

JRPP No:	2010SYE083
DA No:	DA10/219
PROPOSED DEVELOPMENT:	Demolition and erection of a rfb with 2 towers (6 & 7 storey), with 85 dwellings and basement parking for 144 cars - 284-288 Burns Bay Road, Lane Cove
APPLICANT:	Sakkara Property Ventures Pty Ltd
REPORT BY:	Rajiv Shankar, Lane Cove Council

Assessment Report and Recommendation

Environmental Services Division Report 5 Sydney East Joint Regional Planning Panel meeting of 10 March 2011

Property: 288 Burns Bay Road, Lane Cove

DA No: D219/10

Date Lodged: 29 September 2010

Cost of Work: \$20,160,043.00

Owner: L Skipper and Sedimentary Energy Resources Pty Ltd

Applicant: Sakkara Property Ventures Pty Ltd

Author: Rajiv Shankar

DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION	Demolition of existing building and construction of a residential flat building with 2 towers (6 & 7 storey) containing 85 dwellings and associated basement parking.
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
BUSHLAND PRONE LAND?	Yes
BCA CLASSIFICATION	Class 2
STOP THE CLOCK	Yes

USED	
NOTIFICATION	<div>Neighbours 271, 272, 273, 274, 275, 277, 278, 279, 281, 283, 289, 290, 291, 292-298, 293, 295, 296, 299, 300, 300A, 300B, 300C, 301, 303, 303A, 305, 307 Burns Bay Road, 12, 14, 16, 18, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 33A, 34, 35, 36, 37, 38, 38X, 39, 40A, 40B, 40C, 40D, 40-40, 42-48, 41, 43, 43A, 45 Cope St, 1, Caroline Chisholm Lane, 44, 46 Penrose Street</div> <div>Ward Councillors Clr W Gaffney, Clr I Longbottom, Clr K McIlroy.</div> <div>Association Riverside Community Association</div> <div>Others S Bashford</div>

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 subject site is irregular in shape with an area of 4601m². The site is located on the eastern side of Burns Bay Road. The site falls from north to south by approximately 9m and from east to west by approximately 4m.
- The proposal is for the demolition of the existing building and construction of a residential flat building with 2 towers (6 & 7 storey) containing 85 dwellings and associated basement parking.
- In addition to a vehicular access from Burns Bay Road, the proposal includes a second vehicular access from Caroline Chisholm Lane over a corner of 292-298 Burns Bay Road and Council's pedestrian walkway. The access would require demolition of a heritage stone wall, removal of trees and formation of the unmade portion of Caroline Chisholm Lane.
- The proposal meets the requirements of Council's Local Environmental Plan 2009 with regard to maximum permissible floor space ratio and maximum permissible height.
- The proposal meets the requirements of Council's Development Control Plan with the exception of:
 - 2 balconies on the upper level which project into the front building line. The encroachment is 900mm and is conditioned to comply.
 - The basement rear boundary setback proposed also does not comply with the Development Control Plan. The basement has been conditioned to comply.

- 12 single aspect dwellings with southerly aspect are proposed as against a maximum of 9. The dwellings have been conditioned to comply.
 - There are no adaptable 2 bedroom dwellings. The dwellings have been conditioned to comply.
- The proposed development meets the 10 design quality planning principles of State Environmental Planning Policy 65.
- The following external referrals which have been considered.
 - Rural Fire service.
 - Heritage consultant
 - Consulting architect for SEPP 65.
 - Roads and Traffic Authority
- A total of 130 objections and 4 petitions have been received in response to the notification of the proposed development. The petitions have 4, 10, 27 and 37 signatures. The objections are substantially with regard to the proposed second vehicular access from Caroline Chisholm Lane. Other reasons for objection include:
 - Loss of solar access
 - Loss of views and outlook
 - Loss of privacy
 - Bulk and scale of proposed building
 - Increased noise
 - Increased traffic
 - On compliance with setbacks from the road
 - Non compliance with SEPP 65
 - Inadequate infrastructure
 - Non compliance with height, setbacks
 - Impact on heritage item
- The proposed second vehicular access from Caroline Chisholm Lane is considered to have an adverse impact upon traffic of the area, amenity of the adjoining residents, impact upon trees and landscaping and has not been supported in this report.
- On 16 December 2010, the JRPP was briefed on the proposal.
- With the exception of the proposed second vehicular access from Caroline Chisholm Lane, the proposed development is recommended for approval subject to conditions.

SITE:

The site is located on the eastern side of Burns Bay Road, south of Cope Street. The description of the site is Lot 11 in DP843954. The site is irregular in shape with an

area of 4601m². The site has a frontage of 29.7m to Burns Bay Road and a depth of 118.185m. The rear boundary has a length of 46.515m.

The site falls from north to south by approximately 9m and from east to west by approximately 4m.

The site contains a two storey brick and tile office/commercial building located towards the west of the site. The eastern (rear) portion of the site is vacant. There are a few mature trees and shrubs towards the eastern and western sides of the site, and one street tree.

Neighbouring towards the north is a 1.5m wide Council walkway. Adjoining the walkway towards the north is a town house development and residential flat buildings separated by a heritage stone wall. Further towards the north is Caroline Chisholm aged care and retirement village.

Towards the north eastern corner the site, beyond the Council walkway and the stone wall, there is an unmade portion of Caroline Chisholm Lane which joins Cope Street. There are also a number of residential flat buildings located to the north-east which have a vehicular access onto Cope Street immediately adjoining the Caroline Chisholm Lane/ Cope Street intersection.

Towards the east is a three storey residential flat building (292-298 Burns Bay Road).

Towards the south there is a vacant three storey commercial / warehouse building, the site for which is zoned R4 High Density Residential. Also towards the south is a car parking area associated with the residential flat building to the east.

PROPOSAL:

Proposed Development:

- Demolition of the existing building and removal of a number of trees.
- Construction of a residential flat building with 2 towers (6 & 7 storey).
- Associated basement parking comprising of 144 car spaces (17 accessible, 20 visitor spaces, 107 resident).
- Re-designed vehicular access to Burns Bay Road.
- New additional vehicular access to the unmade portion of Caroline Chisholm Lane over a corner of 292-298 Burns Bay Road and Council walkway.
- Demolition of a part of the heritage stone wall between the Council walkway and the unmade portion of Caroline Chisholm Lane.
- Designs have also been submitted for the formation of the unmade portion of the Caroline Chisholm Lane which would be developed as a shared pedestrian/ vehicular zone.

Dwellings:

The residential flat building would contain a total of 85 dwellings:

- 28 X 1 bedroom dwellings.

- 40 X 2 bedroom dwellings.
- 17 X 3 bedroom dwellings.

Of these dwellings, 17 dwellings would be adaptable.

PREVIOUS APPROVALS/HISTORY:

As the proposal seeks to demolish the existing building on the site, previous approvals are not relevant, other than identifying that site contamination is an issue, which the applicant has dealt with by way of a site audit and remediation action plan.

PROPOSAL DATA/POLICY COMPLIANCE:

Site area 4601m²

Lane Cove Local Environmental Plan 2009

	Code	Proposed	Complies/ Comment
Clause 2.2- Zoning	R4 – High Density Residential zone	Proposed Residential Flat Building.	Yes
Clause 4.3 - Height of Buildings	21.0m	21.0m	Yes
Clause 4.4 - Floor Space Ratio	1.7:1 (GFA – 7820.9m ²)	1.7:1	Yes

Lane Cove Development Control Plan

Part B – General Controls

Clause	DCP	Proposed	Complies/ Comment
B7 – Development near busy Roads and Rail Corridors	LAeq levels: (i) In any bed room 35dB(A) 10.00pm to 7.00am. (ii) anywhere else 40dB(A)	The building design limits openings in the front façade. An acoustic report is required by draft condition 93 to verify compliance.	Yes
B8 – Safety & security	Required	Crime Prevention Through Environmental Design (CPTED) principles considered and satisfactory.	Yes
B10 - Cut & fill	1m maximum. Addition excavation	More than 1m. However the extent	Yes

Clause	DCP	Proposed	Complies/ Comment
	for basement parking is acceptable in residential flat buildings.	of excavation has been minimized and considered reasonable.	

Part C3 – Residential Flat Buildings

Clause	DCP	Proposed	Complies/ Comment
3.2 Density	Minimum site area 1500m ²	Area of site 4601 m ²	Yes
3.3 Building depth	18m exclusive balcony	18m	Yes
3.4 Building width	40m maximum fronting the street	Burns Bay Road Rd – 16.0 m	Yes
3.5 Setback <u>Front</u> Burns Bay Road Rd	7.5m. Balconies may encroach up to a maximum of 600mm	8.0m Balconies encroach by to 900mm.	No (Conditioned to comply – see draft condition 6).
<u>Side</u> Northern side	6.0m up to 4 storeys 9.0m for 5-8 storeys	Block A- 6.5m up to 4 storeys and 9.0m above.	Yes
	6.0m up to 4 storeys 9.0m for 5-8 storeys	Block B-10.8 m up to a height of 4 storeys and 9.0m above.	Yes
Southern side	6.0m up to 4 storeys 9.0m for 5-8 storeys	Block A- 6.0m up to 4 storeys and 9.0m above.	Yes
	6.0m up to 4 storeys 9.0m for 5-8 storeys	Block B-15 m up to 4 storeys and 21.0m above.	Yes
<u>Rear</u>	6.0m up to 4 storeys 9.0m for 5-8 storeys	9.0m for all floors	Yes
3.5.3 Parking Podium Height within setback zone.	Maximum 1.2m above ground up to a maximum of 2m encroachment within the side setback.		

Clause	DCP	Proposed	Complies/ Comment
Height adjoining front boundary	Maximum 1.2m	No encroachment	Yes
Height adjoining northern boundary	Maximum 1.2m	No encroachment	Yes
Height adjoining southern boundary	Maximum 1.2m	No encroachment	Yes
Height adjoining rear boundary	Maximum 1.2m	Less than 1.2m	Yes. However the basement encroaches on the 2m maximum permitted encroachment. (Conditioned to comply - see draft condition 4)
3.6 Building separation within development	6.0m.	6.19m.	Yes
3.7 Design of roof top area	Roof top areas can be designed where practicable	Not provided which is acceptable	Yes
3.8 Size of dwellings	Minimum 40m ²	50.7m ²	Yes
3.9 Private open space	Primary balconies - 10m ² with minimum depth 2m	Areas of balconies are 10.05 m ² and above with depth of minimum 2.0m	Yes
	Primary terrace- 16m ² with minimum depth 4m	Areas of terraces are a minimum of 21m ² with width greater than 4m.	Yes
3.10 Car parking, motorcycle and bicycle spaces	Car parking – 28x1 bedroom (28x1.0) = 28 spaces 40x2 bedroom (40x1.5) = 60 spaces 17x 3 bedroom (17 X 2.0)=		

Clause	DCP	Proposed	Complies/ Comment
	<p>34spaces</p> <p>Visitors - 1 per 4 dwellings (85÷4) = 21 spaces</p> <p>Total 143 car spaces.</p> <p>Motor cycle @ 1 per 25 cars = 6 spaces</p> <p>Bike Lockers@ 1 per 10 dwellings = 9 Lockers</p> <p>Bike rails – 3 @ 1 per 12 dwellings = 7</p>	<p>144 car spaces provided .</p> <p>8 Motor cycle spaces</p> <p>9 Bike Lockers</p> <p>7 Bike rails</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3.11 Ceiling heights	Minimum 2.7m	> 2.7m	Yes
3.12 Storage	<p>1- bed 6m3</p> <p>2- bed 8m3</p> <p>3- bed 10m3</p>	Provided	Yes
3.13 Solar access	<p>Living rooms and private open spaces of 70% of the units to receive 3 hours of direct sunlight.</p> <p>Single aspect dwellings with southerly aspect - 10% maximum (9 dwellings)</p> <p>Adjoining properties to receive 3 hours of sunlight between 9.0am to 3.0pm.</p>	<p>86% (73 dwellings)</p> <p>14% (12 dwellings)</p> <p>3 hours</p>	<p>Yes</p> <p>No- (Conditioned to comply - see draft condition 9)</p> <p>Yes</p>
3.14 Natural ventilation	60% of the dwellings should have cross ventilation.	60% (51 dwellings)	Yes
3.15 Visual privacy	Provide visual privacy between balconies of the adjoining properties	Setback requirements to properties towards the north have been met.	Yes

Clause	DCP	Proposed	Complies/ Comment
3.16 Communal open space	minimum 25%	62% provided	Yes
3.17 Landscaped area	25% + 15% on structures or landscaped area	Deep soil zone – 25% (1166 m ²) Planting on structures - 25% (686 m ²)	Yes
3.18	Planting on structures	Provided	Yes

Part F - Access and Mobility

Clause	DCP	Proposed	Complies/ Comment
3.3 Public spaces and link to private properties	Development on public and private properties must provide and maintain accessible links and paths of travel between class 2 to Class 10 buildings and to adjacent public spaces or pedestrian networks	Accessible links from the proposed open spaces to public spaces provided, as well as internally within the development.	Yes
3.5 Parking Provide 1 space for each adaptable housing unit.	DCP requires 17 adaptable dwellings and therefore 17 disabled car spaces.	17 disabled car spaces have been provided.	Yes
3.6 Adaptable and Visitable housing	Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings which would be 17 dwellings.	17 adaptable dwellings have been provided	Yes
	Adaptable housing to be equitably distributed throughout all types and sizes of dwellings.	One bed and three bed room dwellings are provided as adaptable. No adaptable two bedroom dwellings have been provided	No (Conditioned to comply – see draft condition 49)
	80% of the dwellings are to be visitable	All dwellings are visitable	Yes
3.7 Access to and within buildings	Access is required to common areas and all dwellings.	Access provided	Yes

REFERRALS:

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

Council's consulting architect has confirmed that the proposed development meets the objectives of all the 10 planning principles of SEPP 65. A copy of the Council's consulting architect's report is contained in **AT1**.

Manager Community Services

Council's Manager Community Services has reviewed the plans and has provided the following advice.

All recommendations of Morris-Goding Accessibility Consulting, with regard to ingress and egress, should be adopted by the applicant to ensure adequate clearance for people with disabilities.

The travel path, throughout the development from the car park to common areas and all dwellings, is adequate. The access consultant recommends that lift car components comply with AS1735.12.

The Disability (Access to Premises – Buildings) Standards 2010 require that the lifts have automatic audible information to identify the level each time the lift car stops and have audible and visual indication to indicate the arrival of the lift car at each lift landing. This audible information is to be provided in a range of between 20-80dbA at a maximum frequency of 1 500Hz.

The development application proposes that 17 of the 85 dwellings would be adaptable and all the dwelling would be visitable which meets Council's DCP requirements.

The proposed development provides for 1-Bedroom and 3- bedroom dwellings as adaptable dwellings, but does not include any 2 bedroom adaptable units. Council's DCP requires adaptable dwellings to be equitable distributed throughout all types and sizes of dwelling. It is recommended that a minimum of four adaptable 2-bedroom dwellings also be incorporated within the proposed development and distributed across different floors. (See draft condition 48).

At least one of the proposed 20 visitor car parking spaces should be accessible. Draft conditions prepared from the recommendations have been included in the report. (See draft condition 49)

Manager Urban Design and Assets

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

All reference to the access from Caroline Chisholm Lane is to be deleted because the access from Caroline Chisholm Lane is not supported for the following reason:

The proposed access from Caroline Chisholm Lane does not comply with AS2890.1. The existing carriageway is approximately 4.5m wide which is not suitable for two way traffic movements. The proposed extension of the laneway conflicts with existing trees and may conflict with existing services. The proposed widening of the existing carriageway would delete the existing 1.5m wide landscaped area which is not supported.

The stormwater management plan numbered 1131 sheets 1-4 prepared by Storm Consulting needs to be amended. An on site detention system needs to be designed in accordance with Council's DCP - Stormwater Management.

The proposed driveway from Burns Bay Road will impact on the existing street tree.

Draft conditions, which include conditions with regard to the new driveway, associated works within the Burns Bay Road road reserve, extent of excavation for the basement car park, new footpath, and nature strips have been provided which have been included in the report. (See draft conditions 111-150).

Traffic Manager

The Traffic Manager reviewed the proposal and did not support the proposed access from Caroline Chisholm Lane and raised concerns with regard to driveway grades from Burns Bay Road and car parking design compliance with Australian standards.

In Council's letter dated 3 November 2010, the applicant was advised that Council's traffic manager did not support the proposed access from Caroline Chisholm Lane. A meeting was held on 3 December 2010 when a design for a shared zone for Caroline Chisholm Lane was discussed. The applicant, in his letter dated 9 December 2010, provided additional details for the driveway crossing along Burns Bay Road and alternative designs of Caroline Chisholm Lane as a shared zone.

On 16 December 2010 the applicant was advised that the Council does not support the proposed access from Caroline Chisholm Lane for the following reasons:

- a) *The proposed traffic devices do not meet RTA's standards in relation to the design of raised thresholds.*
- b) *There is no pedestrian and bicycle access provided in the design.*

- c) *The creation of a Shared Zone and an LATM scheme requires consultation with all residents in the area and the approval of the RTA subject to a Traffic Management Plan (TMP). That detail has not been provided in the application.*
- d) *The issue related to the additional traffic volumes are expected to be generated due to the proposal has not been addressed.*
- e) *The nature of the surrounding developments does not allow for additional traffic volumes to be added to the local road network at Cope Street and Caroline Chisholm Lane.*
- f) *The intersection of Cope Street and Penrose Street is critical and any additional traffic will reduce the level of service at the above intersection. Council has been liaising with the RTA for years to implement a Road Safety Scheme at River Road West, Penrose and Bridge Streets. The RTA has not provided funding at this stage.*
- g) *There are a very high number of objections to the proposed access through Cope Street. The Developer's latest designs and information does not address the objections related to access and traffic.*
- h) *The Developer has been previously advised by Council's Traffic Section to consider other access alternatives (other than Cope Street).*
- i) *The proposed access road has not been clearly defined in terms of responsibility regarding construction, maintenance and ownership. The applicant has not mentioned costs related to the construction and maintenance.*
- j) *There is no agreement shown at this stage related to the ownership of the proposed new access road. The adjacent Stratas and Council have not agreed to the proposed access at this stage. There is no written consent related to the above.*
- k) *The creation of an access road for the proposed development through Cope Street does not create a benefit to Council or other surrounding developments; to the contrary, the proposal would result in reduction of safety and amenity for the area.*

The traffic engineer has provided conditions which have been included in the draft conditions of consent. (See draft conditions 50-56).

The applicant, in his letter dated 24 January 2011, provided further clarification and information with regard to the proposed access from Caroline Chisholm Lane. Council's traffic manager's response to the additional information is as under:

"The information provided does not change (or) alleviate our concerns related to the impact for the existing residents in Caroline Chisholm Lane and Cope Street. Furthermore the proposed left turn from Cope Street into Penrose Street is not an option as it is too restrictive. The proposed footpaths also do not provide safe access

to the residents as they are not connected and (due to) the increase in traffic as a result of the proposed development. The proposal in traffic terms is not supported.”

A second meeting was held on 4 February 2011 when the two previously submitted and two new alternative design proposals for the formation of Caroline Chisholm Lane as a shared driveway were discussed. The applicant was advised that the traffic study submitted by the applicant did not address the issues previously raised and that Council did not support the proposed second vehicular access from Caroline Chisholm Lane.

Additional information was provided to Council on 17 February 2011. The information includes Urban Design plans and engineering design for Caroline Chisholm Lane, traffic report, arborist report and legal advice with regard to use of Caroline Chisholm Lane and right of way over 292-298 Burns Bay Road. Council's traffic manager's response to the additional information is as under:

“The information provided does not address the concerns raised by the objections related to the impacts to the existing residents in relation to traffic impact for the residents of Cope Street and Caroline Chisholm Lane. The intersection of Cope Street and Penrose Street is a major concern. The proposed development will add to the safety risk of this intersection. The access provision by the RTA through Burns Bay Road is considered adequate for this type of development. I cannot support the proposal for access through Caroline Chisholm Lane in terms of the proposed traffic and access arrangements.”

The additional information was reviewed by Council's tree assessment officer who confirmed his previous comments and stated that he did not support the proposed access through Caroline Chisholm Lane because of its impact upon significant trees and landscaping.

The legal advice, with regard to use of Caroline Chisholm Lane and right of way over 292-298 Burns Bay Road, was referred to Council's solicitors who have advised that the owner's consent would be required for works proposed on 292-298 Burns Bay Road and Council land.

Manager Open Spaces

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

“I do not support this application in its current form. The proposed access to the allotment from Caroline Chisholm Lane will necessitate the removal of a number of mature exotic, non-local native and locally indigenous tree species. Some of the trees that would be affected by the proposed development are located in the neighbouring retirement village. The net loss of these trees; to make way for a right of way access to the allotment, will have a significant detrimental impact on the existing ambience of the existing residential units and associated micro-climate/landscape. The negative impact to existing residential units will be a loss of visual amenity, loss of shade over the courtyards and a substantial increase in the

temperature inside the units caused by increased sunlight exposure on vertical walls of both Unit blocks either side of the right of way.

It should be noted that the Arboricultural assessment submitted with the proposal does not include assessment of the trees that would be affected by the right of way in Caroline Chisholm Lane.

Another matter that was raised at the PRE-DA meeting was that access from Burns Bay Road to Hartman Hill (Environmental Conservation zone) located to the east of the subject allotment. Council requires that this public access be retained along the northern boundary line of the site.

In addition to the above, further comments have been provided which are as under:

“It should be noted that this landscape assessment does not consider or support access to the allotment from Caroline Chisholm Lane because of the negative impact on existing trees in and adjacent to Caroline Chisholm Lane. All trees and vegetation adjacent to this Lane must remain untouched by the proposed development.

The driveway crossing at the Burns Bay Road side of the allotment will require the removal of one mature Jacaranda street tree. I have no objections to the removal of this tree provided the applicant pays Council \$500.00 for the cost of replacing and establishing a new street tree on the nature strip following completion of the development. The payment must be made to Council prior to issue of the Construction Certificate. The Jacaranda tree must be removed by Council’s approved contractors but at the applicants cost.

The proposed Landscape Plan Dwg # L_1001 shows the retention of trees known as Tree 7, 8, 9, at the front boundary line and Trees 50, 51, 52, 58 and 59 which consists of a stand of Swamp Oaks in the rear southeast corner. The above-mentioned trees must be retained and protected for the duration of the proposed development. The Poplar tree (Tree # 10) is shown on the Plans to be removed however this tree must be retained and protected for the duration of the proposed development. All other trees on the subject allotment are designated for removal and I have no objections to the removal of these trees.

The nature strip area adjacent to Burns Bay Road must be fenced with 1.8 m high chain mesh fencing to protect the existing street trees in front of the allotment.”

The Tree Assessment Officer has provided conditions which have been included in the draft conditions of consent. (See draft conditions 60-73)

Manager Environmental Services (Waste Management)

The Manager Environmental Services reviewed the proposed development and addressed issues of waste management, installation of a chute system, noise generation and site contamination.

The Manager Environmental Services has provided conditions which have been included in the draft conditions of consent. (See draft conditions 74-93)

Building Surveyor

The application was referred to Council's Building Surveyor who has advised that the proposed development may be constructed to generally comply with the Deemed to Satisfy Provisions (DTS) of the Building Code of Australia 2010 (BCA) without major design modification.

Draft conditions have been provided and included in the report.

Heritage advisor

The application was referred to Council's heritage adviser who has stated that the proposed development has a potential to impact on the stone wall at the northern boundary of the site.

No objection was raised from a heritage viewpoint to the proposed works as the opening of the driveway is minimal. The proposed development provides an opportunity for overdue stabilization works to be implemented to prevent further deterioration of the stonework.

Rural Fire Service

A small section of the site is located within a bushfire zone. The application was referred to Rural Fire Service who have not raised any objections to the proposed development.

Draft conditions have been provided and included in the report. (See draft conditions 57-59).

Roads and Traffic Authority

The application was referred to the Roads and Traffic Authority who in their initial response raised safety concerns at the intersection of Penrose Street and Cope Street as a result of the increase in traffic in Caroline Chisholm Lane and Cope Street.

The Roads and Traffic Authority suggested that the applicant reconsider and redesign access of the site via a right of way to the traffic signals on Burns Bay Road and did not consider it appropriate for the proposal to proceed in its current form. An access via the signalled intersection would negate the need for access to Caroline Chisholm Lane and Burns Bay Road as all turning movements would be catered for at the signals.

Subsequent to a meeting held with the applicant, the RTA has concurred to the proposed vehicular crossing on Burns Bay Road.

The RTA has neither "concurred" nor "disagreed" to the proposed second access from Caroline Chisholm Lane. Therefore, it cannot be assumed that RTA supports the proposed second access from Caroline Chisholm Lane.

Draft conditions have been provided and included in the report. (See draft conditions 94-110)

79 (C) (1) (a) the provisions of any Environmental Planning Instrument

Lane Cove Local Environmental Plan 2009

Clause 2.2 - Zoning

The subject site is zoned R4 – High Density Residential under the provisions of Lane Cove Local Environmental Plan 2009. The proposed development meets the zone objectives and is permitted with development consent.

Clause 4.3 - Height of Buildings

The maximum permissible height limit is 21m. The proposed development is within the maximum permissible height limit.

Clause 4.4 - Floor Space Ratio

The proposed development is within the maximum permissible floor space ratio of 1.7:1.

Lane Cove Development Control plan

The preceding DCP assessment table indicates that the proposal complies with all the controls of the Development Control Plan with the exception of the following:

- Balcony projection of the upper two levels within the front building line.
- Basement encroachment within the rear setback.
- Number of single aspect dwellings with southerly aspect.
- Adaptable dwellings distribution throughout all types and sizes of dwellings.

Variations to Council's Development Control Plan/Policies

As indicated in the preceding policy compliance table, the proposal meets all the Development Control Plan requirements with the exception of those indicated above. However the proposal is considered satisfactory on the following grounds:

- The balconies of the upper two levels could be setback to comply with the minimum permissible setback of 6.9m. (See draft condition 6).
- The basement could be setback to comply with a minimum of 4.0m rear boundary setback. (See draft condition 4).
- Number of single aspect dwellings with southerly aspect could be reduced to not more than 9 dwellings which is 10% of the total number of dwellings. (See draft condition 9).

- A minimum of four adaptable 2-bedroom dwellings could be incorporated within the proposed development and distributed across different floors. (See draft condition 48).

OTHER PLANNING INSTRUMENTS

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 proposed building:

No. of bedrooms	Average occupancy rate (persons/dwelling)	Population
28 x 1 bedroom	1.2	28 x 1.2 = 33.6
20 X 2 bedroom	1.9	20 x 1.9 = 38.0
17 X 3 bedroom	2.4	17 x 2.4 = 40.8
Total Population		112.4

The Section 94 contribution applicable is for 112.4 persons at a rate of \$8,595.00 per person, therefore \$966, 078.00 (or \$11, 365.62 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 Local Development Contributions.

State Environmental Planning Policy (Building Sustainability Index) 2004

A Basix report has been submitted along with the application. No issues are raised with regard to water, thermal comfort and energy targets.

THE LIKELY IMPACTS OF DEVELOPMENT (Section 79C (1) (b))

The proposed development complies with the provisions of Lane Cove Local Environmental plans 2009. The proposed development has been conditioned to comply fully with provisions of the Lane Cove Development Control Plan. The proposed development meets the 10 design quality planning principles of State Environmental Planning Policy 65. The proposed development is in accordance with the emerging scale and future character of the area.

In addition to the reasons already stated by the Traffic Manager, the proposed second vehicular access from Caroline Chisholm Lane is not supported for the following additional reasons:

- The proposed second vehicular access from Caroline Chisholm Lane would be over the adjoining property with a residential flat building at 292-298 Burns Bay Road. The applicant would have to carry out works, such as to construct portion of the road on 292-298 Burns Bay Road. The applicant has

a right of access over 292-298 Burns Bay Road. The applicant does not have owner's consent to carry out works on 292-298 Burns Bay Road. Therefore under Environmental Planning and Assessment Act 1979, consent cannot be granted to carry out works on 292-298 Burns Bay Road.

- The residents of 292-298 Burns Bay Road have raised objections to the proposed vehicular access over their property. The concerns include the impact caused by a large number of cars resulting in increased noise and light which would impact upon the amenity of the residents.
- Adequate information with regard to the percentage retention of soft landscape area on 292-298 Burns Bay Road has not been provided.
- The access would be over Council's land which is a pedestrian access. The applicant claims to have right of access over Council land. The applicant does not have owner's consent (Council's consent) to carry out works on Council's land. Therefore under Environmental Planning and Assessment Act 1979, consent cannot be granted to carry out road works on Council's land.
- The proposed vehicular access would conflict with the pedestrian movement on the 1.5m wide Council walkway between Burns Bay Road and the Environmental Conservation area towards the east.
- For the proposed access, the applicant would require to demolish a portion of heritage stone wall on Council's land. Council does not consider the proposed access necessary for the proposed development and therefore does not consider it necessary to demolish any portion of heritage stone wall which would have some impact upon the heritage significance of the Heritage item.
- The subject site gains access from Burns Bay Road. The proposed development can function with one access from Burns Bay Road. There is no need or requirement to gain an additional second vehicular access through Caroline Chisholm Road.
- The proposed development would increase traffic on the existing Caroline Chisholm Lane which is a shared road with aged pedestrians being residents of the adjoining retirement village and residential flat buildings. Any increase in traffic would adversely impact upon the amenity of the residents, particularly with regard to pedestrian safety and noise.
- The applicant states that the proposed design of the Lane would not segregate vehicular traffic with pedestrian movement. The proposed access would definitely increase vehicular traffic which would further compromise pedestrian safety.
- The increase in traffic on Caroline Chisholm Lane would have an adverse impact upon the existing traffic on the road network of Cope Street, Penrose Street and Burns Bay Road

- Formation of the unmade portion of Caroline Chisholm Lane would impact adversely upon the existing adjoining trees and surrounding landscape area.
- The subject property would be the only property which would benefit from the proposed vehicular access. It would not be in the interest of public for Council to invest financially on the formulation of a second access which would solely benefit the subject property and impact adversely upon the amenity of the adjoining residents, particularly with regard to pedestrian safety.
- A total of 130 objections and 4 petitions have been received in response to the notification of the proposed development. The objections are substantially with regard to the proposed second access through Caroline Chisholm Lane. Therefore, the proposed second access through Caroline Chisholm Lane is not considered to be in the public interest and is not supported.

The applicant advised Council of a public meeting held on 10 February 2011 with residents surrounding Caroline Chisholm Lane.

Subsequent to the public meeting a representative of development at 292-298 Burns Bay Road expressed his continued objection in relation to the following:

- *Insufficient pedestrian pathways for the elderly residents especially those walking with aid such as frames and wheelchairs.*
- *Health risk due to close proximity to a road with increase of existing traffic, increase of noise and motor vehicle emissions.*
- *Increase of vehicle emissions by vehicles waiting in "passing bays" to facilitate the movement of oncoming traffic.*
- *The suggested 25 vehicles which may utilize the proposed access is unreasonably low given the extent of the proposed development of 85 dwellings with a total of 144 car spaces.*
- *No allowance for traffic management at the junction of Caroline Chisholm Lane and Cope Street.*
- *Significant increase in traffic after 7pm and prior to 7am which would create additional noise, emissions and impact upon residential amenity.*
- *The development would cause the adjacent units to place a barrier between the roadway and their driveway to delineate private driveway and public road. At the moment no barrier exists and current residents enjoy an understanding of convenience that will end with the need to delineate the proposed development.*

- *The left hand turn only during peak hours solution to the increase in Cope Street traffic is an indication that the existing traffic issue would be significantly magnified.*
- *Cope Street is a road with vehicles parked on both sides. Any change to current parking regulations in Cope Street will adversely impact current residents.*
- *Legal right of the applicant to develop Caroline Chisholm Lane has not been established.*
- *Removal of substantial trees to benefit the proposed development.*

THE SUITABILITY OF THE SITE (Section 79C (1) (c))

The site was recently rezoned to high density residential. Given the location of the site and surrounding development, the site is considered suitable for the proposed development.

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

The proposal was notified in accordance with Council's notification policy. A total of 130 objections and 4 petitions have been received in response to the notification of the proposed development. The petitions have 4, 10, 27 and 37 signatures. A letter of no objection has been received from Energy Australia.

The issues raised in the objections are indicated below:

- Proposed Access through Caroline Chisholm Lane:

Concern has been raised with regard to the use of Caroline Chisholm Lane for access to the proposed development.

Caroline Chisholm Lane is too narrow to carry the proposed traffic load. There appears to be an assumption that the private driveway of 40 Cope Street is part of the Lane.

There would be an increased traffic on Caroline Chisholm Lane which is already very narrow. With no space for pedestrians, this increased level of traffic would be hazardous and impact upon the amenity of the residents.

A link between Burns Bay Road and Penrose Street through Caroline Chisholm Lane would by-pass the already busy intersection of Burns Bay Road and Penrose Street which would facilitate "rat running" and compromise pedestrian safety.

There would be excessive noise and light because of the increase in traffic.

Issues with existing parking along Cope Street would be exacerbated.

The Lane is used by pedestrians; some with walkers from the retirement village and any increase in traffic would be dangerous and compromise pedestrian safety. There would be excessive increase in volume of traffic.

The development would substantially increase traffic on Cope Street.

Increase in traffic, including bus traffic, would impact upon the intersection of Cope Street with Penrose Street, Burns Bay Road. The traffic is already excessive at the intersection of Burns Bay Road and Penrose Street. Additional traffic would make the situation worse.

There is no need to build a new access road through Caroline Chisholm Lane and impact upon the quality of life of existing residents. The access is not in public interest. It is simply a means to maximize profits.

The proposed access would result in a noisy and busy thoroughfare within 10m of the existing dwellings in 292- 298 Burns Bay Road.

The access would have to pass over an original estate heritage wall, Council owned pathway, part of 292- 298 Burns Bay Road. This property was denied access over Council's walkway and the stone fence to the lane presumably for safety concerns.

Objection has been raised by the residents of 292-298 Burns Bay Road to the use of land to gain access to Caroline Chisholm Lane. It would impact upon the amenity of the residents.

Destruction of large number of trees within the Lane, on either side of the Lane and towards the eastern boundary.

Significant noise because of the increase in traffic on the Lane.

Caroline Chisholm Lane is not wide enough for 2 way carriage way.

Cope Street is already very congested and traffic would substantially increase on Cope Street. Already buses move in the narrow street with cars parked.

Development on Burns Bay Road should have access from Burns Bay Road and not from Caroline Chisholm Lane.

Comment: The proposed second vehicular access along Caroline Chisholm Lane is not supported for reasons already outlined in the report above, including comments from Council's Traffic Engineer and Tree Preservation Officer. The proposed access and proposed works associated with the access have been deleted as a condition of consent. (See draft conditions 2-4)

- *The proposed building does not comply with the required setback distance from the road.*

Comment: The minimum front setback as per the DCP is 7.5m. The proposed development has a front setback of 8.0m which is more than the minimum. The

upper most two floors propose to have a 2.0m wide balcony projection which would encroach by 900mm into the required setback. The proposal has been conditioned to comply. (See draft condition 6).

- *Impact upon privacy of the adjoining residential flat buildings, in particular 292-298 Burns Bay Road and the residential development towards the north of the subject property (1 Caroline Chisholm Lane)*

Comment: The proposed development meets the building side and rear setback requirements (excluding rear basement setback). There is approximately 16m between 292 -298 Burns Bay Road and the development. The subject building has limited openings in the rear elevation and privacy screens have been provided along the northern side of the proposed balconies to ensure that a reasonable level of privacy is maintained.

In relation to 1 Caroline Chisholm Lane, the distance between the buildings is approximately 22m which is considered adequate to provide privacy to building.

It is considered that the impact on privacy of the adjoining properties would be reasonable.

- *There would be a loss of southern outlook from the existing residential development at 1 Caroline Chisholm Lane. Compliance with setbacks etc is considered important.*

Impact on views from 292-298 Burns Bay Road was also raised.

Comment: The views likely to be impacted from either property, are not of high value in that they are not iconic or of grand vistas, but offer more of an ambient general openness to the south and west. The proposal complies with the all relevant planning controls. In his respect view impact of a complying development is considered acceptable and the objection is not supported.

- *The application does address the principles of SEPP 65 which includes excessive bulk and scale. Application does not meet the requirements of height, has exaggerated podium and retaining structures spatial separation.*

Comment: Council's consulting architect has confirmed that the proposed development meets the objectives of all of the 10 planning principles of SEPP 65. A copy of the Council's consulting architect's report is contained in **AT1**. The visual impact of the podium is reduced by the south facing car park walls being low in height. (See draft condition 7). The south facing section of podium complies with the required boundary setbacks.

- *The proposed development would overshadow the existing development at 292-298 Burns Bay Road.*

Comment: Clause 3.13 (c) of the DCP requires that the "adjoining properties are to receive a minimum 3 hours of sunlight in living rooms and in at least a reasonable portion of the private open space between 9.00am to 3.00pm on 21 June".

The shadow diagrams indicate that the adjoining dwellings would receive 3 hours of sunlight between 9am & 3pm and open space; in this regard it is considered that solar access would be retained in accordance with the requirements of the DCP.

- *The scale of the proposed development which is 6-7 storeys is inappropriate and excessive. Adjoining developments are only 3 storeys. The number of units proposed is excessive. The proposed building is too high. Proposed development is too large for the area. The development is an over intensification of the site.*

Comment: The building design is articulated and meets all SEPP 65 principles. With the gazettal of the LEP 2009 and the adoption of DCP2010, new floor space ratio and height requirements were introduced into the area. This has resulted in developments being of a greater size than previously permissible.

The proposed development complies with the floor space ratio, building height control and setbacks. The bulk and scale of the proposed development is considered acceptable.

- *The existing infrastructure would be inadequate and would impact upon the existing road systems. The increase in population would be unsustainable. The traffic generated by a development of this size would impact upon the traffic flow on Burns Bay Road.*

Comment: The subject site is rezoned R4 High Density Residential by LEP 2009. As part of the rezoning process (section 62 consultation), public authorities were consulted. The developer would be responsible for any amplification required by the redevelopment to infrastructure. Traffic has been considered by Council's Traffic engineer and his comments are included in this report.

- *The proposed development does not meet the requirements of height, open spaces, building separation, setback requirement.*

Comment: As indicated in the compliance table, the proposed development meets the requirements of height, open spaces, building separation, setback requirement.

- *There would be an unacceptable impact upon the heritage significance of the heritage item which is the stone wall and the original Ludiwici family housing estate of "Walhalla".*

Comment: Though the proposed development has a potential to impact on the stone wall at the northern boundary of the site, Council's heritage adviser has not raised any objection to the proposal. Demolition of any of the heritage stone fence adjoining Caroline Chisholm Lane is not supported or approved (See draft condition 2). Council's Manager Open Space has advised that the repair of the collapsed section of the wall is scheduled for this financial year.

THE PUBLIC INTEREST (Section 79C (1) (e))

The proposed development meets the requirements of Lane Cove Council's Local Environmental Plan 2009 and the provisions of Development Control Plan.

With the exception of the proposed second vehicular access from Caroline Chisholm Lane, the proposed development would not create major environmental impacts. Accordingly it is considered that the proposed development without the proposed second vehicular access from Caroline Chisholm Lane is in the public interest and can be approved subject to appropriate draft conditions.

CONCLUSION

The matters under Section 79C of the Environmental Planning and Assessment Act 1979 Act have been considered.

The proposed second vehicular access from Caroline Chisholm Lane and associated works are not supported for the reasons outlined in this report.

The proposal complies with the provisions of Lane Cove Council's Local Environmental Plan 2009. The proposed development has been conditioned to comply fully with the provisions of the Lane Cove Development Control Plan.

The proposal meets the objectives of the 10 planning principles of SEPP 65. The issues raised by neighbours have been considered and discussed in the body of the report.

With the exception of the proposed second vehicular access from Caroline Chisholm Lane and associated works, the proposal 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 Joint Regional Planning Panel grant development consent to Development Application D219/10 for the demolition of the existing building and construction of a residential flat building with 2 towers (6 & 7 storey) containing 85 dwellings and associated basement parking on Lot 11 in DP843954 and known as 288 Burns Bay Road, Lane Cove subject to the following conditions:

General Conditions:

1. That the development be strictly in accordance with the following drawings with project number 00010523 dated 24/09/10 prepared by DKO Architecture Pty Ltd except as amended by the following conditions.
 - Basix Certificates, DA000/02, Revision A;
 - Site Plan/Roof Plan, DA100/01, Revision A;
 - Basement 02, DA100/02, Revision A;

- Basement 01, DA100/03, Revision A;
 - Level 01, DA100/04, Revision A;
 - Level 02, DA100/05, Revision A;
 - Level 03, DA100/06, Revision A;
 - Level 04, DA100/07, Revision A;
 - Level 05, DA100/08, Revision A;
 - Level 06, DA100/09, Revision A;
 - Level 07, DA100/10, Revision A;
 - North Elevation, DA200/01, Revision A;
 - South Elevation, DA200/02, Revision A;
 - East Elevation, DA200/03, Revision A;
 - West Elevation, DA200/04, Revision A;
 - Section AA, DA300/01, Revision A;
 - Section BB/CC, DA300/02, Revision A;
 - Landscape concept Plans (Dwg # L_0000 and L_0001)
2. All works relating to the proposed second vehicular access from Caroline Chisholm Lane are to be deleted from the proposal and are not approved. These works include construction of driveway on 292-298 Burns Bay Road, construction of a driveway along Council path way, demolition of section of the heritage stone wall, removal of any tree on the formed and unformed portion of Caroline Chisholm Lane and all works proposed on Caroline Chisholm Lane. Amended plans shall be submitted prior to the issue of the construction certificate
 3. The proposed basement vehicular entry ramp which provides vehicular access to and from Caroline Chisholm Lane, and all associated works on the site are to be deleted. Amended plans shall be submitted prior to the issue of the construction certificate.
 4. The basement shall be setback a minimum of 4.0m from the eastern boundary. The eastern side setback area would be suitably landscaped. Amended plans shall be submitted prior to the issue of the construction certificate.
 5. The existing Council pedestrian walkway along the northern side boundary of the site from Burns Bay Road to the Environmental Conservation area towards the east is not be obstructed at any time.
 6. The balconies of the upper two levels shall have a front boundary setback of a minimum of 6.9m. Amended plans shall be submitted prior to the issue of construction certificate.
 7. The design of the south facing wall of the proposed car park is to be of an open design.
 8. The front stone wall, not required to be demolished to create the proposed vehicular access from Burns Bay Road, is to be retained and made good.

9. The number of single aspect dwellings with a southerly aspect shall not exceed 10% of the total number of dwellings. Amended plans shall be submitted prior to the issue of construction certificate.
10. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL 112.4 PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. THE AMOUNT IS \$966 078.00 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.

11. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
12. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia. Note: Prior to the issue of Construction Certificate, sufficient information must be forwards to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia.
13. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
14. 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.

15. 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.	

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

17. 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.**

18. Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

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

19. Prior to the commencement of any construction work associated with the development, the 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:

- The name, address and telephone number of the Principal Certifying Authority;
- 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
- A statement that unauthorised entry to the construction site is prohibited.

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

20. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.

21. 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:-

- All reinforcement prior to filling with concrete.
- Framework including roof and floor members when completed and prior to covering.
- Installation of steel beams and columns prior to covering

- d) Waterproofing of wet areas
 - e) Stormwater drainage lines prior to backfilling
 - f) Completion.
22. 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) Shoring
23. A temporary connection to be made to the sewers of Sydney Water (where available) with an approved toilet structure and toilet fixtures being provided on the site BEFORE WORK IS COMMENCED. Where the Sydney Water sewer is not available a "Chemical Closet" type toilet shall be permitted.
24. Any 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.
25. A check survey certificate is to be submitted at the completion of:-
- a) Dampcourse level;
 - b) The establishment of all floor level;
 - c) The roof level; and
 - d) The completion of works.
- Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.
26. The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal to be submitted PRIOR TO COMMENCING ANY DEMOLITION WORKS.
27. (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.

- 28. The demolition works being confined within the boundaries of the site.
- 29. The site being cleared of all debris and left in a clean and tidy condition at the completion of all works.
- 30. Compliance with the Waste management Plan submitted with the development application.
- 31. 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.
- 32. All demolition works being completed within a period of three (3) months from the date of commencement.
- 33. Use of explosives is not permitted.
- 34. 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.
- 35. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
- 36. The site being properly fenced to prevent access of unauthorised persons outside of working hours.

37. Compliance with Australian Standard 2601 - The Demolition of Structures.
38. An approved type of hoarding being erected along the street frontage.
39. Pedestrians' portion of footpath to be kept clear and trafficable at all times.
40. 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.
41. **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.**

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

Accessibility Conditions

44. All recommendations of the submitted report by Morris-Goding Accessibility are to be incorporated into the development.
45. The lifts features as outlined in the new Disability (Access to Premises – Buildings) Standards shall be adopted. The standard requires that the lifts have automatic audible information to identify the level each time the lift car stops and have audible and visual indicators to indicate the arrival of the lift car at each lift landing. This audible information is to be provided in a range of between 20-80dbA at a maximum frequency of 1 500Hz.
46. The adaptable dwellings shall comply with AS4299.
47. The pathway from the footpath on Burns Bay Road to the pathway of the development shall be accessible.
48. A minimum of four adaptable 2-bedroom dwellings shall be incorporated within the proposed development. The proposed development shall have a minimum of 17 adaptable dwellings in total. Amended plans shall be submitted prior to the issue of Construction Certificate.

49. One of the visitor parking spaces shall be accessible. Amended plans shall be submitted prior to the issue of Construction Certificate.

Traffic and Parking Conditions

50. Access to the proposed development shall be designed through the western side of the proposal with a driveway at Burns Bay Road in accordance with RTA's comments provided to Council in their letter dated 24 December 2010. (RTA Ref No: 10M2173SYD10/00858).
51. The Developer shall comply with all traffic and road safety requirements set out in the RTA's letter to Council dated 24 December 2010. (RTA Ref No: 10M2173SYD10/00858).
52. The applicant shall provide plans with engineering details of elevations and grades of the proposed driveway at Burns Bay Road into the proposed development.
53. The proposed car park design shall comply with AS 2890.1-2004 This includes all parking spaces, ramps, aisles, disabled parking and loading areas and access to the site and to Burns Bay Road. All other aspects of the car parking areas shall comply with AS/NZS 2890.1:2004 for off-street car parking and for loading facilities and services vehicles with AS 2890.2 – 2002. Service vehicle parking bays shall comply with AS 2890.2 – 2002.

Construction Management Plan

54. A Construction Management Plan must be lodged with Council prior to the issuing of a construction certificate. The Construction 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 Zones and impact of construction traffic activities to the residents and cyclists. The Construction Management Plan should also restrict the impact of heavy vehicles travelling through the surrounding road network and especially the impact at the nursing home and the surrounding residential and business developments.
55. Any proposed Work Zones shall be clearly shown on plans and application be made to Council in accordance with approvals required for the Works Zones, Crane Permits and other associated works. Wherever possible, construction vehicle parking should be contained within the site. Proposed Work Zones will require the approval of the Lane Cove Traffic Committee.
56. Any construction vehicles exiting the site during demolition/construction should have their tyres washed in order to avoid any construction material, dust, etc coming in contact with the road pavement.

Rural Fire Service Conditions

57. An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service document "Guidelines for the Preparation of Emergency/ Evacuation Plan".

58. **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following condition shall apply.

- (a) At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of "Planning for Bush Fire Protection 2006" and the NSW Rural Fire Service's document "Standards for Asset Protection Zones".

59. **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- (a) New construction shall comply with section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of "Planning for Bush Fire Protection".
- (b) Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 "Methods for Fire Tests on Building Materials, Components and Structures - Test for Flammability of Materials".

Tree Conditions

60. Lane Cove Council regulates the **Preservation of Trees and Vegetation** in the Lane Cove local government area. Clause 5.9(3) of *Lane Cove Local Environmental Plan 2009* [the "LEP"], states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent or a permit granted by the Council. Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000 or a penalty infringement notice can be issued in respect of the offence, the prescribed penalty being \$1,500.00 for an individual and \$3,000.00 for a corporation. The co-operation of all residents is sought in the preservation of

trees in the urban environment and protection of the bushland character of the Municipality. All enquiries concerning the Preservation of Trees and Vegetation must be made at the Council Chambers, Lane Cove.

61. The applicant must obtain written Authority prior to pruning of any trees; greater than 4 m in height that are designated for retention, located on the property or in neighbouring properties including the cutting of any tree roots greater than 40 mm in diameter.
62. 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.
63. Footing, trench or excavation that is within 4 m of any tree greater than 4 m 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
64. A 1.8 m high chain mesh fence shall be erected encompassing the entire grass nature strip adjacent to Burns Bay Road. 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 except where the proposed entry and exit are to be positioned.
65. A 1.8 m high chain mesh fence shall be erected a radial distance of not less than 3 m from the trunk of the stand of Swamp Oaks in the southeast corner of the allotment. 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.
66. A 1.8 m high chain mesh fence shall be erected encompassing the row of trees on the south side of the proposed driveway. These trees are known as Tree # 7, 8, 9 and the Poplar (Tree 10) located in the corner. The tree protection zone must be established along the line of the existing garden bed. 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
67. 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 A4 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
68. 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 & Council Trees

69. A bond of \$20 000 must be paid to Council prior to the issue of Construction Certificate to ensure adequate protection measures are taken during the development to prevent mechanical damage to the stand of street trees that must be retained and protected. This bond shall refundable on completion of works and following an inspection and certification of the tree by Council's Tree Assessment Officer. This certification must be obtained by the Private Certifying Authority prior to issue of the occupation certificate. In the event of damages to the tree, as determined by Council's Tree Assessment Officer, the cost of replacing the tree 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.

70. The owner shall pay Council the sum of \$500.00 for the cost and labour to establish a replacement street tree to compensate for the removal of the Jacaranda street tree. Payment must be received **prior to issue of the Construction Certificate.**

Landscape Conditions.

71. 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.
72. The Applicant must ensure that "On" structure landscaping has adequate soil depth, volume and suitable profile to support the number of trees and shrubs indicated on the approved DA plan.
73. A landscape practical completion report must be prepared by a 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 drawings

Garbage Chutes

74. A garbage chute system and interim recyclable storage facilities must be provided to the development. **Amended plans including the provision of a garbage chute system designed to the following requirements must be submitted prior to the issue of a construction certificate.**
- Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

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

Garbage Chute Service Rooms

75. The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room. **Amended plans including garbage chute service rooms designed to the following requirements must be submitted prior to the issue of a construction certificate.**

- The charging device for each service opening must be self-closing and must not project into the main chute.
- Branches connecting service openings to the main chute must be no longer than 1m.
- Each service room must include provision for 2x240l recycling bins for the storage of recyclable materials. Signage regarding the materials that can be recycled must be displayed near these recycling bins.

- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute, the types of materials which must be deposited into recycling bins, and bulky waste collection arrangements including the location and travel paths to the bulky waste storage room.

Waste and Recycling Storage Rooms

76. Basement waste and recycling storage rooms must be provided with each garbage chute and be of sufficient size to accommodate garbage chute systems and a total (across all storage rooms) of 29x240l garbage bins and 18x240l recycling bins with adequate space for manoeuvring garbage and recycling bins. **Amended plans including waste and recycling storage rooms designed to the following requirements must be submitted prior to the issue of a construction certificate:**
- Minimum clearance between bins of 300mm;
 - Minimum door openings of 1700mm; &
 - Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
77. The floor of waste and recycling storage rooms (including bulky waste storage rooms) must be constructed of either:
- Concrete which is at least 75mm thick; or
 - Other equivalent material; and
 - Graded and drained to a floor waste which is connected to the sewer
78. All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.
79. The walls of waste and recycling storage rooms, bulky waste storage areas and waste service compartments must be constructed of solid impervious material and must be cement rendered internally to a smooth even surface coved at all intersections.
80. All waste and recycling storage rooms and bulky waste storage rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
81. A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste and recycling and bulky waste storage rooms.

82. All waste and recycling and bulky waste storage rooms must be constructed to prevent the entry of vermin.
83. All waste and recycling and bulky waste storage rooms must be ventilated by either:
 - Mechanical ventilation systems exhausting at a rate of 5L/s per m² of floor area, with a minimum rate of 100l/s; or
 - Permanent, unobstructed natural ventilation openings direct to the external air, not less than 1/20th of the floor area.
84. All waste and recycling and bulky waste storage rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.
85. Clearly printed “No Standing” signs must be affixed to the external face of each waste and recycling and bulky waste storage room.

Bulky Waste Storage Room

86. A readily accessible bulky waste storage room(s) located near the main garbage rooms must be provided for the use of all residents. **Amended plans including a bulky waste storage room designed to the following requirements must be submitted prior to the issue of a construction certificate:**
 - A bulky waste storage room(s) with a minimum floor area of 17m² must be provided and be of sufficient size to practically accommodate a minimum of 10m³ of bulky waste at any given time. Doorways and travel paths must be a minimum width of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point.

Access to Waste Collection Point

87. An on-site waste collection point must be provided with suitable provision to enable Council’s waste collection vehicles to stop on-site whilst collecting waste and recyclable material. Amended plans including the access paths to the waste collection point designed to the following requirements must be submitted prior to the issue of a construction certificate:
 - A truck turning & stopping bay must be provided that is of sufficient size to permit a 10m rigid vehicle to enter and exit the site in a forward direction with a maximum of three vehicle movements.
 - The truck turning and stopping bay must be of sufficient size to permit a 10m rigid vehicle to stop and empty waste and recycling bins without blocking access to the remainder of the site.

- A waste and recycling presentation room of sufficient size to hold 29x240l garbage bins and 18x240l recycling bins must be located within 10m of the truck turning and stopping bay.
- The waste and recycling presentation room must provide a minimum clearance between bins of 300mm; minimum door openings of 1700mm & a minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).

Indemnity

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

Composting/Worm Farming

89. The applicant must provide a container for communal composting/worm farming, the siting of such must have regard to potential amenity impacts. Amended plans showing the location of the communal composting/worm farming container must be submitted prior to the issue of a construction certificate.

Internal Waste Management

90. Internal waste/recycling cupboards with sufficient space for one day's garbage and recycling generation must be provided to each dwelling. Amended plans identifying the internal waste/recycling cupboards must be submitted prior to the issue of a construction certificate.

Provision of Waste Services

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

Site Contamination

92. Prior to the issue of an Occupation Certificate, the applicant must submit a Site Audit Statement (SAS) issued under Section A of Part II to the approved form and a Summary Site Audit Report (SSAR), certifying that the site is suitable for the proposed use.

Noise

93. Prior to the issue of an Occupation Certificate, the applicant must submit a report prepared by a suitably qualified consultant, certifying that internal noise levels for all units comply with AS2107-2000: Acoustics – Recommended design sound levels and reverberation times for building interiors.

Roads and Traffic Authority Conditions

94. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works. Details should be forwarded to:

The Sydney Asset Management

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement please contact the RTA's Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766,

95. The developer may be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the Works Authorisation Deed (WAD) will need to be executed prior to the RTA's assessment of the detailed civil design plans.
96. The redundant driveway shall be removed and replaced with kerb and gutter to match existing.
97. The design and construction of the gutter crossing on Burns Bay Road shall be in accordance with RTA requirements. Details of these requirements should be obtained from RTA's Project Services Manager, Traffic Projects Section, Parramatta (telephone 8849 2496).

Detailed design plans of the proposed gutter crossing are to be submitted to the RTA for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by the RTA.

98. The footpath crossing is to be designed to Council's satisfaction and must accommodate safe pedestrian movements along Burns Bay Road.
99. Any proposed temporary/partial road closures will require the applicant to apply for a Road Occupancy Licence (Form C & D) by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am-4pm) or 131 700 after hours.

The applicant will be required to submit the Road Occupancy Licence forms/traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to Rohit Autar, Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

In due course the applicant will need to obtain a Road Opening Licence. Details can be obtained from the RTA's Sydney Project Services on 8849 2496.

100. All vehicles are to enter and leave the site in a forward direction.
101. The proposed turning areas are to be kept clear of any obstacles, including parked cars, at all times.

102. All vehicular access to and from Burns Bay Road shall only be left turn movements.
103. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Burns Bay Road,
104. The proposed development should be designed such that road traffic noise from Burns Bay Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 subdivision 2 of State Environmental Planning Policy (Infrastructure) 2007.
105. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.
106. Full time "No Stopping" restrictions are to be implemented along the full Burns Bay Road frontage of the development site excluding the bus zone. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact the RTA's Traffic Management Services on phone: (02) 8849 2294 for works instruction.
107. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by, the above work and as required by the various public utility authorities and/or their agents.
108. All vehicles are to be wholly contained on site before being required to stop.
109. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Burns Bay Road.
110. All traffic control during construction must be carried out by accredited RTA approved traffic controllers.

General Engineering Conditions

111. **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.
112. **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.
113. **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.**

114. **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.
115. **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.
116. **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.
117. **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’*.
118. **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.
119. **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.
120. **Temporary Footpath Crossing:** A temporary footpath crossing must be provided at the Vehicular access points. It is to be 6m in width, made out of sections of hardwood with chamfered ends and strapped with hoop iron.
121. **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.
122. **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.

123. **Safety fence along the boundary of the property:** Before commencement of any works, barrier or temporary fencing is to be provided along the full frontages of the property. This fence is for the safety of pedestrians on the public footpath.

124. **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.

125. **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.

126. **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.
127. **Covering Heavy Vehicle Loads:** All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.
128. **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.
129. **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.
130. **Overland Flow around Buildings:** To prevent stormwater from entering the building the finished habitable ground floor level of the building must be a minimum of 150mm above the adjacent finished ground level.
131. **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.
132. **Stormwater Requirement:** Stormwater runoff from all impervious areas shall be collected and disposed of using the following mechanism
- All roof areas are to drain to the on site detention system with overflow to Council's trunk drainage system.
 - All other areas to drain to the on site detention system with overflow to Council's trunk drainage system.
 - A Gross Pollutant Trap is to be installed just prior to the connection to Council's drainage system.
 - Only one connection is permitted into Council's trunk drainage system.
- The design and construction of the drainage system is to fully comply with, AS-3500 and Council's DCP-Stormwater Management. The design shall ensure that the development, either during construction or upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.

Engineering conditions to be complied with prior to Construction Certificate

133. **Drainage Plans New:** A stormwater drainage plan prepared and certified by a suitably qualified engineer is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The design is to be certified that it fully complies with, AS-3500 and Council's DCP-Stormwater Management.
134. **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**.
135. **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**
136. **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**.
137. **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.
A qualified consultant needs to prepare a report estimating all associated truck movements leaving the site for the duration of the construction works. The fee shall be calculated 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 |
- The calculated fee is payable to Lane Cove Council Prior to the issue of the **Construction Certificate**.
138. **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.

139. **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.**
140. **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.**
141. **Proposed Vehicular Crossing:** The proposed vehicular crossing along Burns Bay Road shall be constructed to the specifications and levels issued by Council. A '*Construction of a Multi Unit 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.**
142. **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.**
143. **Council Construction Requirements:** The applicant shall construct / reconstruct the following:
1. New 1.5m wide concrete footpath along the entire frontage of the site.
The site has two footpaths and both will need to be reinstated.

2. New concrete stairs to match the new driveway with the existing footpath levels.
3. Reinstate all associated nature strips with new turf along the entire frontage of the site.
4. Relocate the existing power pole at no expense to Council.

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.

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

- Connection to Council's trunk drainage system
- Footpath Formwork
- Driveway Formwork

Each item is to be inspected prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with Council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / setout requirements.

An Inspection fee of \$565.00 is to be paid **prior to the issue of the Construction Certificate**.

145. **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**.

Engineering condition to be complied with prior to commencement of construction

146. **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

147. **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.**
148. **Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out In accordance with the relevant Australian Standards and Codes of Practice.
The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Occupation Certificate.**
149. **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.
150. **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.**
-