

## Draft without Prejudice Conditions of Consent

Development Application No.

DA 11/79

Property Address:

76-82 Gordon Crescent, Lane Cove North

### General Conditions

1. That the development be strictly in accordance with the following drawings dated 02/05/2011, prepared by Hyecorp Design except as amended by the following conditions.
  - Basement Level 2, DA-01, Re A;
  - Basement Level 1, DA-02, Rev C, dated 16/8/11;
  - Podium Level, DA-03, Rev B, dated 16/8/11;
  - Garden Level, DA-04, Rev A;
  - Level 1, DA-05, Rev A;
  - Level 2, DA-06, Rev A;
  - Level 3, DA-07, Rev A;
  - Level 4, DA-08, Rev A;
  - Roof Plan, DA-09, Rev A;
  - Elevations, DA-10, Rev B, dated 16/8/11;
  - Elevations, DA-11, Rev A;
  - Sections, DA-12, Rev A;
  - Landscape Plan prepared by Iscape Landscape Architecture with job.dwg no. 45.11/083, dated May 2011;
  - Landscape Plan prepared by Iscape Landscape Architecture with job.dwg no. 45.11/084, dated May 2011;
  - Landscape Plan prepared by Iscape Landscape Architecture with job.dwg no. 45.11/085, dated May 2011;
  - Vertical Garden Details prepared by Iscape Landscape Architecture with job.dwg no. 45.11/127, dated May 2011;
  - LWUP Plan prepared by Iscape Landscape Architecture with job.dwg no. 45.11/128, dated May 2011.
2. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
3. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
4. The approved plans must be submitted to a Sydney Water Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The consent authority or a private accredited certifier must:-

- Ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.

5. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
6. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL 59.7 PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. THE AMOUNT IS \$528,002.30 AT THE CURRENT RATE OF \$8844.26 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.

7. All car parking spaces on site shall comply with requirements of the Australian Standard AS 2890.1-1993 ("Parking facilities, Part 1: Off-street car parking").
8. 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.	

9. 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](http://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.

10. 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.
11. All advertising signs/structures being the subject of a separate development application.
12. 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.**

13. 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.

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

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

15. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.
16. 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.
17. A check survey certificate is to be submitted at the completion of:-
- a The establishment of all floor levels;
  - b The roof levels; and
  - c The completion of works.

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

18. 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.
19. The uses of mechanical rock pick machines
- (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:-

- (i) A Geotechnical Engineer's Report that indicates that the rock pick machine can be used without causing damage to the adjoining properties.
- (ii) 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.
- (iii) 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.
- (iv) 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.

- 20. 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.
- 21. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
- 22. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
- 23. Compliance with Australian Standard 2601 - The Demolition of Structures.
- 24. An approved type of hoarding being erected along the street frontage.
- 25. Pedestrians' portion of footpath to be kept clear and trafficable at all times.
- 26. Compliance with the Waste Management Plan submitted with the development application.
- 27. 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.
- 28. **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.**

29. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.

30. The proposed works must be confined within the boundaries of the site.

31. The existing four lots must be consolidated. Evidence of the consolidation must be submitted to the PCA prior to the issuing of the Occupation Certificate.

32. **Emergency Management Plan**

Prior to occupation an Emergency Management Plan is to be prepared consistent with the NSW Rural Fire Service document "Guidelines for the Preparation of Emergency/ Evacuation Plan".

The Emergency Management Plan must be permanently displayed in the foyer of the residential flat building notice board.

The Emergency Management Plan must be produced and displayed in English, Mandarin, Italian and Vietnamese.

Reason:

To ensure that a suitable Emergency Management Plan is prepared, communicated and reinforced to occupants.

33. **Road Widening Contribution**

Prior to the issue of a Construction Certificate the developer/applicant must pay to the Council an amount of \$44,575.18 (indexed by CPI to date of payment) which may be used for or applied towards the cost of widening the pavement of Gordon Crescent between Elizabeth Parade and Girraween Avenue.

Note:

The estimated amount is calculated as follows:

Road length – 69.54m length x 0.7m width 48.68m<sup>2</sup>

Asphalt road @ \$510/m <sup>2</sup> :	\$24825.78
Sub-base @\$20/m <sup>2</sup> :	\$973.60
Kerb and guttering @ \$270/m:	\$18775.80
Total:	\$44,575.18.

34. If the funds paid by the developer/applicant pursuant to the above condition are not used within five (5) years of the date of payment the funds are to be

refunded to, or at the direction of, the person who provided the funds unless a contribution plan is made which includes as part of the works program the carrying out of road widening works within Gordon Crescent and/or roads adjoining Gordon Crescent.

35. The applicant will at its cost install “No Stopping” signs on the northern side of Gordon Crescent for the full frontage of the development site prior to the issue of an occupation certificate. **Note:** The applicant must seek approval of the Lane Cove Traffic Committee for these works and if the works are not approved by the Lane Cove Traffic Committee then those works are not required to be carried out.
36. Prior to the issue of a Construction Certificate the developer/applicant must pay to the Council an amount of \$500 (indexed by CPI to date of payment) which may be used for or applied towards preparing a ‘DISPLAN’ specific to the Lane Cove Precinct bounded by Mowbray Road, Centennial Avenue, Willandra Street and Batten Reserve, Lane Cove.

### **General Engineering Conditions**

37. **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.
38. **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.
39. **Works on Council Property:** Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include 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.**
40. **Permit to Stand Plant:** Where the applicant requires the use of construction plant on the public road reservation, an “*Application for Standing Plant Permit*” shall be made to Council. Applications shall be submitted and approved **prior to the start of any related works.** Note: allow 2 working days for approval.
41. **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.
42. **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.
43. **Pedestrian Access Maintained:** Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, ‘*Part 3 - Traffic control devices for works on roads*’.

44. **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.
45. **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.
46. **Safety fence along the boundary of the property:** Before commencement of any works, barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.
47. **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.
48. **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.

49. **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.
50. **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.

51. **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.
52. **On-Site Stormwater Detention System - Marker Plate:** The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in part O Council's DCP-Stormwater Management. An approved plate may be purchased from Council's customer service desk.
53. **Cast in Situ Drainage Pits:** Any drainage pit within a road reserve, a Council easement, or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete and in accordance with part O Council's DCP- Stormwater Management.
54. **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.
55. **Rainwater Reuse Tanks:** The proposed rainwater tanks are to be installed in accordance with Council's rainwater tank policy and relevant Australian standards.

Note:

  - Rainwater draining to the reuse tanks are to drain from the roof surfaces only. No "on - ground" surfaces are to drain to the reuse tank. "On - ground" surfaces are to drain via a separate system.
  - Mosquito protection & first flush device shall be fitted to the reuse tank.
  - The overflow from the rainwater reuse tank is to drain by gravity to the receiving system.
56. **Stormwater Requirement:** A gross pollutant trap needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The design and construction of the drainage system is to fully comply with, AS-3500 and part O 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**

57. **Drainage Plans Amendments:** The stormwater drainage plan **numbered S11020 HDA01-HDA14 Rev P3** prepared by **Floth Consultants** dated



**03/2011** is to be amended to reflect the above condition titled '*Stormwater requirement*'. The amended design is to be certified that it fully complies with, AS-3500 and part O Council's DCP-Stormwater Management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.

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

58. **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**.
59. **Design of Retaining Structures:** All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
60. **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.
61. **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.

62. **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.

63. **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**.

64. **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**.

65. **Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A '*Construction of a Multi Unit 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**.

66. **Boundary Levels:** The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping and stormwater drainage plans and shall be obtained **prior to the issue of the Construction Certificate**. Note:

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

67. **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.**
68. **Council Construction Requirements:** The applicant shall construct / reconstruct the following:
1. New 1.5m wide footpath along the entire frontage of the site.
  2. New Kerb and Gutter along the entire frontage of the site.
  3. Reinstate all adjustments to the road surface to Council's satisfaction.
  4. Reinstate all naturestrips with turf and soil along the entire frontage of the site.

A \$10,000.00 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.

69. **Council Inspection Requirements:** The following items shall require Council inspections.
- New footpath
  - New kerb and gutter
  - All asphalt adjustments to the roadway
  - All the approved stormwater drainage works on Council property

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 \$580.00 is to be paid **prior to the issue of the Construction Certificate.**

70. **Erosion and Sediment Control Plan:** An *Erosion and Sediment Control Plan* (ESCP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction Fourth Edition 2004 Volume 1*" prepared by LANDCOM. The plan is to be submitted to the principal certifying authority to **prior to the issue of the Construction Certificate.**

## **Engineering condition to be complied with prior to commencement of construction**

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

## **Engineering Condition to be complied with prior to Occupation Certificate**

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

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

73. **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**.
74. **Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.

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

75. **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 part O Council's DCP-Stormwater Management.

## **Waste Management Conditions**

76. Garbage Chutes
- (a) A garbage chute system and interim recyclable storage facilities must be provided to the development in accordance with the following:
  - (a) Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).
  - (b) Garbage chutes must be located and insulated in a manner that reduces noise impacts.

- (c) Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- (d) Chutes, service openings and charging devices must be capable of being easily cleaned.
- (e) Chutes must be cylindrical and have a diameter of at least 500mm.
- (f) Chutes must not have any bends or sections of reduced diameter in the main shaft of the chute.
- (g) Internal overlaps in the chute must follow the direction of waste flow.
- (h) Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- (i) 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.
- (j) The upper end of the chute must extend above the roofline of the building.
- (k) 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.
- (l) Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.

#### 77. Garbage Chute Service Rooms

- (b) The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room in accordance with the following:
  - (a) The charging device for each service opening must be self-closing and must not project into the main chute.
  - (b) Branches connecting service openings to the main chute must be no longer than 1m.
  - (c) 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.
  - (d) Each service room must be located for convenient access by users and must be well ventilated and well lit.
  - (e) The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
  - (f) 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

#### 78. Waste and Recycling Storage Rooms

- (a) Waste and Recycling Collection Rooms in Basement Level 1 of the development must be of sufficient size to accommodate a total of 16x240l (8x240l if compaction is used) garbage bins and 10 x240l

recycling bins with adequate space for maneuvering garbage and recycling bins in accordance with the following.

- (b) Minimum clearance between bins of 300mm;
- (c) Minimum door openings of 1700mm; &
- (d) Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- (e) The floor of waste and recycling storage rooms (including bulky waste storage rooms) must be constructed of either:
  - (f) Concrete which is at least 75mm thick; or
  - (g) Other equivalent material; and
  - (h) Graded and drained to a floor waste which is connected to the sewer
- (i) All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.
- (j) 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.
- (k) 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.
- (l) 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.
- (m) All waste and recycling and bulky waste storage rooms must be constructed to prevent the entry of vermin.
- (n) All waste and recycling and bulky waste storage rooms must be ventilated by either:
  - (o) Mechanical ventilation systems exhausting at a rate of 5L/s per m<sup>2</sup> of floor area, with a minimum rate of 100l/s; or
  - (p) Permanent, unobstructed natural ventilation openings direct to the external air, not less than 1/20<sup>th</sup> of the floor area.
- (q) 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.
- (r) Clearly printed "No Standing" signs must be affixed to the external face of each waste and recycling and bulky waste storage room.

#### 79. Bulky Waste Storage Room

- (a) A readily accessible bulky waste storage room(s) located near the main garbage rooms must be provided for the use of all residents in accordance with the following:
- (b) A bulky waste storage room with a minimum useable floor area of 30m<sup>2</sup> must be provided. 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.

80. Access to Waste Collection Point

- (a) All waste must be collected on-site via on-site access by Council's garbage collection vehicles.
- (b) The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for both occupants and Council's waste collection contractors.
- (c) The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
- (c) The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:6.5 (15.4%). The turning area at the base of any ramp must be sufficient for the maneuver of a 9.64 meter rigid vehicle with a turning circle of 25 meters to enter and exit the development in a forward direction.

81. Indemnity

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

82. Composting/Worm Farming

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

83. Internal Waste Management

- 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.**

84. Provision of Waste Services

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

**NSW Rural Fire Services Conditions**

85. 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 conditions shall apply:

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'.

86. Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

87. Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

88. 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 on the southern and western elevations shall comply with section 8 (BAL 40) 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) New construction on the northern and eastern elevations shall comply with section 7 (BAL 29) 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'.

**Landscaping Conditions**

89. The applicant shall prepare a flora management plan that ensures that the offset STIF replacement trees are planted as early in the construction period as possible and their continued maintenance up to and for 2 years following occupation.

The plan and maintenance program shall be the satisfaction of Council.



90. 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, not even momentarily.
91. All Aboriginal sites and relics in NSW are protected under the National Parks and Wildlife Act 1974. If during the course of construction an Aboriginal site or relic is uncovered, works must cease and the Metropolitan Local Aboriginal Lands Council and the NSW National Parks and Wildlife Service must be notified immediately.
92. All materials brought onto the site must be weed free.
93. Any weeds listed under the Noxious Weeds Act must be continually eradicated ensuring there is no re-establishment. Refer to council's website [www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au) for further information.
94. Rubbish must be stored in a locked container / cage. Any building rubbish that is not contained must be cleaned up immediately, including the immediate worksite, surrounding area and/or public open space.
95. There shall be no access through the adjacent park/reserve to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.
96. A 1.8 m high silt fence shall be erected along the full southern frontage of the property. The fence is to prevent silt and other materials from washing or blowing into Batten Reserve. Such fencing must be erected **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE** including demolition or site preparation and remain in place for the duration of the construction work.
97. The recommendations set out in the Predevelopment Flora and Fauna Impact Assessment Report prepared by Keystone Ecological April 2011 must be followed at all stages of the development.
98. During construction / landscaping the designated environmental area within the property and adjacent public bushland area must be kept clean of all building materials and rubbish. Any rubbish that is blown into these areas must be immediately cleaned up.
99. All outside lighting must be appropriately baffled to minimise light pollution into the bushland area and neighbouring properties.
100. All plant species to be used for landscaping must be species indigenous to the reserve. A species list for the adjacent reserve is available on request.
101. Building design should have regard to the visual impact for users of the adjacent public bushland. Therefore, buildings are to be painted in natural colours. Screening vegetation is to be provided on the southern side of the building, note that plantings in the Asset Protection Zone must comply with Rural Fire Services requirements.
102. 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.

103. The applicant must obtain written authority prior to pruning or removal of any trees greater than 4m in height, located on the property or in neighbouring properties including the cutting of any tree roots greater than 40mm in diameter. Trees approved by Council for removal are exempt from this condition.
104. A 1.8m high chain mesh fence shall be erected a radial distance of not less than 3.5m from the trunk of the two *Angophora costata* (Sydney Red gum trees) known as Tree 9 and Tree 12. The tree protection areas shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed.
105. 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.
106. 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.
107. The Arboricultural Recommendations set out in the Predevelopment Tree Assessment Report prepared by David Ford from Treescan must be followed at all stages of the development and in accordance with Australian Standard AS 4970-2009 Protection of Trees on Development Sites.
108. The submitted Landscape Plans are to the satisfaction of Council and must be adopted as part of the development Consent.
109. 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.
110. 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.