

Draft Conditions of Consent Revised 11 July 2018
266 Longueville Road, Lane Cove DA117/2017

PART A – DEFERRED COMMENCEMENT CONSENT CONDITIONS:

The consent will not operate and it may not be acted upon until the Council or its delegate is satisfied as to the following matters:

(i) Deferred Commencement Condition – Contaminated Land

A Stage 2 Detailed Site Investigation Report (as per the *NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites*) shall be submitted to Council for assessment. The report shall identify to Council's satisfaction the location, type and level of contaminants in a single report compiling all relevant information which details soil sampling and testing to date. The report shall also identify the potential for migration of contaminants off site. The report must include a statement to the effect that the site, upon remediation, will be suitable for the development proposed.

Reason for condition: Compliance with State Environmental Planning Policy 55 – Remediation of Land

(ii) Deferred Commencement Condition – Amended Plans

Amended plans shall be submitted to and approved by Council which move the location of the entire building 1 metre to the north and which create a 2 metre wide deep soil planting zone between the driveway and the southern boundary of the land. An amended landscaping plan shall also be provided which includes an appropriate mix of canopy, shrub layer and ground cover planting of mature plants to create a buffer for light spillage from car headlights where necessary and to generally improve amenity of the adjoining residents in general. Integrated fencing may also be included if necessary to provide immediate relief from light spillage. All development application plans will need to be amended and submitted for approval in accordance with this condition.

Reason for condition: To improve amenity for residents adjoining to the south of the land.

All the above matters under **Part A** above are to be submitted to Council within 12 months of the granting of this deferred commencement consent. Commencement of the approval cannot commence until Council has confirmed in writing that all matters above have been addressed and are satisfactory.

Pursuant to Clause 95(5) of the Regulations under the Act, Council will notify you in writing if Part A of this consent has been satisfied and the date from which this consent operates.

PART B – CONDITIONS OF OPERATIVE CONSENT:

Once operative the consent is subject to the following conditions:

1. The development be strictly in accordance with the following drawings:

Drawing Number	Title	Date and Revision	Prepared By

Drawing Number	Title	Date and Revision	Prepared By
DA.100	Site plan	25.5.2018 Rev C	Thomson Adsett
DA.101	Demolition Plan	25.5.2018 Rev C	Thomson Adsett
DA.200	Level 1 Floor Plan	25.5.2018 Rev C	Thomson Adsett
DA.210	Level 2 Floor Plan	25.5.2018 Rev C	Thomson Adsett
DA.220	Level 3 Floor Plan	25.5.2018 Rev C	Thomson Adsett
DA.230	Level 4 Floor Plan	25.5.2018 Rev C	Thomson Adsett
DA.240	Level 5 Floor Plan	25.5.2018 Rev C	Thomson Adsett
DA.250	Level 6 Floor Plan	25.5.2018 Rev C	Thomson Adsett
DA.260	Level 7 Floor Plan	25.5.2018 Rev C	Thomson Adsett
DA.300	Elevations	25.5.2018 Rev C	Thomson Adsett
DA.301	Elevations	25.5.2018 Rev C	Thomson Adsett
DA.302	Elevations	25.5.2018 Rev C	Thomson Adsett
DA.304	Street Elevation	25.5.2018 Rev C	Thomson Adsett
DA.310	Sections	25.5.2018 Rev C	Thomson Adsett
DA.311	Sections	25.5.2018 Rev C	Thomson Adsett
DA.312	Sections	25.5.2018 Rev C	Thomson Adsett
DA.350	Driveway Plan-stormwater	25.5.2018 Rev C	Thomson Adsett
LA01	Tree removal and retention plans	5.6.2018 Rev F	Taylor Brammer
LA02	Site Plan	5.6.2018 Rev F	Taylor Brammer
LA03	Site Plan	7.5.2018 Rev G	Taylor Brammer
LA04	Play ground and Longueville road streetscape	5.6.2018 Rev F	Taylor Brammer
LA05	Longueville Road Porte-cochere	5.6.2018 Rev F	Taylor Brammer
LA06	Level 3 Courtyard	5.6.2018 Rev F	Taylor Brammer
LA07	Level 3 Courtyard character	5.6.2018 Rev F	Taylor Brammer
LA08	Level 3 Courtyard indicative sections and elevations	5.6.2018 Rev F	Taylor Brammer
LA09	Level 1 Courtyard	5.6.2018 Rev F	Taylor Brammer
LA010	Level 1 Courtyard indicative sections	5.6.2018 Rev F	Taylor Brammer
LA011	Level 3 residents terraces	5.6.2018 Rev F	Taylor Brammer
LA012	Level 3 residents terraces-indicative sections	5.6.2018 Rev F	Taylor Brammer
LA013	Bio retention plan	5.6.2018 Rev F	Taylor Brammer
LA014	Roof top plan	7.5.2018 Rev G	Taylor Brammer
LA015	Tree replenishment plan	5.6.2018 Rev F	Taylor Brammer
LA016	Planting plan	5.6.2018 Rev F	Taylor Brammer
LA017	Planting schedule	5.6.2018 Rev F	Taylor Brammer

except as amended by the following conditions.

2. Prior to the issue of any occupation certificate, a plan of consolidation of the land identified as 266 Longueville Road – comprising Lots 1 & 2 in DP1227921 and Lot 1 in DP321353, shall be registered at the Land Titles Office. The plan shall incorporate the creation of a Right of Carriageway as defined in Part 1 of Schedule 8 of the Conveyancing Act 1919 burdening the aforementioned land as the servient tenement and benefitting the adjoining land identified as 268 – 270 Longueville Road, Lane Cove comprising all of that land comprised in SP5383 (Timbertops Land) as the dominant tenement, being generally in the location identified in the approved drawings showing the location of proposed driveway, and in any event of such

dimensions and in such location as approved by the Lane Cove Council so as to ensure vehicular access to and from Longueville Road to the residential parking areas on the Timbertops Land.

3.
 - a) In order to ensure the design quality of the development is retained.
 - i. The design architect Thomson Adsett (NSW) Pty Ltd is to have direct involvement in the design documentation, contract documentation and construction stages of the project; ii. The design architect Thomson Adsett (NSW) Pty Ltd shall have full access to the site and shall be authorised by the developer to respond directly to the consent authority or Council where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect Thomson Adsett (NSW) Pty Ltd commission shall be provided to Council prior to the issue of a Construction Certificate.
 - b) The design architect Thomson Adsett (NSW) Pty Ltd of the project shall not be changed without notice to and agreement by the Council.
4. Prior to issue of a construction certificate for demolition or construction, a Waste management plan is to be submitted to address the provision of Part Q of the Lane Cove DCP and shall address the onsite collection and management of waste ,recycling and clinical waste.
5. Prior to issue of a Construction Certificate, a Noise Management Plan is to be submitted and is to address the NSW EPA's Interim Construction Noise Guidelines .

6. **Community Liaison Committee**

The developer is to establish a community liaison committee, consisting of Developer representatives as necessary, three community representatives, and an appointed Council staff representative, to facilitate information flow to the community regarding the development progress, issues and complaint that arise and solutions and remedies initiated. A newsletter should be produced and circulated to adjoining residents and occupants on a monthly or as agreed basis. Meetings are to be chaired by Developer representatives. The Committee shall be established prior to any demolition or construction and shall operate until the issue of a Final Occupation Certificate.

General Conditions

- 7 The submission of a Construction Certificate(s) issued by Council or Private Certifier is required prior to construction work commencing.
Reason: Statutory requirement
- 8 (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
A Completion Certificate is to be issued by either the Principal Certifying Authority or a qualified accredited Fire Safety Engineer, confirming that all identified Performance Solutions have been completed for the building prior to the issue of a final occupation certificate.
Reason: Statutory requirement

- 9 The approved plans must be submitted to Sydney Water online approval portal “Sydney Water Tap In” , - please refer to web site www.sydneywater.com.au. This is to determine whether the development will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.
10. The payment of a contribution for additional persons in accordance with council's section 94 contributions plan. this payment being made prior to the issue of a construction certificate and is to be at the current rate at time of payment. the amount is \$2,202,810 at the current rate of \$10,100 per person on the 2017/2018 fees and charges. Note: payment must be in bank cheque. Personal cheques will not be accepted.

This contribution is for community facilities, open space/ recreation and road under the lane cove section 94 contributions plan which is available for inspection at the customer service counter, lane cove council, 48 longueville road, lane cove.

The Section 94 Contribution is calculated in the following manner:

Residential Contributions

Dwelling Type	Total Number of persons per dwelling	Contribution payable @\$10,100/person 2017/2018 fees and charges
70 x Residential Aged care beds	$70 \times 1 = 70$	\$707,000
11 x 1 bedroom apartments	$11 \times 1.2 = 13.2$	\$133,320
32 x 2 bedroom apartments	$32 \times 1.9 = 60.8$	\$614,080
39 x 2 bedroom +study apartment	$39 \times 1.9 = 74.1$	\$748,410
Total 70 Residential Aged care beds and 82 apartments		\$2,202,810

The total Section 94 contribution for the proposal is **\$2,202,810**

11. An Occupation Certificate must be obtained from the Principal Certifying Authority before the occupation of the building.
Reason: Statutory requirement
12. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the “Your Business” section of the web site www.sydneywater.com.au then follow the “e-Developer” icon or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

Reason: Statutory requirement

13. 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 5:30 5.30pm High noise generating activities, including rock breaking and saw cutting be restricted between 8:00am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday.
Saturday	8:am 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.
Sunday and Public Holidays	No work permitted.

Reason: To ensure reasonable amenity is maintained to the neighbouring properties.

14. Any works required on the adjoining land to the south required to make good the transition across the boundary including, but not limited to, accessways, retaining walls, landscaping and drainage shall be carried out at the applicant's cost.

Reason: To ensure that damage to adjoining land and/or changes in level created as a consequence of any work carried out against the common boundary is repaired and properly transitioned

15. The electricity kiosk shall be positioned in “substation location 2” marked on the diagram attached to the letter prepared by GSA Planning dated 8 June 2018, ie inside the Longueville Road boundary approximately half-way between the porte cochere entry and the public park.
16. 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.
17. The development shall be conducted in such a manner so as not to interfere unreasonably with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
18. Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is prohibited.

Separate approval must be obtained from Council's Works and Urban Services Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

19. Prior to the commencement of any construction work associated with the development, the Developer shall erect a sign(s) at the construction site and in a prominent position at all the site boundaries where the sign can be viewed from the nearest public place. The sign(s) shall indicate:
- a) the name, address and telephone number of the Principal Certifying Authority;
 - b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

20. Where Lane Cove Council is appointed as the Principal Certifying Authority, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-

- a) All reinforcement prior to filling with concrete.
- b) Framework including roof and floor members when completed and prior to covering.
- c) Installation of steel beams and columns prior to covering
- d) Waterproofing of wet areas
- e) Stormwater drainage lines prior to backfilling
- f) Completion.

21. Structural Engineer's details being submitted prior to issue of construction certificate for the following:-

- a) underpinning;
- b) retaining walls;
- c) footings;
- d) reinforced concrete work;
- e) structural steelwork; and
- f) framing;

22. All metal deck roofs being of a ribbed metal profile, in a mid to dark colour range with an anti-glare finish. The intent of the condition is to reduce sun reflection and glare to protect the amenity of surrounding residents.

23. A temporary connection to be made to the sewers of Sydney Water (where available) with an approved toilet structure and toilet fixtures being provided on the site before work is commenced. Where the Sydney Water sewer is not available a "Chemical Closet" type toilet shall be permitted.

24. A check survey certificate is to be submitted at:

- a Initial layout (peg out survey)
- b The establishment of each floor level;
- c The completion of works.

Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.

26. The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the *Work Health and Safety Act 2011* and the Regulations. Details of the method of removal of asbestos is to be submitted **prior to the issue of a construction certificate.**
27. The demolition works must be confined within and along the boundaries of the site and on adjacent property where permission has been obtained.
28. The site must be properly fenced to prevent access of unauthorised persons outside of working hours.
29. An approved type of hoarding shall be erected along the Longueville Road frontage of the site.
30. The pedestrians' portion of footpath to be kept clear and trafficable at all times.
31. The Developer must comply with Australian Standard 2601 - The Demolition of Structures.
32. The Developer must comply with the Waste Management Plan submitted in accordance with condition 4 of this consent.
33. In accordance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; the Developer must pay the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

COMPLIANCE WITH THE REQUIREMENTS OF THIS CONDITION MUST BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.

34. An updated compliant BASIX calculation will be completed and certified prior to issue of a construction certificate.
35. **Critical Concrete pours**

The Developer may apply to undertake critical concrete pours outside of approved working hours provided all of the following requirements are satisfied:

- the submission, at least seven (7) working days prior to the critical concrete pour, to Council of an application along with the prescribed fee, in the prescribed Council form, that includes a written statement of intention to undertake a critical concrete pour and that also contains details of the critical concrete pour, the number of such pours required, their likely time duration, impact statement and how foreseeable impacts will be addressed (i.e light spill/ noise/ traffic etc);
- adjoining and nearby affected residents being notified in writing at least two (2) working days prior to the pour, and a copy of this notice to be provided to Council for review prior to issue;

- no work and deliveries to be carried out before 7.00am and after 10pm;
and
- no work occurring on a Sunday or any Public Holiday.

All other relevant requirements relating to critical concrete pours that are the subject of other conditions of this development consent remain relevant at all times.

Following any critical concrete pour, the Developer must advise Council in writing no later than seven (7) working days after the completion of the pour, what measures were actually undertaken by the Developer with a view to minimising any potential adverse impacts as a result of the pour, including but not limited to impacts with respect to noise, light spillage, and the positioning of the required vehicle(s), so that all related matters can be reviewed and any potential adverse events and/or impacts addressed in future critical concrete pours.

NOTE:

- **There is a critical concrete pour application fee**
- **A critical concrete pour application and prior approval is required**
- **without prior written approval from Council.**
- **Council reserves the right to refuse the application with or without reason.**

36. With the exception of condition 19, this consent does not permit signage on the building or ancillary structure, construction equipment or fencing.
37. Planting of street trees shall be in accordance with the approved landscape plan.

Traffic Conditions

Parking and servicing

38. The proposed Car Park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the Car Parking areas, including the dimensions of the ambulance bay are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
39. The access to the car park shall comply with Australian Standards. AS 2890.1-2004.
40. Visibility requirements of the proposed access must comply with AS 2890.1-2004.
41. All accessible car spaces in the car park are to be adequately signposted and linemarked, and provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.

Waste Servicing

42. On site garbage collection must be provided for with sufficient headroom in accordance with AS2890.2: 2002 and to allow the vehicle to enter and exit in a forward direction. The waste collection and holding area is to be clearly signposted and linemarked.

Public Transport

44. The Developer is required to relocate the existing bus shelter to another position at the front of the site. The relocation requires approval of State Transit Authority and the Lane Cove Local Traffic Committee.

Construction Traffic Management Plan

45. A Construction Traffic Management Plan must be submitted to Lane Cove Council for approval before issuing a construction certificate.
46. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.

Works Zones

47. Due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within a works zone. The works zone application is to be submitted to and approved by Council prior to the earlier of the following two situations occurring; either (a) issue of any Construction Certificate or (b) any work commencing, in the case where work is to occur on a Public Road during demolition. The developer must give the Council written notice of at least 14 days prior to the date upon which use of the work zone will commence and the duration of the works zone approval shall be taken to commence from that date. All vehicle unloading/loading activities on a public roadway/footway are to be undertaken within an approved work zone.

Affordable Housing Requirement conditions

48. At least 10% of the dwellings, being a minimum of seven eight (8) dwellings, for the accommodation of residents shall be affordable places. The affordable places shall be proportional to the overall mix in the development, ie 1, 2, and 2 bed+study dwellings, prior to the issue of construction certificate.

Reason: Compliance with Part 6 Clause 45(6)(a)(ii) of the State Environmental Planning Policy (Housing for seniors or People with a Disability)2004

49. The Developer is to identify, to the satisfaction of Council, which of the dwellings would be set aside for affordable places prior to the issue of a construction certificate

Reason: Compliance with Part 6 Clause 45(6)(b) of the State Environmental Planning Policy (Housing for seniors or People with a Disability)2004.

50. Creation of a restrictive or positive covenant on the land for the continued provision of affordable places identified in this approval in perpetuity, prior to the issue of an occupation certificate.

Reason: Compliance with Part 6 Clause 45(8) of the State Environmental Planning Policy (Housing for seniors or People with a Disability)2004.

51. The affordable places identified in this approval shall be owned and managed by an organisation providing community housing that is registered for the time being with the Office of Community Housing prior to the issue of an Occupation Certificate.

Reason: Compliance with Part 6 Clause 45(9) of the State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004.

Environmental Health Conditions

52. Dust Control

The following measures must be taken to control the emission of dust during demolition and construction activities:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- b) Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

53. 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.

54. 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)

55. Site Water Management Plan

Prior to the issue of a Construction Certificate, a site water management plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with “Managing Urban Stormwater – Soils and Construction” (the blue book) produced by the NSW Department of Housing.

56. 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.

58. Final Inspection (Food premises)

A final site inspection relating to the works carried out on the premises shall be arranged by the applicant and shall be undertaken by Council before trading commences.

59. Grease Trap (Food Premises)

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water the proprietor owner shall contact the Trade Waste Office of Sydney Water so as to ensure that the sewerage pre – treatment system installed is appropriate for the proposed use of the premises.

60. **Construction, maintenance and cleanliness of food preparation areas**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas all building work in connection with the occupation or the use of the premises intended for the preparation and storage of food shall be designed and implemented in accordance with the requirements of:

- a) Food Act 2003 & Food Regulations 2004
- b) Food Safety Standards Code (Australia)
- c) Australian Standard AS4674-Design, Construction and Fitout of Food Premises
- d) Sydney Water Corporation – Trade Waste Section
- e) The Protection of the Environmental Operations Act 1997
- f) Australian Standard AS 1668 Part 1 & 2
- g) The Building Code of Australia.

61. **Sharps Disposal**

Sharp disposable instruments (such as needles, lances or blades) be placed in a special sharps disposable container and disposed of in accordance with the “Skin Penetration Guidelines” 1991, published by the NSW Health Department.

62. **Garbage storage area – Commercial/Industrial**

All garbage shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. The area is to be constructed with a smooth impervious floor graded to a floor waste and connected to the sewer. The garbage area/room is to be well ventilated and fitted with fire sprinklers and meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the designated garbage area are to be submitted with the Construction Certificate.

63. **Garbage collection – Commercial/Industrial**

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environmental operations Act 1997. Records shall be kept of all waste disposal from the site.

Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 7am on any day.

64. **Acoustic Consultant**

A qualified acoustic consultant shall be engaged to certify that the design and construction of the traffic noise affected portions of the building complies with the EPA’s – Environmental criteria for road traffic noise. An acoustic report shall be submitted to Council with the Construction Certificate

65. **Operation of Plant or Equipment**

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm

and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises.

All sound producing equipment shall comply with the Protection of the Environmental Operations Act 1997.

66. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an offensive noise as defined under the provisions of the Protection of the Environmental Operations Act 1997.

67. Noise Control – Residential Air Conditioning units

To minimise the impact of noise from the air conditioning unit, it shall be located 3 meters from the boundary and/or attenuated so that noise generated does not exceed 5db(A) above the ambient background level between 7am and 10pm on weekdays and 8am and 10pm on Weekends and Public Holidays.

Any noise emitted by the air conditioning unit shall not be audible within a room of any residential dwelling or sole occupancy unit at any time within the hours of 10pm and 7am on weekdays and 10pm and 8am on weekends and public holidays.

Tree Conditions

PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

69. A Project Arborist of minimal AQF Level 5 qualification is to be appointed to oversee/monitor trees condition during all demolition and construction phases and sign off on tree protection measures. Trees are to be monitored throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in adequate condition. All certificates are to be submitted to the Consent Authority within five days of site attendance and must be available to council immediately upon request; failure to produce the most recent certificate will be considered a breach of conditions.
70. The following trees, as referenced on Landscape Plan drawing number LA01 (Revision F dated 05.06.2018), are permitted for removal: Tree 9, 10, 11, 12, 13, 16, 17, 18, 24, 29 & 94. All other trees must be retained and protected as part of any development works regardless of the recommendations of any other reports or information shown on any other drawings. The appointed Project Arborist is to clearly mark all trees approved for removal in this consent only.
71. In addition to the Tree Management Plan included in the Arborist Report, a dedicated and detailed Tree Protection Plan & Specification is to be prepared by a minimum AQF Level 5 consulting Arborist which provides details, plans and guidance as to how existing trees to be retained are to be protected prior to and during construction. This is to take into consideration all trees on site, within the neighbouring allotments and street verge which may be affected by the proposed works. This document is to be prepared prior to the issue of Construction Certificate and implemented prior to the commencement of any demolition, site preparation or construction works.

72. Pursuant to Section 4.17(6)(a) and (7) of the *Environmental Planning and Assessment Act 1979*, the Developer must, prior to the issue of the construction certificate, provide security in the amount of \$50,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to all trees that are standing in the public reserves and Street frontage of Longueville Road immediately adjoining the land subject of this development consent. This bond may be forfeited in the event of damages to any of these trees as a result of the development works as determined by Council's Tree Management Officer, at a minimum the cost of replacing the tree including labour will be deducted from the bond. The Developer shall contact Council to have the street tree inspected following issue of an Occupation Certificate.
73. Pursuant to Section 4.17(6)(a) and (7) of the *Environmental Planning and Assessment Act 1979*, the Developer must, prior to the issue of the construction certificate, provide security in the amount of \$50,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to two *Corymbia citriodora* identified as trees 92 and 93. This bond may be forfeited in the event of damages to any of these trees as a result of the development works as determined by Council's Tree Management Officer. At a minimum, the cost of replacing the tree including labour will be deducted from the bond. The Developer shall contact Council to have the street tree inspected following issue of an Occupation Certificate.

PRIOR TO COMMENCEMENT OF WORK

74. A Tree Assessment Report must be prepared by the appointed Project Arborist outlining the health, condition, structure and relevant technical detail of all existing trees to be retained on site prior to the commencement of any demolition, site preparation or construction works. The report is to be submitted to and verified by Council prior to the commencement of any demolition, site preparation or construction works.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

75. The Project Arborist must provide a Final Report detailing the health and condition of all existing trees to be retained at completion of the site development. The report must contain recommendations for any management of the tree to ensure its ongoing viability. A copy of the report must be submitted to Council prior to the issue of the occupation certificate.
76. Any utility services to be located underground within the identified Tree Protection Zones shall be undertaken utilising excavation techniques that prevent or minimise damage to structural roots (roots greater than 40 mm diameter), such works are to be observed by the Project Arborist and compliance detailed in the final report. To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.
77. Storm water infrastructure within the Tree Protection Zones of trees to be retained is to be located as far away from the trees as practical. Should the excavation for the storm water pits and trenches conflict with any major structural roots (greater than

40mm diameter) of existing trees, their location and alignment is to be modified in consultation with the Project Arborist to avoid impact. Under no circumstances should roots be severed or cut without prior approval from the Project Arborist. To prevent soil compaction and root damage these works should be conducted with non-motorised hand tools or directional drilling.

78. Section 1.4.12 of Lane Cove DCP 2010 States “*Trees that are removed as part of the DA process must be replaced at a 1:1 ratio. Replacement trees must be able to reach the potential mature dimensions of the removed tree.*”

Council considers this to be unachievable for this site and a large number of those trees being removed are noxious weed species which do not qualify.

Therefore, the following tree replenishment regime shall apply:

1. Replenishment planting is to occur as soon as practical after the issue of development consent, having regard to the earthworks required for construction. Replenishment planting shall take place between the months of April and October and be fitted with a temporary irrigation system during the initial 12 month establishment period;
2. In the northern setback 4 x endemic 400 litre trees selected by Council staff and that are a minimum of 4 metres above ground at the time of planting shall be installed in locations determined by Council as part of onsite instruction from Council staff;
3. Within the gap that forms part of the bushland buffer zone, 4 x endemic 200 litre trees selected by Council staff and that are a minimum of 2 metres above ground at the time of planting shall be installed in locations determined by Council as part of onsite instruction from Council staff;
4. 3 x *Angophora costata* 400 litre street trees that are a minimum of 4 metres above ground at the time of planting shall be installed within the Longueville Road Council verge in locations as shown on the tree location plan prepared by Council staff.
5. All plants are to conform to the specifications of AS 2303:2015 Tree stocks for landscape use and NATSPEC.

Landscape conditions:

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

79. The proposed *Angophora costata* and *Eucalyptus haemastoma* plantings located within the proposed raised planter adjacent the southern side of the driveway access must be supplied and installed in pot sizes of no smaller than 200 litres.
80. Screen planting is required to soften the electrical substation, subject to any applicable guidelines issued by the electrical authority. These plants must be healthy, good quality nursery stock, planted at a minimum 45L pot size, being free of girdling roots and other defects and be at least 2m tall above the ground at time of planting with a height at maturity of at least 3 m tall. Plants must be spaced 1.5 m apart at planting. Species selected are to be locally native. A species list of local native plants is available from Council.

81. The Developer must ensure that there are sufficient number of groundcovers and low shrubs, planted at appropriate distances and depths to eliminate bare mulched gardens areas within twelve (12) months of completion of all landscaping works.
82. The Developer must ensure that all landscaping is completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants conform to the specifications of AS 2303:2015 Tree stock for landscape use and NATSPEC.
83. All plant species to be used within the 10m bushland buffer and northern bushland planting and revegetation area must be indigenous to the Lane Cove municipality and meet the satisfaction of Council's Bushland Manager. A species list is available from Council on request.
84. All bush regeneration works within the Bushland Buffer Area within the development site must be carried out to the satisfaction of Council's Bushland Manager. Work must not commence in this area, including control of any weeds, until an onsite meeting has been held with Council's Bushland Manager and a suitable work plan has been prepared.
85. 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. Any variations from the stamped, approved plans to the landscape installation must be approved by Council prior to the works commencing.
 - *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 Council within five (5) working days of the date of issue.*
86. A compliance certificate must be submitted by a qualified practising landscape architect, Landscape / environmental designer or horticulturist, certifying that the proposed subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings and specification. Works must not progress until Council or the accredited certifier has confirmed that this condition has been fully satisfied.
 - *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 Council within (5) working days of the date of issue.*
87. Prior to issue of an Occupation Certificate, the Developer 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 an Occupation Certificate.
88. At the completion of the 12 month landscape maintenance period, the consultant landscape architect/ designer must submit a final landscape condition 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.

- 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 Council within (5) working days of the date of issue.

Site Specific Landscape Conditions:

91. The proposed *Archontophoenix cunninghamiana* located within the Level 3 south terraces are to be substituted for *Elaeocarpus eumundii* planted at a minimum 75 litre pot size.
92. Shade / sun protection must be provided to 50% of the Level 7 rooftop communal open space in the form of a fixed shade structure, pergola or similar. Details are to be shown on the plans for a Construction Certificate.
93. Communal barbeque facilities including sink and tap connection are to be provided at the Level 7 rooftop communal open space. Details are to be shown on the plans for a Construction Certificate.

Publicly accessible areas:

94. Right of Footway: The Applicant shall provide in a form acceptable to Council a Right of Footway as defined in Part 2 of Schedule 4A of the Conveyancing Act 1919 allowing for public access to the pocket park, the playground and the access park located on the northern boundary of the site as shown on the landscape plans prepared by Taylor Brammer Sheet LA 03 Revision G, dated 7 June 2018.
95. Positive Covenant Playground: Documents giving effect to the creation of a positive covenant over the publicly accessible playground shall be registered on the title of the property prior to the issue of the Occupation Certificate. The wording of the terms of the positive covenant shall be in accordance with the wording provided by Lane Cove Council.
96. Positive Covenant Bond: The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the publicly accessible playground. Lodgement of this bond is required prior to the issue of the Construction Certificate
97. Positive Covenant Publicly Accessible Walkway: Documents giving effect to the creation of a positive covenant over the publicly accessible walkway shall be registered on the title of the property prior to the issue of the Occupation Certificate. The wording of the terms of the positive covenant shall be in accordance with the wording provided by Lane Cove Council.
98. Positive Covenant Bond: The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the publicly accessible walkway. Lodgement of this bond is required prior to the issue of the Construction Certificate
99. Design of the Pocket Park and publicly accessible playground including details of all playground equipment and surface treatments selected must be submitted to Council for assessment and approval prior to issue of the Construction Certificate. The playground is to be located a safe distance from the building footprint allowing safe fall zone areas that comply with applicable Australian Standards.

100. Playground equipment provided to the publicly accessible playground must conform to all relevant Australian Standards, legislation and policies including but not limited to AS 4685 Playground equipment and surfacing and AS 4422 Playground surfacing.
101. Design of the Public Pathway between the buildings and the northern boundary must be submitted to Council for assessment and approval prior to issue of a Construction Certificate.
102. Ongoing maintenance of the publicly accessible pocket park, playground and walkway shall be the responsibility of the Developer shall remain useable and in a hygienic condition at all times to the satisfaction of Council. The pocket park and included playground shall be fenced by perimeter fence located at the property boundary. The area to be designated as the pocket park shall be delineated on the landscape documentation and fully designed and submitted to Council for assessment and approval prior to the issue of a Construction Certificate.
103. Controlled access is to be provided at the entry points from the public pathway access to the site along the northern and rear setbacks. The pathway is to be 2.5 metres in width allowing is to be used as a shared user path.
104. A detailed lighting scheme is to be prepared by a suitably qualified lighting consultant which shall consider all outdoor open space areas within the site including rooftop communal open spaces and the publicly accessible playground and Public Pathway to the north of the site. All lighting is to comply with the relevant Australian Standards, guidelines and Safer by Design principles.
105. Automatic irrigation systems are to be supplied to all landscape areas including communal open spaces to ensure adequate water is available to vegetation. Irrigation systems shall be fully automated and capable of seasonal adjustments.
106. Raised planters provided on site must include minimum depths that are in accordance with Section 1.10 of Part J of the Lane Cove Development Control Plan 2010. Details of compliance are to be shown on the plans for Construction Certificate.
107. Boundary fencing to the eastern rear boundary is to be provided as an open style palisade design with a minimum openness ratio of 70% and maximum height of 1.5m
108. Balustrades are to be provided to the edge of raised planters at Level 7 communal open space as necessary which meet the relevant Australian Standards and the Building Code of Australia. Details of compliance are to be shown on the plans for Construction Certificate.
109. The portions of the public access pathway located within the Tree Protection Zones of those trees to be retained are to be provided as a fire rated Fibre Reinforced Polymer (FRP) or steel boardwalk design elevated above existing ground levels with minimal excavation required for installation. Details of are to be submitted and approved by Council prior to the issue of Construction Certificate.
112. The area north of the building envelope in the 25 metre setback zone must be fully inspected by an AQF5 level Arborist and any dead, dying, diseased or dangerous wood removed and the replenishment trees installed prior to construction works commencing. This area is to be fenced off and shall remain inaccessible for the duration of the construction period with the exception of maintaining the undergrowth and the tree protection measures.

General Engineering Conditions

115. All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.
116. Where the Developer requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged. Council land is not to be occupied or used for storage until such application is approved.
117. Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted prior to the start of any works on Council property.
118. Where the Developer 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.
119. Public areas adjacent to the development site (including Longueville Road and Footpath and the adjoining reserve to the east) must be maintained in a safe condition at all times. Restoration of disturbed Council land is the responsibility of the Developer. All costs associated with restoration of such public land will be borne by the Developer.
120. If any public services are to be adjusted, as a result of the development, the Developer 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 Developer.
121. 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*'.
122. The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be relocated to be clear of the proposed building works. All costs associated with the relocation of the stormwater line are to be borne by the Developer.
123. 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 Developer.
124. The Developer shall lodge with Council a \$40,000 cash bond or bank guarantee. The bond is to cover the repair of damage or outstanding works to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred as a result of the development, the Developer will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not

satisfied. Lodgement of this bond is required prior to the commencement of any demolition works.

125. The Developer shall
- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
 - Keep a register of all contactors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
 - Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.
- Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.
126. A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
127. All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 2014 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.
128. 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 part O Council's DCP-Stormwater Management. An approved plate may be purchased from Council's customer service desk.
129. 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.
130. All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 m in depth must be fitted with step irons.
131. The stormwater drainage on the site is to be constructed generally in accordance with the plan numbered 16-002046 Rev A prepared by Calibre Consulting NSW dated 03-07-17. Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted prior to the issue of the Construction Certificate. The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans for the purposes of construction. They are to determine what details, if

any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

132. Design of Retaining Structures: All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
133. A geotechnical report is to be completed for the excavation and ground water impacts associated with this development. The Geotechnical Report and supporting information are to be prepared by a suitably qualified geotechnical engineer and be submitted to Principle Certifying Authority prior to issue of a Construction Certificate.
134. Geotechnical Monitoring Program: Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principle certifying authority prior to issue of a Construction Certificate. The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction. The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical Report and is to include
- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures:
 - Excavation of the site (face of excavation, base, etc).
 - Installation and construction of temporary and permanent shoring/retaining walls.
 - Foundation bearing conditions and footing construction.
 - Installation of sub-soil drainage.
 - Location, type and regularity of further geotechnical investigations and testing.
- Excavation and construction works must be undertaken in accordance with the Geotechnical and Monitoring Program.
135. There are structures on neighbouring properties that are deemed to be in the zone of influence of the proposed excavations. A suitably qualified engineer must prepare a Construction Methodology report demonstrating that the proposed excavation will have no adverse impact on any surrounding property and infrastructure. The report must be submitted to Principal Certifying Authority prior to issue of a Construction Certificate. The details must include a geotechnical report to determine the design parameters appropriate to the specific development and site. The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

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

136. The Developer is to provide an initial dilapidation report of all adjoining properties and any of Councils infrastructure located within the zone of influence of the proposed excavation. The dilapidation report must be conducted by a suitably qualified engineer prior to the commencement of any demolition, excavation or construction works. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The

Initial dilapidation report must be submitted to Principal Certifying Authority prior to issue of a Construction Certificate.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority prior to issue of an Occupation Certificate.

137. The Developer shall prepare a dilapidation survey and a dilapidation report detailing the existing state of repair / condition of the road surfaces along Longueville Road and adjacent the site. The survey and report need to be submitted to the Council prior to the issue of the first Construction Certificate. Following completion of construction of the development and prior to the issue of the first Occupation Certificate, the Developer is to prepare a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence truck movements associated with the construction of the development. The Council may apply funds realised from the security referred to in applicable condition to meet the cost of making good any damage caused to the surface of the said public road as a consequence truck movements associated with the construction of the development to which the consent relates. The dilapidation surveys and reports must be prepared by an engineer registered with the Institute of Engineers.
138. The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities shall be submitted to the Principal Certifying Authority. The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.
139. The proposed vehicular crossings shall be constructed to the specifications and levels issued by Council. A '*Construction of a Multi Unit Footpath Crossing*' application shall be submitted to Council prior to the issue of a Construction Certificate. All works associated with the construction of the crossing shall be completed prior to the issue of the Occupation Certificate.
140. 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 and stormwater drainage plans and shall be obtained prior to the issue of a Construction Certificate. Note: The finished floor level of the proposed basement shall be determined by Council if required.
142. The Developer shall construct / reconstruct the following:
1. New 1.5m wide concrete footpath adjacent the entire land frontage of Longueville Road to Council's satisfaction
 2. New Kerb and Gutter along the entire land frontage of Longueville Road to Council's satisfaction
 3. Construct the proposed pedestrian access along the northern boundary
 4. Reinstate all adjustments to the road surfaces to Council's satisfaction.
 5. Reinstate all existing nature-strips with turf and soil to Council's satisfaction.
 6. Relocate the existing bus shelter and bus stop to a suitable location in front of the site.

A \$20,000 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is

required prior to the issue of a Construction Certificate. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out prior to the issue of an Occupation Certificate. All costs associated with the construction of the above works are to be borne by the Developer.

143. The following items shall require Council inspections.

- All new footpaths on Council Property
- New kerb and gutter on Council Property
- All asphalt adjustments to the roadway
- All the approved stormwater drainage works on Council property

Each item is to be inspected 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 / setout requirements.

An Inspection fee of \$1,160 is to be paid prior to the issue of the Construction Certificate.

Engineering condition to be complied with prior to commencement of construction

144. The Developer shall install appropriate sediment control devices prior to the start of any works on the site. The devices are to be installed in accordance with the sediment control plan numbered 16-002046 Rev A prepared by Calibre Consulting NSW dated 03-07-17. The devices shall be maintained during the construction period and replaced when necessary.

Engineering Condition to be complied with prior to Occupation Certificate

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

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

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

146. All redundant 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 an Occupation Certificate.

147. A suitably qualified engineer shall provide certification to the Principal Certifying Authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.

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

148. Documents giving effect to the creation of positive covenants over the on-site detention system, the bio-retention system, and the basement pump out system shall be registered on the title of the property prior to the issue of an Occupation

Certificate. The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

Advice

Lane Cove Council regulates the Preservation of Trees and Vegetation in the Lane Cove local government area. Section 2.2 of *Lane Cove Development Control Plan 2010* ('The DCP'), states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent or a permit granted by the Council. Removal and/or pruning of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000. The co-operation of all residents is sought in the preservation of trees in the urban environment and protection of the bushland character of the Municipality. All enquiries concerning the Preservation of Trees and Vegetation must be made at the Council Chambers, Lane Cove.