 2m            |
| 10       | <i>Cupressus sempervirens 'Stricta'</i> | Adjacent western boundary of 1 Allison Ave | 11 x 2m            |
| 11       | <i>Cupressus sempervirens 'Stricta'</i> | Adjacent western                           | 11 x 2m            |

|    |                                         |                                            |         |
|----|-----------------------------------------|--------------------------------------------|---------|
|    |                                         | boundary of 1 Allison Ave                  |         |
| 12 | <i>Cupressus sempervirens 'Stricta'</i> | Adjacent western boundary of 1 Gatacre Ave | 15 x 5m |
| 16 | <i>Pittosporum undulatum</i>            | Adjacent western boundary of 5 Allison Ave | 7 x 3m  |
| 17 | <i>Viburnum odoratissimum</i>           | Adjacent western boundary of 5 Allison Ave | 9 x 7m  |
| 18 | <i>Syzygium luehmannii</i>              | Adjacent western boundary of 5 Allison Ave | 8 x 4m  |
| 19 | <i>Syzygium luehmannii</i>              | Adjacent western boundary of 5 Allison Ave | 8 x 4m  |
| 20 | <i>Camellia sasanqua</i>                | Adjacent western boundary of 5 Allison Ave | 6 x 4m  |
| 21 | <i>Camellia sasanqua</i>                | Adjacent western boundary of 5 Allison Ave | 6 x 4m  |
| 22 | <i>Camellia sasanqua</i>                | Adjacent western boundary of 5 Allison Ave | 6 x 4m  |
| 23 | <i>Camellia sasanqua</i>                | Adjacent western boundary of 5 Allison Ave | 6 x 4m  |
| 24 | <i>Syzygium luehmannii</i>              | Adjacent western boundary of 5 Allison Ave | 6 x 4m  |
| 25 | <i>Camellia sasanqua</i>                | Adjacent western boundary of 5 Allison Ave | 6 x 4m  |
| 26 | <i>Camellia sasanqua</i>                | Adjacent western boundary of 5 Allison Ave | 6 x 4m  |
| 27 | <i>Cupressus leylandii</i>              | Adjacent western boundary of 5 Allison Ave | 12 x 8m |
| 28 | <i>Cupressus leylandii</i>              | Adjacent western boundary of 5 Allison Ave | 12 x 8m |

|    |                                |                                            |          |
|----|--------------------------------|--------------------------------------------|----------|
| 29 | <i>Cupressus leylandii</i>     | Adjacent western boundary of 5 Allison Ave | 12 x 8m  |
| 30 | <i>Glochidion ferdinandii</i>  | Rear setback of 5 Allison Ave              | 10 x 6m  |
| 31 | <i>Michelia figo</i>           | Rear setback of 5 Allison Ave              | 7 x 6m   |
| 32 | <i>Jacaranda mimosifolia</i>   | Rear setback of 5 Allison Ave              | 10 x 12m |
| 33 | <i>Elaeocarpus reticulatus</i> | Rear setback of 5 Allison Ave              | 9 x 5m   |

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

| Tree No. | Species                     | Location                     | Permitted works in TPZ                                                                                            |
|----------|-----------------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 13       | <i>Araucaria columnaris</i> | Gatacre Avenue front Setback | Demolition of existing structures, excavation and construction of residential flat Building with basement parking |
| 14       | <i>Cupressus torulosa</i>   | Gatacre Avenue front Setback | 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.**

#### 8. A.9.T Works on Council land

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

**Reason: To manage impacts to Council's assets.**

#### 9. A.10 -Special condition – Prepurchase of Replacement Trees

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

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

#### 10. A.17 - Materials on Roads and Footpaths:

Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

**Reason: To ensure public safety and amenity**

#### 11. A.19 - Permit to Stand Plant:

Where the applicant requires the use of construction plant on the public road reservation, an "*Application for Standing Plant Permit*" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works**. Note: allow 5 working days for approval.

**Reason: To ensure public safety**

#### 12. A.21 - Public Utility Relocation:

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

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

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

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

**13. A.22 - Pedestrian Access Maintained:**

Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, *'Part 3 - Traffic control devices for works on roads'*.

**Reason: To ensure pedestrian access is maintained**

**14. A.24 - Services:**

Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.

**Reason: To protect and maintain infrastructure assets**

**15. A.25 - Boundary Levels:**

The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping, driveway and stormwater drainage plans and shall be obtained **prior to the issue of the relevant Construction Certificate**.

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

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

**16. A.26 - Work Zone:**

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

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

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

Before the issue of the relevant construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by Civil Stormwater Engineering Pty Ltd, reference No: CSW2024.11, revision: 5 and dated 9 July 24. This amended plan shall satisfy part O of the Council's stormwater DCP.

1. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
2. All down pipes shall be connected to appropriate pipe system.
3. All inlet pits are to be 450mm\*450mm size in minimum.
4. The final pit in site shall be 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)

5. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
6. Sediment control fence shall be shown in plan and placed around the construction site.
7. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed pump out system.
8. Installation of pipe system near the protected trees must be assessed by Council Tree Officer.
9. All gutters and pipes in the system must be designed for a 1 in 100-year ARI storm event.
10. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP. The details of design level difference shall be shown in plan.
11. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP and should be shown in plan.
12. The detailed cross section of the OSD is required and shall show levels, sizes, depths, widths, volume, orifice size and overflow device.
13. 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.
14. To facilitate cleaning of the tank, it is to have access grates of 600x600mm minimum size at each corners. Additional grates are to be provided if the distance between access grates exceeds 10m.
15. The proposed rainwater reuse system with a minimum effective capacity of 15,000 litres as per Basix Certificate and to be installed in accordance with Section 7.3 in Council's Stormwater DCP and relevant Australian standards. This tank shall have 100mm air gap on top and 100mm sludge zone at the bottom and installed satisfying Australian standards.
16. The overflow from rainwater tank must go to OSD. The levels shown in plan are incorrect and to be corrected to satisfy this.
17. Only roof water shall be connected to rainwater tank.
18. The rainwater tank shall show top water level, overflow path detail and pump system.
19. The pump out system in basement shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council. The pumps shall be connected to OSD only.
20. The proposed basement shall be constructed with water-proof walls around it.
21. The stormwater runoff from driveway shall be collected by grated driveway pit and connected to pump out system.
22. Driveway grated strip pit shall have minimum 200mm of depth and 1% fall inside.
23. A gross pollutant trap (GPT) suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The suitable access to the GPT for future maintenance is required. The MUSIX analyses report is required, showing that there is no increase in pollution rates due to this development.
24. A plan with longitudinal section of the proposed pipe system from Allison Avenue to the existing Council pit on Hardane Cre and relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels, hydraulic grade line and existing surface levels to confirm that the pipe system satisfies section 12 of part O, Council's DCP. plan prepared and certified by a suitably qualified engineer is to be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate**. The design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management.
25. The proposed kerb inlet pit shall be 2.4m kerb opening with 900\*450mm galvanised grate as per Council's standard drawing No: SWD.1.1.1(on grate), SW.1.2.1 (sag)
26. Any drainage pit within a road reserve or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete.

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 the relevant Construction Certificate:

- a) Compliance with the amendments detailed in this condition.

- b) Compliance with Part O: Stormwater Management of Council's DCP.

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

**18. A.11.EH - Community engagement plan**

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

**Reason: To manage noise impacts to residential properties in Lane Cove are during construction.**

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

**19. B.3.EH Compliance with demolition standard**

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

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

**20. B.1.T 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.**

21. **B.13.L - Project Arborist**

Prior to the commencement of any works including demolition, a project arborist of minimum Australian Qualitative Framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the construction process. 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:

1. Clearly identify and tag trees (where appropriate) which are to be removed and which trees are to be retained as part of this consent.
2. Certify all tree protection measures listed within the approved tree protection plan have been installed prior to demolition works.
3. 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.
4. Oversee the demolition works, excavation works within the TPZ/SRZ of retained trees.
5. Oversee any stormwater works within the TPZ/SRZ of retained trees.
6. Oversee the any retaining wall works within the TPZ/SRZ of retained trees.
7. Provide 3 monthly health and condition assessments on protected trees during the construction phase.
8. 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.**

22. **B.14.L - Special condition – Excavation within Tree Protection/Structural root Zones**

Any excavation within the Tree Protection Zone / Structural Root Zone of Trees 13 -15 and 34 -38 must be done under the supervision of the project arborist.

1. Any pier locations must be flexible, with no roots greater than 40mm diameter to be pruned.
2. A 200mm buffer must be allowed for roots greater than 40mm diameter at allow for future growth.
3. Tree roots less than 40mm that conflict with pier locations must be severed cleanly with a sharp implement and documented within a compliance certificate by the Project Arborist.
4. Exposed roots must be treated and protected in accordance with provisions outlined in section 4.5.4 of AS4970-2009.
5. Where pier / post holes or concrete footings are within a TPZ these must be lined with a

heavy-duty polyethylene film (builders Plastic) prior to pouring to prevent leaching.

**Reason – To protect the root system of retained trees**

**23. B.15.L - Special Condition – Excavation for stormwater services**

Excavation and installation of stormwater services within the Tree Protection Zone / Structural Root Zone of trees 13 -15 and 34 -38 must be overseen by the project arborist.

1. Excavation is to be undertaken using non-destructive methods (Hand tools, Hydrovac, Directional Drilling).
2. No roots greater than 40mm diameter are to be damaged / severed as part of works.
3. 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.
4. Service location must be flexible, with a 200mm diameter buffer allowed to roots greater than 40mm diameter to allowed for future growth.
5. Exposed roots must be treated and protected in accordance with provisions outlined within section 4.5.4 of AS4970-2009 *The protection of trees on Development Sites*.

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

**24. B.16.L - Special Condition – Installation of retaining walls within the TPZ of retained trees**

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

1. Must be done so using an isolated pier and beam method or use existing footings under the supervision of the project arborist.
2. 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.
3. Roots >40mm diameter must be incorporated into the wall.
4. Roots >40mm diameter must be bridged using a lenti.
5. 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.
6. Exposed roots shall be protected in accordance with section 4.5.4 of AS4970-2009 *The protection of trees on Development Sites*
7. 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**

**25. B.L.4 – Rooftop planting; soil volume**

Planter boxes situated on the rooftop 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 by the Council Landscape Architect prior to the issue of the Construction Certificate.

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

**26. B.L.5 – Rooftop Planting on Structure**

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

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

**27. B.2.EH Asbestos removal, handling and disposal**

The removal, handling and disposal of asbestos from building sites shall be carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the



method of removal in accordance with this condition is to be submitted to the Principal Certifying Authority and Council's Environmental Health Section, prior to commencing any demolition works.

All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

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

- New South Wales Occupational Health and Safety Act, 2000;
- 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) and
- Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

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

#### 28. **B.55 - 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.**

#### 29. **B.56 - Construction site management plan**

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

- Before commencement of any works, safety barrier or temporary fencing is to be provided along the full frontages of the property. This fence is for the safety of pedestrians on the public footpath.
- Before commencement of any works, a temporary safety barrier/fence must be erected and appropriately setback from the existing rock-wall adjoining 7 Allison Avenue, to restrict access to this area for the duration of demolition/construction stages.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, 'Part 3 - Traffic control devices for works on roads'.
- pedestrian and vehicular site access points and construction activity zones
- details of any bulk earthworks to be carried out.
- A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
- location of site storage areas and sheds
- equipment used to carry out all work.
- a garbage container with a tight-fitting lid
- prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.
- A Traffic Management Plan shall be prepared by a Transport for NSW accredited person and submitted to Council's Traffic Department for approval prior to commencing of any work.

- protection measures of existing Council pipe system, trees and street assets.

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

#### **Council Approvals**

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

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

#### **30. B.57 - Utilities and services**

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

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

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

#### **30A. Services and Fire Hydrant Enclosure**

Prior to the issue of the relevant Construction Certificate for works above ground slab level, the Certifying Authority is to be provided with plans demonstrating that all Services (Gas meter, water meter & fire hydrant and sprinkler booster valves and the like) are enclosed in a manner that complements the building and in accordance with the requirements of the BCA.

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

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

#### **31. C.1 – Soil Management**

While site work is being carried out, Council or the accredited 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:

a combination of 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: Environmental Health.**

#### **32. C.2 – Planting densities**

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

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

#### **33. C.3 – 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: To ensure adequate moisture levels are maintained for the 12-month establishment period eliminating the threat of plants dying due to lack of water during this time of in times of future drought**

#### 34. C.4 – 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**

#### 35. C.24.E - Structural engineer's details

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

- underpinning;
- retaining walls;
- footings;
- reinforced concrete work;
- structural 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. C.25.E - Construction methodology report

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

The report must:

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

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

Certification shall be obtained from a suitably qualified Engineer that:

- the on-site stormwater detention (OSD) system complies with the requirements under Part O of Council's DCP; and

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

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

**39. C.12.EH - Offsite disposal of contaminated soil**

All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste. 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: Health and safety.**

**40. C.14.EH 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.**

**41. C.15.EH 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.**

**42. C.21.EH Dust Control and Dust During Construction**

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

- 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
- All stockpiles of materials that are likely to generate dust must be kept damp or covered
- 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.**

**43. C.20.EH - Compliance with acoustic report**

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the Acoustic Report, prepared by Acoustics Logic, 20240128.1 Revision 1, dated 25/03/2024. The Report is to include details of the specified AC plant and any other plant equipment for which details are unknown at the DA stage.

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

**44. C.21.EH. Noise Control – Residential Air Conditioning units**

To minimise the impact of noise from the air conditioning unit, it shall be located 3 meters from the boundary and/or attenuated so that noise generated does not exceed 5db(A) above the ambient background level between 7am and 10pm on weekdays and 8am and 10pm on Weekends and Public Holidays. Any noise emitted by the air conditioning unit shall not be audible within a room of any residential dwelling or sole occupancy unit at any time within the hours of 10pm and 7am on weekdays and 10pm and 8am on weekends and public holidays.

**Reason: Amenity.**

**45. C.22.EH. 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 Environment Operations Act 1997.

**Reason: Amenity.**

**46. C.23.EH. Noise Monitoring**

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.**

**47. C.24.EH. Mechanical Ventilation of Rooms**

If the noise level with the windows and doors open exceeds the above noise criteria by more than 10dB(A), an approved system of mechanical ventilation must be provided.

**Reason: Amenity.**

**48. C.25.EH. Ventilation:**

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provision of:

- a) The Building Code of Australia
- b) AS 1668 Part 1 and 2 – 1991
- c) Protection of the Environment Operations Act 1997

A certificate shall be submitted from a practicing mechanical engineer certifying that the design and operation of the mechanical ventilation system meets the requirements of AS 1668 Parts 1 and 2.

**Reason: Amenity.**

**49. C.21.E - Construction site management plan**

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

- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)

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

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

#### **Council Approvals**

1. Where hoarding is required to be provided along the street frontage, a 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.**

#### **50. C.7 - Car parking details and basement safety/functionality**

Before the issue of the relevant construction certificate:

- a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the Council's satisfaction, that it complies with the relevant parts of *AS 2890 Parking Facilities- Off- Street Carparking* and Council's development control plan.
- a car park management plan (CMP) demonstrating the safety and functionality of the basement car park, including details of the proposed signalised system is to be submitted to and approved by Council's Traffic Department. Certification of the internal traffic signal system that it complies with relevant standards and is safe and functional is to be provided by an independent Traffic Consultant.
- a carpark management plan (CMP) demonstrating that tandem car spaces will be registered on title to be owned/allocated to the same owner or occupant. The CMP is to be submitted to and approved by Council's Traffic Department.
- A 2.6m basement clearance height has been proposed. A carpark management plan (CMP) is to be provided detailing the mitigation of impacts as to how larger vehicles will be restricted from entering the car park. The CMP is to be submitted to and approved by Council's Traffic Department.

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

#### **51. C.8.T - Car parking details and additional Council requirements**

Additional Council car parking requirements are set out below:

1. The proposed car park design and access shall comply with AS 2890.1. This includes all parking spaces, ramps and aisles.
2. All accessible car parking spaces are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and height clearance.
3. All other aspects of the car parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
4. All vehicles must front in/ front out to/ from the development.
5. Small car parking, car share, car wash bay, motorcycle parking, retail parking, tenant parking, and resident parking to be sign posted and adequately line marked.
6. 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.

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

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

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

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

**53. C.10.T – Pedestrians / cycling**

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

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

**53A. Proposed Vehicular Crossing**

- a) The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council.
- b) The driveway opening width along at the face of kerb must be as shown in the architectural drawing.
- c) The driveway shall be setback a minimum 300mm away from any existing power pole and stormwater pit.
- d) Certification is to be provided by a suitably qualified engineer demonstrating compliance with AS 2890 Series including AS 2890.1.2004 "Off Street Car Parking", and Council's standards and specifications.
- e) The following plans shall be prepared and certified by a suitably qualified engineer:
  - Longitudinal sections along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scraping provisions of AS2890.1. The sections shall include details of all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrating that the driveway complies with Australian Standards 2890.1-2004 - Off Street Car Parking.

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

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

**Reason: To ensure compliant vehicular crossing.**

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

### **54. D.1 - Erosion and sediment controls in place**

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

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

### **55. D.1.1 – 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.**

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

### **56. E.1 - Hours of work**

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

- Monday to Friday (inclusive) 7.00am to 5.30pm
- Saturday ~~7.00am~~ **8.00am** to ~~4.00pm~~ **12.00pm**

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. (Condition Modified: August 2025).**

**57. E.6 - Surveys by a registered surveyor**

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

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

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

**58. E.9 - Responsibility for changes to public infrastructure**

While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).

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

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

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

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

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

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

**60. E.17.E – Heavy vehicle requirements**

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

**Reason: To protect the environment.**

**61. E.18.B - No obstruction of public way**

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

**Reason: To ensure public safety.**

**62. E.19.B - Encroachments**

1. No portion of the proposed structure shall encroach onto the adjoining properties.
2. The proposed construction shall not encroach onto any existing Council drainage pipe or easement unless approved by Council. If a Council stormwater pipe is located at site during construction, Council is to be immediately notified. Where necessary the drainage line is to be

reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the drainage pipe are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe-lines without Council's approval.

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

**63. E.20.EH - Stockpiles**

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

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

**64. E.16.T – Works zones**

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

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

**65. E.8.T - 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:

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

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

**66. E.9.T. Special condition – 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**

**67. E.10.T. Special condition – Stockpiling of Materials**

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

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

**68. E.11.T. Demolition of structures within the Tree Protection Zone / Structural Root Zone of protected trees**

1. The demolition of the existing (Structure) within the Tree Protection Zone / Structural Root Zone of tree 13 -15 and 34 -38 must be overseen by the project arborist.
2. 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.

3. 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.
4. Roots <40mm diameter that conflict with approved cut lines must be documented by the Project arborist and pruned with a sharp implement.
5. 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 tree**

#### 69. **E.13 - Waste management**

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

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

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

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

#### 70. **E.11.EH - 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.**

#### 70A. **Intertenancy Wall Noise Attenuation Design**

Additional to any other condition of consent relating to acoustic mitigation measures, prior to the issue of the relevant Construction Certificate a qualified acoustic engineer must certify that the building is designed to minimise the noise impacts between apartments. In particular, where an internal apartment layout places a bedroom against an intertenancy wall with living areas on the other side, the acoustic engineer is to define a construction specification nominating the use of materials with low noise penetration properties that exceed the minimum standards of the BCA.

Details must be submitted to the Principal Certifying Authority.

**Reason: To comply with Part 4H of the NSW Apartment Design Guide and best practice standards for residential acoustic amenity**

#### 70.B **Intertenancy Wall Noise Attenuation Construction**

Prior to the issue of the relevant Occupation Certificate a qualified acoustic engineer must certify that all intertenancy walls where an internal apartment layout places a bedroom against an intertenancy wall with living areas on the other side, have been constructed in accordance with the defined construction specification submitted with the Construction Certificate to ensure that all sound between apartments has necessary acoustical attenuation.

Details of compliance must be submitted to the Principal Certifying Authority.

**Reason: To comply with Part 4H of the NSW Apartment Design Guide and best practice standards for residential acoustic amenity.**

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

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

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

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

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

Before the issue of the relevant occupation certificate, the principal certifier must ensure any adjustment or augmentation of any public utility services required as a result of the development, is completed to

the satisfaction of the relevant authority. All costs associated with the relocation or removal of services shall be borne by the applicant.

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

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

**73. F.3 – post-construction dilapidation report (if relevant)**

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

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

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

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

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

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

4. no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or
5. 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.**

**75. F.L.2 – 12 Month maintenance agreement**

Prior to issue of the Certificate of Occupation, the applicant must submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation. The Applicant must ensure that electronic copies are received by Lane Cove Council prior to the release of any form or Occupation Certificate.

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

**76. F.17.L - 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**

**77. F.10.E - Footpaths**

1. All footpaths adjacent to the site are to be installed or upgraded ensuring a consistent width and surface treatment. The minimum footpath width for all footpaths in the area is 1.8m and is to be clear of any obstructions including tree branches.

2. The levels of the street alignment shall be obtained from Council and incorporated into the design to ensure consistent street alignment levels.

**Reason: To ensure public amenity and safety.**

**78. F.15.P - Lot Consolidation**

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

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

**79. FB.22 - Redundant Gutter Crossing:**

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

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

**80. FB.24 - Repair of infrastructure**

Before the issue of an occupation certificate, the applicant must ensure any tree to be retained or surrounding public open space or landscape areas damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. **Note:** If the council is not satisfied, the whole or part of the bond submitted will be used to cover the rectification work.

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

**81. F.W.3 – Indemnity**

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

**Reason: Waste management.**

**82. F.W.6 - Provision of Waste Services**

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

**Reason: Waste management.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**87. H.8.EH - Regulated systems**

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

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

**88. H.4 - Maintenance of wastewater and stormwater treatment device (if applicable)**

During occupation and ongoing use of the building, the applicant must ensure all wastewater and stormwater treatment devices (including drainage systems, rainwater tank sumps and traps, storm-filter devices, pollution control pit, cartridges and on-site detention) are regularly maintained, to remain effective and in accordance with any positive covenant (if applicable).

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

**89. H.7 - Landscape Completion Report and Ongoing Maintenance**

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

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

**90. H.W.1 - Garbage Chutes**

- ☐ A garbage chute system and interim recyclable storage facilities must be provided to the development.
  - o Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).
  - o Garbage chutes must be located and insulated in a manner that reduces noise impacts.
  - o Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
  - o Chutes, service openings and charging devices must be capable of being easily cleaned.
  - o Chutes must be cylindrical and have a diameter of at least 500mm.

- o Chutes must not have any vends or sections of reduced diameter in the main shaft of the chute;
- o Internal overlaps in the chute must follow the direction of waste flow.
- o Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- o A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- o The upper end of the chute must extend above the roofline of the building.
- o The upper end of the chute must be weather protected in a manner that does not impede the upward movement of air out of the chute.
- o Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.

**Reason: Health and safety.**

**91. H.W.2 - Garbage Chute Service Rooms**

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

**Reason: Health and safety.**

**92. H.W.4 - Composting/Worm Farming**

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

**Reason: Health and safety.**

**93. H.W.5 - Internal Waste Management**

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

**Reason: Health and safety.**

**94. H.10 – NSW Police Crime Prevention Through Environmental Design**

1. The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
2. Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24-hour video surveillance".
3. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
4. The Traffic Management Plan should cover the impact the excavation phase will have, including truck usage etc.
5. Bicycle parking should be in a secure area and covered with CCTV cameras.
6. Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.



7. If the site has storage cages they should be covered by CCTV cameras and made of solid material. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
8. Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage.
9. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
10. Doors should be of solid construction, and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
11. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
12. An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
13. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.
14. "Park Smarter" signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
15. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
16. The boundaries of the site (public park and communal open space) should be clearly identified to deter unauthorised persons from entering the site.

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

**95. H.26.EH. Ventilation – Garbage Rooms**

Garbage rooms shall be ventilated by:-

- a) an approved system of mechanical exhaust ventilation in accordance with the requirements of the Building Code of Australia and *Australian Standard AS 1668*
- b) 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
- c) Where permanent natural ventilation openings are provided the openings shall be designed to prevent the entry of rainwater.

**Reason: Amenity.**

**96. H.27.EH. Car Park Ventilation**

The covered car park must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.

**Reason: Amenity.**

97. **H.28.EH. Landscaping not to Impede Ventilation of Car Park**

The proposed landscaping must not impede the free flow of air through any natural ventilation openings for the car park.

**Reason: Amenity.**

98. **H.29.EH. Fresh air intake vents**

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.

**Reason: Amenity.**

99. **H.30.EH. Exhaust air discharge vents**

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.**

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

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

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

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

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

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

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

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

**Council** means Lane Cove Council.

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

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

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

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

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

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

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

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

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

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