

Annexure 1 – Draft Conditions of Consent (DA49/2020)

Planning Conditions

1. **Approved Plans/Documents:** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council):

Plan No	Title	Author	Rev.	Date
DA1.10	Demolition Plan	Marchese Partners	A	29/04/2020
DA2.01	Basement 3	Marchese Partners	C	11/09/2020
DA2.02	Basement 2	Marchese Partners	C	11/09/2020
DA2.03	Basement 1	Marchese Partners	C	11/09/2020
DA2.04	Lower Ground	Marchese Partners	C	11/09/2020
DA2.05	Ground Level	Marchese Partners	C	11/09/2020
DA2.06	Level 1	Marchese Partners	C	11/09/2020
DA2.07	Level 2	Marchese Partners	C	11/09/2020
DA2.08	Level 3	Marchese Partners	C	11/09/2020
DA2.09	Level 4	Marchese Partners	C	11/09/2020
DA2.10	Level 5	Marchese Partners	C	11/09/2020
DA2.11	Level 6	Marchese Partners	C	11/09/2020
DA2.12	Rooftop Garden	Marchese Partners	D	13/10/2020
DA2.13	Pergola Level	Marchese Partners	D	13/10/2020
DA3.01	North Elevation	Marchese Partners	C	11/09/2020
DA3.02	South Elevation	Marchese Partners	C	11/09/2020
DA3.03	East Elevation	Marchese Partners	C	11/09/2020
DA3.04	West Elevation	Marchese Partners	C	11/09/2020
DA4.01	Section 1	Marchese Partners	C	11/09/2020
DA4.02	Section 2	Marchese Partners	C	11/09/2020
DA4.03	Access Ramp Sections	Marchese Partners	C	11/09/2020
DA4.04	Section 3	Marchese Partners	C	11/09/2020
DA6.01	Exterior Finishes	Marchese Partners	C	11/09/2020
08-20.01	Landscape Masterplan	Distinctive	E	14/09/2020
08-20.05	Palette, Schedule and Notes	Distinctive	E	14/09/2020
08-20.06	Plant Schedule and Notes	Distinctive	E	14/09/2020
08-20.07	Landscape Master and Directory Plan	Distinctive	E	14/09/2020
08-20.08	Site Existing Tree Plan	Distinctive	E	14/09/2020
08-20.09	Site Proposed Tree Plan	Distinctive	E	14/09/2020
08-20.10	Site Management Plan	Distinctive	E	14/09/2020
08-20.14	Proposed Irrigation Plan	Distinctive	E	14/09/2020
08-20.20	Landscape Concept Plan – Lower Ground	Distinctive	E	14/09/2020
08-20.21	Landscape Concept Plan – Ground Level	Distinctive	E	14/09/2020
08-20.22	Landscape Concept Plan – Level 1 Planters	Distinctive	E	14/09/2020
08-20.23	Landscape Concept Plan – Level 2 Planters	Distinctive	E	14/09/2020
08-20.24	Landscape Concept Plan – Level 3 Planters	Distinctive	E	14/09/2020
08-20.25	Landscape Concept Plan – Level 4 Planters	Distinctive	E	14/09/2020

Plan No	Title	Author	Rev.	Date
08-20.26	Landscape Concept Plan – Level 5 Planters	Distinctive	E	14/09/2020
08-20.27	Landscape Concept Plan – Level 6 Planters	Distinctive	E	14/09/2020
08-20.28	Landscape Concept Plan – Rooftop	Distinctive	E	14/09/2020
08-20.30	Landscape Elevations 01	Distinctive	E	14/09/2020
08-20.31	Landscape Elevations 02	Distinctive	E	14/09/2020
08-20.40	Landscape Details 01	Distinctive	E	14/09/2020
08-20.41	Landscape Details 01	Distinctive	E	14/09/2020
08-20.42	Landscape Details 01	Distinctive	E	14/09/2020

Note: The development is proposed to be constructed in a staged manner with separate Construction Certificates to be issued for:

- demolition and tree removal
- excavation and bulk earthworks
- below ground building works
- above ground building works

2. **Crime Prevention Through Environmental Design:** Compliance with the following Crime Prevention Through Environmental Design requirements:

- The building address is to be clearly identified with signage visible from the street;
- An electronic surveillance system (CCTV) is to be included to provide surveillance of areas of the building including entry/exits, mail boxes and garage areas particularly bicycle and motorcycle parking areas and storage cages. The system is to be capable of recording high-quality images of events. The recording equipment is to be locked away to reduce the likelihood of tampering. Monitors should be placed in secure areas, to allow security staff, if applicable, to view all areas under camera surveillance;
- Appropriate signage is to be erected inside and around the perimeter of the property to warn of security treatments in place e.g. “This site is under 24 hour video surveillance”;
- Lighting in and around the common areas of the development should comply with Australian Standard 1158 and provide for adequate, uniform illumination. External lighting should be of a ‘white light’ source. Luminaries (light covers) are to be installed throughout all common area lighting to reduce opportunities for malicious damage;
- An emergency control and evacuation plan should be implemented within the building;
- All recording made by the CCTV system must be stored for at least 30 days and ensure that the system is accessible by at least one member of staff (or authorised resident) at all times it is in operation, and provide any recordings made by the system to a police officer or police inspector within 24 hours of any request made by those persons;
- Mailboxes should be secured so they are entirely within the building lobby or only able to be opened from inside the building (or behind a secured common area). Australia Post requirements prevail where there is any inconsistency; and
- Suitable warning signs are to be erected within the basement parking area warning residents of theft of bicycles, motorcycles and from storage cages.

3. **BCA Requirement:** All building works are required to be carried out in accordance with the provisions of the Building Code of Australia. The Principal Certifier or accredited Fire Safety Engineer shall confirm that all identified Performance Solutions have been completed or implemented for the building **prior to the issue of the Occupation Certificate.**

4. **Construction Certificate:** The submission of a Construction Certificate and its issue by Council or Private Certifier **PRIOR TO CONSTRUCTION WORK** commencing.

5. **Occupation Certificate:** An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.

6. **Hours of Work:** All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive)	7am to 5.30pm <u>High noise generating activities, including rock breaking and saw cutting be restricted to between 8am to 5:00pm with a respite period between 12.00 noon and 1.30pm Monday to Friday.</u>
Saturday	8am to 12 noon with NO 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	No work Sunday or any Public Holiday.

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.

7. **Section 7.11 Contribution: PAYMENT OF A CONTRIBUTION FOR ADDITIONAL PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THE PAYMENT IS TO BE MADE PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.**

The Section 7.11 contribution payable is calculated in accordance with the Plan being the average number of persons per dwelling size as detailed in the following table:

No. bedrooms	Average occupancy	Amount of contribution per dwelling	No. of Dwellings	Total contribution
1 Bedrooms	1.2 persons	\$10,942.00 x 1.2 = \$13,130.40.00 per dwelling	4 x \$13,130.40	\$52,521.60
2 Bedrooms	1.9 persons	\$10,942.00 x 1.9 = \$20,789.80 per dwelling Capped Rate \$20,000.00 per dwelling	14 x \$20,000.00	\$280,000.00
3 Bedrooms	2.4 persons	10,942.00 x 2.4 = \$26,260.80 Capped Rate \$20,000.00 per dwelling	22 x \$20,000.00	\$440,000.00
			TOTAL	\$ 772,521.60

The Section 7.11 contribution payable is **\$ 772,521.60**

8. **Sydney Water:** 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 Principal Certifier **prior to the issue of a Construction Certificate.**
9. **Long Service Levy:** Compliance with Section 6.8 of the *Environmental Planning and Assessment Act 1979*; payment of 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 installments, the first installment 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%.

10. **BASIX:** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate submitted with the Development Application **prior to the issue of an Occupation Certificate.**
11. **Sydney Water – Section 73 Compliance Certificate:** A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Sydney Water will determine the availability of water and sewer services, which may require extension, adjustment or connection to Sydney Water mains. A Section 73 Compliance Certificate must be completed before the issue of any Occupation Certificate.

Sydney Water will assess the development and if required will issue a Notice of Requirements letter detailing all requirements that must be met. Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to www.sydneywater.com.au/section73 or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

SEPP Seniors Conditions

12. **Restriction on Persons Accommodated.** The development may only be for the accommodation of the following only –
 - **Seniors or people who have a disability,**
 - People who live within the same household with seniors or people who have a disability,
 - Staff employed to assist in the administration of and provision of services to the seniors housing within the development.

A restriction as to user is to be registered against the title of the property to which this consent relates **prior to the issue of an Occupation Certificate**, in accordance with Section 88E of the Conveyancing Act 1919, limiting use of any accommodation to the kinds of people referred to above. The restriction as to user is to include the definition of **seniors** and **people with a disability** contained within SEPP (Housing for Seniors or People with a Disability) 2004.

Reason: Statutory requirement

13. **Ground Level Commercial Floor Area** Occupation and fitout of the ground floor commercial floor area approved by this consent is subject to separate approval.

Reason: To ensure an adequate assessment of any commercial usage is undertaken.

14. **Ground Level Commercial Glazing** The ground floor commercial glazing facing Greenwich Road is to be clear for the life of the development to ensure an appropriate level of street activation and passive surveillance is achieved.

Reason: To promote street activation and crime prevention.

15. **Accessible Design** Compliance with Schedule 3 of SEPP (Housing for Seniors or People with a Disability) 2004, as referenced in the submitted Amended Accessibility Report by BCA Logic dated 7 July 2020, is to be detailed in the construction level architectural drawings, and certified by a suitably qualified access consultant, prior to issue of a Construction Certificate for below ground building works.

Reason: Statutory requirement.

Tree Conditions

16. **Tree Preservation** Lane Cove Council regulates the Preservation of Trees and Vegetation in the Lane Cove local government area in accordance with State Environmental Planning Policy (Vegetation in non-rural areas) 2017. Part 2 Section 7(1) of the SEPP states “A person must not clear vegetation in any non-rural area of the State to which Part 3 applies without the authority conferred by a permit granted by the council under that Part.” Clearing of vegetation includes “a) cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy the vegetation, or b) lop or otherwise remove a substantial part of the vegetation.” Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000.

Reason: To protect the natural environment.

17. **Project Arborist** A Project Arborist of minimal AQF Level 5 qualification is to be appointed **prior to the issue of a Construction Certificate** to oversee/monitor trees condition during construction 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 a viable condition. All certificates are to be available to the Principal Certifier within five days of site attendance and must be available to council immediately upon request; failure to produce the latest certificate will be considered a breach of conditions. Final certification is to be submitted to the Principal Certifier **prior to the issue of Occupation Certificate**.

Reason: To provide an independent professional to manage retained trees on site.

18. **Project Arborist Duties** The project Arborist is to attend site monthly and at the following intervals;

- a) Prior to the commencement of works to approve tree protective measures have been installed.
- b) During the demolition of any structures within the TPZ area of retained trees 1, 2, 3, 4, 18 and 19.
- c) During the installation of the retaining wall within the TPZ area of trees 18 and 19.
- d) Upon the completion of the development prior to the Occupation Certificate.

Reason: To monitor trees during critical stages of the development.

19. **Tree Retention** Trees 1, 2, 3, 4, 18 and 19 as identified in the Arborist Report prepared by Horticultural Management Services dated 17th February 2020 and plan 08-20.10 prepared by Distinctive Living Design dated 14/9/2020 are to be **retained and protected** for the life of the development.

Reason: To retain higher value healthy trees.

20. **Tree Protection** Retained trees 1, 2, 3, 4, 18 and 19 are to be provided trunk protection consistent with Australian Standard 4970 Protection of Trees on Development Sites (2009) and the Site Management Plan prepared by Distinctive Living Design dated 14/9/2020 (plan Ref: 8-20-10).

Reason: To protect the natural environment.

21. **Irrigation Plan** An irrigation plan is to be implemented as part of the ongoing management of retained trees 1, 2, 3, 4, 18 and 19 during the development process. The plan is to be included in the Site Management Plan prepared by Distinctive Living Design dated 14/9/2020 (plan Ref: 8-20-10). The plan is to be approved by the project Arborist and submitted to the Principal Certifier **prior to the issue of the Construction Certificate**.

Reason: To minimise the development impact on retained trees.

22. **Tree Removal** This condition of consent gives approval to remove trees 5 through 17 (inclusive) and trees 20 through 22 (inclusive) **upon issue of the construction Certificate only.**
- Reason:** Trees are either low value or not retainable under the current proposal.
23. **Separate Approval for Works on Neighbouring Property** Dead trees located on the neighbouring property to the south may only be removed with written consent from the owners of the tree. Council consent is to be submitted to the Principal Certifier **Prior to the issue of the relevant Construction Certificate.**
- Reason:** Removal of neighbouring trees required approval of the tree owners.
24. **Replacement Planting** Replacement trees are to consist of a minimum of five canopy trees (large trees) and six understory trees (medium size trees) with the species consistent with the tree replacement schedule contained in the 'Site Replacement Tree Plan' prepared by Distinctive Living Design (drawing number 08.20.09) dated 14/9/2020. All replacement trees are to be of a minimum 100 litre stock size at the time of planting.
- Reason:** To provide replenishment planting for trees lost through the development process.
25. **Tree Species Replacement** Tree number 17 (Broad Leaf Privet) is to be replaced as part of the re landscaping. The Privet is to be replaced with one Eucalyptus Paniculata in the same location in a minimum 100 litre stock size.
- Reason:** Broad Leaf Privets are listed environmental Weeds and should not be retained.
26. **Plan Amendment to Driveway Canopy Structure** The pergola extending out from the northern side of the proposed building shown on plan AD12.11 is to be reduced to it does not conflict with either canopy of retained tree 18 or 19. Plans are to be amended and approved by the project Arborist then submitted to the principal Certifier **Prior to the issue of the Construction Certificate for above ground building works.**
- Reason:** The current setback of the pergola will conflict with the tree canopies.
27. **Soil Vitality** All existing site soil is to be removed along the southern and eastern boundary and the area made into one continuous deep soil trench for the replacement canopy trees. The deep soil is to be fitted with Strata Cells, or an equivalent product of the same function, and backfilled with clean sandy loam soil to provide optimum long-term growing conditions for the replacement canopy trees and the understory trees proposed between them.
- Reason:** To provide optimum establishment conditions for canopy trees to mature within the basement setback.
28. **Works within Tree Protection Zone** Footing, trench or excavation that is within the TPZ of any retained trees must be carried out under the guidance of the Project Arborist and using non-destructive techniques. No tree roots greater than 40mm diameter to be severed or damaged unless approved by the Project Arborist. All roots are to be pruned and documented by the Project Arborist then submitted with the final certificate of compliance upon completion of the project. **Prior to the issue of Occupation Certificate.** Once Complete and roots have been pruned clear of the area, civil machinery may resume excavation from outside of the tree protection zone.
- Reason:** To minimise impacts on retained trees.
29. **Street Tree Bond** Pursuant to Section 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant 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 trees 1, 2, 3 and 4 standing on Greenwich Road directly in front of the development site. This

bond may be forfeited in the event of damages to any of these trees because 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 applicant shall contact Council to have the street tree inspected following issue of the Occupation Certificate.

Reason: To protect Council owned assets.

30. **Stormwater Infrastructure in Tree Protection Zones** No storm water pipes are to be installed within the Tree protection Zones of any retained tree on site, unless the Project Arborist assesses the installation to be of low and acceptable impact to the retained tree. No tree roots greater than 40mm diameter to be severed or damaged unless approved by the Project Arborist. All roots are to be pruned and documented by the Project Arborist then submitted with the final certificate of compliance upon completion of the project. **Prior to the issue of Occupation Certificate.**

Reason: To minimise the impact on retained trees.

31. **Statement of Completion** The Project Arborist is to submit a statement upon completion of the development that all tree related conditions of consent have been met. The statement is also to recommend remedial advice for trees post construction to mitigate construction impacts long term. The statement is to be submitted to and approved by the Principal Certifier **Prior to the issue of the Occupation Certificate.**

Reason: To demonstrate compliance to conditions.

Landscaping Conditions

32. **On Structure Planting Detail** 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 DA plan. On-structure landscape details to be submitted and approved by Council's Manager Development Assessment **prior to the issue of a Construction Certificate for above ground building works.**

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

33. **Landscaping to Professional Standard and Maintenance** The applicant must ensure that all landscaping is completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications. **The landscaping installed is to remain and be maintained for the life of the development.**

Reason: To ensure landscaping is construction to a professional standard.

34. **Landscape Practical Completion Report** A landscape practical completion report must be prepared by the consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. 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 **prior to the issue of an Occupation Certificate.** *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.*

Reason: To ensure the landscaping is undertaken in accordance with the consent.

35. **Certification of Drainage** A 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.

Reason: To ensure landscaping is adequately drained and the structure adequately protected from water impacts of landscaping.

36. **Maintenance Contract. Prior to the issue of an Occupation Certificate** the applicant must submit evidence to the satisfaction of Council's Manager Development Assessment that an agreement has been entered into 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.

Reason: To establish the landscaping installed.

37. **End of Maintenance Period Report** At the completion of the landscape maintenance period, the consultant landscape architect/ designer must submit a final report to Council, 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 final report must be submitted to Council within 7 days from the expiry of the maintenance period.

Reason: To provide Council and owner a record of maintenance works carried out in accordance with consent and to guide ongoing maintenance works.

38. **Working irrigation system:** An irrigation system must be installed and be fully operational in accordance with drawing number 08-20-14 to ensure the ongoing survival of the plantings. A compliance certificate prepared by the irrigation installer is to be submitted to the Private Certifier with a copy sent to Council for recording purposes **prior to the issue of an Occupation Certificate.**

Reason: To provide adequate watering of landscaping.

39. **Tree 10:** A revised landscape plan shall be submitted to Council showing accurate information on the trees labelled under 'Tree 10' on 'Site Existing Tree Plan'. *Lophostemon confertus* and *Eucalyptus elata* are not considered weed species. If they are to be removed as part of this development they must be replacement planted at a ratio of 1:1 on site. The species of replacement plants must be endemic to Lane Cove and achieve the same height and spread as the original trees to be replaced. The revised plan shall be resubmitted to the satisfaction of Council's Manager Development Assessment **prior to the issue of a Construction Certificate for above ground building works.**

Reason: To promote the retention of trees or their adequate replacement.

40. **Access to above level planter beds:** A maintenance plan for the levels 2-6 planters is required to ensure proper maintenance is achieved throughout the life of the development. The plan must be submitted and approved by Council's Manager Development Assessment **prior to the issue of a Construction Certificate for above ground building works.**

Reason: To ensure ongoing maintenance can be achieved.

Engineering Conditions

41. **Design and Construction Standards:** All engineering plans and work shall be carried out in accordance with Council's standards and relevant development control plans except as amended by other conditions.

Reason: To ensure all works are in accordance with Council's requirements

42. **Materials on Roads and Footpaths:** Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a “*Building waste containers or materials in a public place*” application is to be lodged. Council land is not to be occupied or used for storage until such application is approved.

Reason: To ensure public safety and amenity

43. **Works on Council Property:** Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include hoarding applications, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**

Reason: To ensure public works are carried out in accordance with Council's requirements

44. **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 2 working days for approval.

Reason: To ensure public safety

45. **Restoration:** Public areas must be maintained in a safe condition always. Restoration of disturbed Council land and assets is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.

Reason: To maintain Council infrastructure

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

Reason: To protect, maintain and provide utility services

47. **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

48. **Council Drainage Infrastructure:** The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be reconstructed or relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the reconstruction or relocation of the stormwater line are to be borne by the applicant. Applicant is not permitted to carry out any works on existing Council and private stormwater pipe lines without Council's approval.

Reason: To protect public infrastructure

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

Reason: To protect and maintain infrastructure assets

50. **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 Construction Certificate for below ground building works.**

Reason: To provide consistent street alignment levels

51. **Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$5000 cash bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets because of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred because of the development, the applicant 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 issue of the Construction Certificate.**

Reason: To protect and maintain public infrastructure

52. **Excavation Greater Than 1m depth:** Where there are structures on adjoining properties including all Council infrastructures, located within 5 meters of the proposed excavation.

The applicant shall: -

- (a) seek independent advice from a suitably qualified engineer on the impact of the proposed excavations on the adjoining properties
- (b) detail what measures are to be taken to protect those properties from undermining during construction
- (c) provide Council with a certificate from the engineer on the necessity and adequacy of support for the adjoining properties

The above matters are to be completed and documentation submitted to principal certifying authority **prior to the issue of the Construction Certificate for excavation.**

- (d) Provide a dilapidation report of the adjoining properties and Council infrastructure. The dilapidation survey must be conducted **prior to the issue of the Construction Certificate for excavation.** The extent of the survey must cover the likely "zone of influence" that may arise due to excavation works, including dewatering and/or construction induced vibration. The dilapidation report must be prepared by a suitably qualified engineer.

A second dilapidation report, recording structural conditions of all structures originally assessed shall be submitted to the principle certifying authority **prior to the issue of the Occupation Certificate.**

All recommendations of the suitably qualified engineer are to be carried out during excavation. The applicant must give at least seven (7) days' notice to the owner and occupiers of the adjoining allotments before the excavation works commence.

Reason: To protect surrounding properties and identify vulnerable structures

53. **Drainage Plans Amendments:** The stormwater drainage plan prepared by BG and E, reference No: S20018, revision A and dated on 28/4/20 is to be amended to show full details of new pipe network includes following satisfying part O of the Council's stormwater DCP;

1. Proposed drainage system should show pipe sizes and invert levels confirming pipe system satisfies part O of Council' storm water DCP
2. Sediment control fence shall be placed around site and shown in plan
3. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system
4. GPT suitable for this site and DA is to be installed. The details of this GPT shall be shown in stormwater plan.
5. The cross section of the OSD showing full details such as overflow weir details such as levels, width and depth, orifice, sump and mesh shall be submitted to Council

6. A plan with longitudinal section of the proposed pipe system and easement from the site to the Anglo Road with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels, hydraulic grade line and existing surface levels to confirm that the pipe system satisfies section 12 of part O, Council's DCP.
7. The proposed connection from site to Anglo Rd shall be at kerb inlet pit. At present, there is no standard kerb inlet pit at Anglo Road. The applicant must install a kerb inlet pit in Anglo Road and pipe system from this pit to nearest Council pit in downstream. The plan and longitudinal section of this proposed pipe system in Anglo Road and relevant calculations shall be submitted to Council for further assessment and/or approval.
8. The concept plan shows a kerb discharge pipe to Greenwich Road which is not acceptable. The front section requires additional inlet pits and shall be connected to proposed OSD.
9. The pump out system in basement shall satisfy section 5.4 of part O of Council's stormwater DCP. The full details of the hydraulic calculation for pump out system shall be included in stormwater management plan submitted to Council

The amended design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate for below ground building works.**

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, for the issue of the Construction Certificate.

Reason: To ensure the proposed stormwater designs meet and satisfy Part O, Council DCP

54. **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 for excavation.** 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.

Reason: To ensure adequate monitoring of excavation works

55. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with approved plan.

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, for the issue of the Construction Certificate.

Reason: To maintain the stormwater management of the property

56. **Construction Methodology Report:** 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 for excavation**. 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.

Reason: To protect neighbouring properties

57. **Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining properties and any of Councils infrastructure located within the zone of influence of the proposed excavation.
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**.

Reason: To provide a record of public and private infrastructure

58. **Creation of drainage easements:** A drainage easement is to be created in favour of lot 2 in DP 566041 (2 Greenwich Rd) and burdening lot 3 in DP 3044 (3 Anglo Rd) or an alternate property capable of accommodating the easement. The proposed easement shall be accordance with Section 12.1 in Part O of Council's stormwater management and registered before construction certificate. Documents demonstrating that the proposed easement has been created are to be submitted to the principle certifying authority **prior to the issue of the Construction Certificate for below ground building works**. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

Reason: New easement is satisfying Council DCP

59. **Council Construction Requirements:** The applicant shall construct / reconstruct the following to Council's satisfaction;
1. New footpath adjacent the entire frontage of Greenwich Rd
 2. New Kerb and Gutter along the entire frontage of Greenwich Rd
 3. Easement and pipe system from site to Anglo Road
 4. Pipe system in Anglo Rd up to Council pit as detailed in D2.
 5. Reinstate all adjustments to the road surfaces.
 6. Reinstate all existing nature-strips with turf and soil on road reserve.
 7. Reinstate all damages identified in dilapidation report

A \$75,000 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 the Construction Certificate for demolition and tree removal**. 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 the Occupation Certificate**. All costs associated with the construction of the above works are to be borne by the applicant.

Reason: In accordance with Council's requirements to restore site

60. **Council Inspection Requirements:** The following items are to be inspected

- Proposed stormwater connection to the pipe in proposed easement
- Proposed stormwater connection to proposed inlet pit in Anglo Rd
- Stormwater pipe and pit construction in Anglo Rd
- All footpath, kerb/gutter and landscaping works
- Any adjustment works in Council road reserve

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 / set out requirements.

An Inspection fee is to be paid **prior to the issue of the Construction Certificate for below ground building works.**

Reason: To ensure completion of work satisfying Council

61. **Positive Covenant Bond:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the onsite detention system. Lodgement of this bond is required **prior to the issue of the Construction Certificate**

Reason: To protect stormwater infrastructure and confirm future maintenance

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

Reason: To protect stormwater infrastructure and confirm future maintenance

63. **On-Site Stormwater Detention System - Marker Plate:** 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.

Reason: To ensure clear identification of onsite stormwater infrastructure

64. **On-Site Stormwater Detention Tank:** All access grates to the onsite 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.

Reason: To prevent unauthorised access and ensure safe access to stormwater infrastructure

65. **Car Parking Certification:** 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 the Construction Certificate for the below ground building works.**

Reason: To ensure compliance with Australian Standards and Council's standards

66. **Temporary Footpath Crossing:** A temporary footpath crossing must be provided at the Vehicular access points. It is to be 1.5m in width, made of sections of hardwood with chamfered ends and strapped with hoop iron.

Reason: To ensure safety vehicular movement to and from site

67. **Splay of Front Fence:** The front fence is to have a 1x1m splay on both sides of the driveway to maintain pedestrian sight lines. Plans showing this amendment to the proposed design are to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate for above ground building works**; all associated works are to be completed **prior to the issue of the Occupation Certificate**.

Reason: To ensure good visibility

68. **Car Parking and Driveway:** All parking and associated facilities are to be designed to stop road runoff entering the property and constructed in accordance with AS 2890.1.2004 "Off Street Car Parking". The driveway opening width along at the face of kerb is to be no wider than 4.5m, in the interest of pedestrian safety. The driveway shall be 300mm away from existing power pole and existing stormwater pit. The following plans shall be prepared and certified by a suitably qualified engineer demonstrating:

- Longitudinal section along the extreme wheel paths of the driveway/access ramp at a scale of 1:20 demonstrating compliance with the scaping provisions of AS2890.1. It shall include all levels and grades, including those levels stipulated at boundary levels, both existing and proposed from the centre line of the roadway through to the parking area clearly demonstrated that the driveway complies with Australian Standards 2890.1-2004 "Off Street Car Parking". This is to address the following;

- a. Transitional grades in accordance with AS2890 to be provided.
- b. If a gradient in excess of 25% is proposed, the engineer must certify that this design is safe and environmentally sustainable.

- Sections showing the clearance to the underside of any overhead structure demonstrating compliance with the clearance provisions of AS2890.1.

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 the Construction Certificate for below ground building works**.

Reason: To ensure compliance with Australian Standards

69. **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 for below ground building works**.

Reason: To ensure the safety and viability of the retaining structures onsite

70. **Design of Pool Structure:** The proposed concrete pool is 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 for above ground building works**. Certification of the waterproofing is also to be provided to the **Principal Certifying Authority** at the relevant construction stage prior to pool tiling.

Reason: To ensure structural stability and the proposed design is in accordance and comply with Australian Standard

71. **Pool Construction:** The pool design shall ensure that either during construction or upon completion, surface water is not be directed or diverted so as to have an adverse impact upon adjoining properties.

Council accepts no liability for any damage to the pool as a result of overland flows or high tide inundation. The property owner shall submit written acceptance of liability of any damages **prior to the issue of the Construction Certificate for above ground building works.**

Reason: To ensure Council accepted stormwater management around the pool

72. **Pool Construction Stormwater:** The stormwater runoff from the new impervious areas surrounding the pool shall be connected to the proposed drainage system in accordance with the requirements of Lane Cove Council's DCP Stormwater Management.

Reason: To ensure Council accepted stormwater management around the pool

73. **Safety fence along the boundary of the property:** Before commencement of any works, 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.

Reason: To ensure worksite pollutions are controlled accordingly to protect the environment

74. **Heavy Vehicle Duty Employee and Truck Cleanliness:** The applicant shall
- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
 - Keep a register of all contractors 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.

Reason: To protect the environment

75. **Covering Heavy Vehicle Loads:** 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, 1996 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.

Reason: To ensure worksite pollutions are controlled accordingly to protect the environment

76. **Truck Shaker:** 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.

Reason: To protect the environment

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

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

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

78. **Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:
- (a) Be signed by a registered surveyor, &
 - (b) Clearly show the surveyor's name and the date of signature.

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

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

79. **Engineering Certification:** A suitably qualified engineer shall certify that following has been constructed in accordance with the approved plans and is within acceptable construction tolerances.
- Easement pipe system
 - Street drainage system
 - Pool
 - Pump house
- Certification is to be submitted to the Principle Certifying Authority **prior to the issue of the Occupation Certificate.**

Reason: Statutory requirement

80. **Engineering Note:** All engineering compliance certificates are to contain the following declarations:
- a. This certificate is supplied in relation to **2 Greenwich Road, Greenwich**
 - b. **[INSERT NAME OF ENGINEER AND COMPANY]** have been responsible for the supervision of all the work nominated in (a) above.
 - c. I have carried out all tests and inspections necessary to declare that the work nominated in (a) above has been carried out in accordance with the approved plans, specifications, and the conditions of the development consent.
 - d. I have kept a signed record of all inspections and tests undertaken during the works and can supply the Principal Certifying Authority with a copy of such records and test results if and when required.

Reason: Statutory requirement

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

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

Traffic Conditions

82. **Parking:** Parking is to be provide in accordance with the approved plans unless amended as follows:
- 11 car parking spaces (total) are to be provided to the commercial component (from the residential surplus); and
 - 1 motorbike space is to be provided to the commercial component.

Reason: To ensure adequate parking is provided to the commercial component of the development.

83. **Bicycle Racks:** Bicycle parking is to be provided to the commercial component of the development in accordance with Part R of Lane Cove Development Control Plan 2010 and designed in accordance with AS2890.3. Two stainless steel bicycle rack (2 x single hoop design) are to be located within the front setback area at the plaza level.

Reason: To ensure adequate provision for sustainable transport is made.

84. **Car Park Design** 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 are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.

Reason: To ensure car park is designed in accordance with Australian Standards.

85. **Vehicular Access** The access to the car park shall comply with Australian Standards. AS 2890.1-2004. Visibility requirements of the proposed access must comply with AS 2890.1-2004.

Reason: To provide safer vehicular access to and from the development.

86. **Accessible Parking** All accessible car spaces in the car park are to be adequately signposted and line marked and provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.

Reason: To ensure accessible spaces are clearly delineated.

87. **On-site Waste Collection** On site garbage collection must be provided for with sufficient headroom (minimum 2.6m) 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 line marked. A traffic engineer is to certify the pathway of travel complies with Council requirements prior to the issue of a Construction Certificate by way of a detailed report on the travel path of the vehicle based on construction detail plans (showing all services).

Reason: To ensure adequate provision is made for on-site waste collection.

88. **Wheel Stops** Install wheel stops on all car parking spaces to prevent any collision with structures or objects.

Reason: To assist drivers in driving safely within the parking areas.

89. **Forward Entry/Exit** All vehicles must front in/ front out to/ from the development.

Reason: To ensure safer access in/out of the development.

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

Reason: To ensure the relevant authorities consent to the construction traffic management proposed.

91. **Work Zones** 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 an approved Works Zone. If the Works Zone is required, the developer must give the Council written notice of at least six (6) weeks prior to the date upon which use of the Works 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 Works Zone.

Reason: Council requirement.

Building Surveyor Conditions

92. **Fire Safety Schedule** A “Fire Safety Schedule” specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 – Environmental Planning & Assessment Regulation 2000 are to be submitted and approved **prior to the issue of a Construction Certificate for below ground building works.**

Reason: Statutory requirement.

93. **Swimming Pool Fence** The swimming pool being surrounded by a fence:-

- a) That forms a barrier between the swimming pool; and
- i) any residential building or movable dwelling situated on the premises; and
ii) any place (whether public or private) adjacent to or adjoining the premises; and
- b) That is designed, constructed and installed in accordance with the standards as prescribed by the Regulations under the Swimming Pool Act, 1992, and the Australian Standard AS1926 – 2012, “Swimming Pool Safety”.

SUCH FENCE IS TO BE COMPLETED BEFORE THE FILLING OF THE SWIMMING POOL

ADVICE: In accordance with the Swimming Pools Amendment Act 2012, the swimming pool **or spa** is required to be registered on the NSW Government State wide Swimming Pool Register when completed.

The register can be found at www.swimmingpoolregister.nsw.gov.au.

Reason: Statutory requirement.

94. **Pool Pump and Filter** The filter and pump being located in a position where it will create no noise nuisance at any time or, alternatively, being enclosed in an approved soundproof enclosure. If noise generated as a result of the development results in an offensive noise Council, may prohibit the use of the unit, under the provisions of the Protection of the Environment Operations Act 1997.

Reason: Acoustic privacy.

95. **Warning Notice** In accordance with the requirements of the Swimming Pools Act 1992 and Regulations thereunder a warning notice is to be displayed in a prominent position in the immediate vicinity of the swimming pool at all times.

The notice must be in accordance with the standards of the Australian Resuscitation Council for instructional posters and resuscitation techniques and must contain a warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL".

Reason: Statutory requirement.

96. **Check Survey** A check survey certificate is to be submitted at the completion of:-

- a The establishment of each level; and
b 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.

Reason: To ensure the development is carried out in accordance with the determination.

Environmental Health and Waste Management Conditions

97. **Demolition Works and Asbestos Removal/Disposal** The demolition of any existing structure is to be carried out in accordance with *Australian Standards AS 2601-2001: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have the loads covered and are not to track any soil or waste materials into the road. Pursuant to Section 27A of the Occupational Health and Safety Act 1983 “notification to Commence Demolition Work” form is to be submitted to Workcover at least seven days prior to work commencing. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority and EPA guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

Reason: To ensure lawful disposal of any asbestos material.

98. **Dust Control** The following measures must be taken to control the emission of dust:
- 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.

Reason: To control the emission of dust.

99. **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: Environmental protection.

100. **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: Environmental protection.

101. **Site Water Management Plan** 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.

Reason: Environmental protection.

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

Reason: Environmental and infrastructure protection.

103. **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.

Reason: Ensure adequate provision is made for waste collection.

104. **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 Environment 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.

Reason: Ensure adequate provision is made for waste collection.

105. **Garbage Room Location & Access** Garbage rooms shall:
- be located in positions which will permit easy, direct and convenient access for the removal of garbage without creating a nuisance from dust, litter, odour and noise.
 - not contain any fittings, facilities or matter not associated with the treatment, storage or disposal of garbage.
 - where possible be located within the main building. Where this is not practicable due to noise levels or other exceptional circumstances, the garbage room shall be located in a position approved by the Principal Certifying Authority. If it is proposed to make application to construct a detached structure, special attention shall be given to the aesthetics of the structure and its siting.

Details of appropriate recycling facilities must be provided, both in the communal garbage room and individual units.

Reason: Ensure adequate provision is made for waste collection.

106. **Construction Requirements – Garbage Room** Garbage rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, remain subject to the following requirements:

- Floors of garbage rooms shall be constructed of concrete at least 75mm thick or other approved solid impervious material, graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface covet at the intersection with walls and plinths
- Walls of garbage rooms shall be constructed of approved solid impervious material and shall be finished to a smooth even surface covered at all intersections
- Ceilings of garbage rooms shall be finished with a rigid smooth faced non-absorbent material capable of being easily cleaned.

Reason: Ensure adequate provision is made for waste collection.

107. **Drainage** Garbage room floors shall be graded to a floor waste, which shall be connected to the sewer. No drainage from garbage rooms shall be connected directly or indirectly to the stormwater drainage system, Council's street gutter or Council's drainage system.

Reason: Ensure adequate provision is made for waste collection.

108. **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 the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

Reason: Protection from traffic noise.

109. **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.

Reason: Acoustic protection.

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

Reason: Acoustic protection.

111. **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: Ensure adequate ventilation is provided.

112. **Fresh air intake vents** All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

Reason: Health requirement.

113. **Exhaust air discharge vents** All exhaust discharge vents must be located in a position where no nuisance or danger to health will be created and at least 6 metres from any fresh air intake vent or natural ventilation opening

Reason: Health requirement.

114. **Storage of Potentially Contaminated Soils** All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

Reason: To acceptably store contaminated soils.

115. **Assessment of Potentially Contaminated Soils** All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, such as the publication titled *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non – Liquid Wastes* (EPA, 1999).

Reason: Statutory requirement.

116. **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: Statutory requirement.

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

Reason: Statutory requirement.

118. **Access for maintenance purposes** Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by *Australian Standard AS3666.2:2002 Air handling and water systems of buildings – Microbial control – Operation and maintenance*.

Reason: Statutory requirement.

119. **Registration of water cooling and warm water systems** All water cooling and warm water systems regulated under the *Public Health Act 1991* must be registered with Council's Environmental Services Unit within one month of installation.

Reason: Statutory requirement.

120. **Detailed Investigation** At the completion of the demolition of the existing structures and **prior to commencement of construction**, a Stage 2 Contamination Report (Detailed Investigation) and Remediation Action Plan (if required) are to be submitted to the satisfaction of Council prior to the commencement of construction. Council reserves the right to require a review of the Stage 2 Report and RAP by a NSW EPA Accredited Site Auditor.

Reason: Statutory requirement.

121. **Commercial Waste Collection** A commercial waste /recycling collection contractor is to be engaged for the collection and disposal of waste / recycling from the premises. Collections are to be undertaken onsite within the basement, between the hours of 7.00am and 8.00pm weekdays and 8.00am to 8.00pm Sundays and Public Holidays.

Reason: Ensure adequate commercial waste arrangements are in place for the life of the development.

122. **Construction Noise Management Plan** A Construction Noise Management Plan prepared by an appropriately qualified acoustic consultant is to be submitted to Council for approval prior to issue of the Construction Certificate.

Reason: Acoustic protection of residential receivers.

123. **Compliance with Preliminary Site Investigation Report** prepared by Trace Environmental, Ref 99.65, dated 20 April 2020 as submitted with the Development Application.

Reason: To ensure any site contamination is addressed prior to use of the site.

124. **Acoustic Report** Compliance with the recommendations of the Acoustic Report submitted by Acoustic Logic, Ref. 20200124.1, dated 24 April 2020, as submitted with the Development Application.

Reason: Acoustic protection and privacy.

Transport for NSW Condition

125. **Road Occupancy Licence** is to be obtained from Transport Management Centre for any works that may impact on traffic flows on Pacific Highway during construction activities.

Reason: To manage traffic flow impacts on the classified road network.