

JRPP Ref No: 2010SYE038
 Property: 3-9 Finlayson Street, Lane Cove
 DA No: 134/2010
 Date Lodged: 25 June 2010
 Cost of Work: \$14,000,000.00
 Owner: J & H Papadopoulos, K & C Papadopoulos, P T Vu, L S Lynch & N G Phillips
 Applicant: Demara Pty Ltd
 Author: May Li

| | |
|---|---|
| DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION | Demolition of four existing dwelling houses and construction of a residential flat building containing 56 dwellings and basement car park for 96 vehicles |
| ZONE | R4 - High Density Residential |
| IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE? | Yes |
| IS THE PROPERTY A HERITAGE ITEM? | No |
| IS THE PROPERTY WITHIN A CONSERVATION AREA? | No |
| IS THE PROPERTY ADJACENT TO BUSHLAND? | No |
| BCA CLASSIFICATION | Class 2, 7a & 10b |
| STOP THE CLOCK USED | Yes – 2 days |
| NOTIFICATION | The development proposal was notified in accordance with Council's notification policy. |

REASON FOR REFERRAL:

This application has been referred to the Sydney East Joint Regional Planning Panel as per clause 13B of State Environmental Planning Policy (Major Development) 2005 because the proposed development has a capital investment value of greater than \$10 million.

EXECUTIVE SUMMARY:

The proposed development involves:

- Demolition of four existing dwelling houses and the construction of a 5 storey residential flat building comprising 56 dwellings and basement parking for 96 cars.
- The proposal complies with the provisions of Lane Cove Local Environmental Plan 2009 (the LEP 2009).

- The proposal complies with the requirements of Lane Cove Development Control Plan (the DCP) with the exception of building width and the side setback requirement to the eastern side boundary. The proposal however complies with the objectives of the standard and the variations do not result in a loss of amenity.
- Council's development engineers and landscape architect have endorsed the proposal.
- 9 submissions were received. The major concerns related to intensify of land use and increasing local traffic congestion.
- The proposed development complies with the zone objectives for the site. The land was recently rezoned from low density residential to allow high density residential development with the gazettal of Lane Cove Local Environmental Plan 2009.
- On 27 August 2010, the JRPP was briefed on the proposal.
- The proposal is supported.

SITE:

The site comprises four properties, being; 3, 5, 7 and 9 Finlayson Street, Lane Cove (lots 71, 72, 73 and 74 DP 10155).

The site has a frontage to Finlayson Street of 60.96m and the site falls from its front boundary to the rear boundary by approximately 5 – 6 metres. The site has a depth of 48.77m and is of a regular shape. The site has an area of 2959.2m².

Four existing dwelling houses are located on the site. Surrounding development comprises dwelling houses along Finlayson Street and Birdwood Avenue. A dental surgery and associated carpark is located at 1 Finlayson Street and the St Andrews Anglican Church is located at the corner of Finlayson Street and Rosenthal Avenue.

The site is located within walking distance from the Lane Cove Town Centre.

PROPOSAL:

The proposal involves:

- Demolition of four existing dwelling houses and construction of a 5 storey residential flat building with 2 basement levels for parking, garbage storage areas and residential storage.
- The proposed building would comprise 56 dwellings (19x1 bedroom dwellings, 23x2 bedroom dwellings and 14x3 bedroom dwellings) and 96 car spaces.

PREVIOUS APPROVALS/HISTORY:

The previous development application lodged for the site relating to the alterations and additions to the existing dwelling houses and they are not relevant to the current development proposal.

Compliance with the LEP 2009 and the DCP

Site Area: 2959.2m²

Lane Cove Local Environmental Plan 2009

| LEP 2009 | Provision | Proposed | Complies/ Comment |
|-----------------------------------|------------------------------------|---------------------------|----------------------|
| Zone | R4 – High Density Residential zone | Residential Flat Building | Yes |
| Maximum permitted FSR | 1.7:1 | 1.7:1 | Yes |
| Maximum permitted building height | 18.0m | 18.0m | Yes |

Lane Cove Development Control Plan

Part B – General Controls

| Clause | DCP | Proposed | Complies/ Comment |
|------------------------|---|--|----------------------|
| B8 – Safety & security | Ground floor dwellings have direct access or entries from the street and at least one habitable room with windows facing the street | The building has two pedestrian entries from Finlayson Street and all windows facing to Finlayson Street are habitable room windows (bedrooms or dining) | Yes |
| B10- Cut & fill | 1m maximum. Additional acceptable for parking for Residential Flat Buildings | More than 1m. However the extent of excavation has been minimised and generally within the footprint of the proposed building. | Yes |

Part C3 – Residential Flat Buildings

| Clause | Requirement | Proposed | Complies/ Comment |
|--------------------|--------------------------------------|--|----------------------|
| 3.2 Density | Minimum site area 1500m ² | Area of site Approx 2959.2m ² | Yes |
| 3.3 Building depth | 18m exclusive of any balcony | 18m | Yes |

| Clause | Requirement | Proposed | Complies/ Comment |
|--|---|--|--|
| 3.4 Building width | 34m maximum fronting the street | 46m | No The proposal meets the objectives of the standard |
| 3.5 Setback | | | |
| Front | Minimum 6m | 6m | Yes |
| Side | 6m up to 4 storeys | 6m to the western boundary 4.5m to the eastern boundary (L1-L4) | Yes No The proposal meets the objectives of the standard |
| | 9m 5-8 storey | 9m to the western boundary 5.5m to the eastern boundary (L5) | Yes No The proposal meets the objectives of the standard. |
| Rear | 6.0m up to 4 storeys 9m for 5-8 storey | 9m | Yes |
| 3.5.3 Parking Podium Height | | | |
| Height adjoining front boundary | 1.2m | Nil | Yes |
| Height adjoining east boundary | 1.2m | Nil | Yes |
| Height adjoining west boundary | 1.2m | Nil | Yes |
| Height adjoining rear boundary | 1.2m | 0.8m | Yes |
| 3.6 Building separation within development | 12m between 4 storey buildings and 18m between 5 storey buildings | Not applicable as the proposed development is a single building on | N/A |

| Clause | Requirement | Proposed | Complies/ Comment |
|---|--|---|---|
| | | the site. | |
| 3.7 Design of roof top area | Detailed landscape plan required | Provided | Yes |
| 3.8 Size of dwellings | Minimum 40m ² | Minimum 57m ² | Yes |
| 3.9 Private open space | Primary balconies - 10m ² with minimum depth 2m | Balconies meet minimum dimensions | Yes |
| | Primary terrace- 16m ² with minimum depth 4m | Private terraces meet minimum dimensions | Yes |
| 3.10 Number of car parking, motorcycle and bicycle spaces | 19x1 bedroom dwellings = 19 spaces (1x19) 23x 2 bedroom dwellings = 34.5 spaces (1.5x 23) 14x 2bedroom dwellings = 28 spaces (2x14) Visitor 1 per 4 dwellings = 14 spaces Required car parking 95.5 = 96 spaces | 96 car spaces proposed | Yes |
| | 1 motor cycle space per 25 car spaces (4 spaces) | 3 motor cycle spaces proposed on Basement Level 1 | No – conditioned to comply (see draft condition 2) |
| | 1 bike locker per 10 dwellings (6 lockers) | 9 bike lockers proposed on Basement Level 1 & Level 2 | Yes |
| | Bike rails – 5 (1 per 12 dwellings) | 7 rails proposed on Basement Level 2 | Yes |
| 3.11 Ceiling heights | Minimum 2.7m | 2.7m | Yes |
| 3.12 Storage | 6m ³ per 1 bedroom dwelling 8m ³ per 2 bedroom dwelling 10m ³ per 3 bedroom dwelling Total = 438m ³ | 11 designated storage areas equivalent to 367m ³ provided in the basement and more than 220m ³ in the dwellings | Yes The internal space of the dwellings would be sufficient to meet the requirements of storage volume |

| Clause | Requirement | Proposed | Complies/ Comment |
|--------------------------|--|---|------------------------------------|
| | 50% of the storage volume within the dwelling | | |
| 3.13 Solar access | Living rooms and private open spaces of 70% of the units to receive 3 hours of direct sunlight between 9am – 3pm on 21 June Maximum 10% dwellings with a southerly aspect | 45 dwellings (80%) received more than 3 hours of solar access 9 dwellings received 2.5 hours of solar access (16%) 2 dwellings receive no direct solar access (4%) Nil | Yes Yes |
| 3.14 Natural ventilation | Minimum 60% of the dwellings should have cross ventilation. Minimum 25% of kitchens have access to natural ventilation | 40 (71%) dwellings have cross ventilation Kitchens in 40 dwellings (71%) have natural ventilation. | Yes Yes |
| 3.15 Visual privacy | Provide visual privacy between the adjoining properties | Balconies & terraces face towards the communal open space There are no windows directly facing each other in the building | Yes |
| 3.16 Communal open space | Minimum 25% | 25.1% provided | Yes |
| 3.17 Landscaped area | 25% provided at ground level and up to 15% provided on structures | 26% provided at the ground level and 15% on the elevated private terraces at the rear of the building | Yes |

Part F - Access and Mobility

| DCP | Proposed | Complies/ Comment |
|--|---------------------------------------|----------------------|
| Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings (20%) | 12 (21%) adaptable dwellings | Yes |
| Provide 1 accessible parking space for each adaptable housing unit | 13 accessible parking spaces provided | Yes |

REFERRALS:

State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65)

Council's consulting architect has confirmed that the proposal complies with all of the 10 planning principles of SEPP 65. A copy of the report is contained in **AT1**.

Manager Urban Design and Assets

Council's development engineer has reviewed the proposal and has provided the following advice:

The proposed stormwater concept plans propose to divert the existing Council stormwater easement and overland flow path. Amended plans demonstrate this has been achieved in accordance with Council's DCP. The proposal also includes a 55m³ OSD system and a 25m³ rainwater reuse system.

A new driveway is required for access to the basement car park. The entire frontage of the site has been conditioned to reinstate a new footpath and kerb and guttering.

The bulk excavation has been conditioned accordingly.

Draft conditions have been provided and are included in the report. (See draft conditions 39-80).

Manager Community Services

The Community Development Officer advised that the total number of adaptable dwellings required in the development is 11 dwellings. The development application proposes that 12 of the 56 dwellings would be adaptable. This exceeds the Council minimum requirement and is a good outcome, particularly when considering that the adaptable dwellings will be a mix of 2 and 3 bedroom dwellings.

There is a continuous accessible path of travel to all adaptable units on all floors from both entrances. The common areas are accessible throughout the development.

In accordance with the DCP requirement, 1 accessible space has been provided per adaptable dwelling.

Traffic Engineer

The Traffic Engineer raised concerns to the initial proposal and the applicant provided additional information to address the concerns of the traffic engineer. The Traffic Engineer has reviewed the additional details and has provided draft conditions of consent. (See draft conditions 98-106).

Manager Open Space

Council's Tree Assessment Officer has reviewed the proposal and provided the following advice:

The proposed landscape plan shows the retention of three (3) trees on the site, these trees are known as Trees z 7, 32, and 35. All other trees and shrubs are designated for removal. I have no objections to the removal of the remaining trees given the scale of the proposed development and the location of the existing trees on the four separate allotments.

The applicant's arborist report recommends the following Tree Protection Zones (TPZ) for the above-mentioned three (3) trees to be retained. TPZ for Tree No 7 = 2.4 m distance from trunk, TPZ for Tree No 32 = 6m distance from trunk and Tree 35 = 2.4 m distance from trunk.

Street Trees.

It is crucial that the four (4) existing Eucalypt street trees be retained and protected for the duration of the proposed development. To ensure the street trees are protected from mechanical damage, tree protection measures should be erected prior to commencement of works on site. The tree protection zones shall be constructed from 1.8 m high chain mesh temporary fencing supported by posts concreted into the ground. The tree protection zone shall encompass the entire nature strip area including the existing driveway crossings associated with No 5 and No 7 Finlayson Street. The tree protection zone shall start on the west side of the driveway of No 3 Finlayson and finish on the east side of the driveway associated with No 7 Finlayson (next to the power pole).

Proposed Landscape

The proposed landscape plan must be adopted as part of the development. However, proposed plant material shown on the landscape plan will not be restricted to the plant schedule on the landscape plan as I have concerns relating to the proposed plant species used in the west boundary line garden bed. The landscape plan shows eight (8) Water gums in a 400mm wide garden bed. These trees require more room for the root system to develop therefore should not be planted in this location. Further the Plan shows eleven (11) Angophora costata trees to be incorporated into the rear boundary garden area. The area would not accommodate this many trees.

Draft conditions of consent have been provided in the event that the application is approved. (See draft conditions 82-97).

Environmental Health Officer

Council's Environmental Health officer has reviewed the proposal and raised no issues. A draft condition of consent has been provided should the application be approved. (See draft condition 81).

Waste Service Co-coordinator

Council's Waste Service Co-coordinator has advised that Council initially requested the applicant to install garbage chutes in the building. The applicant has not accepted Council's suggestion and provided an alternate solution which involves garbage bin storage on each level and the building being serviced by a caretaker responsible for removal of the bins. (See draft condition 108).

In the event the proposal is supported, draft conditions have been provided. (See draft conditions 107-110).

LANE COVE LOCAL ENVIRONMENTAL PLAN 1987 (Section 79C(1)(a))

The proposed development complies with the objectives and the provisions of Lane Cove LEP 2009.

OTHER PLANNING INSTRUMENTS

VARIATIONS TO COUNCIL'S CODES/POLICIES (SECTIONS 79C(1)(a), (1)(b), and (1)(c))

The preceding DCP assessment table identifies those controls that the proposal does not comply with. Each of the departures is discussed below.

Building Width

The block control for Locality 2 – Finlayson Street in the Lane Cove DCP states that the maximum building orientation/length is limited to 34m. It also states that building length is permitted to extend beyond 34m if the façade articulation is satisfactory in streetscape.

The proposal seeks to amalgamate and develop 4 sites, having a total frontage to Finlayson Street of 60.96m. The proposed building width/frontage is 46m. The façade to Finlayson Street is modulated by a series of vertical forms which modulate and break up the width of the building into a number of bays. The building is stepped along its frontage which decreases any perception of bulk and emphasises vertical planes over horizontal.

It is considered that the proposed building width meets the objective of the DCP and is acceptable.

Side Setback

Clause 3.5.2 of the DCP states that the minimum side boundary setback is 6m up to 4 storeys and 9m for 5-8 storeys.

The amended design of the proposed building complies with the side setback requirement to the western boundary of the site.

A front portion of the building does not comply with the setback requirement to the eastern boundary. The setback for Levels 1 to Level 4 is 4.5m from the eastern boundary in lieu of 6m (-1.5m) and the setback on Level 5 is 5.5m in lieu of 9m (-3.5m).

The variations to the setback are supported for the following reasons:

- The average setback to the eastern boundary is greater than the minimum side setback requirements of the DCP. The length of the non complying wall is 9m out of a total wall length of 33m on levels 1-4 and 12m on level 5 out of a total wall length of 16m.
- The lengths of the wall masses that are opposite side boundaries, are shortened by a stepped façade, which reduces the impact of bulk as seen from neighbouring properties. This is particularly important at the eastern end of the building, where there is a more 'public' façade as view from the corner of Finlayson Street and Rosenthal Avenue.
- Side elevations are more articulated and less massive than would occur with a design that is strictly compliant with the side setback controls.
- The portion of the proposed building with the non-compliance to the setback requirements faces to an open car park of the adjacent site at 1 Finlayson Street, Lane Cove.
- A recently completed dental health centre is located at 1 Finlayson Street, Lane Cove. The owner of this property did not object to the proposal.
- The variation to the side setback requirements is unlikely to create any significant restrictions to the future development on the adjacent site.
- The variation would not create any significant adverse impact to the amenity of the adjoining property at 1 Finlayson Street.

It is considered that the proposal meets the objective of the DCP control, particularly having regard to the fact that the majority of this wall exceeds the minimum setback requirement.

Motor Cycle Parking

The DCP requires 4 motorcycle spaces. The proposal provides 3 spaces in the basement. The non-compliance is addressed by a draft condition of consent (See draft condition 2).

Section 94 Contribution Plan

Lane Cove Section 94 Contribution Plan applies to the proposal for the increase of population in the area as a consequence of the development.

The Section 94 contribution is calculated in the following manner:

The population of the existing dwelling houses:

| Property address | No. of bedrooms | Average occupation rate (persons/dwelling) |
|----------------------------------|------------------------|---|
| 3 Finlayson Street | 3 | 2.8 |
| 5 Finlayson Street | 2 | 2.0 |
| 7 Finlayson Street | 4 | 3.6 |
| 9 Finlayson Street | 3 | 2.8 |
| Total existing population | | 11.2 |

The population of the proposed building:

| No. of bedrooms | Average occupation rate | Population |
|----------------------------------|-------------------------|--------------|
| 19 x 1 bedroom | 1.2 | 19x1.2=22.8 |
| 23 x 2 bedroom | 1.9 | 23x1.9=43.7 |
| 14 x 3 bedroom | 2.4 | 14x2.4=33.6 |
| Total proposed population | | 100.1 |

The Section 94 contribution applicable is for 88.9 persons (100.1-11.2) at the current rate of \$8595.00/person is therefore \$764,095.50 (or \$13,644.56 per dwelling). The required Section 94 contribution is less than \$20,000 per dwelling and it would not exceed the cap of the Reforms of the Local Development Contributions.

RESPONSE TO NOTIFICATION (Section 79C(1)(d))

The development proposal was notified in accordance with Council's notification policy. 9 submissions were received.

The issues raised in the submission can be summarised as follows:

- The proposed development is not compatible with the village character of the immediate surrounding and sets a dangerous precedent.

Officer's comment:

The site is located within an area which was rezoned to R4 – High Density Residential under the recently gazetted Lane Cove LEP 2009 and the proposal is the first of this type of redevelopment to be considered in the Finlayson Street area. The majority of the surrounding properties are dwelling houses. Dwelling houses are no longer permitted within the R4 zone. It is agreed that the character of the proposed development is different to the existing character, however it is consistent with the future development character for the area.

- The proposed development is too large for its location.

Officer's comment:

The proposed development complies with the floor space ratio and building height controls of the Lane Cove LEP 2009. The bulk and scale of the development is considered acceptable. The building design has been highly modulated and articulated to provide visual interest and reduce any apparent building bulk.

- Increased local traffic congestion.

Officer's comment:

The proposed increase in traffic was considered by the applicant and Council's Traffic Engineer. The Traffic Study submitted with the development application stated that the traffic generation arising from the development involves a net increase of 21 vehicles/hour and the increase is very moderate. In relation to this issue, Council's traffic engineer has reviewed the traffic report and did not raise any issues with regard to the number of vehicle movements or

impact of the proposal on the street network in the area. It should also be noted that the area was recently rezoned to allow this type of development.

- Insufficient parking spaces

Officer's comment:

The initial proposal contained 95 car spaces which was one car space below the parking requirements of the DCP. This non-compliance has been addressed by amended plans. The amended proposal provides 96 car spaces and fully complies with the parking requirements of the DCP.

- The street frontage seems to be excessive

Officer's comment:

The proposed building frontage, whilst exceeding the maximum building width requirement by 12m, is considered to meet the objective of the DCP requirement as outlined previously in this report. The front façade is highly articulated and modulated with typical 4m wide bays that are indented from the street. The form is further defined by open entry lobbies which separate the building into three main elements.

- The western side of the development does not comply with the side setback requirements of the DCP.

Officer's comment:

The original proposal did not comply with the side setback requirements to the eastern and western side boundaries. The non-compliance to the western boundary has been addressed by amended plans. As indicated in the report the variation to section of the east elevation is considered satisfactory and meets the DCP objectives.

- The noise of the intercom and the constant vehicle noise will increase the amount of noise for neighbouring residents.

Officer's comment:

The intercom is located at the front of the building near Finlayson Street. It is intended to be used by visitors to the site and is considered in a low frequency use. The noise level of an intercom would not create a significant noise impact to the adjoining property.

- Concerned over the placement of too many garbage bins in Finlayson Street.

Officer's comment:

The issue of waste collection was considered by Council's Waste Co-ordinator, who has reviewed the applicant's proposal and provided draft conditions of consent. (See draft conditions 107-110).

- Lack of turf.

Officer's comment:

The proposed development complies with the landscaping requirements of the DCP.

- The location of the water retention tank.

Officer's comment:

The proposed water retention and detention tanks on the site have been designed by hydraulic engineers and they comply with Council's stormwater management requirements.

- Overlooking impacts to nearby residents from the proposed roof top terraces.

Officer's comment:

The design of the roof top terraces complies with the setback requirements of the DCP. The terraces are designed in a manner that they are recessed into the building with a 600mm wide solid edge between the terrace/ balcony and the edge of the building. This would prevent overlooking of properties directly below the site and would only allow a more distant view.

CONCLUSION

The matters in relation to Section 79C of Environmental Planning and Assessment Act 1979 considerations have been satisfied. The proposed development has been designed to comply with the provisions of Lane Cove LEP 2009 and the requirements of the DCP. The amended plans have addressed the issues relating to the amenities of the future occupants of the site and future developments on the adjoining properties. The issues raised by neighbours have been discussed in the body of this report.

The development is considered well designed and meets the objectives of the LEP 2009 and associated DCP and is recommended for approval subject to conditions.

RECOMMENDATION

That pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Region Joint Planning Panel grants development consent to Development Application 134/2010 for the demolition of four dwelling houses and construction of a residential flat building containing 56 dwelling house with basement car park for 96 cars on Lot Lots 71, 72, 73 and 74 of DP 10155 and known as 3-9 Finlayson Street, Lane Cove subject to the following conditions:

General Conditions:

1. That the development be carried out strictly in accordance with the following drawings dated 28.8.10, prepared by Candalepas Associates except as amended by the following conditions.
 - Site Plan, DA-1002, Issue C;
 - Basement Level 2, DA1101. Issue C;
 - Basement Level 1, DA1102, Issue C;
 - Ground Floor Plan, DA1103, Issue C;
 - Level 1 Plan, DA1104, Issue C;
 - Level 2 Plan, DA1105, Issue C;
 - Level 3 & 4, DA1106, Issue C;

- Level 5 Plan, DA1107, Issue C;
- Roof Plan, DA1108, Issue C;
- Section A-A & B-B, DA1201, Issue C;
- Section C, DA1202, Issue C;
- South Elevation, DA1301, Issue C;
- North Elevation, DA1302, Issue C;
- East & West Elevations, DA1303, Issue C.

and the following landscape plans with Job No. 100407, DWG No. LP.01/A, prepared by Botanica, dated June 2010:

- Landscape Plan, Sheet 1 of 2;
 - Level 1 and 5, Sheet 2 of 2.
2. The provision of 4 motor cycle parking spaces in the basement of the development.
 3. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
 4. The existing four allotments must be consolidated prior to the release of the issue of an occupation certificate.
 5. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
 6. The approved plans must be submitted to a Sydney Water Check agent or Customer Centre 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The consent authority or a private accredited certifier must:-

- Ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.
7. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council or the PCA that they have complied with the applicable requirements of Part 6. **Council as the PCA will not release the Construction Certificate until evidence of Home Owners Warranty Insurance or an owner builder permit is submitted.** THE ABOVE CONDITION DOES NOT APPLY TO COMMERCIAL/INDUSTRIAL CONSTRUCTION, OWNER BUILDER WORKS LESS THAN \$5000 OR CONSTRUCTION WORKS LESS THAN \$12000.
 8. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL 88.9 PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF THE CONSTRUCTION

CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. THE AMOUNT IS \$764,095.50 AT THE CURRENT RATE OF \$8595.00 PER PERSON. NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.

THIS CONTRIBUTION IS FOR COMMUNITY FACILITIES, OPEN SPACE/ RECREATION AND ROAD UNDER THE LANE COVE SECTION 94 CONTRIBUTIONS PLAN WHICH IS AVAILABLE FOR INSPECTION AT THE CUSTOMER SERVICE COUNTER, LANE COVE COUNCIL, 48 LONGUEVILLE ROAD, LANE COVE.

9. The solid fences adjoining the access strip not exceeding 900 mm in height between the proposed building (building line) and the street frontage.
10. All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

| | |
|--|------------------|
| Monday to Friday (inclusive) | 7.00am to 5.30pm |
| Saturday | 7.00am to 4.00pm |
| No work to be carried out on Sundays or any public holidays. | |

11. 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.
12. 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.
13. The provision of 96 on-site carparking spaces for the use of the building at all times.
14. Access and parking spaces for disabled persons being provided in accordance with Part D.3 of the Building Code of Australia.
15. 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.**
16. 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.

17. 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.
18. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.
19. 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.
 - c) The dampcourse level, ant capping, anchorage and floor framing before the floor material is laid.
 - 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
 - g) Stormwater drainage lines prior to backfilling
 - h) Completion.
20. Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-
- a) underpinning;
 - b) retaining walls;
 - c) footings;
 - d) reinforced concrete work;
 - e) structural steelwork;
 - f) upper levels floor framing.
21. A temporary connection to be made to the sewers of Sydney Water (where available) with an approved toilet structure and toilet fixtures being provided on the site BEFORE WORK IS COMMENCED. Where the Sydney Water sewer is not available a "Chemical Closet" type toilet shall be permitted.
22. All metal deck roofs being of a ribbed metal profile or colourbond corrugated galvanised or zincalume iron, in a mid to dark range colour and having an approved anti-glare finish.
23. A check survey certificate is to be submitted at the completion of:-
- a The establishment of the ground floor level;
 - b The roof framing; and
 - c The completion of works.

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

24. The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Construction Safety Act and the Regulations details of the method of removal to be submitted PRIOR TO

COMMENCING ANY DEMOLITION WORKS.

25. (a) The use of mechanical rock pick machines on building sites is prohibited due to the potential for damage to adjoining properties.
- (a) 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.

26. The proposed works must be confined within the boundaries of the site.
27. The site being cleared of all debris and left in a clean and tidy condition at the completion of all works.
28. All machinery used on the site during demolition shall have a noise emission no greater than 75dB(A) when measured at a radius of 7.0 metres from the specified item.
29. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
30. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
31. Compliance with Australian Standard 2601 - The Demolition of Structures.
32. Details of the location of the waste storage, recycling container storage area and position of compost bin are to be submitted PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.
33. Compliance with the Waste Management Plan submitted with the development application.

34. It should be understood that this consent in no way relieves the owners or applicant from any obligation to obtain any other approval which may be required under any covenant affecting the land or otherwise nor relieve a person from the legal civil consequences of not complying with any such covenant.
35. Lane Cove Council charges a fee of \$30 for the registration of any Part 4A Certificates (compliance, construction, occupation or subdivision certificates) issued by an accredited certifier under the Environmental Planning and Assessment Act.
36. **Long Service Levy** Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

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

37. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.
38. Separate approval must be obtained for the strata subdivision of the development.

General Engineering Conditions:

39. **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.
40. **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.
41. **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 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.**
42. **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.
43. **Restoration:** Public areas must be maintained in a safe condition at all times. Restoration of disturbed Council land is the responsibility of the applicant. All costs associated with restoration of public land will be borne by the applicant.
44. **Public Utility Relocation:** If any public services are to be adjusted, as a result 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.

45. **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'.
46. **Council Drainage Infrastructure:** The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the stormwater line is to be relocated to be clear of the proposed building works. All costs associated with the relocation of the stormwater line are to be borne by the applicant.
47. **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.
48. **Temporary Footpath Crossing:** A temporary footpath crossing must be provided at the Vehicular access points. It is to be 5m in width, made out of sections of hardwood with chamfered ends and strapped with hoop iron.
49. **Safety fence along the boundary of the property:** Before commencement of any works, barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.
50. **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.
51. **Accelerated Depreciation to Council's Road Infrastructure:** In order to cover the accelerated depreciation to Council's Road Infrastructure the applicant is to pay a fee based upon a calculation of the damage caused by trucking operations.

During construction the applicant shall pay a monthly fee to Council, to cover accelerated depreciation to Council's road infrastructure. This fee shall be determined from the number of truck movements using the site in association with the rehabilitation and construction works. The fee shall be computed based on the following table:

| | |
|---|----------------|
| 3 axle single unit | \$5.76 |
| 4 axle single unit | \$7.17 |
| 4 axle or less double unit, 1 unit is truck | \$8.56 |
| 5 axle double unit, 1 unit is truck | \$10.03 |
| 6 or more axle double, 1 unit is truck | \$11.50 |
| 5 axle or less multi unit | \$18.06 |
| 6 axle multi unit | \$14.32 |

These rates base date 26/07/10 are to be indexed in accordance with CPI. Payment shall be forwarded to Council without the issuing of an invoice, within seven (7) days of completion of each month. This monthly payment shall be based on the above table and details of all calculations shall be forwarded with payment.

52. **Recording of Trucking Movements:** Prior to commencement of site works, the applicant shall

- Nominate a contact person who will be responsible for all heavy vehicle operations,
- Submit contact details of the nominated person to council including relevant telephone numbers, facsimile numbers and email.

During construction the applicant shall

- Submit a weekly summary of all trucking movements. The summary is to include the number of trucks that have travelled to and from the site each day, and the registration numbers (both truck and dog-trailer registration plates) of these vehicles.

53. **Heavy Vehicle Duty Employee and truck cleanliness:** The applicant shall

- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
- Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
- Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.

Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.

54. **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 Infraction Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.

55. **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.

56. **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.

57. **Overland Flow around Buildings** To prevent stormwater from entering the building the finished habitable ground floor level of the building shall have a minimum freeboard of 300mm and 150mm above the calculated top water level for the 1 in 100 year ARI storm event respectively.
58. **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 by gravity to the receiving system.

Engineering conditions to be complied with prior to Construction Certificate

59. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with plan numbered **2010-0221**, Drawing Numbers **HDA01/P4, HDA02/P1, HDA03/P1, HDA04/P2, HDA05/P1, HDA06/P1, HDA07/P1, HDA08/P3** prepared by **Whipps Wood Consulting** dated **March and July 2010**.

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 Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Construction Certificate**.

The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, in order for the issue of the Construction Certificate.

60. **Positive Covenant Bond:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the on site detention system. Lodgement of this bond is required **prior to the issue of the Construction Certificate**.
61. **Positive Covenant OSD:** Documents giving effect to the creation of a positive covenant over the on site detention system shall be registered on the title of the property **prior to the issue of the Occupation Certificate**. The wording of the terms of the positive covenant shall be in accordance with Council's DCP-Stormwater management.
62. **Construction adjacent to or parallel to a drainage Easement / pipeline:** The footings of the proposed structure adjacent to the Council drainage easement shall be taken below the zone of influence of the Council stormwater line. The location and depth of the footings in relation to the stormwater line, along with the design of the footings, are to be detailed on engineering plans. The engineering plans are to be completed and certified for construction by a suitably qualified engineer and be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

On completion of the works and **prior to the issue of the Occupation Certificate** the design engineer shall certify that structure has been constructed in accordance with the approved plans and is within acceptable construction tolerances. The certification is to include a Work as Executed plan. The Work-as-Executed must show the location of all structures in the vicinity of the council drainage easement, indicating that all footings are located below the zone of influence of the Council stormwater line.

63. **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**.
64. **Geotechnical report:** A geotechnical report is to be completed for the excavation proposed for the 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.
65. **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.

66. **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.

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

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

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

68. **Sydney Water Approval:** The approved plans must be submitted to Sydney Water to determine whether the development will affect Sydney's Waters sewer main which affects this property. If the development complies with Sydney Water's requirements, the approved plans will be appropriately stamped and submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

69. **Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A '*Construction of a multi-unit dwelling, Vehicular Footpath 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**.

70. **Car Parking Certification:** The plans and supporting calculations of the internal driveway ramps, turning areas, 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**.

71. **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**.

72. **Council Infrastructure Damage Bond:** The applicant shall lodge with Council a \$50,000.00 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 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 issue of the Construction Certificate.**

73. **Council Construction Requirements:** The applicant shall construct / reconstruct the following:

1. 1.5 meter wide footpath for the entire width of the front boundary.
2. New Kerb and Gutter for the entire width of the front boundary.
3. Reinstate the nature strip and new turf for the entire width of the front boundary.

A \$10,000 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.

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

- New Footpath
- New Kerb and gutter
- New Driveway
- New stormwater pipe line easement

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 of \$480.00 is to be paid **prior to the issue of the Construction Certificate.**

75. **Soil and Water Management Plan:** A Soil and Water Management Plans (SWMP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual *"Managing Urban Stormwater, Soils and Construction Fourth Edition 2004 Volume 1"* prepared by LANDCOM. The plan is to be submitted to the principal certifying authority to **prior to the issue of the Construction Certificate**

Engineering condition to be complied with prior to commencement of construction

76. **Soil and Water Management 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) *Soil and Water Management Plan*'. The devices shall be maintained during the construction period and replaced when necessary.

Engineering Condition to be complied with prior to Occupation Certificate

77. **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, 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.**

- 78. **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.**
- 79. **Creation of Drainage Easements:** A 2.5m wide drainage easement is to be created in favour of Lane Cove Council and burdening Lot 71 and 72 in DP 10155 to accommodate the new Council pipeline. The diversion shall be generally in accordance with the plan numbered HDA04/P2 prepared by Whipps Wood Consulting and dated March 2010. Documents demonstrating that the proposed pipe line has been constructed and the easement has been created are to be submitted to the principle certifying authority **prior to the issue of the Occupation Certificate.** All costs associated with piping, relocation and creation of easements shall be borne by the applicant.
- 80. **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.**

Environmental Health Conditions:

81. Phase 2 Environmental Site Assessment

Reference is made to Appendix G: *Phase 2 Environmental Site Assessment*. This report found that the site will be suitable for the proposed development provided that the following is undertaken, as listed in the conclusion of the report:

- All fill material across the site is to be removed and the underlying natural material is to be validated to confirm the removal of all the fill material;
- Any unexpected subsurface conditions encountered during excavation/ construction works are to be inspected by a suitably qualified environmental consultant and an appropriate course of action determined;
- Sampling and analyses of groundwater if off-site disposal is required for the proposed development; and
- A Hazardous Building Materials survey of the existing structures is undertaken prior to demolition and all hazardous building materials are removed and disposed of appropriately.

Prior to the commencement of building works (but after excavation has been completed) the applicant must submit to Council, a site validation report certifying that the site is suitable for the proposed use.

Landscaping conditions

82. A **Tree Preservation Order** applies in the Lane Cove local government area. The Order prohibits the cutting or removal of any tree except with the consent of Council, which must be strictly and fully complied with, and the penalty for contravention of this Order is up to one million, one hundred thousand (\$1,100,000). The co-operation of all residents is sought in the preservation of the bushland character of the Municipality. All enquiries concerning the Tree Preservation Order must be made at the Council Chambers, Lane Cove.
83. The applicant must obtain a Tree Preservation Order Work Authority prior to pruning of any overhanging trees growing in neighbouring allotments and including the cutting of any tree roots greater than 40 mm in diameter.
84. There must be no stockpiling of topsoil, sand, aggregate, spoil or any other construction material or building rubbish on any nature strip, footpath, road or public open space park or reserve.
85. 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.
86. Footing, trench or excavation that is within 3m of any tree greater than 4m in height; including neighbouring trees, must be carried out using hand held tools only with no tree roots greater than 40mm diameter to be severed or damaged.
87. There must be no soil disturbance, including any activities associated with the construction or excavation for service lines within the tree protection zone for the street trees. With exception for works using hand held tools for removal of the driveway crossings and rehabilitation of the nature strip area.

Tree Protection Conditions

88. A Tree Protection Zone (TPZ) shall be erected to protect the four (4) street trees. The TPZ shall be constructed from 1.8 m high chain mesh temporary fencing supported by galvanized posts concreted into the ground. The tree protection zone shall encompass the entire nature strip area including the existing driveway crossings associated with No 5 and No 7 Finlayson Street. The tree protection zone shall start on the west side of the driveway of No 3 Finlayson and finish on the east side of the driveway associated with No 7 Finlayson (next to the power pole). The tree protection area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed. Removal of redundant driveways shall be carried out using hand held tools only.
89. A 1.8 m high chain mesh fence shall be erected a radial distance of not less than 2.4 m for Tree No 7, 6 m for Tree No 32 and 2.4 m from Tree 35. All measurements are taken from the centre of the trunk. The tree protection areas shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed.
90. A waterproof sign must be placed on all tree protection zones stating **'NO ENTRY TREE PROTECTION ZONE – 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. The signage must be at intervals of three (3) m distance for the street tree protection zone.

91. All tree protection measures and signage must be erected **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR THE COMMENCEMENT OF WORKS, WHICHEVER OCCURS FIRST.** This includes demolition or site preparation works, and tree protection measures must remain in place for the duration of the development, including construction of the driveway crossing.

BOND ON STREET AND COUNCIL TREES

92. A bond of \$ 20,000 must be paid to Council prior to the issue of Construction Certificate to ensure adequate protections are taken during the development to protect the four (4) street trees to be retained. This bond shall be forfeited in the event of damages to the trees as a result of the development works within a period of 12 months from issue of the Occupation Certificate. In the event of damages to the trees, as determined by Council's Tree Assessment Officer, the cost of replacing the trees including labour will be incurred in addition to forfeiting the bond. The following formula shall be used for retention of all or part of the tree bond:

Breach of any condition - 25% of bond for each offence.

Trunk or root damage of any protected tree - 50% of bond for each offence.

Death or severe decline of any protected tree - 100% of bond and possible legal action by **Council**.

Landscape Conditions

93. The Proposed Landscape Plan by Narelle Sonter DWG. NoLP/01/A (24.06.10) must be adopted as part of the development. However, proposed plant material shown on the landscape plan will not be restricted to the exhibited plant schedule on the Landscape Plan.
94. The Applicant must ensure that 'On' structure landscaping has adequate soil depth, volume and suitable profile to support the number of trees and shrubs indicated on the approved Landscape Plan.
95. The Applicant must ensure that there are sufficient number of groundcovers and low shrubs, planted at appropriate distances and depths to eliminate bare mulched gardens areas within twelve (12) months of completion of all landscaping works. Where screen planting is required throughout the development, plants must have a height of 2 m at planting
96. The Applicant must ensure that all landscaping is completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications.
97. A landscape practical completion report must be prepared by the consultant landscape architect and submitted to 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.

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.

Traffic Management Conditions:

98. The car park layout must be constructed in accordance with the relevant provisions of AS/NZS 2890.1:2004 Parking Facilities- Off-street Car Parking, AS 2890.2:2002 Off-Street Commercial Vehicle Facilities, and AS2890.6-2009 Off Street Parking for People with Disabilities. This is to include, but is not limited to, the vehicle space dimensions, height clearances, aisle widths and the driveway grades.
99. Prominent signage is to be installed at the car park entrance advising the maximum height clearance of the car park, particularly for any loading zone area. This signage is to be installed at the applicant's cost and is to be to the satisfaction of Council's Traffic Manager.
100. Prominent signage is to be installed at the car park entrance advising that Visitors Parking and Disabled Parking is available within the secure basement car park. This signage is to be installed at the applicant's cost and is to be to the satisfaction of Council's Traffic Manager.
101. Visitor Parking spaces are to be individually signposted, and the Body Corporate is to ensure that the spaces are maintained for visitor parking.
102. Appropriate signage is to be provided in the car park identifying the location of the visitor disabled parking space, as it has been located away from the other visitor parking.
103. To ensure adequate sight distance of pedestrians using the footpath on the northern side of Finlayson Street for vehicles exiting the car parking area, any structures in the adjoining area are to be limited in height to 800mm for a distance of at least 2 metres. This is to include the side fences shown on Candalepas Associates plan DA-1104, dated 27 August 2010.
104. The existing time restricted No Parking zone on the northern side of Finlayson Street, adjacent to the site, be altered to a full-time No Stopping zone. The signage alteration is at the applicant's cost and is to be completed prior to the issue of the Construction Certificate. Council is to be notified prior to this occurring.
105. A Construction Management Traffic Report must be submitted to the Principal Certify Authority prior to the issue of the Construction Certificate. It must detail the traffic impact of the construction works on the local area and the means proposed to manage construction works to minimise such impacts. In particular, the Report must consider the impact on the on-street parking during construction, the movement of trucks to and from the site, the location of any site sheds and the use of any cranes and concrete pumps. The applicant is to note that the use of cranes and concrete pumps on the public reserve requires a 'Permit to Stand Plant' from Council. All materials and plant are to be stored on-site unless prior permission is received from Council to use the footpath.
106. The applicant installs a Class B hoarding in Finlayson Street for the duration of the construction. This hoarding will be required prior to the commencement of

construction of the proposed development. (A hoarding application form can be obtained from Council's Customer Services section.)

Waste Management Conditions:

107. **Garbage bin area:**

Prior to the issue of the Construction Certificate The garbage receptacle area in each level must comply with the following:

- Each bin area must be drained to a floor waste and connected to the sewer
- Each bin area must be installed with a ventilation system
- Each bin area must have adequate lighting from outside & inside the room.

108. **Ongoing waste management**

A waste caretaker shall be engaged to undertake the following duties:

- Maintain & clean garbage rooms daily
- Sort recycled waste into appropriate recyclables to minimise contamination of recycling bins
- Transport garbage & recycling bins weekly the night before collection day to the street for collection & return bins when emptied
- Deodorise garbage rooms (minimum once per week);
- Assist the garbage contractor with emptying of bins during collection

109. **Waste management signage**

Clear signage must be displayed in all interim bin storage area indicating appropriate use of recycling systems

110. **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.