

ANNEXURE 1

PART A – GENERAL CONDITIONS OF CONSENT:

1. **Approved plans and supporting documentation**

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

Plan	Rev	Plan Title	Drawn By	Dated
Architectural Plans				
A000	01	Cover Page		06.08.2025
A001	01	Drawing List	Tonkin Zulaikha Greer architects	06.08.2025
A002	01	Site Analysis Plan	Tonkin Zulaikha Greer architects	06.08.2025
A003	01	Site Plan	Tonkin Zulaikha Greer architects	06.08.2025
A020	01	Demolition Plan	Tonkin Zulaikha Greer architects	06.08.2025
A100	01	General Arrangement Plan B2	Tonkin Zulaikha Greer architects	06.08.2025
A101	01	General Arrangement Plan B1	Tonkin Zulaikha Greer architects	06.08.2025
A102	02	General Arrangement Plan LG	Tonkin Zulaikha Greer architects	12.11.2025
A103	01	General Arrangement Plan GF	Tonkin Zulaikha Greer architects	19.03.2025
A104	01	General Arrangement Plan Mezzanine	Tonkin Zulaikha Greer architects	19.03.2025
A105	01	General Arrangement Plan 1F	Tonkin Zulaikha Greer architects	19.03.2025
A106	01	General Arrangement Plan 2F	Tonkin Zulaikha Greer architects	19.03.2025
A107	01	General Arrangement Plan 3F	Tonkin Zulaikha Greer architects	19.03.2025
A108	01	General Arrangement Plan 4F	Tonkin Zulaikha Greer architects	19.03.2025

Plan	Rev	Plan Title	Drawn By	Dated
A109	01	General Arrangement Plan 5F	Tonkin Zulaikha Greer architects	19.03.2025
A110	01	General Arrangement Plan 6F	Tonkin Zulaikha Greer architects	19.03.2025
A111	01	General Arrangement Plan 7F	Tonkin Zulaikha Greer architects	19.03.2025
A112	01	General Arrangement Plan 8F	Tonkin Zulaikha Greer architects	06.08.2025
A113	01	General Arrangement Plan 9F	Tonkin Zulaikha Greer architects	19.03.2025
A200	01	North Elevation - Pacific Highway	Tonkin Zulaikha Greer architects	19.03.2025
A201	01	South Elevation - Marshall Lane	Tonkin Zulaikha Greer architects	19.03.2025
A202	01	Eastern Elevation	Tonkin Zulaikha Greer architects	19.03.2025
A203	01	Western Elevation	Tonkin Zulaikha Greer architects	19.03.2025
A300	01	Sections -1	Tonkin Zulaikha Greer architects	06.08.2025
A301	01	Sections -2	Tonkin Zulaikha Greer architects	19.03.2025
A500	01	Area Calculations GFA	Tonkin Zulaikha Greer architects	19.03.2025
A501	01	Area Calculations Room Count	Tonkin Zulaikha Greer architects	19.03.2025
A600	01	Material Finishes	Tonkin Zulaikha Greer architects	19.03.2025
A900	01	3D View Pacific Highway	Tonkin Zulaikha Greer architects	19.03.2025
A901	01	3D View Marshall Ave	Tonkin Zulaikha Greer architects	19.03.2025
Landscape Plans				
LS00	D	Cover Page	Melissa Wilson Landscape Architects	26.03.2025
LS01	D	Landscape Site Plan	Melissa Wilson Landscape	26.03.2025

Plan	Rev	Plan Title	Drawn By	Dated
			Architects	
LS02	D	Landscape Ground Floor	Melissa Wilson Landscape Architects	26.03.2025
LS02. 1	D	Landscape Level 5	Melissa Wilson Landscape Architects	26.03.2025
LS02. 2	D	Landscape Level 6	Melissa Wilson Landscape Architects	26.03.2025
LS02. 3	D	Landscape Level 7 + 8	Melissa Wilson Landscape Architects	26.03.2025
LS03	D	Landscape Mood Board	Melissa Wilson Landscape Architects	26.03.2025
LS04	D	Landscape Plant Species	Melissa Wilson Landscape Architects	26.03.2025
LS05	D	Landscape Notes	Melissa Wilson Landscape Architects	26.03.2025
LS06	D	Landscape Typical Details	Melissa Wilson Landscape Architects	26.03.2025
Civil Plans				
C1.01	B	Internal Civil Works Cover Sheet	Northrop	20/11/2025
C2.01	A	Internal Civil Works Concept Sediment & Erosion Control Plan	Northrop	27/03/2025
C2.02	A	Internal Civil Works Concept Sediment & Erosion Control Details	Northrop	27/03/2025
C3.01	A	Internal Civil Works Stormwater Management Ground Floor	Northrop	27/03/2025
C3.11	B	Internal Civil Works	Northrop	20/11/2025

Plan	Rev	Plan Title	Drawn By	Dated
		Stormwater Management Lower Ground Floor		
C3.21	A	Internal Civil Works Stormwater Management Basement Level 1	Northrop	27/03/2025
C4.01	A	Internal Civil Works Stormwater Long Section	Northrop	20/11/2025
C5.01	A	Internal Civil Works	Northrop	27/03/2025
Survey				
236230 07 Sheet 1 of 2	01	Plan showing level and detail over Lot 1 in DP 746012	Axiom Spatial Surveyors	24.09.2024
236230 07 Sheet 2 of 2	01	Plan showing level and detail over Lot 1 in DP 746012	Axiom Spatial Surveyors	24.09.2024

Title	Ref./Version No.	Prepared By	Dated
Clause 4.6 variation request Height	1	Paro Consulting Pty Ltd	13/08/2025
Clause 4.6 variation request FSR	1	Paro Consulting Pty Ltd	13/08/2025
Preliminary Site Investigation	E26701.E01_ Rev 0	EI Australia	31/03/2025
Remediation Action Plan	E26701.E06_ Rev 0	EI Australia	11/08/2025
DDA Capability Statement	240391 Rev 0	BM+G	27/03/2025
DA Noise Impact Assessment	240673 Rev 3	Pulse white Noise Acoustics	21/03/2025
BCA Capability Report	240390 Rev 1	BM+G	23/05/2025
Urban Design & Architectural Report	Rev 1.1	Tonkin Zulaikha	July 2025

		Greer architects	
Waste Management Plan	Revision F	MRA Consulting Group	12/11/2025
Traffic & parking Assessment Report	24159	CJP Consulting Engineers	29/03/2025
Traffic Queuing Analysis	24159	CJP Consulting Engineers	20/11/2025
Preliminary Geotechnical Investigation	37122Lptrev1 Rev 1	JK Geotechnics	27/03/2025
Addendum Geotechnical Comments to Water NSW	37122L Let 1	JK Geotechnics	17/11/2025
ESD DA Report	Rev 05	dsquared	05/06/2025
Structural engineering Letter	IH233364-01-CTST01 Rev 1	Northrop	28/03/2025
Stormwater Management Report	233364-01 Rev A	Northrop	28/03/2025
Operational and Horticultural Management Plan	-	Melissa Wilson Landscape Architects	26/03/2025

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

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

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

2. **DESIGN AMENDMENTS / FURTHER INFORMATION:**

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

Front Louvers

- A. As per the comment from Transport for NSW (TfNSW), any component of the proposed louvers façade of the building which encroach onto the road reserve are to be deleted. (See diagram below) TfNSW does not support any new structures (other than pedestrian footpath awnings) that overhang the road

reserve of the Pacific Highway and will not issue concurrence under section 138 of the *Roads Act 1993*. The plans are to be amended ensure these components are located within the freehold property boundary, to the satisfaction of Council prior to the issue of a Construction Certificate as the relevant planning authority.

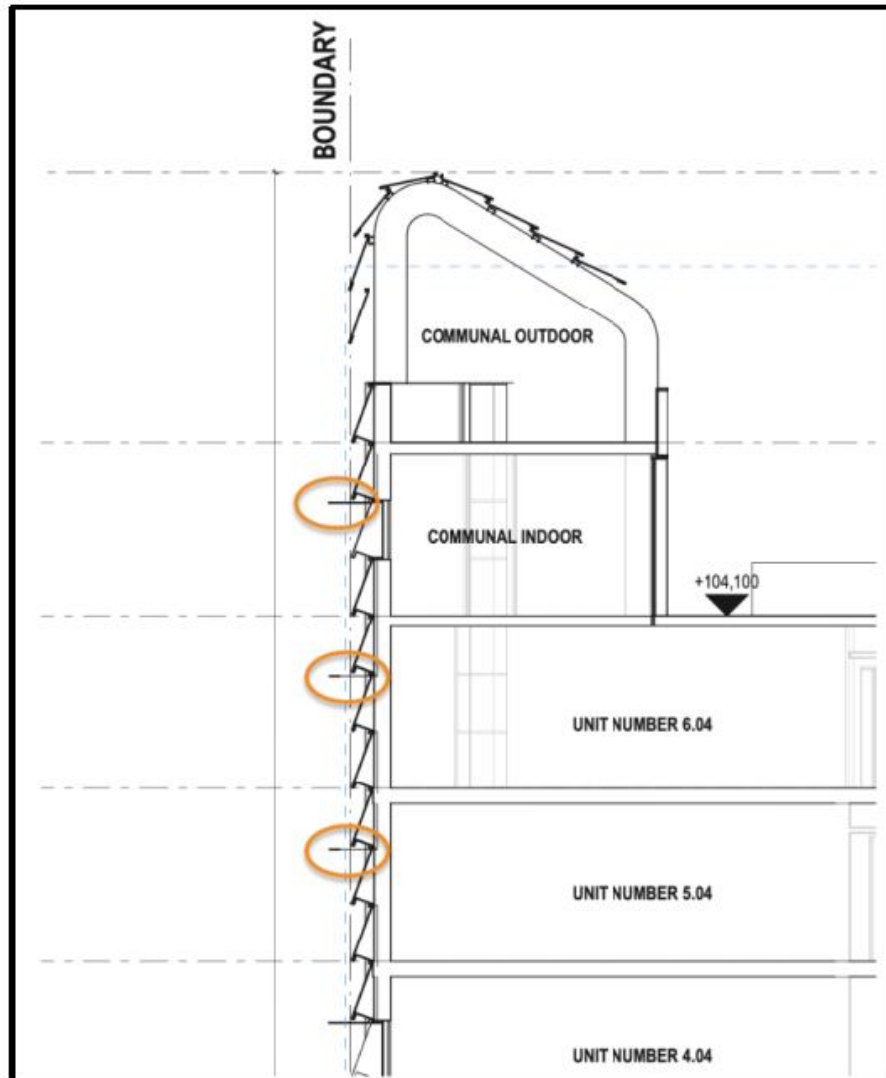


Figure 1: Sectional Plan with encroaching louver structures.

Traffic/Vehicle information

- B. The Traffic Report states the two-way entry/exit driveway is 6.077m. Please update the report to reflect the amended maximum width of 5.5m as per the requirements of Council's DCP. Details are required to be submitted to Council for approval prior to the issue of the relevant Construction Certificate.

Context Plan

- C. Please submit provide a *context plan* showing all existing set-down and coach drop-off zones relative to the site. Details should be submitted to Council for approval prior to the issue of an Occupation Certificate.

Plan of Management: Hotel.

D. Prior to the issue of an occupation certificate a **Hotel Plan of Management (PoM)** is to be submitted to Council for approval. The PoM should include (but is not limited to):

- Operational Model
 - o Front office and Reception Operations
 - o Housekeeping /Back of House Operations
- Staffing Arrangements
- Concierge integration (if adopted)
- Guest management protocols including:
 - o Check In/Check Out Procedures
 - o Security Measures & Access Control
 - o Swipe card Access
 - o Visitor Vehicle Access
 - o Pedestrian Access
 - o Emergency control and evacuation plan /fire safety policy
 - o Length of stay
- Accommodation Register
- Visitor policy
- Guest behavior/ Alcohol policy
- Smoking policy
- Noise Management Plan
- Rubbish Collection Process
- Deliveries
- Staff Car Parking
- Disabled Access
- Maximum Occupancy
- Housekeeping/ Room Inspection, and
- Lost and Found Policy.

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

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	\$5,000.00	Yes
Inspection Fee: \$215 per visit (20 inspections) (can be paid later)	\$4,600.00	No
<u>Civil Reconstruction Work</u>		
Kerb/gutter work Marshall Ln	\$12000.00	Yes
Kerb work Pacific Highway	\$8000.00	Yes
Footpath work Pacific Highway	\$110,000.00	Yes

Road resealing Marshall Ln	\$45,000.00	Yes
Drainage pits (3)	\$14,000.00	Yes
Pipe Laying	\$20,000.00	Yes
Positive Covenant Bond for all OSD Systems	\$1,000.00	Yes
<u>TOTAL:</u>	<u>\$219,600.00</u>	

A **\$219,600.00** 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. **Payment of development contributions**

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

- Before the issue of the first construction certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (ii) (below) must be paid.

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

GROSS FLOOR AREA	COST PER SQM (COMMERCIAL / RETAIL)_
6305.6m ²	\$165.39 (25/26)
TOTAL	\$1,042,883.184

The Section 7.11 contribution payable is reduced through any **existing credit applied** to the existing entitlements as detailed in the following table:

EXISTING CREDIT GROSS FLOOR AREA	COST PER SQM (COMMERCIAL/ RETAIL)_
Existing: 3169 m ²	\$165.39 (25/26)
TOTAL	\$524,120.91

NET TOTAL MINUS CREDIT = \$1,042,883.184 - \$524,120.91 = \$518,762.274

As at the date of this consent, the total contribution payable to Council under this condition is **\$518,762.274** in accordance with 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 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. **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 **\$103,526.00** 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.

6. **Cladding**

No external combustible cladding is permitted on the building.

Reason: To ensure fire safety

7. **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.

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 2 working days for approval
Reason: To manage impacts to Council's assets.

8. **Compliance with Water NSW Requirements**

Compliance with the General Terms of Approval provided by Water NSW dated **19 November 2025** at each stage as relevant. (Reference Number: IDAS1163820) as stated below:

Dewatering

GT0115-00001 Groundwater must only be pumped or extracted for the purpose of Temporary construction dewatering at the site identified in the development application. For clarity, the purpose for which this approval is granted is only for dewatering that is required for the construction phase of the development and not for any dewatering that is required once construction is completed.

GT0119-00001 All extracted groundwater must be discharged from the site in accordance with Council requirements for stormwater drainage or in accordance with any applicable trade waste agreement.

GT0120-00001 The design and construction of the building must prevent: (a) any take of groundwater, following the grant of an occupation certificate (and completion of construction of development), by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation; (b) obstruction to groundwater flow, by using sufficient permanent drainage beneath and around the outside of the watertight structure to ensure that any groundwater mounding shall not be greater than 10 % above the pre-development level; and (c) any elevated water table from rising to within 1.0m below the natural ground surface.

GT0122-00001 Construction Phase Monitoring programme and content: a) A monitoring programme must be submitted, for approval, to WaterNSW with the water supply work application. The monitoring programme must, unless agreed otherwise in writing by WaterNSW, include matters set out in any Guide published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no Guide is current or published, the monitoring programme must include the following (unless otherwise agreed in writing by WaterNSW): i. Pre-application measurement requirements: The results of groundwater measurements on or around the site, with a minimum of 3 bore locations, over a minimum period of 3 months in the six months prior to the submission of the approval to WaterNSW. ii. Field measurements: Include provision for testing electrical conductivity; temperature; pH; redox potential and standing water level of the groundwater; iii. Water quality: Include a programme for water quality testing which includes testing for those analytes as required by WaterNSW; iv. QA: Include details of quality assurance and control v. Lab assurance: Include a requirement for the testing by National Association of Testing Authorities accredited laboratories. b) The applicant must comply with the monitoring programme as approved by WaterNSW for the duration of the water supply work approval (Approved Monitoring Programme)

GT0123-00001 (a) Prior to the issuing of the occupation certificate, and following the completion of the dewatering activity, and any monitoring required under the Approved Monitoring Programme, the applicant must submit a completion report to WaterNSW. (b) The completion report must, unless agreed otherwise in writing by WaterNSW, include matters set out in any guideline published by the NSW Department of Planning Industry and Environment in relation to groundwater investigations and monitoring. Where no guideline is current or published, the completion report must include the following (unless otherwise agreed in writing by WaterNSW): 1) All results from the Approved Monitoring Programme; and 2) Any other information required on the WaterNSW completion report form as updated from time to time on the WaterNSW website. c) The completion report must be submitted using "Completion Report for Dewatering work form" located on WaterNSW website www.waternsw.com.au/customer-service/waterlicensing/Dewatering .

GT0150-00001 The extraction limit shall be set at a total of 3ML per water year (being from 1 July to 30 June). The applicant may apply to WaterNSW to increase the extraction limit under this condition. Any application to increase the extraction limit must be in writing and provide all information required for a hydrogeological assessment. Advisory note: Any application to increase the extraction limit should include the following: - Groundwater investigation report describing the groundwater conditions beneath and around the site and subsurface conceptualisation - Survey plan showing ground surface elevation across the site - Architectural drawings showing basement dimensions - Environmental site assessment report for any sites containing contaminated soil or groundwater (apart from acid sulphate soils (ASS)) - Laboratory test results for soil sampling testing for ASS - If ASS, details of proposed management and treatment of soil and groundwater. Testing and management should align with the NSW Acid Sulphate Soil Manual.

GT0151-00001 Any dewatering activity approved under this approval shall cease after a period of two (2) years from the date of this approval, unless otherwise agreed in writing by WaterNSW (Term of the dewatering approval). Advisory note: an extension Of this approval may be applied for within 6 months of the expiry of Term.

GT0152-00001 This approval must be surrendered after compliance with all conditions of this approval, and prior to the expiry of the Term of the dewatering approval, in condition GT0151-00001. Advisory note: an extension of this approval may be applied for within 6 months of the expiry of Term.

GT0155-00001 The following construction phase monitoring requirements apply (Works Approval): a. The monitoring bores must be installed in accordance with the number and location shown, as modified by this approval, unless otherwise agreed in writing with WaterNSW. b. The applicant must comply with the monitoring programme as amended by this approval (Approved Monitoring Programme). c. The applicant must submit all results from the Approved Monitoring Programme, to WaterNSW, as part of the Completion Report.

GT0174-00001 Construction phase monitoring bore requirements GTA: a) Monitoring bores are required to be installed and collecting data prior for at least 3 months prior to submitting a water supply work approval b) A minimum of three monitoring bore locations are required at or around the subject property, unless otherwise agreed by WaterNSW. c) The location and number of proposed monitoring bores must be submitted for approval, to WaterNSW and should be submitted prior to the application for a water supply work approval. d) The monitoring bores should be used to develop a water table map for the site and its near environs. e) The

monitoring bores must be protected from construction damage. Advisory note: no approval under the Water Management Act 2000 is required for these monitoring bores provided that they extract less than 3ML/water year.

GT0279-00001 A construction certificate can be issued for excavation work in accordance with a valid development consent, however dewatering cannot take place without an Approval being granted by Water NSW for any water supply works required by the development. If the excavation work will or is likely to require dewatering, the applicant must apply and obtain, an approval under the Water Management Act 2000 prior to any dewatering taking place and notify WaterNSW of the programme for the dewatering activity including the commencement and proposed completion dates of the dewatering activity. Advisory Note: An approval under the Water Management Act 2000 is required to construct and/or install the water supply works. For the avoidance of doubt, these General Terms of Approval do not represent any authorisation for the take of groundwater, nor do they constitute the grant or the indication of an intention to grant. A water use approval may also be required, unless the use of the water is for a purpose for which a development consent is in force.

GT0281-00001 A water access licence, for the relevant water source, must be obtained prior to extracting groundwater, unless an exemption applies. Advisory Note: See Schedule 4 of the Water Management (General) Regulation 2025.

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

9. **Retail Use/ Separate DA**

The applicant shall obtain separate development consents for the use and fitout of the retail spaces.

Reason: Council can assess fit out any use.

10. **Street Tree Planting - Pacific Highway Frontage**

Prior to the issue of the relevant construction certificate, the applicant is to undertake a detailed feasibility investigation for street tree planting of 4 x *Tristaniopsis Laurina* (min 4m H) to the back of kerb, evenly spaced along the Pacific Highway frontage of the development.

This process would include at a minimum:

- a. BYDA application,
- b. on site services search,
- c. potholing, hand trenching and road opening to confirm locations, depths and status of any underground utilities,
- d. procure written permission from any service or utility provider allowing the installation of trees with a minimum pot size of 100 litres within the Council setback.

All planting works shall be completed by a Council approved landscape contractor experienced in handling super advanced trees, to a professional standard, free of any hazards or unnecessary maintenance problems

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

Reason: To increase canopy cover to help address urban heat island effects.

11. **Structural root cell:**
To assist with the health of street trees to be planted, the use of a structural root cell product such as Strata Cell by City Green or approved equal is to be located around the services discovered that cannot be relocated. A minimum soil volume of 30M³ per tree is to be provided.
Reason: to increase canopy cover to help address urban heat island effects.
12. **Public Domain Paving - Pacific Highway Frontage**
Prior to the issue of the relevant construction certificate, the applicant is to design and deliver pedestrian paving upgrades in accordance with Council's specifications as per section 4.2.2 of the St Leonards Public Domain Masterplan.

The paving setout, materials and pattern are to be in accordance with the St Leonards Streetscape Guidelines, Section 5 located on Lane Cove Council website.
Reason: To provide pedestrian surfaces that are safe for all users, clearly demarcated and constructed from materials that provide continuity and consistency of the streetscape.
13. **Replacement Trees in Deep Soil – Marshall Lane**
Prior to the issue of the relevant construction certificate, the applicant must document 1 x Livistona Australis (min 4m H) to be planted within an at grade, deep soil garden bed in the location adjacent the void along Marshall Lane, where the existing Jacaranda mimosifolia is proposed to be removed.

The garden bed is to be cleared of any building waste, the soil then ameliorated and de-compacted by ripping to min 400mm and tested for suitability by an approved horticulturalist prior to planting with soil testing results provided to Council's Landscape Architect for approval.
Reason: to increase canopy cover to help address urban heat island effects through preservation of tree canopy
14. **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
15. **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
16. **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

17. **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.

18. **Drainage plan amendments (if applicable)**

Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved stormwater drainage plans prepared by Northrop, reference No:233364, revision: A and dated in 27/03/25. This amended plan shall satisfy *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.

For Marshall Lane Drainage Work

- a) The applicant has to get Section 138 of Road Act 1993 approval from Lane Cove Council to do any works on Marshall Lane and satisfy conditions of section 138 approval.
- b) The Marshall Lane drainage plan prepared by Northrop, reference No:233364, revision: B and dated in 20/11/25 is to be amended as shown below and submitted to Council with Section 138 of Road Act 1993 approval.
- c) The amended street drainage plan shall include all asset improvement works on Marshall Lane shall be submitted to Council with Section 138 application.
- d) The proposed kerb inlet pits on Marshall Lane 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)
- e) The pipe system shall be 375mm minimum size, RCP and class 4.
- f) All down pipes shall be connected to appropriate pipe system.
- g) All inlet pits are to be 450mm*450mm size in minimum.
- h) Proposed drainage system should show pipe sizes and invert levels up to the connection point; confirming pipe system satisfies *Part O - Stormwater Management* of the Lane Cove Development Control Plan.
- i) Sediment control fence shall be placed around the construction site and shown in plan.
- j) Subsoil seepage agg-line drainage is required around proposed retaining wall, dwelling, basement or as it is necessary and connected to proposed drainage system.
- k) Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
- l) The boundary pit shall be modified into a pollution control pit. This pollution control pit (as shown in section 3.4.1 in Part O of Council's stormwater DCP) with mesh (RH3030) and sump (300mm minimum) is required within the site, at start of the connection pipe to the street pit. These details shall be shown in plan.
- m) Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP if charged system is used. The details of design level difference must be shown in plan.
- n) The connection pipe from site to new pit in Marshall Lane shall be designed for gravity discharge only and no charged pipeline allowed.

- o) As per stormwater management plan there is an inlet pit in front garden area. This must be connected satisfactorily.
- p) A MUSIC analyses shall be carried out and a Gross Pollutant Trap (GPT) suitable for this site needs to be designed. The details of this GPT shall be shown in stormwater plan.
- q) The location of the GPT shall be inside the property boundary before connecting to Council's drainage system. A suitable access to the GPT is required for future maintenance.
- r) Only roof water shall be connected to rainwater tank.
- s) The rainwater tank shall show top water level, overflow path detail, pump system and insect screen between rainwater tank and OSD.
- t) The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
- u) The detailed cross section of the OSD and Rainwater tank is required, showing levels, sizes, depths, widths volume, orifice size and overflow device.
- v) 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.
- w) The obvert of overflow pipe from the OSD shall be lower than top water level in rainwater tank to separate water in both tanks.
- x) Orifice invert shall be shown in typical cross sections of the OSD.
- y) Sump(900*900mm) is required at orifice for the depth of 200mm minimum
- z) To facilitate cleaning of the tank it is to have a minimum of two 600x600mm access grates where the clear internal height of the tank is less than 600mm. Additional grates are to be provided if the distance between access grates exceeds 10m.
- aa) A suitable insect screen shall be required between rainwater tank and OSD to maintain quality of the water.
- bb) The proposed basement shall be constructed with water-proof walls around the basement.
- cc) A suitable pump out system is required inside the basement and shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan and submitted to Council. This pump out system shall be located within basement car park area and designed for capturing runoff from driveway and seepage around basement.
- dd) Any drainage pit within a road reserve, a Council easement, or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete and in accordance with Part O Council's DCP- Stormwater Management

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

- a) Compliance with the amendments detailed in this condition.
- b) Compliance with *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.

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

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

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

period. The community engagement plan shall be prepared to the satisfaction of Council's Environmental Health Officer with written approval submitted to the Principal Certifying Authority, prior to the commencement of any works.

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

PART B – BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE:

20. Dust Monitoring Plan

A Dust Monitoring Plan is to be provided to Council's Manager Development Assessment for Approval Prior to the issue of the Construction Certificate. This is to include, but not be limited to, the locations of dust monitoring devices on all boundaries or at appropriate location of the site so as to record, at half an hour intervals, level and composition of dust during the course of construction.

Reason: Protection of environment and amenity of the neighbouring residents.

21. Noise Monitoring Plan

A Noise Monitoring Plan is to be provided to Council's Manager Development Assessment for Approval Prior to the issue of the Construction Certificate. This is to include, but not be limited to, the locations of noise monitoring devices on all boundaries or at appropriate locations of the site so as to record, at half an hour intervals, noise levels during the course of construction.

Reason: Protection of environment and amenity of the neighbouring residents.

22. Compliance with acoustic report

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the DA Noise Impact Assessment prepared by Pulse White Noise Acoustics Pty Ltd and dated 21 March 2025.

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

23. Compliance with Remediation Action Plan

All works should comply with the recommendations contained in the Remediation Action Plan prepared by ei Australia and dated 11 August 2025.

Reason: Protect site and surround from contamination.

24. Asbestos removal, handling and disposal

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

Reason: To ensure worker and public health and safety.

25. 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.

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

Reason: To ensure health and safety.

27. **Construction environmental management plan (larger/more complex developments)**

Prior to the commencement of any demolition and remedial works, a construction environmental management plan (CEMP) must be prepared for the site and submitted to Council for written approval prior to the commencement of work. The CEMP must consider all potential environmental impacts from the approved works including but not limited to sedimentation control, contamination containment, stockpiles, noise and vibration, odours and dust emissions. All works must be undertaken onsite in accordance with the approved CEMP.

Reason: To ensure health and safety.

28. **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.

29. 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.

30. 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 covering work area. This fence is for the safety of pedestrians on the public footpath.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, *‘Part 3 - Traffic control devices for works on roads’*.
- pedestrian and vehicular site access points and construction activity zones
- details of any bulk earthworks to be carried out.
- location of site storage areas and sheds
- equipment used to carry out all 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 drainage 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.

31. 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.

32. Transport for NSW Conditions

- (i) All buildings and structures (other than pedestrian footpath awnings), together with any improvements integral to the future use of the site are to be wholly within the freehold property unlimited in height or depth along the Pacific Highway boundary.
- (ii) The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001.
The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@transport.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days' notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- (iii) Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@transport.nsw.gov.au. TfNSW requires the hydraulic calculations for the pre-development and post-development stormwater discharge to Pacific Highway. Specifically, the 1 in 5 year, 1 in 10 year, 1 in 20 year, and 1 in 100 year rainfall event discharge rates in litres/second are required. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
- (iv) The developer shall be responsible for all public utility adjustment/relocation works, etc. necessitated by the above/approved work and as required by the various public utility authorities and/or their agents. Any proposed public utility adjustment/relocation works on the state road network will require detailed civil

design plans for road opening/underboring to be submitted to TfNSW for review and acceptance prior to the commencement of any works. The developer must also obtain any necessary approvals from the various public utility authorities and/or their agents. Please send all documentation to development.sydney@transport.nsw.gov.au . A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

- (v) A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>
Reason: TfNSW requirements

33. **AUSGRID Conditions**

- (i) Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.
- (ii) It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA)
- (iii) In addition to BYDA the proponent should refer to the following documents to support safety in design and construction: SafeWork Australia – Excavation Code of Practice. Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.
- (iv) The following points should also be taken into consideration. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing. Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.
- (v) **Ausgrid Overhead Powerlines are in the vicinity of the development.** The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.
- (vi) The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au . It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.
- (vii) **New Driveways - Proximity to Existing Poles** Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for

future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

- (viii) **New or modified connection** To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Reason. AUSGRID Requirements.

34. **NSW Police Crime Prevention Through Environmental Design Conditions**

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 with ease.
2. All external lighting should be designed to comply with, where applicable, AS/NZ1158.3:1999 Pedestrian Area (Category P) Lighting and Australian Standard 4282-1997 'Control of the obtrusive effects of outdoor lighting'.
3. Mailboxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up inside the building i.e., a mail room. Large banks of mailboxes in the lobby area that are accessible to the public increase the risk of mail and parcel theft.
4. Appropriated modifications should be made where necessary to accommodate the increase in traffic congestion on surrounding streets and intersections.
5. Bicycle parking should be in a secure area and covered with CCTV cameras.
6. If the site has storage cages they should be covered by CCTV cameras and made of solid material that can't be cut open and should be covered by CCTV cameras. They should have a material encasing them that prevents individuals being able to see into the storage cage from the outside of the cage. Signs should be placed in the area warning residents not to leave valuable items in storage cages, i.e mountain and/or road bikes.
7. Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti-social behaviour. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with surveillance systems.
8. Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
9. 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.
10. An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
11. An emergency control and evacuation plan should be implemented within the site and displayed for the information of Hotel users.
12. All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The

CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behaviour.

13. Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
14. The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
15. The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

Reason. Police Requirements safety and security.

35. **Sydney Water Conditions.**

Water and Wastewater Servicing

- Our preliminary assessment indicates that water and wastewater servicing should be available for the proposed development.
- Amplifications, adjustments, deviations and/or minor extensions may be required.
- Detailed requirements will be provided at the Section 73 application stage.

Next steps

- Should Council decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent. o Section 73 Compliance Certificate.

Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to Sydney Water Tap in® to apply. Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

- Council is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

Tree Planting

- Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.
- For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.
- For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's Technical guidelines – Building over and adjacent to pipe assets.

Water Efficiency Recommendations

- Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.
- Some water efficiency measures that can be easily implemented in your business are:
- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

Reason: Sydney Water sustainability requirements.

36. On-structure Landscaping:

Prior to the issue of the relevant Construction Certificate, the Applicant must ensure that on-structure landscaping has adequate soil depth, volume, and suitable profile to support the number of trees and shrubs indicated on the approved plans. On-structure landscape details shall comply with Part J Landscaping Section 1.10 Planting on Structures and shall be submitted to Council for approval.

Reason: To ensure ongoing viability of on-structure landscaping.

37. Planting and Contractor Requirements

- a. All garden beds shall be planted out with adequate plant quantities and spacing to ensure that no areas of bare mulch remain visible following the 12-month landscape establishment period.
- b. All screening plants shall be two (2) metres above ground at the time of planting and all plants shall be maintained in a healthy condition providing the desired screen effect for the life of the development.
- c. All trees planted on site shall conform to Australian Standard AS 2303-2018 Tree Stock for Landscape Use. All other plants shall conform to NATSPEC specifications and be free from disease or defects and be in a healthy condition.
- d. All landscape works shall be completed by a Council approved landscape contractor experienced in handling super advanced trees, to a professional standard, free of any hazards or unnecessary maintenance problems

Reason: To ensure plant survival and appropriate species.

38. Trees – Inspection upon delivery

Councils Landscape Architect/Principal Arborist shall be advised no less than 48hrs prior to trees being delivered to site so an inspection of the trees can be conducted prior to off-loading from the delivery vehicle.

Council reserves the right to reject any stock that does not meet the satisfaction of Councils Landscape Architect/Principal Arborist.

Reason: To ensure quality of tree stock, correct size and quantity.

39. **Landscape Engineering Requirements – Planting on Structures**

- All raised planter boxes shall be waterproofed by a licensed professional in accordance with AS4654.1-2012 Waterproofing membranes for external above-ground use.
- All raised planter boxes shall be backfilled with appropriate soil profiles to best serve the location of the planter box as well as the plants intended to be planted in each planter. The soils shall be in accordance with AS4419:2018 Soils for landscaping and garden use.
- The proposed raised planter box design and detailing including specified soil profile, mature heights and spreads of proposed plants, and specified mulch shall be certified by a licenced, practicing Structural Engineer ensuring the building is capable of the additional loading capacity of the complete raised planter box when saturated with water.

Reason: To ensure survival of planting on structures.

40. **Irrigation Design**

Prior to the issue of the relevant Construction Certificate, a permanent, automatic drip irrigation system is to be designed for all garden bed areas that will ensure the ongoing health of the planting scheme for the life of the development.

Reason: To ensure plant survival and appropriate species.

41. **Rooftop planting on structure; soil profile:**

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

Reason: to ensure the long-term viability of new plantings.

42. **Irrigation Plan and Schedule:**

Prior to the issue of the relevant Construction Certificate, an irrigation plan and schedule is to be produced and implemented both during the development process and post construction for all new plantings. The schedule, specifying watering frequency and rates, is to be included in the Construction Environmental Management Plan, and is to be approved by the project Arborist and submitted to the Principal Certifier.

Reason: to ensure the long-term viability of new plantings.

43. **12-month maintenance period**

Prior to issue of the Occupation Certificate, the applicant must submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation

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

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

44. **Ongoing Health of installed trees:**

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

Reason: to assist in preservation of tree canopy cover in Lane Cove LGA.

45. **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:

- safety barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath and shall be erected before the commencement of any works.
- 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.
- 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.
- For sites adjoining bushland a 1.8m chain mesh perimeter fence with 1m sediment fencing attached to the lower portion is required to ensure that no foreign materials enter the bushland.
- 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.

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.

Any construction plant on the public road reservation requires an approved "Application for standing plant *permit*".

46. **Erosion and sediment control plan**

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

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

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

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

47. **Dilapidation report**

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

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

47A. **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.

PART C – WHILE BUILDING WORK IS BEING CARRIED OUT:

48. **Construction Waste Management Plan**

Prior to the commencement of any works on the subject site, a construction waste management plan (CWMP) must be prepared for the development by a suitably qualified person in consultation with the Council and be submitted for approval. The CWMP must address, but not be limited to, the following matters:

- Recycling of demolition materials including concrete.
- Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works.

- Details of methods to be used to prevent spill, escape of any dust, waste or spoil from the vehicles or trailers used to transport waste or excavation spoil from the site.
- Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste (if present), particularly the method of containment and control of emission of fibres to the air, must be submitted to the satisfaction of the Certifying Authority prior to the removal of any hazardous materials.
- Provide details of truck routes and make appropriate notifications as required to comply with current regulations. The Applicant must submit a copy of the CWMP for review to Council prior to the commencement of work.

Reason: To promote resource recovery and environmental protection.

49. **Sydney Water requirements**

The approved plans must be submitted to Sydney Water online approval portal “Sydney Water Tap In” for approval. A section 73 certificate is to be obtained for development or subdivision requiring servicing of sewer and water.

Reason: To comply Sydney Water requirements.

50. **Structural engineer’s details**

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

- 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.

50A. **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.

44-46 Pacific Highway and 26 Pacific Highway

Of particular note (but not limited to) are the works including demolition, along the shared side boundaries with 44-46 Pacific Highway and 26 Pacific Highway given the nil setback currently existing retained. The findings of this report must also influence any required detail within the dilapidation reports.

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.

51. 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.

52. 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.

53. 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.

54. 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:

- Before commencement of any works, safety barrier or temporary fencing is to be provided covering work area. This fence is for the safety of pedestrians on the public footpath.
- location and materials for protective fencing and hoardings to the perimeter on the site.
- provisions for public safety
- pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, 'Part 3 - Traffic control devices for works on roads'.

- pedestrian and vehicular site access points and construction activity zones
- details of any bulk earthworks to be carried out.
- location of site storage areas and sheds
- equipment used to carry out all 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 drainage 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

- a. Where hoarding is required to be provided along the street frontage, a Hoarding Application is to be submitted to Council for approval.
- b. 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.

55. 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 sign-posted 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.

56. 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.

57. 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 - Stormwater Management* of the Lane Cove Council Development Control Plan 2009.
- 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 - Stormwater Management* of the Lane Cove Development Control Plan 2009. Any tank greater than 1.2 m in depth must be fitted with step irons.

Reason: To ensure compliance with Council's requirements.

PART D – BEFORE THE COMMENCEMENT OF BUILDING WORK:

58. 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.

59. Tree protection measures

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

Reason: To protect and retain trees.

60. Signs on site

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

- a) showing the name, address and telephone number of the principal certifier for the work, and

- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.
Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

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

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

61. Notice regarding dilapidation report

Before the commencement of any site or building work, the principal certifier must ensure the adjoining building owner(s) is provided with a copy of the dilapidation report for their property(ies) no less than **7 days** before the commencement of any site or building works and provide a copy of the report to Council at the same time.

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

PART E – WHILE BUILDING WORK IS BEING CARRIED OUT:

62. Hours of Work – Large Developments

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

Monday to Friday (inclusive) 7am to 5.30pm

High noise generating activities, including rock breaking and saw cutting be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday

Saturday 8am to 12 noon

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

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

Reason: To protect the amenity of the surrounding area.

63. Compliance with the Building Code of Australia

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

Reason: Prescribed condition - EP&A Regulation clause 98(1)(a)

64. Procedure for critical stage inspections

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

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

65. Implementation of the site management plans

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

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

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

66. 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.

67. Tree protection

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

Reason: To protect trees during construction.

68. 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.

69. 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)

70. **Critical stage inspections**
Critical stage inspections are to be carried out in accordance with Section 6.5 of the EP&A Act 1979 and clauses 162A, 162B and 163 of the EP&A Regulation 2000. Where Lane Cove Council is appointed as the PCA, an inspection is to be booked for each of the following relevant stages during the construction process:
- d) retaining walls;
 - e) footings;
 - a) reinforced concrete work;
 - b) structural steelwork;
 - c) upper level floor and roof framing; and
- Reason: EP&A Act requirement.**
71. **Works zones**
Loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within an approved Works Zone. If a Works Zone is required, the developer must give the Council at least six (6) weeks written notice prior to the date upon which use of the Works Zone will commence. The duration of the Works Zone approval shall be taken to commence from that date. All vehicular unloading/loading activities on a public roadway/footway are to be undertaken within an approved Works Zone.
Reason: To ensure pedestrian and traffic safety.
72. **Dust Monitoring Plan: During Construction**
Dust monitoring devices shall be installed on all boundaries or at appropriate locations of the construction site in accordance with the approved Dust Monitoring Plan. The level and composition of dust during the course of construction shall be recorded within the intervals of half an hour. The data recorded shall be provided to Council.
The dust levels should meet the requirements of "Dust from construction sites visual guide" link to which is:
<https://www.epa.nsw.gov.au/sites/default/files/240186-local-government-air-quality-toolkit-dust-from-construction-sites-visual-guide.pdf>
Reason: Protection of environment and amenity of the neighbouring residents.
73. **Noise Monitoring Plan: During Construction**
Noise monitoring Noise monitoring devices shall be installed on all boundaries or at appropriate locations of the construction site in accordance with the approved Noise Monitoring Plan. The noise levels during the course of construction shall be recorded within the intervals of half an hour. The data recorded shall be provided to Council. The noise levels should meet the requirements of "Draft Construction Noise Guidelines" link to which is:
<https://www.epa.nsw.gov.au/sites/default/files/09265cng.pdf>
Reason: Protection of environment and amenity of the neighbouring residents.
74. **Trades Personal Parking and logistics plan**
Compliance with the approved parking plan for trades personal.
Reason: Provide for orderly parking for trades personal.
75. **Heavy vehicle requirements**
1. All contractors are to be notified of Council's requirements regarding truck cleanliness of vehicles leaving the site. A signed registered of all notified

contractors is to be kept. Failure to comply shall result in the contractor not being permitted re-entry to the site.

2. All vehicles transporting soil material to and from the site shall be covered by a tarpaulin or similar material in accordance with the *Protection of the Environment Operations (Waste) Regulation, 1996* (as amended). Any breach will result in a PIN being issued.
3. A truck shaker ramp is to be provided at the construction exit point. Any sediment tracked onto any public roadway is to be cleared immediately.

Reason: To protect the environment.

76. 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.

77. 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.

78. 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.

79. 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.

80. 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.

81. 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.

PART F - BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE

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

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

- (a) All stormwater drainage systems and storage systems
- (b) The following matters that Council requires to be documented:
 - Compliance with *Part O - Stormwater Management* of the Lane Cove Council Development Control Plan 2009. 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 hydraulic engineer that the approved stormwater pipe system, on-site detention, rainwater tank system and pump out 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 kerbs, 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 suitable licenced contractor that all works have been

- constructed satisfying relevant Australian standards.
- Certification from qualified structural engineer that the proposed construction has been completed according to approved plan and structurally satisfied.
- Certification from lift manufacturer that the lift installed is satisfying relevant Australian standards.
- A Works As Executed (WAE) survey plan of the proposed drainage works on Marshall Lane to be prepared and certified by qualified Engineer to demonstrate that the drainage system constructed is in accordance with the approved plan.
- A Works As Executed (WAE) plan for the OSD system to be prepared and certified by qualified Engineer to demonstrate that the OSD constructed is in accordance with the approved plan.

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

Reason: To confirm that the proposed works have been constructed satisfactorily

83. Completion of public utility services

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

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

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

84. Post-construction dilapidation report (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.

85. Preservation of survey marks

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

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

Reason: To protect the State's survey infrastructure.

86. **Removal of waste upon completion**

Before the issue of an occupation certificate, the principal certifier must ensure all refuse, spoil and material unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan. Written evidence of the removal must be supplied to the satisfaction of the principal certifier. Before the issue of a partial occupation certificate, the applicant must ensure the temporary storage of any waste is carried out in accordance with the approved waste management plan to the principal certifier's satisfaction.

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

87. **Footpaths**

- 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.
- 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.

88. **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.

89. **Redundant Gutter Crossing:**

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

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

90. **Repair of infrastructure**

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

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

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

91. **Electrical Vehicle (EV) and Bicycle 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 **4** EV chargers are to be provided to the communal/visitor parking areas and available to occupants **prior to Occupation Certificate.**

- 10% or a minimum of 4, of all car-share spaces and spaces allocated to visitors must have a Minimum Level 2 40A charger, to be provided **prior to Occupation Certificate.** For this development a minimum of 4 applies,

depending on how many parking spaces are allocated to visitors. As per Council DCP

- 10% of bicycle parking must be provided with 10A General Power Outlets (GPO). As per Council DCP.

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

92. **Parking Standards**

All proposed parking relevant Deemed-to-Satisfy Provisions of the National Construction Code or any subsequent amendment, except where varied by this clause. As per Council DCP.

Reason: Compliance with the NCC.

93. **Sydney Water requirements**

A section 73 certificate is to be obtained for development or subdivision requiring servicing of sewer and water.

Reason: Sydney Water requirement.

94. **Environmental Reports Certification**

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

Reason: Compliance with Environmental Reports.

95A. **Restrictions on Occupation of Hotel Component**

A restriction as to user is to be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the *Conveyancing Act 1919*, limiting the use of any accommodation to which the application relates to in the definition of a Hotel in the *Standard Instrument -Principal Local Environmental Plan (2006-EPI)* prior to any Occupation Certificate.

Specifically, the development will be for the accommodation of only:

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

(a) *comprises rooms or self-contained suites, and*

(b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

- o *but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

Reason: To restrict development to the approved use.

PART H - OCCUPATION AND ONGOING USE

95. **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.

96. **Annual fire safety certificate**

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

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

97. **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.

98. **Communal indoor/outdoor open space**

The rooftop planter boxes 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: Communal amenity.

99. **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: Health and Amenity.

100. **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 1/20th 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: Health and Amenity.

101. Car Park Ventilation

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

Reason: Health and Amenity.

102. 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.

103. Practical Completion Report - Landscape works

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

Reason: Health of landscape works.

104. Practical Completion Report - Landscape maintenance and establishment

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

Note: *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 Lane Cove Council via e-mail at service@lanecove.nsw.gov.au within five (5) working days of the date of issue prior to the release of any form or Occupation Certificate*

Reason: Health of landscape works.

105. Automatic irrigation system

An automatic drip irrigation system is required for all planting on structure and 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.

106. **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.
107. **Compliance with Waste Management Plan**
The ongoing operation of the development must be in accordance with the Waste Management Plan prepared by MRA Consulting Group and dated 12/11/2025. Beyond the WMP the additional measures are required:
- The property owner or tenant must contract waste collection to occur between 6.00am and 10.00pm Monday to Friday and between 8.00am and 10.00pm Saturday and Sunday and on public holidays to minimise impacts on traffic and local amenity.
 - Waste and recycling stream(s) bins must not be left on the street for extended periods of time. The building manager must present the bins to the kerb no more than 2 hours before collection, and must return them to the waste storage area following collection.
 - Waste storage and collection zones must be kept clean and free from litter to prevent vermin.
- Reason: To ensure adequate internal acoustic amenity.**

Dictionary

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

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

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

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

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

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

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

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

Council means Lane Cove Council.

Court means the NSW Land and Environment Court.

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

EPA means the NSW Environment Protection Authority.

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

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