



Joanna Bakopanos
Team Leader -Industry Assessments
Department Industry and Environment

30 November 2022

SSD-13475973 -706 MOWBRAY ROAD LANE COVE NORTH (Lot 10 1179953)

Dear Joanna,

Thank you for the opportunity to comment on the detailed design for the construction and operation of a Data Centre at 706 Mowbray Road West, Lane Cove North.

Lane Cove Council identify the following concerns with the proposal.

Non-compliant Building Height:

The proposed maximum building height of 29.695m exceeds the Lane Cove LEP control of 18m by 11.695m (64.97% variation). The applicant has submitted a clause 4.6 variation in support of the height variation.

The proposed bulk and scale is out of character with the surrounding buildings in the area. The northern side of Mowbray Road is characterised by single and 2-storey dwelling houses. The current building at 706 Mowbray Road contains a part two and three-storey commercial/light industrial building. The ground floor is below street level of Mowbray Road. The proposed bulk of the data centre would be significantly larger than the existing building and would dominate the streetscape. The visual impact of the proposed built form would be further exacerbated due to the removal of significant trees in proximity to the data centre.

It is acknowledged that the built form has been reduced since the previous scheme. However, the amended scheme is still not supported by Council for the reasons above. It is recommended that the consent authority request the proposed building height be reduced to comply with the 18m height control.

Tree Removal:

Council's bushland officer has reviewed the arborist report supplied by Travers Bushfire and Ecology and note that of the **113** trees considered **65** trees are nominated for removal and **48** trees are nominated for retention.

Council’s bushland officer has inspected all of the trees considered on-site and does not support the removal of the following **16** “A” rated native trees:

Tree Number	AZ	Botanical Name	Common Name
T029	A1	<i>Eucalyptus sp.</i>	Eucalyptus
T048	A1	<i>Eucalyptus pilularis</i>	Blackbutt
T053	A1	<i>Eucalyptus botryoides</i>	Bangalay
T061	A1	<i>Tristaniopsis laurina</i>	Water gum
T062	A1	<i>Tristaniopsis laurina</i>	Water gum
T064	A1	<i>Eucalyptus botryoides</i>	Bangalay
T066	A2	<i>Eucalyptus pilularis</i>	Blackbutt
T067	A1	<i>Eucalyptus pilularis</i>	Blackbutt
T068	A2	<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint
T094	A2	<i>Eucalyptus sp.</i>	Eucalyptus
T097	A1	<i>Lophostemon confertus</i>	Brush Box
T098	A1	<i>Lophostemon confertus</i>	Brush Box
T099	A1	<i>Eucalyptus botryoides</i>	Bangalay
T100	A2	<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint
T101	A2	<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint
T102	A1	<i>Eucalyptus botryoides</i>	Bangalay

The above mentioned **16** trees are either:

- a) Locally endemic trees complementing the adjacent Environmental Conservation bushland at the Epping Plateau. Contributing to the overall biodiversity, ecology and protection of the bushland reserve.
AND/OR
- b) Providing good canopy percentage cover contributing to maintaining the 40% canopy cover objective as outlined in Council’s 2019 Climate Emergency Declaration.
AND/OR
- c) Suitable habitat for local wildlife.

Council requests these **16** “A” rated trees are worthy of retention and request a review of the arborist report/ proposal to reflect further retention efforts.

The removal of highly significant endemic trees would result in a significant loss of habitat for native fauna.

Many of the mature native trees being removed are well outside the building envelope. There should be much greater effort to retain these trees. It is also recommended that any retained native trees adjacent to the site are not removed or damaged. All replacement trees shall be installed at a ratio of 1:1. All replacement trees shall be replaced with 1x endemic tree species from the adjacent vegetation community at 45 litre pot size each, selected from Council's DCP Part J – Landscaping Appendix 1.

Weed Species Trees:

Council's bushland officer disagrees with the arborist report to retain the following weed species trees namely, Small Leaved Privet, Broad Leaved Privet and Camphor Laurel as they are pest species. Council's bushland officer recommends the following **26** weed species trees be removed as part of this proposal. The management plan should include a carefully staged thinning and removal of the weed species on the slope over many years, along with replacement planting of appropriate species.

Tree Number	Botanical Name	Common Name
T002	<i>Ligustrum sinense</i>	Small leaved Privet
T003	<i>Cinnamomum camphora</i>	Camphor laurel
T005	<i>Ligustrum sinense</i>	Small leaved Privet
T006	<i>Cinnamomum camphora</i>	Camphor laurel
T007	<i>Cinnamomum camphora</i>	Camphor laurel
T008	<i>Ligustrum lucidum</i>	Broad leaved Privet
T018	<i>Ligustrum lucidum</i>	Broad leaved Privet
T019	<i>Cinnamomum camphora</i>	Camphor laurel
T021	<i>Cinnamomum camphora</i>	Camphor laurel
T022	<i>Ligustrum lucidum</i>	Broad leaved Privet
T023	<i>Cinnamomum camphora</i>	Camphor laurel
T024	<i>Cinnamomum camphora</i>	Camphor laurel
T026	<i>Cinnamomum camphora</i>	Camphor laurel
T027	<i>Cinnamomum camphora</i>	Camphor laurel
T030	<i>Ligustrum lucidum</i>	Broad leaved Privet
T033	<i>Ligustrum sinense</i>	Small leaved Privet
T035	<i>Ligustrum sinense</i>	Small leaved Privet
T036	<i>Cinnamomum camphora</i>	Camphor laurel
T037	<i>Ligustrum sinense</i>	Small leaved Privet
T038	<i>Ligustrum lucidum</i>	Broad leaved Privet

T039	<i>Ligustrum lucidum</i>	Broad leaved Privet
T041	<i>Cinnamomum camphora</i>	Camphor laurel
T044	<i>Ligustrum sinense</i>	Small leaved Privet
T045	<i>Ligustrum sinense</i>	Small leaved Privet
T046	<i>Ligustrum sinense</i>	Small leaved Privet
T047	<i>Cinnamomum camphora</i>	Camphor laurel

Revegetation:

Revegetation and bushland management of existing vegetation on site requires a management plan prepared by an experienced environmental consultant and not by a landscape architect as per section H.8 of the Lane Cove DCP 2009.

It is recommended all plantings use species from the adjacent vegetation community (not just species native to NSW) and in the southern section of the development adjacent to the native vegetation, no horticultural varieties to be planted.

Note there are inconsistencies about the impact on vegetation between the Arborist's report (App 12), the Biodiversity Technical Report (App 14), the Environmental Impact Statement and the Landscape Plans (App 7). Council recommends the consent authority request the applicant to resolve these inconsistencies prior to determination.

The trees being retained are almost all on the slope below their driveway at the rear of the property. This area is challenging to manage and should be treated with great sensitivity. The option to remove of the weed trees would destabilise a steep unconsolidated fill slope. However, these weed trees also cannot remain to continue seeding into the remnant bushland below. Council recommends that the Consent authority request a carefully staged landscape plan of gradual thinning and removal of the weed species on the slope, along with replacement planting of appropriate species for this location to continue holding the slope.

Council recommends the consent authority confirm that the rear property boundary is accurate. The rear boundary does not appear to align with the top of the slope at the back. Their boundary is well down this slope and the retained trees are all the weed trees on this slope.

Biodiversity and Assessment Report BDAR waiver request:

- **Monitoring of potential microbat habitat for the presence of threatened species should be required before the BDAR waiver is approved.**
- Noted that a BDAR waiver has been prepared and will be submitted to the DPIE. (Table 1 - Page 10 of Biodiversity Technical Report ARUP)
- As this proposal applies for a BDAR waiver the BAM (Biodiversity Assessment Method) has not been applied. (Section 2.4 - Page 11 of Biodiversity Technical Report ARUP)

Biodiversity Technical Report:

The Biodiversity Technical Report (Appendix 14) claims in at least two places that 'only planted vegetation in garden beds is being removed' (e.g. at 4.1.3, p.12). The Environmental Impact Statement repeats this under 6.11, p.172. According to the Arborist Report, as above, and the Landscape Plans (Appendix 7) p.6. This is incorrect, as per the 'Tree Removal' section above, therefore completely misleading on the impact of vegetation works.

- Council's bushland officer has reviewed the biodiversity technical report provided by ARUP and raises the following concern:
 - *While some potentially suitable roosting habitat for microbat occurs, no evidence of microbats was detected, and the habitat is considered unlikely to constitute suitable breeding habitat for microbats.*

As a precautionary measure it is recommended that a preclearance survey of the existing building for microbats be conducted immediately prior to construction.

Aboriginal Heritage:

Council's bushland officer has identified an Aboriginal site of significance has been identified within 100m of this proposal. Referral to the Aboriginal Heritage Office (AHO) for assessment is required. This is a free service subsidised by Council.

Building Debris:

Ensure that building debris is not deposited in the bushland. No stockpiling of materials and no machinery movements within the bushland area in the southern bushland on site, or beyond the site perimeter

Ongoing Bushland Management:

As a sign of good faith and to show ongoing commitment to environmental protection it is recommended that Microsoft enter into an agreement with Council to contribute to the ongoing cost of bush regeneration in the adjacent reserve as recommended by the community on public consultation days/workshops held by Microsoft. A Bushland Rehabilitation and Maintenance Plan prepared by a suitably qualified and experienced environmental consultant specialising in bushland management must be submitted. A landscape architect or designer is unsuitable.

Erosion and Sediment Control Plan:

To protect the bushland below the site, ensure the highest quality sediment controls are in place, including a double steel sediment fence 2m high fully anchored in the ground. To the specifications below:

- (1) The use of 2500mm long metal star pickets hammered into the ground 500mm deep (leaving 2000mm above ground) with 1000mm centres (spacing between each star picket).
- (2) Metal wire threaded through each star picket to assist in taking the sediment load between the centres.
- (3) Use of self-supporting geo textile semi permeable fabric allowing water to pass through but catching sediment.

- (4) Geo textile semi permeable fabric to be installed 300mm deep into the ground and 1500mm above ground attached to star pickets and wire.
- (5) A secondary sediment fence to be installed following the specifications as above 2000mm behind the first fence creating a secondary barrier.
- (6) Installation of several silt basins where allowable in front of the 2 sediment barriers allowing water and sediment to pool and for sediment to settle at the bottom. Clean water (free of sediment and particulates) to be pumped into stormwater drainage. The silt basin will act as the first line of defence to sediment overflow, the two silt barriers will act as second and third line of defence.
- (7) Recommended that the pooled water in the silt basins be flocculated to increase rate of sediment settling before pumping out clean water.
- (8) Sediment in the silt basins are to be cleaned out on a regular basis.
- (9) Both sediment fences and silt basins are to be entirely within the development site. These structures are not to encroach into public open space or bushland.

Possum's Corner – Construction/Heavy Vehicles at Western Access Driveway:

Council does not support the heavy vehicles and trade vehicles using Mowbray Road West during the construction period, as Mowbray Road West, which is a small extension to Mowbray Road, is already subject to numerous heavy vehicle movements every day due to the presence of Nuss Removals at 708B Mowbray Road West. Heavy vehicles from Nuss Removals already impede access to Mowbray Road West for other users due to the need to turn large trucks around and reverse into the Nuss site. With the addition of traffic to the Childcare Centre and residential traffic from the Lane Cove North Estate, this often results in periods of considerable congestion on Mowbray Road West which can last for 10 minutes or more.

Allowing heavy vehicles and trade vehicles from using the access point at Mowbray Road West would lead to intolerable congestion and would undermine the safety of road users and pedestrians.

It is recommended the Consent Authority include Council's draft condition preventing heavy vehicles and trade vehicles from using Mowbray Road West is maintained for the duration of construction period. Refer to draft condition 1.E.

Childcare Centre Management Plan (CTMP):

A draft condition requiring a Childcare Centre Management Plan has also been included to deal with noise, parking spaces, dust management, among others. Refer to draft condition 1.C.

Construction Traffic Management Plan (CTMP):

A draft condition requiring a CTMP has been included to ensure that any construction traffic does not result in adverse amenity and safety impacts on Possums Corner, the Lane Cove North Estate, and surrounding properties. Refer to draft condition 1.E.

Construction Noise Management Plan (CNMP):

A draft condition requiring a CNMP has been included to ensure that any construction works do not result in adverse acoustic amenity to Possums Corner, and any affected receiver Refer to draft condition 1.D.

Conclusion:

Council acknowledges that the addition of the Data Centre would be beneficial to the economy of the area. The proposed high-tech industry would provide employment opportunities to the Lane Cove North area.

However, Council does not support the proposed development in its current form. Primarily Council does not support the non-compliance with the LEP height control, the level of tree loss, especially in relation to environmentally sensitive areas adjoining the site. It is recommended the design be altered to allow the retainment of the 16 endemic canopy trees.

However, should approval be granted by the Consent Authority (Minister for Planning) Council recommends the attached draft conditions of consent be incorporated into the determination. Draft conditions are shown in Attachment 1.

Mark Brisby
Executive Manager Environmental Services
Lane Cove Council

Attachments

1. Recommended Draft Conditions of Consent

ATTACHMENT 1: LCC DRAFT CONDITIONS

PROPOSED DATA CENTRE – 706 MOWBRAY, LANE COVE NORTH

Building Conditions

1. **Payment of section 7.11 contribution.**

For developments with an estimated cost of more than \$10 million:

- 1) Before the issue of the first occupation certificate in respect of any building to which this consent relates, a section 7.11 contribution calculated in accordance with subclause (3) must be paid, except as provided by subclause (2).
- 2) The applicant must pay the following contributions to Council for:

The total contribution payable to Lane Cove Council under this condition is **\$530,740.02** as calculated at the date of this consent, in accordance with s7.11 contributions rates 2022/2023 –

PROPOSED GFA	EXISTING GFA (CREDIT)	PROPOSED GFA MINUS CREDIT
26,454sqm (incl: 1680sqm commercial office space)	18, 732 sqm	7722 sqm

Proposed GFA of 7722sqm consists of:

- 1680sqm of commercial GFA; and
- 6042sqm of Industrial GFA

2022/2023 Retail /Commercial development GFA rate = \$145.41 per sqm

1680sqm x \$145.41 = \$244,288.80

2022/2023 Industrial Development (GFA) rate = \$47.41 per sqm.

6042sqm x \$47.41 = \$286,451.22

USE	AREA (SQM)	RATE (per sqm)	CONTRIBUTION
Commercial Office Development	1680	\$145.41	\$244,288.80
Industrial Development	6042	\$47.41	\$286,451.22
TOTAL	7722	-	<u>\$530,740.02</u>

Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.

- 1.A. (1) The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.

Reason: Statutory requirement.

1.B. **HOURS OF OPERATION**

The Data Centre is permitted to operate 24 hours a day, 7 days a week.

Reason: To establish approved hours of operation.

1.C. **CHILDCARE CENTRE MANAGEMENT PLAN**

A child-care centre management plan is to be submitted to ensure the Possums Corner childcare centre can operate to its current capacity throughout the construction period. In particular:

- Unencumbered access for staff/deliveries/customers to the childcare Centre including the existing right of carriageway on 706 Mowbray Road, and parking spaces;
- Unencumbered/ safe access to all onsite parking including 6 parallel car spaces/8 tandem spaces dedicated to the childcare centre;
- No access to this area by heavy vehicle associated with the construction;
- Spaces clearly marked as 'Possums Corner Only';
- No obstruction to rear gate access area;
- All possible effort is made to cordon off the construction zone from the childcare centre;
- A transition plan and timeline as to how the applicant would accommodate the operational requirements of the childcare centre (staff/customer parking, utilities, deliveries and emergency evacuation) during the construction of the existing carpark to accommodate the new carpark;
- A detailed dust management plan is to be submitted that includes the provision of industrial misting sprayers at a minimum of four (4) locations around the site for the duration of the project; and
- Dust and noise monitors to be installed on the childcare centre and reports submitted to Council on a weekly basis with a report that addresses the level of compliance with the requirements of the NSW protection of the Environment Operations Act,1997. Where any exceedance is reported of pollution standards, the corrective action taken is to be included in the weekly report. The weekly report is to be prepared by an appropriately qualified environmental consultant.

1.D. **CONSTRUCTION NOISE MANAGEMENT PLAN**

The applicant shall submit Construction Noise Management Plan (CNMP) for all construction works to Council for review and endorsement. The CNMP shall include an acoustic report prepared by a qualified acoustic consultant. While construction work is being carried out the applicant is to ensure that any noise caused by construction, doesnot 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.

1.E. CONSTRUCTION TRAFFIC MANAGEMENT PLAN

As a result of the site constraints, limited vehicle access and parking, an updated Construction Traffic Management Plan (CTMP) and report shall be prepared by a Transport for NSW accredited person and be submitted to and approved by Council prior to commencing any construction work. The DTPMP is to include:

- Heavy/ construction vehicles are prohibited from entering/exiting the site at the western-most access driveway (adjacent to Possums Corner Childcare Centre)
- Make provision for all construction equipment/ materials to be stored on site, at all times;
- Specify truck departure and approach routes and truck rates. Nominated truck routes are to be distributed over the surrounding road network where possible;
- 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;
- Include a Traffic Control Plan prepared by a TfNSW accredited ticket holder for any activities involving the management of vehicle and pedestrian traffic;
- 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.
- Take into consideration the combined construction activities of other development in the surrounding area. To this end, the consultant preparing the CTMP 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;
- 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”;
- Provide swept paths for the largest truck entering and exiting site; and
- The pedestrian management plan (in particular pedestrians accessing the Lane Cove North Estate via Taylors Drive) with the Traffic Control Plan.

Reason: Pedestrian Safety and amenity.

2. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
A Completion Certificate is to be issued by either the Principal Certifying Authority or a qualified accredited Fire Safety Engineer, confirming that all identified Performance Solutions have been completed for the building PRIOR TO THE ISSUE OF A FINAL OCCUPATION CERTIFICATE.

Reason: Statutory requirement.

3. (11) The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In" , please refer to web site www.sydneywater.com.au. This is to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.
4. (17) An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.

Reason: Statutory requirement.

5. (24) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

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

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

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

6. (35) All building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm

No work to be carried out on Sundays or any public holidays.

All 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 8.00am 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.

Sunday No work Sunday or any Public Holiday.

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

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

7. (36) 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.
8. (37) The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
9. (38) All advertising signs/structures being the subject of a separate development application.
10. (45) A "Fire Safety Schedule" specifying the fire safety measures that are currently implemented in the building premises and the fire safety measures proposed or required to be implemented in the building premises as required by Clause 168 – Environmental Planning & Assessment Regulation 2000 are to be submitted and approved **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**
11. (48) Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

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

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

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

13. Standard Condition (56) Where Lane Cove Council is appointed as the Principal Certifying Authority, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-
 - a) The pier holes/pads before filling with concrete.
 - b) All reinforcement prior to filling with concrete.
 - d) Framework including roof and floor members when completed and prior to covering.
 - e) Installation of steel beams and columns prior to covering

- f) Waterproofing of wet areas
 - i) Stormwater drainage lines prior to backfilling
 - k) Completion.
14. Standard Condition (57) Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-
- a) underpinning;
 - b) retaining walls;
 - c) reinforced concrete work;
 - d) structural steelwork;
 - e) upper level floor framing;
 - f). Completion
15. (63) All metal deck roofs being of a ribbed metal profile, in a mid to dark colour range with an anti-glare finish. The intent of the condition is to reduce sun reflection and glare to protect the amenity of surrounding residents.
16. Standard Condition (64) A check survey certificate is to be submitted at the completion of:-
- a The completion of works.
- Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.
17. (66) The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal to be submitted PRIOR TO COMMENCING ANY CONSTRUCTION WORKS.
18. (67)
- (a) The use of mechanical rock pick machines on building sites is prohibited due to the potential for damage to adjoining properties.
 - (b) Notwithstanding the prohibition under condition (a), the principal certifying authority may approve the use of rock pick machines providing that:-
 - (1) A Geotechnical Engineer's Report that indicates that the rock pick machine can be used without causing damage to the adjoining properties.
 - (2) The report details the procedure to be followed in the use of the rock pick machine and all precautions to be taken to ensure damage does not occur to adjoining properties.
 - (3) With the permission of the adjoining owners and occupiers comprehensive internal and external photographs are to be taken of the adjoining premises for evidence of any cracking and the general state of the premises PRIOR TO ANY WORK COMMENCING. Where approval of the owners/occupiers is refused they be advised of their

possible diminished ability to seek damages (if any) from the developers and where such permission is still refused Council may exercise its discretion to grant approval.

- (4) The Geotechnical Engineer supervises the work and the work has been carried out in terms of the procedure laid down.

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

19. (78) The site being properly fenced to prevent access of unauthorised persons outside of working hours.
20. (86) An approved type of hoarding being erected along the street frontage.
21. (87) Pedestrians' portion of footpath to be kept clear and trafficable at all times.
22. (139) A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE CONSTRUCTION CERTIFICATE BEING ISSUED.**

Engineering Conditions

23. **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

24. **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

25. **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.

26. **Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an "*Application for Standing Plant Permit*" shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works.** Note: allow 2 working days for approval.

Reason: To ensure public safety

27. **(A5) 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
28. **(A6) 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
29. **(A7) 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
30. **(A8) 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 relocated to be clear of the proposed building works. Developer must lodge Stormwater Inspection Application form to Council. All costs associated with the relocation of the stormwater line are to be borne by the applicant
- Reason:** To protect public infrastructure
31. **(A9) Services** Prior to any excavation works, the location and depth of all services must be ascertained. All costs associated with adjustment of the public utility will be borne by the applicant.
- Reason:** To protect and maintain infrastructure assets
32. **(B1) Council infrastructure damage bond:** The applicant shall lodge with Council a \$50,000 cash bond or bank guarantee. The bond is to cover the repair of damage or outstanding works to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred as a result of the development, the 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 commencement of any construction works.**
- Reason:** To protect and maintain Council infrastructure
33. **(H3) Heavy Vehicle Duty Employee and Truck Cleanliness:** The applicant shall
- (i) Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
 - (ii) 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.

- (iii) 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 ensure safe heavy vehicle management

34. **(H4) 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 local environment

35. **(O3) 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 part O Council's DCP-Stormwater Management. An approved plate may be purchased from Council's customer service desk.

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

36. **(K2) Cast in Situ Drainage Pits:** Any drainage pit within a road reserve, a Council easement, or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete and in accordance with Part O Council's DCP-Stormwater Management.

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

37. **(O4) On-Site Stormwater Detention Tank:** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 m in depth must be fitted with step irons.

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

38. **(D2) Drainage Plans Amendments:** The stormwater drainage plan are to reflect the following:

I. The amended design needs to add an adequate on site detention system. 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, in order for the issue of the Construction Certificate.

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

39. **(T1) 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 compliance all relevant design codes and Australian Standards

40. **(D2) Geotechnical Report:** A geotechnical report is to be completed for the excavation and ground water impacts associated with this development. The Geotechnical Report and supporting information are to be prepared by a suitably qualified geotechnical engineer and be submitted to Principle Certifying Authority **prior to issue of a Construction Certificate.**

Reason: To ensure compliance all relevant design codes and Australian Standards

41. **(D3) Geotechnical Monitoring Program:** Excavation works associated with the proposed development must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to the principle certifying authority **prior to issue of a Construction Certificate.** The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during construction. The Geotechnical Monitoring Program for the construction works must be in accordance with the recommendations of the Geotechnical Report and is to include:-

- Recommended hold points to allow for inspection by a suitably qualified engineer during the following construction procedures;
 - Excavation of the site (face of excavation, base, etc)
 - Installation and construction of temporary and permanent shoring/retaining walls.
 - Foundation bearing conditions and footing construction.
 - Installation of sub-soil drainage.
 - Location, type and regularity of further geotechnical investigations and testing.

Excavation and construction works must be undertaken in accordance with the Geotechnical and Monitoring Program.

Reason: To ensure compliance all relevant design codes and Australian Standards

42. **(D4) 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 a geotechnical report to determine the design parameters appropriate to the specific development and site.

The Report must include recommendations on appropriate construction techniques to ameliorate any potential adverse impacts.

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

Reason: To ensure compliance all relevant design codes and Australian Standards

43. **(D5) Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining properties and any of Councils infrastructure located within the zone of influence of the proposed excavation.

Dilapidation report must be conducted by a suitably qualified engineer **prior to the commencement of any excavation or construction works**. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority **prior to issue of a Construction Certificate**.

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

Reason: To protect and maintain Council infrastructure

44. **(H1) Road Dilapidation Survey:** The applicant shall prepare a dilapidation survey and a dilapidation report detailing the existing state of repair / condition of the road surfaces along Sirius Road adjacent the site. The survey and report need to be submitted to the Council prior to the issue of the first **Construction Certificate**. Following completion of construction of the development and prior to the issue of the first Occupation Certificate, the applicant is to prepare a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence truck movements associated with the construction of the development. The Council may apply funds realised from the security referred to in applicable condition to meet the cost of making good any damage caused to the surface of the said public road as a consequence truck movements associated with the construction of the development to which the consent relates. The dilapidation surveys and reports must be prepared by an engineer registered with the Institute of Engineers.

Reason: To protect and maintain Council infrastructure

45. **(V4) Car Parking Certification:** The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities shall be submitted to the Principal Certifying Authority.

The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

Reason: To ensure compliance all relevant design codes and Australian Standards

46. **(V1) Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A '*Construction of an Industrial Crossing*' application shall be submitted to Council **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 Council's specifications

47. **(A10) 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 and stormwater drainage plans and shall be obtained **prior to the issue of the Construction Certificate**. Note: The finished floor level of the proposed basement shall be determined by Council if required.

Reason: To ensure compliance with Council's specifications

48. **(C2) Erosion and Sediment Control:** The applicant shall install appropriate sediment control devices **prior to the start of any works on the site**. The devices are to be installed in accordance with the approved plan satisfying condition '*(C1) Erosion and sediment control*'. The devices shall be maintained during the construction period and replaced when necessary.

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

49. **(M1) 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 compliance all relevant design codes and Australian Standards

50. **(V3) Redundant Gutter Crossing:** All redundant gutter and footpath crossings shall be removed and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out **prior to the issue of the Occupation Certificate**.

Reason: To ensure compliance with Council's specifications

51. **(D6) Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.

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

52. **Reason:** To ensure compliance all relevant design codes and Australian Standards
(O2) Positive Covenants OSD and Pump Out System: Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Occupation Certificate**. The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

Reason: To ensure adequate future management of stormwater infrastructure

Traffic and Transport Conditions

53. The proposed Car Park design shall comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles. This includes all loading areas, ramps, driveways and aisles. All other aspects of the Car Parking areas including accessible parking and general parking area are required to comply with AS 2890.1-2004. Amended plans are to be submitted to a prescribed certifying authority prior to issue of Construction Certificate.
54. The access to the car park shall comply with Australian Standards AS 2890.2-2002.
55. Visibility requirements of the proposed access must comply with AS 2890.1-2004.
56. All accessible car spaces in the car park are to be adequately signposted and linemarked, provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.
57. Loading bays, motorcycle parking, visitor and accessible parking to be sign posted and adequately line marked.
58. All vehicles must enter and exit in a forward direction.
59. All waste must be collected on-site.
60. All cycling racks and secure bike parking provided on-site must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with AS 2890.3: 2015. Alternative designs that exceed the Australian Standards will also be considered appropriate.
61. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.
62. A Construction Traffic Management Plan must be lodged with the Council prior to the issuing of a Construction Certificate. The Construction Traffic Management Plan should address (but not necessarily be limited to) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, public transport and any conflict with other road users in the street, proposed Work Zone and impact of construction traffic activities on residents and cyclists. The Construction Traffic Management Plan should also restrict the impact of heavy vehicles travelling through the surrounding local road network and the surrounding residential and business developments.

Any proposed Work Zone shall be clearly shown on plans and application be made to Council and RMS in accordance with approvals required for the Works Zone, Crane Permits and other associated works. Wherever possible, construction vehicle parking should be contained within the site.

Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of the preparation of Construction Traffic Management Plan.

Landscape, Ecology and Bushland Conditions

63. Compliance with State Environmental Planning Policy (Biodiversity and Conservation) 2021, its aims and objectives.

Reason: Protection of bushland.

64. A revised and more detailed stormwater plan with the input of a specialist wetland ecologist to demonstrate methods to minimize the negative impact of the existing endangered wetlands on the adjacent public land and shall be issued prior to the issue of a Construction Certificate. This shall be incorporated into the revised landscape documentation package.

Reason: Protection of bushland.

65. Revised and more detailed Engineering plans demonstrating the major earthworks and methods to minimize the negative impact on the existing bushland on public land shall be submitted prior to issue of construction certificate. This shall be incorporated into the revised landscape documentation package.

Reason: Protection of bushland.

66. Staged Landscape Plan: A staged landscape plan of gradual thinning and removal of the weed species on the rear slope of the site, along with replacement planting of appropriate species for this location to continue holding the slope - a 10-year plan.

Reason: Protection of bushland.

67. Cut or fill is not to exceed more than 25% of the 10-metre buffer area.

Reason: Protection of bushland.

68. (149) The Asset Protection Zone (APZ) must be contained entirely within the development site boundary. The APZ is not to extend into public open space.

Reason: Protection of bushland.

69. (305) All Aboriginal sites and relics in NSW are protected under the National Parks and Wildlife Act 1974. If during the course of construction an Aboriginal site or relic is uncovered, works must cease and the Metropolitan Local Aboriginal Lands Council and the NSW National Parks and Wildlife Service must be notified immediately.

Reason: Protection of heritage

70. (321) There shall be no access through the adjacent bushland reserve to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.

71. (323) A 1.8 m high fence of chain mesh site protection fencing must be erected along the common property boundary and the adjacent bushland reserve and around the bushland areas within the site that are to be retained. 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. A waterproof sign must be placed on every second panel stating 'NO ENTRY COUNCIL LAND – 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 COUNCIL LAND 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 THE ISSUE OF THE CONSTRUCTION CERTIFICATE** including site preparation and remain in place for the duration of the construction work.
72. (308) Rubbish must be stored in a locked container / cage. Any building rubbish that is not contained must be cleaned up immediately, including the immediate worksite, surrounding area and/or public open space.
73. (332) During construction / landscaping the designated bushland area within the property and adjacent public bushland area must be kept clean of all building materials and rubbish. Any rubbish that is blown into these areas must be immediately cleaned up.
74. (333) In the event that there occurs any accidental or intentional dumping of building material in the bushland area, Council's Coordinator, Bushland must be notified immediately. Any clean up operation which involves disturbing the vegetation, leaf litter, soil crust, or natural bedrock, must be coordinated through Council's Coordinator, Bushland.
75. (335) All outside lighting must be appropriately baffled to minimise light pollution into the bushland area and neighbouring properties.
76. An Erosion and Sediment Control Plan (ESCP) shall be prepared by a suitably qualified consultant with experience working on sites next to environmentally sensitive wetland areas, in accordance with the guidelines set out in the manual "Managing Urban Stormwater, Soils and Construction" prepared by LANDCOM 'Fourth Edition 2004, Volume 1'. These devices shall be maintained and cleaned during the construction works and replaced where considered necessary. In particular the ESCP should include the following:
- (a) The use of 2500mm long metal star pickets hammered into the ground 500mm deep (leaving 2000mm above ground) with 1000mm centres (spacing between each star picket).
 - (b) Metal wire threaded through each star picket to assist in taking the sediment load between the centres.
 - (c) Use of self-supporting geo textile semi permeable fabric allowing water to pass through but catching sediment.
 - (d) Geo textile semi permeable fabric to be installed 300mm deep into the ground and 1500mm above ground attached to star pickets and wire.
 - (e) A secondary sediment fence to be installed following the specifications as above 2000mm behind the first fence creating a secondary barrier.
 - (f) Installation of several silt basins where allowable in front of the 2 sediment barriers allowing water and sediment to pool and for sediment to settle at the bottom. Clean water (free of sediment and particulates) to be pumped into stormwater drainage. The silt basin will act as the first line of defence to sediment overflow, the two silt barriers will act as second and third line of defence.

- (g) Recommended that the pooled water in the silt basins be flocculated to increase rate of sediment settling before pumping out clean water.
- (h) Sediment in the silt basins are to be cleaned out on a regular basis.
- (i) Both sediment fences and silt basins are to be entirely within the development site. These structures are not to encroach into public open space or bushland.

77. An Arboricultural Impact Assessment (AIA) Report is to be prepared by an Arborist holding a minimum AQF Level 5 qualification to the following specification;
- Contact details of the client, site address and the author of the report.
 - Inspection dates and report preparation dates.
 - The report is to be composed in a standard report format including introduction, scope of works and methodology. A summary for large complex reports should be included.
 - Tree data collected on site should include at a minimum; species genus and common name, height, maturity, crown spread, stem diameter at base and breast height (1.4 metres from ground level).
 - All tree data is to be presented in a tree inspection table, all trees are to be numbered. Tree identification numbers are to correspond on site, inspection schedule and the main body of the report.
 - Comments on trees health and structural condition should be included in the data collected.
 - A valuing system such as STARS. SRIV or Trees AZ should be applied to each tree as should an estimation of the trees Useful Life Expectancy, landscape significance and amenity value.
 - **Do not** include risk rating data in an impact assessment; the valuing systems available for impact assessment take structural instability into consideration.
 - **Do not** include irrelevant generic appendices in the report.
 - A site plan showing trees and the proposal is to be produced with all trees located and numbered corresponding to the tree inspection schedule. Plans are preferably to 1:100 or 1:200 scale.
 - The report is to include a short discussion of the findings to identify the source of impacts to individual trees; justification for tree removal may be made in this section. E.G *Tree is located within the proposed footprint of the building and is not retainable under the current proposal.* Trees recommended for removal must first have explored all management options for their retention.
 - Percentages of TPZ encroachment for retained trees must be stated and managed/ provided mitigation options.
 - Canopy pruning, where required is to be taken into consideration when assessing impact and a pruning specification included where appropriate.
 - Recommendations section to mitigate high impacts where possible and to identify pragmatic construction specifications.
 - All literature, standards and documents must be referenced at the back of the report. Do not include references that have not been used in the report.
 - A tree protection plan and work method statement for retained trees is to be included in each report. Protection specifications are to be made for each tree with reference to AS4970-2009 and appropriate to the site constraints. Generic references to protect trees in accordance with the standard is not accepted.
 - All trees within five metres of the site's perimeter are to be included in the AIA report.

Reason: to identify all trees and vegetation that may be impacted by the development.

78. A site-specific Tree Protection Plan and work method statement produced by an AQF5 Consulting Arborist showing protective measures for all retained trees within 5 metres of the development is to be submitted as part of the application. All tree protective measures must be in place prior to any works commencing on the site and must be maintained for the duration of works on the site. The plan must include a work method statement specific to working within the tree protection zones. The plan must meet Australian Standard AS4970-2009 Protection of Trees on Development sites and AS4373-2007 Pruning of Amenity Trees. All the above is required **prior to the issue of the Construction Certificate**.

Reason: to ensure trees that require specific protection are not overlooked by generic tree protection applications.

79. Pursuant to Section 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, prior to the issue of the construction certificate, provide security in the amount of \$100,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to all trees that are standing in the reserve immediately adjoining the land subject of this development consent. This bond may be forfeited in the event of damages to any of these trees as a result of the development works as determined by Council's Tree Management Officer, at a minimum the cost of replacing the tree including labour will be deducted from the bond. The applicant shall contact Council to have the street tree inspected following issue of the Occupation Certificate.

Reason: To provide security that retained trees will remain viable in the long term.

80. All undesirable species such as *Cinnimomum camphora* and *Ligustrum spp.* are to be removed as part of the development and replaced with species locally indigenous to the Lane Cove area.

Reason: to assist in maintaining native species in the Lane Cove area.

81. A Project Arborist of minimal AQF Level 5 qualification is to be appointed **prior to the issue of the Construction Certificate** to oversee/monitor trees condition during construction and sign off on tree protection measures. Trees are to be monitored throughout construction and a certificate produced upon completion demonstrating the trees have been maintained in good condition. All certificates are to be available to the Principal Certifier within five days of site attendance and must be available to council immediately upon request; failure to produce the latest certificate will be considered a breach of conditions. Final certification is to be submitted to the Principal Certifier **prior to the issue of Occupation Certificate**.

Reason: To provide ongoing management of retained trees during construction phases.

82. The Project Arborist is to submit a statement upon completion of the development that Conditions of Consent have been met. The statement is also to recommend remedial advice for trees post construction to mitigate construction impacts long term. The statement is to be submitted to and approved by the Principal Certifier **Prior to the issue of the Occupation Certificate**

Reason: To provide evidence that the development has been carried out in accordance with development conditions and industry standards.

83. A detailed Landscape Concept Plan must be prepared by a qualified professional with knowledge in current best horticultural practice.

The plans must be prepared by a registered landscape architect (RLA), a landscape architect who is eligible for membership in the Australian Institute of Landscape Architects (AAILA), or a landscape designer who is a member of the Australian Institute of Landscape Designers and Managers (AILDM).

Considering the sensitive nature of this site Bushland Rehabilitation and Maintenance Plan prepared by a suitably qualified and experienced environmental consultant specialising in bushland management must be submitted as part of the detailed landscape documentation package.

All relevant items from the DA Landscape Checklist are to be included on the landscape plan.

84. The following requirements are to be met in relation to landscaping:
- i. For industrial development, all substantial trees and that part of the landscaping scheme visible from the public domain shall comprise indigenous plants.
 - ii. The proposed landscape treatment should assist in ensuring that the development is not visually intrusive by providing visual softening of buildings, driveways and car parking areas.
 - iii. The establishment and ongoing maintenance of new plantings shall be incorporated into the landscape documentation and include a 12-month establishment period from the time of Practical Completion. Plants with low watering requirements are preferred. The use of plants with high watering requirements should be minimised. Where these are used, details of the proposed irrigation system should be specified. Irrigation should be supplied to plantings over slabs and in planter boxes but not areas that are adjacent to bushland.
 - iv. Trees that are removed as part of the DA process must be replaced at a 1:1 ratio. Replacement trees must be able to reach the potential mature dimensions of the removed trees. Replacement trees are to be compatible with the adjacent vegetation community (not just species native to NSW) and in the southern section of the development adjacent to the native vegetation, no horticultural varieties to be planted. The trees must be planted before issuance of the occupation certificate. All specimens must conform to Australian Standard 2303: Tree Stock for Landscape Use and be of an appropriate pot size for the intended location and use to ensure best chance of long-term health and vigour. All replacement trees should be
 - v. All boundary screen plant species to be used for landscaping must be a native species in keeping with Lane Cove Councils landscape policy to be installed in pot sizes no smaller than 100 litres
85. Planting on structures provides for adequate soil depth, volume and a suitable soil profile to support the number of trees and shrubs indicated on the approved DA plans in accordance with the table provided in DCP Part J 1.10 – Planting on Structures as follows:

A detailed landscape plan showing the construction methods of the proposed planter boxes shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate and should include the following:

- Type of wall
- Dimensions of wall
- Levels for both top of wall and bottom of wall
- Materials used for the wall
- Drainage information
- Waterproofing information
- Soil profile and depth for each plant type
- Proposed soil volume
- Sections and elevations clearly illustrating the design intent and how it pertains to the human scale
- Plant materials specified for each of the planter boxes
- Certification from a practicing Structural Engineer

86. 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 **prior to the issue of an Occupation Certificate**. 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;

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.

87. A copy of the agreed maintenance schedule of all site landscaping shall be submitted by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation **prior to the issue of an Occupation Certificate**.

88. A qualified practising landscape architect or landscape designer is to certify that the proposed subsoil drainage and any associated waterproofing membrane, have been installed in accordance with the details shown on the landscape working drawings and specification. Works are not to progress until the principal certifying authority has confirmed that this condition has been satisfied;

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within five (5) working days of the date of issue.

89. 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;

Where the project is being supervised by a private certifier, for the purposes of public record, a copy of the certification must be forwarded to Council within 5 working days of the date of issue.

90. All plants shall be maintained in a healthy condition for the life of the development with replacement plants installed within 6 months of their demise.

Environmental Health Conditions

91. The proposed remediation works (contamination) for the site are to be reviewed by a NSW EPA Accredited Site Auditor and a Site Audit Statement submitted to Council and the NSW EPA.
92. An environmental management plan for the construction phase of the project is to be submitted to Council prior to the issue of the construction certificate , that addresses the management of construction site water i.e accumulated rain water in excavated areas of the site , dust controls and noise management .
93. A comprehensive PHA is to be undertaken to address the potential impact of the onsite storage of diesel (500,000 + litres) on the adjoining premises and the adjacent riparian zone, resulting from fire or an onsite spill . The SEPP33 Preliminary Risk Screening doesn't provide any specific details relating to the delivery and decanting of diesel, diesel storage locations, or consequence / frequency analysis in the event of an emergency. The report is to address the emergency onsite controls relating to a decanting failure/spill, fire or tank rupture and the offsite impacts on the built and natural environment. The report is to be reviewed by Safe Work NSW and Council prior to the issue of the Construction Certificate.
94. **(402) 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) Construction work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.
95. **(404) Erosion and Sedimentation Controls – Major Works**
Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.
96. **(406) 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)

97. **(407) Site Water Management Plan**
A site water management plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with “Managing Urban Stormwater – Soils and Construction” (the blue book) produced by the NSW Department of Housing.
98. **(408) 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.
99. **(432) Garbage storage area – Commercial/Industrial**
All garbage shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. The area is to be constructed with a smooth impervious floor graded to a floor waste and connected to the sewer. The garbage area/room is to be well ventilated and fitted with fire sprinklers and meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the designated garbage area are to be submitted with the Construction Certificate.
100. **(433) Garbage collection – Commercial/Industrial**
Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environmental operations Act 1997. Records shall be kept of all waste disposal from the site.

Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 7am on any day.
101. **(438) Drainage**
Garbage room floors shall be graded to a floor waste, which shall be connected to the sewer. No drainage from garbage rooms shall be connected directly or indirectly to the stormwater drainage system, Council’s street gutter or Council’s drainage system.
102. **(441) Operation of Plant or Equipment**
To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises.

All sound producing equipment shall comply with the Protection of the Environmental Operations Act 1997.
103. **(447) 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 construction work.
104. **(463) Bunding – Liquids**
All liquids onsite are to be stored within a bunded area. The size of the area is to be bunded and shall be calculated as follows as a minimum:

a) In the case of tanks, 110% of the volume of the largest size tank

- b) In the case of small containers and drums, 25% of the total volume of liquid to be stored, with a minimum of 400L capacity.

The bund is to be constructed of a material, which is impervious to the liquid being stored. All bunded areas shall be graded to a pit/sump so as to facilitate emptying and cleaning. All pipework from the enclosed tanks and or/pumps shall be directed over the bund wall and not through it. Hose couplings for the tanks enclosed within the bund. Where possible the bunded areas should be roofed.

After completion, the bund shall be maintained in such a condition, that all spillages or leaks will be retained within the bund, until disposed of by means that do not pollute waters.

105. (464) **Bunding – Work Areas**

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

106. (465) **Storage of Hazardous or Toxic Material**

To ensure hazardous and toxic materials are not to become a threat to the environment they must be stored in a bunded area constructed and maintained in accordance with AS 1940 – 1993 The storage and handling of flammable and combustible liquids and with Workcover NSW requirements.

107. (466) **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.

108. (467) **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).

109. (468) **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.

110. (483) **Regulated Systems**

All air handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.

The premise is to be registered with Council together with payment of the approved fee, **prior to occupancy of the building**.

111. (485) **Registration of water cooling and warm water systems**

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

