

Minutes  
Lane Cove Local Planning Panel Meeting  
3 May 2022,



Lane Cove Council

**Lane Cove Local Planning Panel 3 May 2022  
MINUTES**

**PRESENT:** Hon David Lloyd, Chairperson, Mr Michael Mason, Planning Expert, Mr Robert Montgomery, Planning Expert and Ms Maria Linders, Community Representative

**ALSO PRESENT:** Mr Mark Brisby, Executive Manager, Environmental Services, Mr Rajiv Shankar, Manager Development Assessment, Mr Chris Shortt, Senior Town Planner, Mr Greg Samardzic, Town Planner and Angela Panich, Panel Secretary

**DECLARATIONS OF INTEREST: Nil**

**WEBCASTING OF COUNCIL MEETING**

The Chairperson advised those present that the Meeting was being webcast.

**LANE COVE LOCAL PLANNING PANEL REPORTS**

**21 - 25 AUSTIN STREET LANE COVE**

**DETERMINATION**

That pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979 the Lane Cove Local Planning Panel at its meeting of 3 May 2022, exercising the functions of Council as the consent authority, **refuse** Development Application DA131/21 for the demolition of existing structures, and construction of a multi-dwelling housing comprising 17 townhouses with basement car parking at 21-25 Austin Street Lane Cove. The proposal is recommended to **be refused** for the following reasons:

**Lack of Information:**

1. The proposal does not include adequate information to make an assessment.

Particulars:

The proposal includes a variation with the height control under clause 4.3 of the Lane Cove LEP 2009. No clause 4.6 variation statement was submitted to support the variation. Under Clause 4.6 (3) Council cannot grant consent to a development that contravenes a development standard unless a written request to justify the contravention of the development standard.

**Aims of Lane Cove Local Environmental Plan 2009:**

2. The proposed development does not meet the aims of Lane Cove Local Environmental Plan 2009.

Particulars:

- (a) The proposed development would not preserve and improve the existing character, amenity and environmental quality of the land and the expectations of the community.
- (b) The proposed development does not meet the aims which are outlined in Clause 1.2(c) of the LEP 2009 as it would not provide a housing mix and density that would be compatible with the existing environmental character of the locality, and does not have a sympathetic and harmonious relationship with adjoining properties.

**Density:**

3. The development application is recommended for refusal because the subject site does not meet the minimum site area required for 17 multi-dwelling units.

Particulars:

- (a) Section 2.2(c) in Part C2 of LCDCP 2010 sets out the provision for density as follows:
  - *“An average site area 250m<sup>2</sup> per attached dwelling or multi-dwelling unit (including common areas) is required”.*
- (b) The average site area of each townhouse is 217m<sup>2</sup>. The area is 33m<sup>2</sup> below from the required minimum site area for multi-dwelling units.
- (c) The overall density of the proposed development is not considered to be consistent with the desired built form for the site.

**Trees, Landscaping and Deep Soil:**

4. The development application is recommended for refusal because the subject site does not meet the minimum area requirements for landscaping and deep soil and includes excessive tree removal.

Particulars:

- (a) Section 2.6 (b) in Part C2 of the LCDCP 2010 requires minimum of 35% (unencumbered deep soil) of the site is to be landscaped area with a minimum width of 3.0m. For attached dwellings, this refers to each allotment individually.
- (b) Section 1.6 in Part J of the LCDCP 2010 defines that 35% of the landscaped area to be deep soil.
- (c) Section 2.2.1 Tree Preservation Objective of the Part J LCDCP 2010 requires the retention of the maximum possible number of existing trees,
- (d) The application proposes the removal of 46 trees and is considered to have a detrimental environmental impact. The proposal does not provide adequate deep soil to accommodate replacement canopy trees at a 1:1 ratio.

**Amenity:**

5. The proposed development does not achieve acceptable amenity in terms of building separation, solar access, and private open space.

Particulars:

- (a) The proposed development does not comply with section Part C.2 section 2.9.2 Solar Access of LCDCP2010:
  - (i) 7 of the proposed town houses do not achieve 3 hours minimum solar access to habitable room windows or ground floor POS at mid-winter; and
  - (ii) Windows to habitable rooms of the neighbouring property at No. 5 Austin Street do not receive 3 hours minimum solar access at mid-winter.
- (b) The proposal does not comply with Part C.2 section 2.9.3 (a) and (d) of LCDCP 2010. The majority of townhouses have less than 50m<sup>2</sup> of private open space that is directly accessible from the living area. (i.e. rear yards off living room at ground floor).
- (c) The proposal does not comply with Part C.2 section 2.9.1(c) and (d) of the LCDCP 2010 relating to building separation. A number of townhouses do not achieve adequate separation distance between habitable rooms resulting in adverse visual and acoustic privacy impacts.

**Building Design:**

6. The proposed retaining walls on the southern façade facing No. 5 Austin Crescent includes retaining walls adjacent to the boundary which are up to 2.6m higher than the boundary fence line.

**Accessibility:**

7. The proposed adaptable apartments do not comply.

Particulars:

The three (3) proposed adaptable units (TH13, TH14 and TH15) do not have lift access to their primary outdoor private open space areas.

8. The proposal fails to satisfy the following objectives of the R3 MDR zone:
- Design in response to the characteristics of the site and locality;
  - Maximise residential amenity of medium density housing in the area;
  - Provide a suitable visual transition between high density housing and lower density residential areas;
  - Ensure landscaping is maintained and enhanced as a major element in the residential environment.

**Panel Reasons:**

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved as per the recommendation contained in that report, subject to additional condition 8.

The decision of the Panel was unanimous.

**235 BURNS BAY ROAD, LANE COVE WEST**

**DETERMINATION**

That the Lane Cove Planning Panel approve the proposed variations to the Building Height development standards in Clause 4.3(2) in *Lane Cove Local Environmental Plan 2009*, as the applicant's written request does adequately address the matters required to be demonstrated. The proposed development would not be contrary to the public interest because it is consistent with the objectives of the standard, the objectives for development in the zone and there are environmental planning grounds to justify the variations.

The Lane Cove Local Planning Panel, at its meeting of 3 May 2022, in exercising its duties as the consent authority, pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, approve the subject Development Application DA161/2021 for the shop top housing development on land at No. 235 Burns Bay Road Lane Cove West subject to the following conditions:

**General Conditions**

1. **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**, amended plans shall be provided in which the front façade of the ground floor is set back 3m from the front boundary; and the nib wall to the study in Unit 5 be reviewed so as to convert the study to a study nook.
2. **Approved Plans and Documents:** That the development be strictly in accordance with

**Lane Cove Local Planning Panel 3 May 2022  
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Drawing Nos.:

- A101-102, A202, A301 & A516 Issue B dated 08.12.2021,
- A103-105 & A201 Issue A dated 18.10.2021 prepared by BJ Architects; and
- LP02-08 Revision F dated 14 April 2022 prepared by Affordable Design Solutions.

except as amended by the following conditions.

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

3. **Design Amendments** All proposed studies on Level 1 are to have a highlight window.

**Reason:** To ensure adequate amenity levels are provided for future occupants.

4. **Section 7.11 Contribution.** The payment of a contribution for additional person/s and commercial floor space in accordance with Council's Section 7.11 (S94) Contributions Plan shall be paid prior to the issue of any Construction Certificate. This payment is to be at the current 2021/2022 rate at the time of payment. The amount of **\$136,558.20** is required to be paid.

**NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.**

This contribution is for Community facilities, Open Space/Recreation and Roads under the Lane Cove Section 7.11 (S94) Contributions Plan which is available for inspection at the Customer Service Centre located at Lane Cove Council, No. 48 Longueville Road, Lane Cove.

**N/B** The Section 7.11 Contribution is calculated as the follows:

No. bedrooms	Average occupancy	Amount of contribution per person	No. of Dwellings	Total contribution
One Bedrooms	1.2 persons	\$11,044.52 x 1.2 = \$12,770.40 per dwelling	Three x \$12,770.40	\$38,311.20
Two Bedrooms	1.9 persons	\$11,044.52 x 1.9 = \$20,219.80 per dwelling (capped at \$20,000)	Three x \$20,000.00	\$60,000.00
Three Bedrooms	2.4 persons	\$11,044.52 x 2.4 = \$26,506.85 per dwelling (capped at \$20,000)	One x \$20,000.00	\$20,000.00
			<b>TOTAL:</b>	<b>\$118,311.20</b>

\*N/B The reforms to Local Development Contributions have a cap of \$20,000 per residential lot or per dwelling limitation on local development contributions

The contribution is also partly based on 131sqm and the current rate of \$139.26 per sqm of additional commercial floor space which is a total of **\$18,247.00**.

**Reason:** Statutory requirement.

5. **Disabled Access** - Prior to the issue of the Construction Certificate, a report is to be provided from a suitably qualified access consultant to verify that the construction certificate plans illustrate a minimum 20% of units as adaptable and 80% as visitable in accordance with Lane Cove Development Control Plan 2010, including a mix of 1, 2

and 3-bedroom units and that the units comply with the Building Code of Australia and Australian Standards AS1428.1, AS4299, AS1735.12 and AS2890.6. A total of two adaptable apartments are to be provided within the development. These apartments are to comply with the requirements as outlined in AS4299. The report is to be provided to the Principal Certifying Authority and Council (if Council is not the PCA).

**Reason:** To ensure accessibility requirements are met.

6. **Design Verification.** Prior to the relevant Construction Certificate being issued with respect to this development, the Principal Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

**Reason:** Statutory requirement.

7. **Parking Allocation** Both the owner and occupier of the development and/or the strata body must provide and maintain the minimum parking allocation as follows;
1. Seven residential spaces including two accessible and one carwash bay space;
  2. Four commercial spaces including one accessible space;
  3. One motorbike space; and
  4. Nine bicycle spaces.

**Reason:** To ensure parking spaces are provided in accordance with the determination

8. **Crime Prevention Through Environmental Design:** The following Crime Prevention Through Environmental Design requirements must be complied with:
- (a) The site will need to be clearly identified through a business name and street number and be visible from the street. This will enable all emergency services to locate the premises.
  - (b) Appropriate signage should be erected inside and around the perimeter of the entire property to warn of security treatments in place e.g. "This site is under 24 hour video surveillance".
  - (c) Bicycle parking should be in a secure area and covered with CCTV cameras.
  - (d) Mail boxes and parcel delivery areas should be secure and covered with CCTV cameras. If possible, a secure method for parcel delivery should be set up in the building.
  - (e) If the site has storage cages they should be made of solid materials that can't be cut open and covered by CCTV cameras. Signs should be placed in the area warning residents not to leave valuable items in storage cages.
  - (f) Lighting in and around the proposed development should comply with Australian Standard AS: 1158 and should provide for adequate, uniform illumination. External lighting should be of a 'white light' source. Note that high or low pressure sodium 'orange' lighting is not compatible with quality surveillance systems. Internal lighting should be controlled from 'Staff only' areas, away from public access. If this is not possible, use tamper-resistant switches. Luminaries (light covers) should be designed to reduce opportunities for malicious damage.
  - (g) Lighting within the site will need to be positioned in a way to reduce opportunities for offenders to commit crime i.e. vandalism and graffiti. The lighting will need to be sufficient to enable people to identify signs of intoxication and anti-social behavior. The lighting will also need to be sufficient to support images obtained from any CCTV footage. Please note that some low- or high-pressure lighting is not compatible with

surveillance systems.

- (h) Doors should be of solid construction and should be fitted with quality deadlock sets that comply with the Building Code of Australia and Australian Standards – Lock Sets AS:4145.
- (i) Windows within the site should also be of solid construction. These windows should be fitted with quality window lock sets that comply with the Australian Standards – Lock Sets AS:4145. Glass within doors and windows should be reinforced to restrict unauthorised access. The glass can be either fitted with a shatter-resistant film or laminated to withstand physical attacks.
- (j) An electronic surveillance system should be included to provide maximum surveillance of all areas of the site including entry/exits, car parks, bicycle parking, mail areas and common areas. Cameras should also cover public footpath areas around the premises. The system should be capable of recording high-quality images of events. The recording equipment should be locked away to reduce the likelihood of tampering.
- (k) An emergency control and evacuation plan should be implemented within the site and displayed for the information of residents.
- (l) All recording made by the CCTV system must be stored for at least 30 days. Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector. The CCTV cameras will need to be placed in suitable locations to enhance the physical security and assist in positively identifying an individual, who may be involved in criminal behavior.
- (m) “Park Smarter” signage should be displayed in the car park to warn/educate motorists to secure their vehicles and not leave valuable items in their cars. The car park will also need to have adequate lighting.
- (n) Wheelchair access should at no time be blocked nor impede access to anyone with a disability.
- (o) The landscaping design around the site needs to be free from potential hiding places and provide sightlines throughout the site and into any surrounding areas such as car parks, playgrounds and recreational amenities. Trees and shrubs should be maintained regularly to reduce concealment opportunities and increase visibility. Avoid the use of landscaping materials which could, when mature, serve as screens or barriers to impede views.
- (p) The boundaries of the site should be clearly identified to deter unauthorised persons from entering the site.

**Reason:** To provide safety and security

9. **Rural Fire Service Condition.**

**Asset Protection Zones**

1. From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of Planning for Bush Fire Protection 2019. When establishing and maintaining an IPA the following

requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

#### **Water and Utility Services**

2. The provision of water, electricity and gas must comply with the following in accordance with Table 7.4a of Planning for Bush Fire Protection 2019:
  - reticulated water is to be provided to the development where available;
  - all above-ground water service pipes external to the building are metal, including and up to any taps;
  - where practicable, electrical transmission lines are underground;
  - where overhead, electrical transmission lines are proposed as follows:
    - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
    - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
  - reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
  - all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
  - connections to and from gas cylinders are metal;
  - polymer sheathed flexible gas supply lines are not used; and
  - above-ground gas service pipes are metal, including and up to any outlets.

#### **Landscaping Assessment**

3. Landscaping within the required asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:
  - A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
  - Planting is limited in the immediate vicinity of the building;
  - Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
  - Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
  - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
  - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
  - Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
  - Avoid climbing species to walls and pergolas;
  - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
  - Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
  - Low flammability vegetation species are used.

10. **Lighting.** Lighting is to be provided around the site and all lighting is to comply with the following requirements:
  1. Lighting is to be designed and installed in accordance with the relevant Australian and New Zealand Lighting Standards.
  2. A Lighting Maintenance Policy is required to outline the maintenance, monitoring and operation of lighting.
  3. Lighting is to be provided to all common areas including all car parking levels, stairs



and access corridors and communal gardens.

4. Lighting is to be automatically controlled by time clocks and where appropriate, sensors for energy efficiency and a controlled environment for residents.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority **prior to the issue of any Occupation Certificate.**

**Reason:** To provide safety and security

**11. Transport for NSW Conditions.**

1. All buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property unlimited in height or depth along the Burns Bay Road boundary.

2. The redundant driveway on Burns Bay Road should be replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter crossing shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@transport.nsw.gov.au](mailto:DeveloperWorks.Sydney@transport.nsw.gov.au) Detailed design plans of the proposed kerb and gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au) A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au) A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. All vehicles are to enter and exit in a forward direction.

6. All vehicles are to be wholly contained on site before being required to stop.

7. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Burns Bay Road.

8. A Road Occupancy License (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on Burns Bay Road during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>

**Reason:** TfNSW Condition.

**BUILDING CONDITIONS**

12. **Cladding and glazing** No external combustible cladding is permitted on the building. The

ground floor commercial glazing facing Burns Bay 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 safety and street activation.

13. **Payment of building and construction industry long service levy**

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

**Reason:** To ensure the longservice levy is paid.

14. **Asbestos removal, handling and disposal**

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

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

15. **Construction site management plan**

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

- location and materials for protective fencing and hoardings to the perimeter on the site.
- For sites adjoining bushland a 1.8m chain mesh perimeter fence with 1m sediment fencing attached to the lower portion is required to ensure that no foreign materials enter the bushland.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- For major works, appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.

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

### **Council Approvals**

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

### **Additional Council Requirements**

1. Stockpiles or soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.
2. All stockpiles of contaminated materials must be stored in an environmentally sensitive manner in a secure area on the site and shall be suitably covered to prevent dust and odour nuisance.
3. All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).
4. Where sites adjoin bushland:
  - For sites identified to be within bushfire prone land An Asset Protection Zone (APZ) shall be provided entirely within the site boundary. To protect bushland and property from fire risk, APZ standards are to be in accordance with Planning for Bushfire Protection (PBP) 2019.
  - Access to the site from adjacent parks/reserves/bushland for the purposes of carrying out building works, landscaping works, storage materials, storage of soil or rubbish is not permitted.

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

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

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

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

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

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

#### **17. Waste management plan (WMP)**

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- a) Council's Development Control Plan (Part Q: Waste Management and Minimisation).
- b) Where sites adjoin bushland (private or public):
  - the WMP shall detail measures to mitigate any rubbish or foreign materials from entering the bushland.
  - Access through parks, reserves and bushland to the site is not permitted.
  - Council's Coordinator of Bushland must be notified of any accidental or intentional dumping of material in the bushland area.
- c) details the following:
  - the contact details of the person(s) removing the waste
  - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
  - the disposal and destination of all waste material spoil and excavated material

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

**Reason:** To ensure resource recovery is promoted and local amenity protected during construction.

**18. Utilities and services**

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

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

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

**19. Dilapidation report**

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

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

**20. Structural engineer's details**

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

- underpinning;

- retaining walls;
  - footings;
  - reinforced concrete work;
  - structural steelwork;
  - upper level floor framing;
- and where relevant in accordance with any recommendations contained in an approved geotechnical report.

**Reason:** To ensure structural adequacy.

**21. Sydney Water requirements**

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

**Reason:** To comply Sydney Water requirements.

**22. Erosion and sediment controls in place**

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

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

**23. Signs on site**

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

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

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

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

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

**24. Compliance with Home Building Act**

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** Prescribed condition EP&A Regulation, clause 98(1)(b).

**25. Hours of work**

All demolition, building construction work, including earthworks, deliveries of building

materials to and from the site to be restricted as follows:-

Monday to Friday (inclusive)                      7am to 5.30pm

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

Saturday    8am to 12 noon

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

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

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on *Sundays and public holidays, except where there is an emergency.*

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council's approval.

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

**26. Compliance with the Building Code of Australia**

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

**Reason:** Prescribed condition - EP&A Regulation clause98(1)(a).

**27. Procedure for critical stage inspections**

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

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

**28. Surveys by a registered surveyor**

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

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

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

**29. Shoring and adequacy of adjoining property**

If the development involves any excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent

must, at the person's own expense —

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

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

**Reason:** Prescribed condition - EP&A Regulation clause 98E.

**30. No obstruction of public way**

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

**Reason:** To ensure public safety.

**31. Encroachments**

1. No portion of the proposed structure shall encroach onto the adjoining properties.
2. The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council.
3. No encroachment is to occur into public open space.

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

**32. Post-construction dilapidation report**

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

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

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

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

**33. Sydney Water requirements**

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

**Reason:** Sydney Water requirement.

**34. Annual fire safety certificate**

During occupation and ongoing use of the building, the applicant must provide an annual

fire safety statement to Council and the Commissioner of Fire and Rescue NSW in accordance with clause 177 of the EP&A Regulation.

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

35. **Implementation of BASIX commitments**

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

**Reason:** To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

36. **Separate Application for Subdivision**

A separate application to Council is required for any subsequent subdivision of the consolidated development site.

**Reason:** To ensure the subdivision provides for orderly development and the provision of shared communal open space.

37. **Property Numbering**

Prior to registration of any strata plan, submit to Council for approval a schedule of unit numbers against lot numbers.

**Reason:** To ensure the numbering system is in accordance with Australian Standard AS/NZS 4819:2011, and the NSW Address Policy and User Manual.

**General Engineering Conditions**

38. **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

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

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

39. **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

40. **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 4 working days for approval.

**Reason:** To ensure public safety

41. **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

42. **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

43. **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

44. **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

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

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

46. **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**. Note: The finished floor level of the proposed garage or carport shall be determined by Council.

The applicant is to lodge Vehicular Crossing Application form with application fee as shown in the form.

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

**Engineering conditions to be complied with prior to Construction Certificate**

47. **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

48. **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.**

- (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.** 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

49. **Drainage Plans Amendments:** The stormwater drainage plan prepared by ING Consulting Engineers Pty Ltd, reference No: 255092020DA, revision D and dated on 02/12/21 is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;

1. This DA requires OSD. The detailed design for this proposed system is required
2. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
3. The stormwater requirements shown in Basix certificate shall be included in stormwater management plan.
4. Sediment control fence shall be placed around the construction site and shown in plan
5. Subsoil agg-line drainage is required around proposed retaining wall, dwelling, or it is necessary and connected to proposed drainage system
6. Pit-2 shall be modified into a silt arrester pit with mesh (RH3030) and sump(300mm) as shown in section 3.4.1 of Part O of Council DCP is required within the site, at start of the discharge pipe to Council system.
7. In case of the overflow from Pit-2, the overflow shall be directed to street and not to basement. A suitable overflow path shall be provided into Pit-2.
8. A gross pollutant trap suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street

system. The details of this GPT shall be shown in stormwater plan. The suitable access to the GPT for future maintenance is required.

9. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
10. The detailed cross section of the OSD is required and shall show levels, sizes, depths and widths.
11. A plan with longitudinal section of the proposed pipe system from the site to the existing Council pit in Burns Bay Road with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels and existing surface levels to confirm that the pipe system satisfies Council's DCP.
12. The applicant has to get full details of the required road reconstruction works on Burns Bay Road from RMS and submitted to Council.
13. 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.
14. The proposed basement shall be constructed with water-proof walls around it.

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.**

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

50. **Geotechnical Report:** A geotechnical report is to be completed for the excavation of proposed 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.**

**Reason:** To protect the environment and required for any excavation greater than 2m

51. **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.** The details must include contamination management plan 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

52. **Road Dilapidation Survey:** The applicant is to prepare a dilapidation survey and a dilapidation report that includes details of the existing state of repair/condition of the road surface of Burns Bay Road and provide that survey and report to the Council and RMS prior to the issue of the construction certificate. Following completion of construction of the development and prior to the issue of the occupation certificate, the applicant is to prepare a

second 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 construction of the development. The Council/TfNSW may apply funds from the security deposits paid in favour of this consent to meet the cost of making good any damage caused to the surface of the said public road as a consequence of 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 (Australia).

**Reason:** To provide a record of Council's infrastructure and protect them

53. **Council Construction Requirements:** The applicant shall construct/reconstruct the following to Council's satisfaction;
1. New footpath adjacent the entire subject site frontage to Burns Bay Rd
  2. New Kerb and Gutter along the entire subject site frontage to Burns Bay Rd and along the pipe line trench
  3. Extension of new street drainage system along Burns Bay Rd
  4. Reconstruction of existing pit at No. 233 Burns Bay Road where new pipe system starts
  5. Reinstate all adjustments to the road surfaces satisfying TfNSW
  6. Reinstate all damages identified in dilapidation report

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

A \$40,000 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**. 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

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

- Proposed stormwater drainage work on Burns Bay Road
- All footpath, kerb/gutter and landscaping works
- Any adjustment works in Burns Bay Road

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 (\$205 for one inspection) is to be paid **prior to the issue of the Construction Certificate**.

**Reason:** To ensure completion of work satisfying Council

55. **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 and pump out system. Lodgement of this bond is required **prior to the issue of the Construction Certificate**

**Reason:** To protect stormwater infrastructure and confirm future maintenance

56. **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

57. **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

58. **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

59. **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.**

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

**Engineering condition to be complied during construction**

60. **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

61. **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 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.

**Reason:** To protect the environment

62. **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

63. **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

**Engineering condition to be complied with prior to Occupation Certificate**

64. **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 Practice.

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

65. **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

66. **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.

- Pump out system
- OSD System
- All repair works identified in Dilapidation report
- Proposed drainage extension on Burns Bay Rd

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

**Reason:** Statutory requirement

67. **Engineering Note:** All engineering compliance certificates are to contain the following declarations:

- a. This certificate is supplied in relation to **235 Burns Bay road, Lane Cove**
- 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

68. **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:** Statutory requirements and to protect stormwater infrastructure and confirm future maintenance

69. **Works as Executed Drawings for OSD:** A works as executed survey of the onsite detention facility will need to be prepared and certified to demonstrate that the OSD system functions as per the intention of the approved design. A suitably qualified engineer must certify that the construction system is satisfactory.

**Reason:** Statutory requirements

70. **Works as Executed Drawings for street drainage construction:** A works as executed survey of the proposed street drainage works on Burns Bay Rd will need to be prepared and certified by qualified engineer to demonstrate that the drainage system is accordance with the approved plan.

**Reason:** Statutory requirements

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

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

## **Traffic Conditions**

### **Parking and servicing**

72. The proposed car park design is to comply with AS290.1-2004. This includes all parking Spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the carparking areas are required to comply with AS2890.2-2002 for Loading Facilities and Services Vehicles.
73. One visitor car space to be provided and line-marked.
74. The access to the car park shall comply with Australian Standards. AS 2890.1-2004.
75. Visibility requirements of the proposed access must comply with AS 2890.1-2004.
76. 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.
77. 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 are to be clearly signposted and line marked.
78. Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
79. Motorcycle parking space to be sign posted and adequately line marked.
80. A traffic report demonstrating the safety and functionality of the basement car park including tails of the proposed signalised system are to be provided and approved by Council's Traffic section before the issue of the construction certificate.
81. An independent traffic consultant is to review and approve the signal system installed in the Basement to ensure that it is safe and functional before the issue of the occupation certificate.
82. Proposed waiting bays should be adequately line-marked.
83. All vehicles must front in/ front out to/ from the development.

### **Construction Traffic Management Plan**

84. A Construction Management Plan must be lodged with Council prior to the issuing of a Construction Certificate. As per DCP Part R, the Construction Management Plan should address (but not necessarily be limited too) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, and any conflict with other road users in the street including public transport. Heavy vehicles will not be permitted to travel on local roads unless prior Council permission is obtained from Council's Traffic section. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.

Construction Management Plan should specify proposed Work/Construction Zones and the impact of the construction traffic activities to all road users including pedestrians and cyclists. The Construction Management Plan may contain issues requiring the attention and approval of the Lane Cove Traffic Committee (LTC). The Construction Management Plan should also assess and address the impact of construction vehicles travelling through the



surrounding road network.

## **Landscaping Conditions**

### **GENERAL CONDITIONS**

85. **Approved landscape plans and supporting documentation**  
Development must be carried out in accordance with the approved landscaped plans except where the conditions expressly require otherwise.

<b>Plan Number</b>	<b>Drawing Title</b>	<b>Date</b>	<b>Issue</b>
LP01	Cover sheet and Content	10/12/2021	E
LP02	Tree retention / removal / replenish	10/12/2021	E
LP03	Planting Palette/Schedule & Material – Ground Floor	10/12/2021	E
LP04	Landscape Plan Rooftop Garden	10/12/2021	E
LP05	Planting Palette/Schedule & Material – Roof Top Garden	10/12/2021	E
LP06	Landscape Sections –Ground Floor	10/12/2021	E
LP07	Landscape Sections – Rooftop Garden	10/12/2021	E
LP08	Landscape Details	10/12/2021	E
LP09	Irrigation Diagram	10/12/2021	E

In the event of any inconsistency between the approved plans and any supporting documentation, the approved plans prevail.

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

### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

86. **Design amendments**  
Before the issue of a construction certificate, the certifier to the satisfaction of Council must ensure the approved construction certificate (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

#### **Rooftop Communal Open Space – Missing Symbols**

Landscape plan LP 04 indicates with numbers 1 and 4 proposed furniture and amenities for the roof top area. However, there are no symbols applicable to these numbers demonstrating the approximate size and shape of these features.

The Landscape Architect is to amend their plans to include this information and to send back to Councils Landscape Architect prior to issue of Construction Certificate.

#### **Rooftop Communal Open Space**

The Communal Open Space at the roof level shall be to a high level of design and shall be equipped with the following:

- Natural shade from mid-sized trees in raised planter boxes
- Additional shade from a retractable awning with the minimum dimension of 3m x 3m
- Toilet facilities
- Barbecue facilities
- Power points

- Water and sink
- Direct lift access to the area

The Landscape Architect is to revise their design to incorporate a minimum of 4 x midsized trees in the rooftop communal open space. Additional Landscape Area should be provided on the rooftop to cater for soil depth for the proposed trees.

**Reason:** To require minor amendments to the approved plans and supporting documentation following assessment of the development. Further, to ascertain the intentions of the landscape plans and to provide shade and amenity to the users of the rooftop area.

**87. Plant supply**

All trees planted on site shall conform to Australian Standard AS 2303-2015 Tree Stock for Landscape Use. All other plants shall conform to NATSPEC specifications and be free from disease or defects and be in a healthy condition.

**Reason:** To ensure the proposed planting is free of disease and defects to provide the best chance for successful establishment and ongoing health and vigour.

**88. Planting of garden beds**

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

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

**89. Automatic irrigation system**

An automatic drip irrigation system is to be designed and installed to all garden bed areas that will ensure the ongoing health of the planting scheme for the life of the development.

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

**90. Raised planter boxes**

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

**Reason:** To ensure the structural integrity of the planter box and parking structure below are maintained and to ensure that no leaks occur in the raised planter box as installed.

**WHILE BUILDING WORK IS BEING CARRIED OUT**

**91. Compliance Certificate for waterproofing planting on structures**

A certificate must be submitted by a qualified practising Landscape Architect 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 to all raised and formed garden bed areas.

**Reason:** To ensure there is no water penetrating the planter boxes to the infrastructure or building below.

92. **Cut and fill**

While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:

All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management Facility and the classification and the volume of material removed must be reported to the Principal certifier. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.

93. **Uncovering relics or Aboriginal objects** While building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition:

- "relic" means any deposit, artefact, object or material evidence that:
  - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
  - (b) is of State or local heritage significance; and"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non -Aboriginal extraction and includes Aboriginal remains.

**Reason:** To ensure the protection of objects of potential significance during works.

**BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

**Note:** *Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) within five (5) working days of the date of issue.*

**Reason:** To meet Council Statutory Regulations.

94. **Practical Completion Report - Landscape works**

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

**Reason:** To ensure the landscape works have been carried out in accordance with the

stamped approved construction documents.

95. **Practical Completion Report - Landscape maintenance and establishment**

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

**Reason:** To ensure the landscape works have been carried out in accordance with the stamped approved construction documents.

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

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

**Reason:** To ensure any damage to public infrastructure is rectified to identify damage to existing trees retained resulting from building work on the development site

### **ENVIRONMENTAL HEALTH CONDITIONS**

97. **Detailed site investigation**

A Detailed Site Investigation (Contamination) (DSI) is to be carried out prior to the issue of the construction certificate. The DSI shall provide information on land and ground water contamination and migration in relation to past and current activities and uses that may have occurred on the site. Any recommendations for further investigations identified in the Preliminary Site Investigation are to be carried out as part of the DSI. The DSI is to provide recommendation on the need for any further targeted investigation(s) and/or site remediation (if deemed necessary).

The DSI and Remediation Action Plan (RAP) (if required) shall be undertaken/completed by a suitably qualified environmental consultant in accordance with relevant Acts/guidelines:

- Contaminated Land Management Act 1977
- NEPC National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013) (NEPC, 2013); and
- NSW EPA Guidelines for Consultants Reporting on Contaminated Land (NSW EPA, 2020).

An NSW Environmental Protection Authority (EPA) Accredited Site Auditor shall provide a Site Audit Statement at the completion of the earthworks (and after any further investigation and/or remediation works), i.e. prior to construction, and provide a Validation Certificate to confirm that:

- Any remediation works have been undertaken in accordance with the relevant requirements;
- the site is suitable for its intended use; and
- that all works have been completed in accordance with SEPP 55 and the NSW EPA requirements for consultants reporting on contaminated sites.

Note:

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Prior to any remediation works, a Site Environmental Management Plan (SEMP) must be prepared by a suitably qualified environmental consultant. The SEM shall include measures to address the following matters:

- a) General site management, site security, barriers, traffic management and signage
- b) Hazard identification and control
- c) Worker health & safety, work zones and decontamination procedures
- d) Prevention of cross contamination
- e) Appropriate site drainage, sediment controls, and if necessary dewatering
- f) Air quality criteria to be implemented during remediation, in accordance with Part 8 of the WHS Regulation 2011
- g) Air and water quality monitoring requirements
- h) Air quality management measures for asbestos to protect on-site workers and the surrounding community during remediation, particularly in relation to dust mitigation
- i) Site work responses to be implemented during remediation should environmental monitoring criteria be exceeded
- j) Storage, handling, classification, and disposal of hazardous wastes
- k) contingency plans and incident reporting, including Health and Safety and environmental incident management
- l) Details of provisions for monitoring implementation of remediation works and persons/consultants responsible (to include contact name and numbers)
- m) Details for deliveries, parking and vehicular access to and from the site, ensuring adequate measure are in place to minimise environmental and neighbourhood disturbance
- n) Any other proposed preventative response procedures to manage the issue of public exposure to contaminants including but not limited to asbestos
- o) Containment control zones
- p) A copy of the Auditor approved Site Environment Management Plan is to be forwarded to Council prior to commencing remediation works.

**Reason:** To ensure that the site is suitable for its intended use.

98. An Operational Waste Management Plan is to be prepared in accordance with Part Q of the Lane Cove DCP and is to be submitted for approval prior to the issue of the construction certificate.

99. A Section 88B Instrument is to be created on the Deposited Plan that states the following: 'the property is in proximity of a service station and a liquor outlet/commercial premises that due to the approved hours of operation may have an impact on the amenity of the locality and the response of residents'.

100. **Construction environmental management plan**

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

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

101. **On-site Containment**

Should it be proposed to provide on-site containment/capping of asbestos or other contaminants, written details of the proposal must be contained in the Remedial Action Plan and must be referred to Council for consideration and written concurrence must be obtained

from Council prior to implementation of the Remedial Action Plan.

**Reason:**

102. **Offsite disposal of contaminated soil**

All contaminated material to be removed from the site will need to be assessed, classified, and managed in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Waste Classification Guidelines (2014). Once assessed, the materials will be required to be disposed to a licensed waste facility suitable for the classification of the waste with copies of tipping dockets supplied to Council. Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

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

103. **Hazardous or intractable wastes**

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

- Work Health and Safety Act 2011;
- The Occupational Health and Safety (Hazardous Substances) Regulation 2001;
- The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;
- Protection of the Environment Operations Act 1997 (NSW);
- Protection of the Environment Operations (Waste) Regulation 2005;
- Waste Avoidance and Resource Recovery Act 2001; and
- NSW EPA Waste Classification Guidelines (2014).

The works must not cause any environmental pollution, public nuisance or, result in an offence under the Protection of the Environment Operations Act 1997 or Work Health & Safety Act 2011 and Regulations.

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

104. **Removal of Underground Storage Tanks**

The removal of underground storage tanks shall be undertaken in accordance with NSW WorkCover requirements which includes writing to the Chief Inspector of Dangerous Goods and complying with any conditions imposed. The tank removal shall be conducted in accordance with the Australian Institute of Petroleum's Code of Practice, The Removal and Disposal of Underground Petroleum Storage Tanks (AIP CP22-1994) and AS4976-2008 The removal and disposal of underground petroleum storage tanks. In the event of conflict between the Code of Practice and NSW WorkCover requirements, the latter shall prevail.

**Reason:** To protect the environment.

105. **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.

106. **Construction and fit-out of food premises**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, the construction and fit-out of any food premises must comply with the following:

- i) The Food Act 2003 (as amended);
- ii) Food Regulation 2015 (as amended);
- iii) Australia and New Zealand Food Standards Code;

- iv) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises);
- v) Sydney Water – trade Waste Section;
- vi) The Protection of the Environment Operations Act 1997; and
- vii) The Building Code of Australia.

A certificate of compliance with (iv) for the proposed kitchen design shall be submitted to the Principal Certifying Authority, prior to issuing the relevant Construction Certificate.

**Reason:** To ensure food preparation areas meet the relevant requirements.

**107. Compliance with acoustic report**

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the submitted Acoustic Report. The Report is to include details of the specified AC plant and any other plant equipment for which details are unknown at the DA stage.

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

**108. Construction noise**

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

**OR**

While building work is being carried out the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

**Reason:** To protect the amenity of the neighbourhood.

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

**110. Storage and assessment of potentially contaminated soils**

- a) All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.
- b) All stockpiles of potentially contaminated soils must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).

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

**111. Environmental Impacts during construction**

The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the Protection of the Environment Operations Act 1977 or the NSW Occupational Health and Safety Act (2000) & Regulations (2001).

**Reason:** To protect the environment.

**112. Compliance with acoustic report**

At completion of the construction works and prior to the issue of any occupation certificate,

a validation certificate is to be submitted to the Principal Certifier confirming that the development has been constructed in accordance with the acoustic report, and that the internal noise levels have been achieved.

**Reason:** To ensure adequate internal acoustic amenity.

### **Waste Management Conditions**

#### **113. Waste and Recycling Storage Rooms**

- Level 1 waste and recycling rooms must be of sufficient size to accommodate garbage chute systems, a total of 1 x 240L garbage bins per 3 units, 1 x 240L yellow recycling bins per 10 units and 1 x 240L blue recycling bins per 10 units with adequate space for maneuvering garbage and recycling bins. 240L green waste bins available with up to 3 bins per premises – number can be reduced if the premises remove green waste privately.
  - Minimum clearance between bins of 300mm;
  - Minimum door openings of 1700mm; &
  - Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
  - Concrete which is at least 75mm thick; or
  - Other equivalent material; and
  - Graded and drained to a floor waste which is connected to the sewer
- All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.
- The walls of waste and recycling rooms, bulky waste storage areas and waste service compartments must be constructed of solid impervious material and must be cement rendered internally to a smooth even surface coved at all intersections.
- All waste and recycling rooms and bulky waste storage rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
- All waste/recycling and bulky waste storage rooms must be constructed to prevent the entry of vermin.
- All waste/recycling and bulky waste storage rooms must be ventilated by either:
  - Mechanical ventilation systems exhausting at a rate of 5L/s per m<sup>2</sup> of floor area, with a minimum rate of 100l/s; or
  - Permanent, unobstructed natural ventilation openings direct to the external air, not less than 1/20<sup>th</sup> of the floor area.
- All waste/recycling and bulky waste storage rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.
- Clearly printed “No Standing” signs must be affixed to the external face of each waste/recycling and bulky waste storage room.

#### **114. Bulky Waste Storage Room**



- Readily accessible bulky waste storage areas located near the main garbage rooms must be provided for the use of all residents.
  - Bulky waste storage rooms must be of sufficient size to accommodate a minimum of 6m<sup>3</sup> of bulky waste at any given time. Doorways and travel paths must be a minimum width of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point.

115. **Access to Waste Collection Point**

- All waste must be collected on-site via on-site access by Council's garbage collection vehicles.
  - The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for both occupants and Council's waste collection contractors.
  - The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
  - The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%). The turning area at the base of any ramp must be sufficient for the maneuver of a 6.0m rigid vehicle to enter and exit the building in a forward direction.
  - Where security gates are proposed, a Council master key system must be installed to permit unimpeded access.

116. **Indemnity**

- **Prior to the issue of an Occupation Certificate**, the applicant must enter into a suitable Deed indemnifying Council and its contractors against claims for loss or damage to common property, liabilities, losses, damages and any other demands arising from any on-site collection service. This is to be submitted to Council at least forty (40) days, prior to any occupation of the building.

117. **Composting/Worm Farming**

- The applicant must provide a container for communal composting/worm farming, the siting of such must have regard to potential amenity impacts.

118. **Internal Waste Management**

- Internal waste/recycling cupboards with sufficient space for one day's garbage and recycling generation must be provided to each dwelling.

119. **Provision of Waste Services**

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

**Panel Reasons:**

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved as per the recommendation contained in that report, subject to additional condition 1.

The decision of the Panel was unanimous

## **178-180 & 188-192 PACIFIC HIGHWAY, GREENWICH**

### **DETERMINATION**

That the Lane Cove Planning Panel approve the proposed variations to the Building Height development standards in Clause 4.3(2) in *Lane Cove Local Environmental Plan 2009*, as the applicant's written request does adequately address the matters required to be demonstrated. The proposed development would not be contrary to the public interest because it is consistent with the objectives of the standard, the objectives for development in the zone and there are environmental planning grounds to justify the variations.

The Lane Cove Local Planning Panel, at its meeting of 3 May 2022, in exercising its duties as the consent authority, pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, approve the subject Development Application DA161/2021 for the part demolition of existing building on Nos. 178-180 Pacific Highway, demolition of existing building on Nos.188-192 Pacific Highway, construction of an eight-storey mixed use development containing 37 independent seniors housing units and 251m<sup>2</sup> commercial space on the ground level on land at Nos. 178-180 & 188-192 Pacific Highway, Greenwich subject to the following conditions:

### **General Conditions**

1. **Approved Plans and Documents:** That the development be strictly in accordance with Drawing Nos.:
  - DA 102, DA 207, DA 300, DA 401-402, DA 404 & DA 500 Issue A dated 29.10.21,
  - DA 208-217, DA 301-304 & DA 403 Issue B dated 06.04.2022; and
  - Draft Strata Plan Sheet 1-6 dated 23/12/2021 prepared by PA Studio.
  - 001, 101, 102 Issue B dated 06.04.2022 & 501 dated 28.10.2021 prepared by Site Image Landscape Architects.

except as amended by the following conditions.

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

2. **Dedication to Council of Land as Laneway**  
Provision of approximately 3m wide land adjacent to Elcedo Lane on Nos. 188-192 Pacific Highway is to be dedicated to Council in perpetuity prior to the issue of an Occupation Certificate.

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

3. **Section 7.11 Contribution.** The payment of a contribution for additional person/s and commercial floor space in accordance with Council's Section 7.11 (S94) Contributions Plan shall be paid prior to the issue of any Construction Certificate. This payment is to be at the current 2021/2022 rate at the time of payment. The amount of **\$753,273.00** is required to be paid.

**NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.**

This contribution is for Community facilities, Open Space/Recreation and Roads

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under the Lane Cove Section 7.11 (S94) Contributions Plan which is available for inspection at the Customer Service Centre located at Lane Cove Council, No. 48 Longueville Road, Lane Cove.

**N/B** The Section 7.11 Contribution is calculated as the follows:

No. bedrooms	Average occupancy	Amount of contribution per person	No. of Dwellings	Total contribution
One Bedrooms	1.2 persons	\$11,044.52 x 1.2 = \$12,770.40 per dwelling	Three x \$12,770.40	\$38,311.20
Two Bedrooms	1.9 persons	\$11,044.52 x 1.9 = \$20,219.80 per dwelling (capped at \$20,000)	Nine x \$20,000.00	\$180,000.00
Three Bedrooms	2.4 persons	\$11,044.52 x 2.4 = \$26,506.85 per dwelling (capped at \$20,000)	25 x \$20,000.00	\$20,000.00
			<b>TOTAL:</b>	<b>\$718,311.20</b>

\*N/B The reforms to Local Development Contributions have a cap of \$20,000 per residential lot or per dwelling limitation on local development contributions

The contribution is also partly based on 251sqm and the current rate of \$139.26 per sqm of additional commercial floor space which is a total of **\$34,961.80**.

**Reason:** Statutory requirement.

- 4. Design Amendments A minimum 6m balcony setback is to be achieved to the western elevation adjoining Elcedo Lane on Levels 5 and 6.**

**Reason:** To ensure adverse privacy impacts are minimised.

- 5. Design Verification.** Prior to the relevant Construction Certificate being issued with respect to this development, the Principal Certifying Authority is to be provided with a written Design Verification from a qualified designer. This statement must include verification from the designer that the plans and specification achieve or improve the design quality of the development to which this consent relates, having regard to the design quality principles set out in Part 2 of *State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development*. This condition is imposed in accordance with Clause 143 of the *Environmental Planning and Assessment Regulation 2000*.

**Reason:** Statutory requirement.

- 6. Parking Allocation** Both the owner and occupier of the development and/or the strata body must provide and maintain the minimum parking allocation as follows;
1. 48 senior's residential spaces including three accessible and carwash bay space;
  2. Five commercial spaces including one accessible space;
  3. Two motorbike spaces on the commercial car parking level;
  4. Four bicycle racks on the commercial car parking level; and
  5. One bicycle rack at the entrance of each commercial tenancy.

**Reason:** To ensure parking spaces are provided in accordance with the

determination

7. **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.
8. **Transport for NSW Conditions.**
1. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.
  2. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.
  3. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2020/001. The developer is to submit all documentation at least six weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au) If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven-

day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

4. All demolition and construction vehicles are to access the site via Bellevue Avenue. A construction zone will not be permitted on the Pacific Highway.

5. The proposed development, noting its partial use of a senior's living development, is to be designed, as per the requirements of State Environmental Planning Policy (Transport & Infrastructure) 2021 such that it includes measures to ameliorate potential traffic noise or vehicle emissions noise within the site of the development arising from the Pacific Highway. These measures shall be certified by an appropriately qualified noise and air quality expert and noted on the plans prior to issue of a Construction Certificate.

**Reason:** TfNSW Condition.

9. **Restriction on Persons Accommodated.** The development may only be for the accommodation of the following only –

- Seniors or people who have a disability,

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

10. **Accessible Design** Compliance with Schedule 3 of SEPP (Housing for Seniors or People with a Disability) 2004, as referenced in the submitted Access Report 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.

11. **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.

### **BUILDING CONDITIONS**

12. **Cladding and glazing** No external combustible cladding is permitted on the building. The ground floor commercial glazing facing Burns Bay 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 safety and street activation.

13. **Payment of building and construction industry long service levy**  
Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy based on \$ 2,490,273.00 cost of works as

calculated at the date of this consent to the Long Service Corporation or Council under section 34 of the *Building and Construction Industry Long Service Payments Act 1986* and provides proof of this payment to the certifier.

**Reason:** To ensure the longservice levy is paid.

14. **Asbestos removal, handling and disposal**

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

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

15. **Construction site management plan**

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

- location and materials for protective fencing and hoardings to the perimeter on the site.
- For sites adjoining bushland a 1.8m chain mesh perimeter fence with 1m sediment fencing attached to the lower portion is required to ensure that no foreign materials enter the bushland.
- provisions for public safety
- pedestrian and vehicular site access points and construction activity zones
- details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site. The construction traffic management plan shall comply with the requirements of Part R of Lane Cove DCP 2010 and shall be submitted to Council's Traffic Section for written approval. Consultation with NSW Police, TfNSW, and Sydney Buses may be required. Note: Heavy vehicles are not permitted to travel on local roads without Council approval.
- protective measures for on-site tree preservation (including in accordance with AS 4970-2009 Protection of trees on development sites and Council's DCP, if applicable) and trees in adjoining public domain (if applicable)
- For major works, appointment of a project arborist of minimum AQF Level 5 qualification to oversee/monitor tree(s) condition during the construction process.
- details of any bulk earthworks to be carried out
- location of site storage areas and sheds
- equipment used to carry out all works
- a garbage container with a tight-fitting lid
- dust, noise and vibration control measures including a construction noise management plan prepared in accordance with the NSW EPA's *Interim Construction Noise Management Guidelines* by an appropriately qualified acoustic consultant.
- location of temporary toilets.
- The applicant must ensure a copy of the approved construction site management plan is kept on-site at all times during construction.

### **Council Approvals**

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

### **Additional Council Requirements**

1. Stockpiles or soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies.
2. All stockpiles of contaminated materials must be stored in an environmentally sensitive manner in a secure area on the site and shall be suitably covered to prevent dust and odour nuisance.
3. All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, including NSW EPA Waste Classification Guidelines (2014).
4. Where sites adjoin bushland:
  - For sites identified to be within bushfire prone land An Asset Protection Zone (APZ) shall be provided entirely within the site boundary. To protect bushland and property from fire risk, APZ standards are to be in accordance with Planning for Bushfire Protection (PBP) 2019.
  - Access to the site from adjacent parks/reserves/bushland for the purposes of carrying out building works, landscaping works, storage materials, storage of soil or rubbish is not permitted.

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

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

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

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

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

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

#### **17. Waste management plan (WMP)**

Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste

Classification Guidelines and the following requirements before it is provided to and approved by the certifier:

- a) Council's Development Control Plan (Part Q: Waste Management and Minimisation).
- b) Where sites adjoin bushland (private or public):
  - the WMP shall detail measures to mitigate any rubbish or foreign materials from entering the bushland.
  - Access through parks, reserves and bushland to the site is not permitted.
  - Council's Coordinator of Bushland must be notified of any accidental or intentional dumping of material in the bushland area.
- c) details the following:
  - the contact details of the person(s) removing the waste
  - an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill
  - the disposal and destination of all waste material spoil and excavated material

The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.

**Reason:** To ensure resource recovery is promoted and local amenity protected during construction.

**18. Utilities and services**

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

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

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

**19. Dilapidation report**

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

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

**20. Structural engineer's details**

The Construction Certificate plans and specifications must include detailed



professional structural engineering plans and/or specifications for the following:

- underpinning;
- retaining walls;
- footings;
- reinforced concrete work;
- structural steelwork;
- upper level floor framing;

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

**Reason:** To ensure structural adequacy.

**21. Sydney Water requirements**

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

**Reason:** To comply Sydney Water requirements.

**22. Signs on site**

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

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

Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

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

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

**23. Compliance with Home Building Act**

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**Reason:** Prescribed condition EP&A Regulation, clause 98(1)(b).

**24. Hours of work**

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

Monday to Friday (inclusive)

7am to 5.30pm

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

Saturday

8am to 12 noon

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

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

The principal certifier must ensure building work, demolition or vegetation removal is not *carried out on Sundays and public holidays, except where there is an emergency.*

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

**Note:** Any variation to the hours of work requires Council's approval.

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

25. **Compliance with the Building Code of Australia**

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

**Reason:** Prescribed condition - EP&A Regulation clause98(1)(a).

26. **Procedure for critical stage inspections -**

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

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

27. **Surveys by a registered surveyor -**

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

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

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

28. **Shoring and adequacy of adjoining property**

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

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

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

**Reason:** Prescribed condition - EP&A Regulation clause 98E.

**29. No obstruction of public way**

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

**Reason:** To ensure public safety.

**30. Encroachments**

1. No portion of the proposed structure shall encroach onto the adjoining properties.
2. The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement unless approved by Council.
3. No encroachment is to occur into public open space.

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

**31. Post-construction dilapidation report**

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

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

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

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

**32. Sydney Water requirements**

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

**Reason:** Sydney Water requirement.

**33. Annual fire safety certificate**

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

**Reason:** To satisfy Council's Engineering requirements to ensure annual checks

on fire safety measures.

**34. Implementation of BASIX commitments**

While building work is being carried out, the applicant must undertake the development strictly in accordance with the commitments listed in the BASIX certificate(s) approved by this consent, for the development to which the consent applies.

**Reason:** To ensure BASIX commitments are fulfilled in accordance with the BASIX certificate (prescribed condition under clause 97A(2) EP&A Regulation).

**35. Property Numbering**

Prior to registration of any strata plan, submit to Council for approval a schedule of unit numbers against lot numbers.

**Reason:** To ensure the numbering system is in accordance with Australian Standard AS/NZS 4819:2011, and the NSW Address Policy and User Manual.

**36. Lot Consolidation and Strata Subdivision**

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

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

**37. 88B Instrument:** An instrument under 88B of the Conveyancing Act 1919 plus two copies is to be submitted to Council prior to the release of subdivision certificate. The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies. Where Council, interallotment drainage lines or services are located within the development, drainage easements and easements for services shall be created in accordance with Council's minimum widths as set out in Council's DCP-Stormwater Management.

Part 2 of the 88B instrument shall contain a provision that any easements, rights of way, covenants shall not be extinguished or altered without the written consent of Council.

**38. Linen Plan of Subdivision:** A Linen Plan of Subdivision plus five copies are to be submitted to Council prior to the release of subdivision certificate.

The linen plan of subdivision shall be suitable for endorsement by the general manager pursuant to Section 327 of the local government act and shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies.

**General Engineering Conditions**

**40. 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

**41. Materials on Roads and Footpaths:** Where the applicant requires the use of Council land for placement of building waste, skips or storing materials a "*Building waste containers or materials in a public place*" application form is to be lodged.

Council land is not to be occupied or used for storage until such application is approved.

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

42. **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

43. **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 4 working days for approval.

**Reason:** To ensure public safety

44. **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

45. **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

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

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

47. **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

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

applicant.

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

49. **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**. Note: The finished floor level of the proposed garage or carport shall be determined by Council.

Applicant has to lodge Vehicular Crossing Application form with application fee as shown in the form.

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

**Engineering conditions to be complied with prior to Construction Certificate**

50. **Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$20000 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

51. **Drainage Plans Amendments:** The stormwater drainage plan prepared by ING Consulting Engineers Pty Ltd, reference No: 326092021DA, issue A and dated on 11 October 21 is to be amended as detailed below by a qualified practising hydraulic engineer and certified by him/her. This amended plan shall show full details of new pipe network amended as follows and satisfying part O of the Council's stormwater DCP;
1. This DA requires OSD. The detailed design for this proposed system is required
  2. Proposed drainage system should show pipe sizes and invert levels up to connection point; confirming pipe system satisfies part O of Council' storm water DCP.
  3. Clean out pits are required at all low points of charged drainage line if charged pipe system is proposed.
  4. Sediment control fence shall be placed around the construction site and shown in plan
  5. Stormwater runoff from driveway shall be collected by grated driveway pit and connected to stormwater system
  6. Minimum of 1.8m height difference is required between start and end of the charged pipe system as per section 5.1 in Council DCP. The details of design level difference shall be shown in plan.
  7. The stormwater connection pipe from fence line to proposed pit shall be designed for gravity discharge only and no charged pipe line allowed.
  8. A gross pollutant trap suitable for this site needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The details of this GPT shall be shown in stormwater plan. The

suitable access to the GPT for future maintenance is required.

9. The OSD calculation shall be based on the calculation shown in Appendix 14 in part O of Council stormwater DCP.
10. The detailed cross section of the OSD is required and shall show levels, sizes, depths and widths.
11. Overflow from the OSD shall not re-enter the site via proposed driveway and must be directed to an acceptable stormwater system.
12. By considering all these issues, Council recommends improving existing pipe system in Bellevue Avenue satisfying Council's Stormwater DCP to accommodate future stormwater from this proposal. The applicant shall install one kerb inlet pit on lower point at right corner of the site and extend the pipe system to this pit from existing Council's street drainage system.
13. Council will not support any pit where the flow direction changes more than 90 degree.
14. A plan with longitudinal section of the proposed pipe system from the site to the existing Council pit with relevant calculations are required for further assessment and/or approval. This plan should show pipe sizes, invert levels and existing surface levels to confirm that the pipe system satisfies Council's DCP.
15. 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.
16. The proposed basement shall be constructed with water-proof walls around it.
17. Installation pipe system near the protected trees must be assessed by Council Tree Officer.

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.**

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

52. **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.**  
The Report must include recommendations of improvement works on adjoining street 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

53. **Road Dilapidation Survey:** The applicant is to prepare a dilapidation survey and a dilapidation report that includes details of the existing state of repair/condition of the road surface of Bellevue Avenue, Elcedo Lane and Pacific Highway and provide that survey and report to the Council and RMS prior to the issue of the construction certificate. Following completion of construction of the development and prior to the issue of the occupation certificate, the applicant is to prepare a second 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 construction of the development. The Council/TfNSW may apply funds from the security deposits paid in favour of this consent to meet the cost of making good any damage caused to the surface of the said public road as a consequence of 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 (Australia).

**Reason:** To provide a record of Council's infrastructure and protect them

54. **Council Construction Requirements:** The applicant shall construct/reconstruct the following to Council's satisfaction;
1. New footpath adjacent the entire frontage of the site to Council's satisfaction
  2. New Kerb and Gutter along the entire frontage of the site to Council's satisfaction
  3. Construction of new street drainage system along Bellevue Ave
  4. Reinstate all adjustments to the road surfaces.
  5. Reinstate all existing nature-strips with turf and soil on road reserve.
  6. Reinstate all damages identified in dilapidation report

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

A \$40000 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**. 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

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

- Proposed drainage construction on Bellevue Ave
- 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 (\$205 for one inspection) is to be paid **prior to the issue of the Construction Certificate**.

**Reason:** To ensure completion of work satisfying Council



56. **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

57. **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 accessgrate. 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

58. **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

59. **Rainwater Reuse Tanks:** The proposed rainwater tank is to be installed in accordance with Council's rainwater tank policy and relevant Australian standards.

Note:

- Rainwater draining to the reuse tank is to drain from the roof surfaces only. No "on - ground" surfaces are to drain to the reuse tank. "On - ground" surfaces are to drain via a separate system.
- Mosquito protection & first flush device shall be fitted to the reuse tank.
- The overflow from the rainwater reuse tank is to drain to the receiving system.
- Installation of rainwater tank shall be accordance with section O6 of part O of Council DCP.
- Hydraulic calculation prepared by qualified engineer for charged pipe system draining to rainwater tank and submitted to Council
- This tank shall have effective volume as mentioned in plan, with 100mm air gap on top and 100mm sludge zone at the bottom

**Reason:** To comply with Council's requirements and satisfy hydraulically

60. **Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. The driveway opening width includes wings along at the face of kerb is to satisfy all requirements and conditions given by Traffic Section of Lane Cove Council, in the interest of pedestrian safety. The driveway shall be 300mm away from existing power pole and existing stormwater pit. This driveway is to be designed to stop road runoff entering the property, to be certified that it fully complies with AS 2890 Series and Council's standards and specifications and constructed in accordance with AS 2890.1.2004 "Off Street Car Parking".

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.
  - An analysis of vehicle maneuvering is required to confirm vehicle movement is safe in the proposed parking area.

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

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

61. **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

62. **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**; all associated works are to be completed **prior to the issue of the Occupation Certificate**.

**Reason:** To ensure good visibility

**Engineering condition to be complied during construction**

63. **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

64. **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 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.

**Reason:** To protect the environment

65. **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

66. **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

**Engineering condition to be complied with prior to Occupation Certificate**

67. **Certification of Existing Structures and Excavations:** A suitably qualified structural engineer shall provide certification to the principal certifying authority that all existing structures are structurally satisfactory for proposed development and retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practice.

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

68. **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

69. **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.

- Pump out system
- Rainwater tank
- New pipe system in Bellevue Ave

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

**Reason:** Statutory requirement

70. **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:** Statutory requirements and to protect stormwater infrastructure and confirm future maintenance

71. **Works as Executed Drawings for OSD:** A works as executed survey of the onsite detention facility will need to be prepared and certified to demonstrate that the OSD system functions as per the intention of the approved design. A suitably qualified engineer must certify that the construction system is satisfactory.

**Reason:** Statutory requirements

72. **Works as Executed Drawings for street drainage construction:** A works as executed survey of the proposed street drainage works on Orion Rd will need to be prepared and certified by qualified engineer to demonstrate that the drainage system is accordance with the approved plan.

**Reason:** Statutory requirements

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

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

### **Traffic Conditions**

#### **Parking and servicing**

74. The proposed car park design is to comply with AS290.1-2004. 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 AS2890.2-2002 for Loading Facilities and Services Vehicles.
75. The access to the car park shall comply with Australian Standards. AS 2890.1-2004.
76. Visibility requirements of the proposed access must comply with AS 2890.1-2004.
77. 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.

78. 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 are to be clearly signposted and line marked.
79. Install wheel stops on all car parking spaces to prevent any collision with structures or objects.
80. Motorcycle parking spaces are to be sign posted and adequately line marked.
81. A traffic report demonstrating the safety and functionality of the basement car park including details of the proposed signalised system are to be provided and approved by Council's Traffic section before the issue of the construction certificate.
82. An independent traffic consultant is to review and approve the signal system installed in the Basement to ensure that it is safe and functional before the issue of the occupation certificate.
83. Proposed waiting bays should be adequately line-marked.
84. All vehicles must front in/ front out to/ from the development.
85. All cycling racks and secure bike parking must be provided on-site and must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with AS2890.3:2015. Alternative designs that exceed the Australian Standards will also be appropriate.
86. The bicycle facilities are to be clearly labelled and advisory/directional signage is to be Provided at appropriate locations.

#### **Construction Traffic Management Plan**

87. A Construction Management Plan must be lodged with Council prior to the issuing of a Construction Certificate. As per DCP Part R, the Construction Management Plan should address (but not necessarily be limited too) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, and any conflict with other road users in the street including public transport. Heavy vehicles will not be permitted to travel on local roads unless prior Council permission is obtained from Council's Traffic section. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.

The Construction Management Plan should specify proposed Work/Construction Zones and the impact of the construction traffic activities to all road users including pedestrians and cyclists. The Construction Management Plan may contain issues requiring the attention and approval of the Lane Cove Traffic Committee (LTC). The Construction Management Plan should also assess and address the impact of construction vehicles travelling through the surrounding road network.

88. **Demolition Traffic Management Plan** - As a result of the site constraints, limited vehicle access and parking, a Demolition Traffic Management Plan (DTMP) and

report shall be prepared by a Transport for NSW accredited person and submitted to and approved by Council prior to commencing any demolition work.

The DTMP must:-

- i. Make provision for all construction materials to be stored on site, at all times.
- ii. Specify construction truck routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible.
- iii. Provide for the movement of trucks to and from the site, and deliveries to the site. Temporary truck standing/ queuing locations in a public roadway/ domain in the vicinity of the site is not permitted unless a Works Zone is approved by Council.
- iv. Include a Traffic Control Plan prepared by an RMS accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic.
- v. Specify that a minimum seven (7) days notification must be provided to adjoining property owners prior to the implementation of any temporary traffic control measures.

Include a site plan showing the location of any site sheds, location of requested Work Zones, anticipated use of cranes, structures proposed on the footpath areas (hoardings, scaffolding or temporary shoring) and extent of tree protection zones around Council street trees.

- i. Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the DTMP must engage and consult with developers undertaking major development works within a 250m radius of the subject site to ensure that appropriate measures are in place to prevent the combined impact of construction activities. These communications must be documented and submitted to Council prior to work commencing on site.
- ii. The DTMP shall be prepared in accordance with relevant sections of Australian Standard 1742 – “Manual of Uniform Traffic Control Devices”, RMS’s Manual – “Traffic Control at Work Sites”.

**NOTE:** This condition is to ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems. The DTMP is intended to minimise impact of construction activities on the surrounding community, in terms of vehicle traffic (including traffic flow and parking) and pedestrian amenity adjacent the site.

**Reason:** Safety and amenity

89. **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:** Safety and amenity

**WASTE CONDITIONS**

90. **Garbage Chutes** - A garbage chute system and interim recyclable storage facilities must be provided to the development.
- Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).
  - Garbage chutes must be located and insulated in a manner that reduces noise impacts.
  - Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
  - Chutes, service openings and charging devices must be capable of being easily cleaned.
  - Chutes must be cylindrical and have a diameter of at least 500mm.
  - Chutes must not have any vends or sections of reduced diameter in the main shaft of the chute;
  - Internal overlaps in the chute must follow the direction of waste flow.
  - Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
  - A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
  - The upper end of the chute must extend above the roofline of the building.
  - The upper end of the chute must be weather protected in a manner that does not impede the upward movement of air out of the chute.
  - Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.

**Reason:** Waste condition

91. **Garbage Chute Service Rooms** - The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.
- The charging device for each service opening must be self-closing and must not project into the main chute.
  - Branches connecting service openings to the main chute must be no longer than 1m.
  - Each service room must include provision for 2x240L recycling bins for the storage of recyclable materials. Signage regarding the materials that can be recycled must be displayed near these recycling bins.
  - Each service room must be located for convenient access by users and must be well ventilated and well lit.
  - The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
  - Service rooms must include signage that clearly describes the types of

materials that can be deposited into the garbage chute, the types of materials which must be deposited into recycling bins, and bulky waste collection arrangements including the location and travel paths to the bulky waste storage room.

**Reason:** Waste condition

92. **Waste and Recycling Storage Rooms**

- Waste and recycling rooms must be of sufficient size to accommodate garbage chute systems, a total of 1 x 240L garbage bins per 3 units, 1 x 240L yellow recycling bins per 10 units and 1 x 240L blue recycling bins per 10 units with adequate space for maneuvering garbage and recycling bins. 240L green waste bins available upon request.
  - Minimum clearance between bins of 300mm;
  - Minimum door openings of 1700mm; &
  - Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
  - Concrete which is at least 75mm thick; or
  - Other equivalent material; and
  - Graded and drained to a floor waste which is connected to the sewer
- All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.
- The walls of waste and recycling rooms, bulky waste storage areas and waste service compartments must be constructed of solid impervious material and must be cement rendered internally to a smooth even surface coved at all intersections.
- All waste and recycling rooms and bulky waste storage rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
- All waste/recycling and bulky waste storage rooms must be constructed to prevent the entry of vermin.
- All waste/recycling and bulky waste storage rooms must be ventilated by either:
  - Mechanical ventilation systems exhausting at a rate of 5L/s per m<sup>2</sup> of floor area, with a minimum rate of 100l/s; or
  - Permanent, unobstructed natural ventilation openings direct to the external air, not less than 1/20<sup>th</sup> of the floor area.
- All waste/recycling and bulky waste storage rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.
- Clearly printed “No Standing” signs must be affixed to the external face of



each waste/recycling and bulky waste storage room.

**Reason:** Waste condition

93. **Bulky Waste Storage Room** - Readily accessible bulky waste storage areas located near the main garbage rooms must be provided for the use of all residents.
- Bulky waste storage rooms must be designed to the following minimum sizes:
    - >21 units: 30m<sup>2</sup>
  - Otherwise, to be serviced by a concierge.
  - Doorways and travel paths must be a minimum width of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point.

**Reason:** Waste condition

94. **Access to Waste Collection Point** - All waste must be collected on-site via on-site access by Council's garbage collection vehicles.
- The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for both occupants and Council's waste collection contractors.
  - The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
  - The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%). The turning area at the base of any ramp must be sufficient for the maneuver of a 6.0m rigid vehicle to enter and exit the building in a forward direction.
  - Where security gates are proposed, a Council master key system must be installed to permit unimpeded access.

**Reason:** Waste condition

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

**Reason:** Waste condition

96. **Composting/Worm Farming** -The applicant must provide a container for communal composting/worm farming, the siting of such must have regard to potential amenity impacts.

**Reason:** Waste condition

97. **Internal Waste Management**

Internal waste/recycling cupboards with sufficient space for one day's garbage and recycling generation must be provided to each dwelling.

**Reason:** Waste condition

98. **Provision of Waste Services**

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

**Reason:** Waste condition

**ENVIRONMENTAL HEALTH CONDITIONS**

99. **Contamination** In accordance with the contamination provisions of SEPP55 Contaminated Land, a Detailed Site Investigation and Remediation Action Plan (if required) are to be submitted to the satisfaction of Council prior to the issue of the Construction Certificate.

**Reason:** Safety and amenity

100. **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:** Safety and amenity

101. **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:** Safety and amenity

102. **Site Water Management Plan** - A site water management plan is to be submitted to Principal Certifying Authority for approval prior to the issue of a Construction Certificate. 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:** Safety and amenity

103. **A Construction Noise Management Plan** is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan is required to be site specific and be in accordance with the NSW EPA's Interim Guidelines for Construction Noise Management

**Reason:** Safety and amenity

104. **Noise Monitoring** - Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition and construction work.

**Reason:** Safety and amenity

105. **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:** Safety and amenity

106. **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:** Safety and amenity

107. **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:** Safety and amenity

108. **Clean Water only to Stormwater System** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.

**Reason:** Safety and amenity

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.

**Reason:** Safety and amenity

110. **Construction and fit-out of food premises**

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, the construction and fit-out of any food premises must comply with the following:

- i) The Food Act 2003 (as amended);
- ii) Food Regulation 2015 (as amended);
- iii) Australia and New Zealand Food Standards Code;
- iv) Australian Standard AS 4674 – 2004 (Design, construction and fit-out of a food premises);
- v) Sydney Water – trade Waste Section;
- vi) The Protection of the Environment Operations Act 1997; and
- vii) The Building Code of Australia.

A certificate of compliance with (iv) for the proposed kitchen design shall be submitted to the Principal Certifying Authority, prior to issuing the relevant Construction Certificate.

**Reason:** To ensure food preparation areas meet the relevant requirements.

**111. Compliance with acoustic report**

The Construction Certificate drawings shall demonstrate compliance with the recommendations contained in the submitted Acoustic Report. The Report is to include details of the specified AC plant and any other plant equipment for which details are unknown at the DA stage.

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

**112. Construction noise**

While building work is being carried out, and where a noise and vibration management plan is approved under this consent, the applicant must ensure that any noise generated from the site is controlled in accordance with the requirements of that plan.

**OR**

While building work is being carried out, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

**Reason:** To protect the amenity of the neighbourhood.

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

**114. Compliance with acoustic report**

At completion of the construction works and prior to the issue of any occupation certificate, a validation certificate is to be submitted to the Principal Certifier confirming that the development has been constructed in accordance with the acoustic report, and that the internal noise levels have been achieved.

**Reason:** To ensure adequate internal acoustic amenity.

**115. Outdoor lighting**

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

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

## **TREE CONDITIONS**

### **GENERAL CONDITIONS**

116. **Tree preservation and approved landscaping works** All landscape works shall be undertaken generally in accordance with the approved landscape plan(s) and Arborist Report, as modified by any conditions of consent. 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 a 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.*

All landscape works shall be undertaken in accordance with the approved landscape plan(s) and Arborist Report.

**Reason:** To protect the natural environment.

117. Council requires amendment to the Arboricultural Impact Appraisal and Method Statement: Naturally Trees / Andrew Scales, dated September 2021, to reflect the retention of **Tree 2 and Tree 3** prior to the issue of the construction certificate to the satisfaction of Council.

**Reason:** To protect the natural environment.

118. Council also requires amendments to the Arboricultural Impact Appraisal and Method Statement: Naturally Trees / Andrew Scales, dated September 2021/ Appendix 4 to be amended to include Canopy Protection from scaffolding and other high access machinery, to ensure no damage to the canopy will occur during development of the site prior to the issue of the construction certificate to the satisfaction of Council.

**Reason:** To protect the natural environment.

119. **Payment of security deposits** Before the commencement of any works on the site or the issue of a construction certificate, the applicant must make all of the following payments to Council and provide written evidence of these payments to the Certifier:

<b>Security deposit</b>	<b>Revision</b>
<b>Council owned trees</b>	\$100,000

The payments will be used for the cost of:

- making good any damage caused to any council property (including streettrees) as a consequence of carrying out the works to which the consent relates,

- completing any public work such as roadwork, kerbing and guttering, footway construction, stormwater drainage and environmental controls, required in connection with this consent, and
- any inspection carried out by Council in connection with the completion of public work or the making good any damage to council property.

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

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

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

The following items are to be inspected:

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

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

#### **PRIOR TO DEMOLITION WORKS**

120. **Project arborist** Prior to the commencement of any works including demolition, a project arborist of minimum Australian Qualitative Framework (AQF) Level 5 qualification is to be appointed to oversee/monitor trees/condition compliance during the demolition and construction process. Compliance certificates must be available upon request and submitted to the Principal Certifier **prior to the issue of an occupation certificate**. The project Arborist shall:

- Certify tree protection measures listed prior to demolition and construction works
- Oversee the excavation for the basement level within the Tree Protection Zone of existing Bellevue Avenue street trees.
- Oversee the excavation required for stormwater drainage and installation of services within the Tree Protection Zone of any retained trees,
- Provide monthly health and condition assessments on protected trees
- Statement upon completion for the development that all retained trees have been maintained in a healthy, viable condition. The statement must also recommend remedial advice for trees post construction to mitigate and long-term construction impacts.

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

121. **Tree Protection Measures** The following tree protection measures must be in place prior to demolition works and certified by the project arborist. A Tree Protection Plan must be submitted to the Principal Certifying Authority prior to the issue of a Construction certificate. The Tree Protection Plan must show the location of Tree Protection Fencing. The Tree Protection Plan must be included in the

Revised Landscape Documentation Package and be available on-site during compliance inspections.

The fencing must consist of a 1.8 m high chain mesh fence held in place with concrete block footings and fastened together. An example of fencing is shown under figure 3 on page 16 of the Australian Standard 4970-2009 *The Protection of Trees on Development Sites*. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed. The area within the fencing must be mulched to a depth of 75mm using weed free coarse woodchip with leaf mulch and irrigated for the life of the development.

A waterproof sign must be placed on every second panel stating, 'NO ENTRY TREE PROTECTION AREA – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with **NO ENTRY TREE PROTECTION ZONE** in capital Arial Font size 100, and the rest of the text in Arial font size 65.

Such fencing and signage must be erected **Prior to Demolition** including site preparation and remain in place for the duration of the construction work

Movement of Tree Protection Fencing for the installation of new footpaths must be overseen and approved by the project Arborist with notification provided to Council's Tree Management Officer in writing.

**Reason:** To protect the natural environment

#### **WHILE BUILDING WORK IS BEING CARRIED OUT**

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

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

#### **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

123. **Completion of landscape and tree works** Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape and tree-works, including pruning in accordance with *AS 4373-2007 Pruning of amenity trees* and the removal of all noxious weed species, have been completed in accordance with the approved plans and any relevant conditions of this consent.

Additional Council requirements are outlined below:

- Certification of the above shall be provided by the project arborist (if applicable) or by a qualified practising landscape architect. Certification shall also be provided for the following:
  - subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings.
  - All landscaping areas have an automatic irrigation system on a timer that provides adequate water for the ongoing health and vitality of the plants.

**Reason:** To ensure the approved landscaping work have been completed before occupation, in accordance with the approved landscaping plan(s).

## **LANDSCAPING CONDITIONS**

### **GENERAL CONDITIONS**

124. **Approved landscape plans and supporting documentation** The approved landscaped plans require the following design amendments contained herein.

#### **Missing Items of the Landscape Development Checklist**

The project Landscape Architect is to amend their drawings to include the required missing items from the Landscape Development Checklist (itemised below) and send back to Councils Landscape Architect for assessment prior to issue of Construction Certificate.

- **Proposed tree protection measures** provided by the Level 5 Project Arborist and any mitigation measures to be undertaken within the Tree Protection Zone of any retained tree
- **Existing services and easements** from the survey and shown on the landscape plan, Proposed services and Easements shall also be shown on the landscape plan
- **Landscape calculations:** percentage of landscaped area and deep soil planting clearly delineated and shown as a percentage of the overall site size.
- **Tree incursions:** Clearly indicate graphically where the root zone of existing trees to be retained may come into conflict with any part of the demolition of existing or installation of proposed buildings
- **Planting plan:** with lawn areas, all new plantings, plant schedule showing species, container size and size at maturity oil types, soil additives and mulches to be used
- **Bulk Earthworks** showing any possible conflicts with the roots of trees to be retained as well as any mitigation measures
- **Sections and elevations** clearly showing the relationship of the proposed landscaping with the built form. A minimum of two sections east – west and north – south required.
- **Proposed plantings** The proposed *Tristania laurina* to be planted in the front setback along Pacific Highway, are to be planted within a structural root cell system (stratacell or approved equivalent). The revised landscape documentation is to specify in detail the extent and depth of the root cell system and ensure that the appropriate soil volume is available for the healthy development of the trees specified for this area by Council. The structural root cell is to extend from the back of kerb to the building footprint along the boundary and shall be backfilled with a native soil mix.
- **Wall heights** The current proposal shows little detailed level information. The Landscape Architect is to amend their drawings to show accurate top of wall heights (TOW), bottom of wall heights (BOW), spot levels, Relative Level (RLS) and grades throughout the design.

It is noted that the Project Landscape Architect has already provided 2 sections in their drawing package, however, two additional sections traversing along Pacific Highway and Bellevue Avenue will be needed to assess the relationship between the built form and the landscape.

**Reason:** To ensure all parties are aware of the approved plans/supporting documentation that applies to the development, to ensure the ongoing sustainability and canopy growth of proposed new trees. Further, to assess the practicality of the proposed design and Council do not support unnecessary tree removal of



community asset trees as consistent with LCC DCP Part J.

125. **Canopy Trees** Canopy trees along the street setback areas shall be a minimum 4m above finished ground level at the time of planting and planted in a contiguous trench of structural root cell such as stratacell or an approved equivalent.

**Reason:** To maintain the street and neighbourhood character.

126. **Automatic irrigation system** An automatic drip irrigation system is to be designed and installed to all garden bed areas that will ensure the ongoing health of the planting scheme for the life of the development.

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

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

**Reason:** The ensure the structural integrity of the planter box and parking structure below are maintained and to ensure that no leaks occur in the raised planter box as installed

#### **BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE**

128. **Pre-Construction Dilapidation report: Trees to be Retained:** Before the issue of a construction certificate, a suitably qualified Arborist with a minimum of an AQF level 5 Degree must prepare a pre-construction dilapidation report on the health of the trees to be retained and protected following a site visit with Council's Senior Tree Preservation Officer. The report shall be agreed upon by both parties and shall include photographs of each tree and any existing damage, defects or areas of concern well represented.

(i) after comparing the pre-construction dilapidation report to the post- construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and

(ii) here there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent. Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason:** To identify damage to existing trees retained resulting from building work on the development site.

129. **Works within structural root zones of existing trees:** Where works must take place within the Structural Root Zone of any tree to be retained, root mapping through hand digging shall take place and a report showing the findings shall be prepared by the Project Arborist with an AQF5 qualification and then shall be submitted to Council's Senior Tree Assessment Officer for approval

**Reason:** To ensure that no damage occurs to the root system of trees to be retained thus ensuring their ongoing health and vigour.

130. **Plant supply:** All trees planted on site shall conform to Australian Standard AS 2303-2015 Tree Stock for Landscape Use. All other plants shall conform to NATSPEC specifications and be free from disease or defects and be in a healthy condition.

**Reason:** To ensure the proposed planting is free of disease and defects to provide the best chance for successful establishment and ongoing health and vigour

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

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

#### **WHILE BUILDING WORK IS BEING CARRIED OUT**

132. **Compliance Certificate for waterproofing planting on structures:** A certificate must be submitted by a qualified practicing Landscape Architect 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 to all raised and formed garden bed areas.

**Reason:** To ensure there is no water penetrating the planter boxes to the infrastructure or building below

133. **Cut and fill:** While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier. All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* or a material identified as being subject to a resource recovery exemption by the NSW EPA.

**Reason:** To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants

134. **Uncovering relics or Aboriginal objects:** While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition:

- "relic" means any deposit, artefact, object or material evidence that:
  - (i) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or local heritage significance; and
  - (i) "Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being

habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

**Reason:** To ensure the protection of objects of potential significance during works

#### **BEFORE THE ISSUE OF AN OCCUPATION CERTIFICATE**

**Note:** *Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to the attention of via e-mail at [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au) within five (5) working days of the date of issue*

**Reason:** To meet Council Statutory Regulations

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

- All stormwater drainage systems and storage systems

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

**Reason:** To confirm the location of works once constructed that will become council assets

136. **Post Construction Dilapidation report: Trees to be Retained:** Before the issue of a construction certificate, a suitably qualified Arborist with a minimum of an AQF level 5 Degree must prepare a post-construction dilapidation report on the health of the trees to be retained and protected following a site visit with Council's Senior Tree Preservation Officer. The report shall be agreed upon by both parties and shall include photographs of each tree and any existing damage, defects or areas of concern well represented. after comparing the pre-construction dilapidation report to the post- construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and where there has been structural damage to any adjoining buildings, that it is a result of the building work approved under this development consent. Before the issue of an occupation certificate, the principal certifier is to provide a copy of the post-construction dilapidation report to Council (where Council is not the principal certifier) and to the relevant adjoining property owner(s).

**Reason:** To identify damage to existing trees retained resulting from building work on the development site

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

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

**Reason:** To ensure any damage to public infrastructure is rectified to identify

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damage to existing trees retained resulting from building work on the development site

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

**Reason:** To ensure the landscape works have been carried out in accordance with the stamped approved construction documents.

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

**Reason:** To ensure the landscape works have been carried out in accordance with the stamped approved construction documents.

Panel Reason

The Panel supports the findings contained in the Assessment Report and resolves that the application be approved as per the recommendation contained in that report, subject to change to condition Nos.4 and 6.

The decision of the Panel was unanimous.

The meeting closed at 6.35pm

\*\*\*\*\* END OF MINUTES \*\*\*\*\*