

Sydney East Joint Regional Planning Panel meeting of 17 October 2012

Property: 316-322 Burns Bay Road, Lane Cove

DA No: 2012 SYE033, DA 12/39

Date Lodged: 26 March 2012

Amended Plans Lodged: 12 July (Issue C), 11 September (Issue D) and 21 September 2012 (Issue F).

Cost of Work: \$89,925,000

Owner: L Hill (316 Burns Bay Road, Lane Cove)
Energy Australia (316A Burns Bay Road, Lane Cove)
Tuta Properties Pty Ltd (318-332 Burns Bay Road, Lane Cove)

(All landowners' consents have been submitted along with the development application).

Applicant: Clare Brown APP Corporation Pty Ltd

DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION	Demolition of existing buildings, removal of trees, and construction of a residential flat development comprising 218 dwellings within 5 building blocks, a neighbourhood shop, and basement car parking for 377 cars
ZONE	R 4 – High Density Residential - Lane Cove Local Environmental Plan 2009
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Yes
IS THE PROPERTY A HERITAGE ITEM?	No. However, the site is adjacent to a heritage item located at 334 Burns Bay Road, Lane Cove
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No
IS THE PROPERTY ADJACENT TO BUSHLAND?	No. However, the site is located within a Bush Fire Prone Land - Vegetation Buffer 100m & 30m
BCA CLASSIFICATION	Class 2, 6 & 10b
STOP THE CLOCK USED	Yes – 119 days
NOTIFICATION	The development proposal and the amended plans were notified in accordance with Lane Cove Council Notification Policy. Ward Councillors: Councillor Gaffney, Longbottom, & McIlroy Progress Association: Linley Point Residents Association,

	Riverview Community Association, Lane Cove Bushland & Conservation Society and Lane Cove Historical Society.
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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 as the proposed development has a capital investment value greater than \$20 million.

EXECUTIVE SUMMARY

- The subject site is located within R4 - High Density Residential zone and residential flat buildings are permissible within the zone in accordance with Lane Cove Local Environmental Plan 2009 (the LEP).
- The proposed development complies with the zone objectives and the floor space ratio (FSR) standard of the LEP.
- The original proposal did not comply with the LEP building height standard. This non-compliance has been addressed in the amended plans by deleting dwellings on the uppermost levels of all five buildings.
- The original design did not comply with the access, building width, building separation, excavation, landscaping and block control requirements of the Lane Cove Development Control Plan (the DCP). A number of non-compliances remain.
- It is proposed that all north bound traffic from the development would access to Burns Bay Road via a loop road under Fig Tree Bridge which is more than 600m south of the site. Council does not support this traffic management solution because the proposed design fails to comply with the vehicle entry requirements of the DCP which requires access to the site by an access road yet to be constructed at the northern end through 304-314 Burns Bay Road to traffic lights on Burns Bay Road.
- Road and Maritime Services (RMS) have noted that the access road to the north of the site is yet to be built and the only access to the site is currently from Burns Bay Road. RMS has granted concurrence to the proposed development with two options.
- Option 1 would allow traffic left out only on Burns Bay Road from the site which would require the access road to be constructed prior to the commencement of the proposed development.
- Option 2 would allow traffic left in and left out on Burns Bay Road from the site if the access road would not be built.
- Council does not support Option 2 of the RMS advice and requires that the proposed internal road within the development link with the future road towards the north of the site for safe traffic management within the area.
- Part of the proposed development including 10 car parking spaces and a bus parking space, a pedestrian pathway and recreation area are located on adjoining land to the south western boundary of the site. The land is within road reserve and is owned by Council. Council has granted consent to facilitate the lodgement of the development application.

- Council's consulting architect has advised that the original proposed design did not meet the objectives of the design principles of State Environmental Planning Policy No. 65 (SEPP 65) relating to context, scale, built form and aesthetics. However, the final amended proposal (Version F) meets the objectives of all the principles of good design referenced by SEPP 65.
- 100 submissions were received in response to the notification of the original proposal and 37 submissions were received in response to the notification of July amended plans. The majority of concerns relate to non-compliance with the building height standard of the LEP, intensification of land use, increase in local traffic, and the use of View Street to take u turns by traffic from the proposed development.
- The traffic management relating to the north bound traffic from the site remains unsolved and the application is recommended for deferred commencement approval subject to a range of draft conditions .

SITE

The subject site is located at the eastern side of Burns Bay Road between Cope Street to the north and View Street to the south.

The site is made up of 6 lots, namely:

- Lot A, DP 342316, 316 Burns Bay Road;
- Lot 1, DP 338571, 316A Burns Bay Road;
- Lot B, DP 342316, 318-322 Burns Bay Road;
- Lot 1, DP 204603, 318-322 Burns Bay Road;
- Lot 2, DP 204603, 318-322 Burns Bay Road;
- Lot 3, DP 204603, 318-322 Burns Bay Road;

The site is irregular in shape with a 195.81m frontage to Burns Bay Road and has an area of 12,818m². There is a dwelling house at 316 Burns Bay Road, a substation at 316A Burns Bay Road, and three industrial buildings with associated car parking at 318-322 Burns Bay Road.

The site falls from the north western corner of 316A Burns Bay to the south-eastern corner of the site by approximately 8.3m. The terrain detail of 316 Burns Bay Road was not included in the survey prepared by Watson Buchan Pty Ltd for the submission of the development application.

Surrounding development comprises a mixture of dwelling houses, residential flat buildings and a heritage item including:

To the north: Vacant land at 304-314 Burns Bay Road which is zoned R4 – High Density Residential at the western section of the site and Public Recreation RE1 at the eastern section.

To the south: A heritage item known as Carisbrook House at 334 Burns Bay Road which is within R2 – Low Density Residential zone. Carisbrook House is owned by Lane Cove Council and is used as a museum.

To the east: Residential flat buildings are located at 300A, 300B, 300C and 302 Burns Bay Road. The adjoining properties are within R4 – High Density Residential zone.

To the west: Dwelling houses are located at the western side of Burns Bay Road within R2 – Low Density Residential zone.

PROPOSAL

The proposal involves demolition of all existing structures and construction of a residential flat development with 5 buildings comprising 218 dwellings, a shop and basement car parking for 377 cars, 18 car spaces and a bus parking space for Carisbrook House.

The original proposal comprised 249 dwellings and final amended plans have reduced the number of dwellings to 218.

The proposal amended schedule is described as follows:

Dwelling Type	1 bedroom	2 bedroom	3 bedroom	Total dwellings
	68 (31%)	130 (60%)	20 (9%)	218

The proposed development also includes a shop with a gross floor area of approximately 100.23m².

PREVIOUS APPROVALS/HISTORY

The previous development applications lodged with Council for alterations and additions to existing industrial buildings on the site are not relevant to the current development proposal because the proposal involves demolition of all existing structures.

During the development process, the applicant had lodged three amended plans to address the concerns raised by the assessment officers relating to the compliance with the building height standard of the LEP, the requirements of the DCP and the Residential Design Code of SEPP 65.

Amended plans were lodged on 12 July (Issue C), 11 September (Issue D) and 21 September 2012 (Issue F).

PROPOSAL DATA/POLICY COMPLIANCE

This compliance has regard to the final amended plans (Issue F.)

Site Area (approximately 12,818m²)

Lane Cove Local Environmental Plan 2009

LEP 2009	Provision	Proposed	Complies/ Comment
Zone	R4 – High Density Residential zone	Residential Flat Building	Yes
Maximum permitted FSR	2.0:1	1.66:1	Yes
Maximum permitted building height	25.0m	25.0m	Yes The original design did not comply with the building height

LEP 2009	Provision	Proposed	Complies/ Comment
			<p>standard of the LEP. However, the amended plans have reduced the building height to comply with the LEP standard.</p> <p>Amended Plans were submitted with Council on 21/9/12.</p>

Lane Cove Development Control Plan

Part B – General Controls

Clause	DCP	Proposed	Complies/ Comment
B.3 Site Amalgamation & Development on Isolated sites	To encourage site consolidation of allotments for development in order to promote the desired urban design outcomes and the efficient use of land and to avoid the creation of isolated sites.	<p>Consolidation of 6 allotments for a single residential development.</p> <p>The proposed development would not create isolated sites.</p>	Yes
B.4 – View Sharing	To ensure public viewing corridors between buildings	Residents of the complex share their outlook to bushland and water views to the east from the proposed communal open space	Yes
B.7 – Development near Busy Roads and Rail Corridors	To ensure an appropriate acoustic amenity can be achieved for development near transport corridors.	Acoustic report was submitted with the application.	The noise impact from Burns Bay Road has been identified and draft conditions are recommended to ensure the amenity of the development.
B.8 – Safety & security	Ground floor dwellings have direct access or entries from the street and at least one habitable room with windows facing the street	Block 1 & 3 has pedestrian entries from Burns Bay Road and all windows facing Burns Bay Road are habitable room windows (bedrooms or living rooms).	Yes

Part C3 – Residential Flat Buildings

Clause	Requirement	Proposed	Complies/ Comment
3.2 Density	Minimum site area 1500m ²	Area of site Approx 12,818m ²	Yes
3.3 Building depth	Maximum 18m exclusive of any balcony	18m	Yes
3.4 Building width	N/A. Refer to the block control requirement	Refer to the block control compliance table	N/A
3.5 Setback			
Front	N/A. Refer to the setback requirements in Block control	Refer to the block control compliance table	N/A
Side & rear			
Encroachments into the setback zone for underground parking	Maximum 2m	4m	No Justification discussed under DCP variation
Podium Height			
Height adjoining front boundary	1.2m	Block 1: Nil Block 3: Nil	Yes Yes
Height adjoining eastern boundary	1.2m	Block 2: 4m	No
Height adjoining southern boundary	1.2m	Block 4: 4m	No
Height adjoining northern boundary	1.2m	Block 5: 2.4m Block 1: 2m	No Yes Part of the podiums exceed the podium height requirement due to the topography of the site and is considered acceptable in this context.
3.6 Building separation within	Refer to block control requirements	Refer to block control compliance table	N/A

Clause	Requirement	Proposed	Complies/ Comment
development			
3.8 Excavation	Excavation to be contained as close as practicable to the footprint of the development	<p>The basement of Block 2: 2m from the eastern boundary</p> <p>The basement of Block 3: 1.4m from the western (front) boundary</p>	<p>No, Justification has been discussed in DCP variation.</p> <p>No Justification has been discussed in DCP variation.</p>
3.9 Design of roof top area	Detailed landscape plan required	No roof top proposed	N/A
3.10 Size of dwellings & component of mixed use buildings	<p>Minimum 40m²</p> <p>Development should include a mix of 1, 2 & 3 bedroom units. At least 10% of each unit type should be provided</p>	<p>Minimum 59.21m²</p> <p>1 bedroom dwellings: 31%</p> <p>2 bedroom dwellings: 60%</p> <p>3 bedroom dwellings: 9%</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No This is a minor non-compliance which is considered acceptable.</p>
3.11 Private open space	<p>Primary balconies - 10m² with minimum depth 2m</p> <p>Primary terrace- 16m² with minimum depth 4m</p>	<p>Balconies meet minimum size requirement.</p> <p>Private terraces meet minimum dimensions</p>	<p>Yes</p> <p>Yes</p>
3.12 Number of car parking, motorcycle and bicycle spaces	<p>68 x 1 bedroom dwellings = 68 spaces (68x1)</p> <p>130 x 2 bedroom = 195 spaces (130x1.5)</p> <p>20 x 3 bedroom dwellings = 40 spaces (20x2)</p> <p>Visitor 1 per 4 dwellings = 54.5 spaces (218/4)</p> <p>Shop: 2.5 spaces (100.23/40)</p>		

Clause	Requirement	Proposed	Complies/ Comment
	Required car parking = 360 spaces	377 car spaces proposed	Yes
	1 motor cycle space per 25 car spaces 14 spaces required (360/25)	17 spaces proposed on Basement 1 & Ground Level	Yes
	1 bike locker per 10 dwellings 22 required (218/10)	No bike locker proposed	No Conditioned to comply
	1 Bike rails per 12 dwellings 18 required (218/12)	28 rails proposed	Yes
3.13 Ceiling heights	Minimum 2.7m	2.7m	Yes
3.14 Storage	6m ³ per 1 bedroom & studio dwelling 8m ³ per 2 bedroom dwelling 10m ³ per 3 bedroom dwelling	33 storage areas on B1, B2 and B3 are proposed which is more than 50% of the required storage volume.	Yes
	50% of the storage volume within the dwelling	The internal space of the dwellings would be sufficient to meet the requirements of storage volume	Yes
3.15 Solar access	Living rooms and private open spaces of 70% of the units to receive 3 hours of direct sunlight between 9am – 3pm on 21 June	76% of the dwellings would receive more than 3 hours solar access (165 dwellings)	Yes
	Maximum 10% dwellings with a southerly aspect	Nil	Yes
3.16 Natural ventilation	Minimum 60% of the dwellings should have cross ventilation.	66% of the dwellings would have cross ventilation. (144 dwellings)	Yes
	Minimum 25% of kitchens have access to natural ventilation	64% kitchens have access to natural ventilation (140 dwellings)	Yes
3.17 Visual privacy	Provide visual privacy between the adjoining	Privacy screens proposed for the	Yes

Clause	Requirement	Proposed	Complies/ Comment
	properties	directly facing windows between Block 2 & 4, and Block 4 & 5.	
3.18 Communal open space	Minimum 25%	25.3% provided	Yes
3.19 Landscaped area	45% (Minimum 25% provided on the ground level and up to 15% provided on structures)	45% (33% on the ground level and 12% on structures)	Yes

Part F - Access and Mobility

DCP	Proposed	Complies/ Comment
Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings (20%) (44 dwellings required)	44 (20%) adaptable dwellings proposed. However, the adaptable dwellings are not shown on the plans	Yes
Provide 1 accessible parking space for each adaptable housing unit (43 spaces required)	46 accessible parking spaces are proposed.	Yes

Note: Three accessible car spaces should be provided for visitors

Block 2: 316-322 Burns Bay Road

	Control	Provision	Proposed	Complies / Comment
1	Height	25m (LEP control)	25m	Yes
2	Uses	High density residential	5 Residential flat buildings proposed	Yes
3	Building Separation	Minimum 12m, otherwise refer to the diagram 16m between Block 2 & 4 14m between Block 4 & 5	13m 13m	No Justification has been discussed in DCP variation. No Justification has been discussed in DCP

	Control	Provision	Proposed	Complies / Comment
				variation.
4	Building footprint	Maximum 18 depth	18m	Yes
5	Setbacks	10m to Burns Bay Road 10m to shared boundary with Carisbrook House 4m minimum to proposed access road Break up building bulk above 4 th level	Block 1: 9m Block 3; 11.2m 10m from Block 5 Minimum 6.1m from Block 2 Break up building bulks from Level 5	No Justification has been discussed in DCP variation. Yes Yes Yes Yes
6	Building Orientation / Length	Maximum 50m building frontage to Burns Bay Road and new access road. Building length permitted to increase beyond 50m if façade articulation etc is satisfactory in streetscape	Block 1: 68.4m Block 2: 63m Block 3: 34m Block 4: 34m Block 5: 34m	Satisfactory Satisfactory Justification has been discussed in DCP variation. Yes Yes Yes
7	Pedestrian Entry / Address	From Burns Bay Road and proposed access road to foreshore, reserve and Carisbrook House	Pedestrian access from Burns Bay Road is provided to Block 1 and 3. However, pedestrian access to Blocks 2, 4 & 5 is proposed to be gained	Acceptable Conditions would be imposed requiring access through Block 1 and Block 3 be available for all

	Control	Provision	Proposed	Complies / Comment
			through Blocks 1 and 3 and by the pathway at the southern end of the site through the car park on the land owned by Council.	residents and visitors of the development at all times.
8	Vehicle Entry	<p>From proposed access road to connect at the northern end to the yet to be constructed access road to lights on Burns Bay Road (right and left turn in & out) and at the middle of site (left in/left out).</p> <p>Access to Carisbrook House is to be provided through this site.</p>	<p>Right turn from the site would use the loop road under Figtree Bridge.</p> <p>Access to Carisbrook House is proposed at the southern end of the site</p>	<p>No. Refer to the comment of Council's traffic engineer.</p> <p>Yes</p>
9	Road Dedication	3m wide to either side of proposed access road for provision of 1.5m wide footpath, verge and street trees to each side of the road	<p>6m wide internal access road is proposed</p> <p>1.3m wide footpath to Block 1</p> <p>1.2m wide footpath to Block 2</p>	<p>Yes</p> <p>No To be conditioned to comply.</p> <p>No To be conditioned to comply.</p>
10	Car parking	Underground may be sleeved with residential uses to the new access road due to topography	Basement car parks are proposed	Yes
11	Mid Block Pedestrian Connection	<p>Provide pedestrian links from Burns Bay Road to the foreshore in location indicated approximately on diagram.</p> <p>Orient buildings to overlook and address the pedestrian connection.</p>	The pedestrian links from Burns Bay to the internal road are proposed via Block 1, Block 3 and a pathway adjacent to	Yes

	Control	Provision	Proposed	Complies / Comment
			Carisbrook House car park	
12	Heritage	<p>Provide at least 10 car parking spaces for Carisbrook House and 1 bus parking space as approved by Traffic Manager</p> <p>Provide setback as above to respect the setting and scale of the heritage item and in particular to minimise overshadowing of the courtyard to the north of Carisbrook House.</p> <p>A development application is to be accompanied by a heritage impact statement relating to Carisbrook House.</p> <p>Signage and landscaping to be developed for car & bus parking areas to Carisbrook entrance in agreement with Council policies.</p>	<p>8 car spaces are proposed within the site with additional 10 car spaces and a bus parking space are proposed on Council Land.</p> <p>The amended plans show that Block 5 adjacent to Carisbrook House complies with the building height and setback requirements.</p> <p>Provided</p> <p>Details have not been provided</p>	<p>Acceptable.</p> <p>Council Traffic Manager supports the proposal.</p> <p>The shadowing impact from Block 5 is considered acceptable.</p> <p>This issue is able to be addressed by draft conditions of development consent.</p>
13	Landscaping / Open Space / Public Domain	<p>Setbacks to be treated as landscape buffer to provide privacy and noise reduction.</p> <p>Existing vegetation to be retained (see diagram) and enhanced with additional vegetation. Tree species to be agreed by Council.</p>	<p>Screening planting is proposed</p> <p>Removal of trees for the construction of the deceleration lane in front of Block 1. Council tree assessment officer does not support the</p>	<p>Yes</p> <p>No The construction of the deceleration would be unnecessary if the Option 1 of RMS advice is accepted. However, removal of trees</p>

	Control	Provision	Proposed	Complies / Comment
		20% minimum communal open space to be provided generally between the built form to the west and south west.	removal of 5 trees adjacent to Block 2 26.7%	is essential for the construction of Block 2 Yes
		Public domain improvements required to Burns Bay Road and new vehicle access road. Paving design and specifications to be agreed with Council.	All traffic from the proposed development would access to Burns Bay Road directly.	No. The development is recommended to be connected to the link road to the north of the site.

REFERRALS

Heritage

The subject site is immediately adjacent to a heritage item listed in the State Heritage Register (SHR) known as Carisbrook House at 334 Burns Bay Road, Lane Cove.

The original proposal was referred to Council's heritage adviser Conybeare Morrison International Pty Ltd for comment.

The heritage consultant advised that the proposed development would have a benefit of removing an intrusive 2 storey structure to the immediate north of the Carisbrook boundary, and therefore potentially increase the visual cartilage of the heritage item.

However, the 8 storey high Block 5, which would be 10m from Carisbrook, would overshadow the heritage item during the morning. Block 5 would be seen rising significantly above the heritage ridge line.

The following recommendations are provided:

- A reduction in the overall height of Block 5 would benefit the relationship of scale between the proposed development and Carisbrook as viewed from Burns Bay Road.
- Relocation of the resident BBQ away from the south boundary of the subject site.
- The landscape between Block 5 and the Carisbrook garden to be primarily used as landscape buffer zone rather than access through the site.
- An increase in plant screening between Block 5 and the existing sandstone wall to reduce overlooking to improve the privacy to the rear yard of Carisbrook.
- The sandstone wall proposed for landscaping in the development to be similar to that used in the north boundary wall of Carisbrook.

Officer's comment:

The original proposed height of Block 5 exceeded the maximum building height standard of the LEP and has not been supported. The applicant was also requested to increase the setback to Carisbrook to meet the setback requirement of the DCP.

The amended proposal submitted in September 2012 has addressed Council's request and the heritage advice is as follows:

- The height of Block 5 has been reduced by 1 storey and now meets the LEP building height standard.
- The BBQ area has been relocated to the communal area between Block 4 and Block 5 away from Carisbrook rear yard.
- Additional landscaping has been provided towards the southern end of the site. Council's landscape architect has also provided conditions requiring screening trees to be planted along the southern boundary of the site.
- The proposed sandstone wall would be conditioned to meet the heritage advice (See draft Condition 5).

It is considered that the impact to the heritage item has been adequately addressed by the amended plans. Refer to **Attachment 1** for Heritage Advice.

Principal Building Surveyor

Council Principal Building Surveyor has assessed the proposal in accordance with the Building Code of Australia and the Premises Standards 2010 and provided draft conditions which have been included in the draft conditions of consent.

Development Engineer

The development engineer has advised that the stormwater concept plans can provide an adequate rainwater reuse system to meet the BASIX requirements. The applicant is proposing three new bio remediation devices in lieu of a gross pollutant trap which has been supported by Council. No on site detention (OSD) system is required as the site is draining directly to the foreshore. The design would be conditioned to meet the stormwater management requirements of Council's DCP.

Council's development engineer has endorsed the application and provided draft engineering conditions which have been included in the draft conditions of consent to be imposed should the JRPP approve the application.

Executive Manager Human Services

Council's Executive Manager Human Services has provided the following advice:

"We understand that Council is in receipt of further amended plans dated 17/9/12, which we have reviewed in relation to the potential impacts on the amenity and operations of Carisbrook House. In particular we note that:-

- *The height of Building 5 has been marginally reduced*

- 18 on grade car spaces have now been provided for Carisbrook's use in lieu of 10 spaces

Should Council's Development Assessment Officer be of the mind to approve the DA, we request that appropriate conditions be imposed on any development consent to reasonably protect the future interests and on-going operations of Carisbrook House.

The following conditions of consent are recommended on the basis of our previous submissions.

Reason: Carisbrook will have six (6) existing spaces eliminated by the development. We believe that in addition to the 10 spaces plus bus bay required by the DCP, the existing 6 spaces should be reinstated. The applicant has now nominated 18 additional spaces which will resolve this issue.

1.0 Carisbrook Car Park - signposting & access restrictions

Two (2) conditions be imposed requiring:-

- adequate signposting be installed, advising that on grade car park is for the exclusive use of Carisbrook visitors and staff and no resident parking is permitted. Details of signage is to be submitted to Council for approval; and*
- Council reserves the right to require the erection of a physical barrier, if required, to restrict unauthorised parking in the car park outside Carisbrook operating hours.*

Reason: Residents, their visitors and shop patrons may be inclined to occupy the car park. Signposting will serve as a partial solution, however, it may also be necessary to eventually install a physical barrier such as bollards or boomgate, to police authorised parking only. The car park could then be cordoned off outside Carisbrook opening hours and managed by Carisbrook's caretaker.

2.0 Legal access to Carisbrook car park

A condition be imposed requiring an appropriate legal agreement be entered into, ensuring that public access to the Carisbrook car park and bus bay will be guaranteed.

Reason: As Carisbrook will be reliant on access through private property to its designated parking area, there must be an appropriate legal arrangement entered into to guarantee public access to the car park over the long term.

The most appropriate legal instrument to achieve this would need to be determined.

3.0 Signposting – Burns Bay Road entry

A condition be imposed requiring the erection of signposting at the main vehicle entry point at Burns Bay Road, directing motorists to the Carisbrook car park. Details of this signposting is to be lodged with Council for approval.

Reason: Carisbrook visitors (particularly one off visitors) are likely to be confused by the access arrangements which require them to travel through a private residential estate. Appropriate signage is needed at the vehicle entry point to the development site to alert drivers.

4.0 Maintenance of existing access to Carisbrook garage

A condition be imposed requiring the retention of the existing driveway access to Carisbrook's garage.

Reason: *The ongoing maintenance operations of Carisbrook require service vehicles to attend the property and the garage driveway is conveniently located for this purpose. Maintenance work usually occurs outside opening times. As it may be necessary to cordon off the main Carisbrook car park during closed periods, we would like to retain Carisbrook's driveway for unrestricted service access.*

5.0 Temporary parking for Carisbrook during construction

A condition be imposed requiring the applicant to implement temporary parking arrangements for Carisbrook during construction. The proposal is to be lodged with council for approval prior to issue of construction certificate.

Reason: *During the lengthy construction period, visitor parking for Carisbrook will be eliminated. The developer is requested to implement temporary parking arrangements for Carisbrook during this period, to the satisfaction of Council. Details are to be submitted to Council for approval.*

6.0 Removal of pedestrian link to Carisbrook courtyard garden

A condition requiring the direct pedestrian access link between Carisbrook's courtyard garden and the "Truck Turning Area" to be deleted.

Reason: *We do not support this access point on the grounds that:-*

- The existing garden wall is integral to the fabric and amenity of the courtyard setting along with the gravestone that graces the courtyard. To demolish the wall would be detrimental to the enclosed courtyard amenity and the privacy of outdoor functions. Bear in mind also that a caretaker lives on the property and their privacy must also be respected.*
- It is imperative that the immediate curtilage of the house be secured outside operating hours.*

However, we do not object to the additional "link to Carisbrook garden path" which connects with the outer grounds as shown alongside Block 5 on Plan No 11048 AP03 (Issue F).

7.0 Legal Agreements – existing easement

A condition is sought, requiring the easement for overhang of gutter registered on 26/6/2009, not be extinguished.

Reason: *An existing easement was registered in 2009, acknowledging the encroachment of a gutter on one of Carisbrook buildings over the applicants land.*

We seek assurances that this easement will remain in force and not be extinguished for any reason resulting from approval to this development proposal.

8.0 Landscaping along common boundary with Carisbrook

Details of proposed landscaping works along the common boundary with the courtyard garden of Carisbrook House be submitted to Council for approval prior to the issue of the construction certificate.

Reason: Council is concerned that water seepage from garden beds may penetrate Carisbrook's grounds, particularly the courtyard and outbuildings. For this reason, Council would appreciate the opportunity to examine any proposed landscaping works adjacent to the common boundary to ensure water penetration will not occur.

9.0 Works within Council property

No works including landscaping works are to be undertaken within the site boundaries of Carisbrook without prior consultation and approval from Council.

Reason: We note that various submitted DA plans show indicative works within the grounds of Carisbrook. For example, the amended landscape plan includes references to new "sandstone elements/materials" within the grounds of Carisbrook House. As stated in our previous submissions, no prior consultation or approval from Council has been sought regarding these design elements.

10.0 Bus and car parking numbers for Carisbrook

A condition be imposed requiring eighteen (18) car spaces plus one (1) coach parking bay be allocated for the exclusive use of Carisbrook visitors as shown on Site Plan No 11048 AP03 Issue F dated 17/9/12."

Comment: The concerns raised by the Executive Manager Human Services are supported. The requested conditions have been included in the draft conditions of consent.

Traffic Engineer

Council's traffic engineer does not support the proposed left in and left out arrangement onto Burns Bay Road proposed by the applicant and raised the following significant concerns:

- The accident history at the Burns Bay Road and View Street intersection indicates that 13 reported accidents occurred between March 2005 and December 2009.
- The intensification in the use of View Street at the intersection with Burns Bay Road by residents and visitors from the proposed development as a turning area for north bound traffic is unacceptable and would likely result in an increase in accidents.
- The proposed conditions suggested by the applicant's traffic report and the Option 2 of RMS to address the road safety issues that would be created at the intersection of Burns Bay Road and View Street are considered ineffective, unenforceable and is unacceptable.
- The owner has subsequently indicated willingness to financially contribute to the Council's proposed access road across 304-314 Burns Bay Road that would link 316-322 Burns Bay Road. This access road would address the road safety issues at View Street by providing an alternative route that residents and visitors can take to and from the north.
- This may require a Voluntary Planning Agreement, Deed or the like prior to any approval being provided for the application. The applicant has been requested to place

their proposed financial contribution in a letter to Council to allow this matter to be satisfactorily resolved.

Officer's comment:

The proposed traffic management does not meet the block control requirements of the DCP which require the traffic from the site to connect at the northern end to the access road through 304-314 Burns Bay Road to the traffic lights on Burns Bay Road. The proposed traffic design is not the preferred option for the local traffic management.

Refer to **Attachment 2** for Council Traffic Engineer's Advice.

Tress Assessment Officer

Council's Senior Tree Assessment Officer has assessed the application and provided the following advice:

"This development consists of demolition of existing buildings and construction of 218 residential apartments within five (5) separate towers on the site. There would be a vehicle pull in bay in front of the site on Burns Bay Road therefore the existing street trees would be removed to accommodate the road changes. This site is Sydney Harbour Foreshore DCP affected and the proposed building heights will be seen from Burns Bay therefore the development will have a negative visual impact on Burns Bay Cove.

The original arborist report prepared in December 2011 advises the site contains 228 individual trees with 141 of those trees designated for removal and 87 existing trees are designated for retention. The amended arborist report dated July 2012 indicates an additional 44 trees located in the Island shaped garden areas known as Stand 1, Stand 2 and Stand 3 will now be removed to accommodate parking facilities.

The trees shown on the plans for retention are primarily small trees. Trees designated for removal are larger prominent trees on the site; particularly the row (or stand of) trees adjacent to Burns Bay Road. Given the past excavation and level changes at the front of the site to accommodate the existing buildings, it is not practical to retain these trees because of existing level changes at the front of the site. However, Stand 5 is designated for retention because this area is relatively flat and no excavation is required. Retention of the trees at the front of the site would be an unacceptable site constraint from a planning perspective therefore I have no objections to their removal except for Stand 5 that is designated for retention.

Section 4.5 of the Archaeological report mentions the vegetation on the site is not in a native state as a result of past land clearing. My analysis of the existing trees on the site indicate the majority of the tree species are local to the Lane Cove bushland areas therefore the stands of trees throughout the site should be considered to be linked with surrounding bushland areas.

*In my opinion the 5 trees identified as Stand 22 in the arborist report should be retained. The arborist report indicates the 5 Flooded gums (called Sydney blue gums in the arborist report) are in good health and condition, have a long SULE and are classified as having high retention value. The trees provide screening for the adjacent block of Units therefore it would be appropriate that they be retained. The Proposed Landscape Plan suggests replacement of the trees however in my opinion they should be retained not replaced. **No excavation should occur within 6m distance of this stand of trees.***

The proposed landscape Plan does not comply with Council's landscaping requirements of 40% and the Plans must be amended to comply with Council DCP landscape requirements.

Further, the Landscape plans must consider all elements of the Landscape checklist on Council's website and Landscape working/ construction drawings must be submitted for review by Council. The Landscape Plans show the majority of new trees and shrubs to be used in the proposed garden areas are native to the Lane Cove area therefore this plant material usage is to the satisfaction of Council. However, the planting schedule does not indicate the numbers of trees to be planted on the site and this must be addressed by the applicant. The landscape Plan must clearly show the number of trees to be planted, where they will be planted, what species will be planted where and if the soil depth/volume in garden areas are able to support the species designated for the area.

Council will also require details of the irrigation system plan. The landscape working plans must clearly show the soil depth of all proposed deep soil areas within the site. In summary the landscape component of the development is lacking in detail therefore any tree replacement strategy cannot be assessed without the above information."

Officer's comment:

The applicant has amended the landscape plans to meet the minimum 40% landscaping requirements of the DCP.

Details of subsurface irrigation have also been submitted with the amended plans.

The proposed basement of Block 2 is approximately 2.3m to the eastern boundary of the site and is in a close proximity of the locations of the 5 *Flooded gums* which were recommended for retention by Council's tree assessment officer. The retention of the trees *is considered unachievable because the retention* would require no excavation within 6m distance of this stand of trees. Therefore, the removal of 5 Flood gum trees is supported notwithstanding the strong request for retention by the tree assessment office. The loss of these trees should be compensated by additional planting provided in the landscape proposal which has been endorsed by Council's landscape architect.

Landscape Architect

Council's landscape architect raised the following concerns to the proposed development

- *Lack of appropriate landscape site coverage*

Officer's comment:

The original proposal with only 33% at site area dedicated for landscaping did not comply with the minimum 40% requirement of the DCP.

The noncompliance has been addressed in the amended plans submitted to Council on 11 September 2012. The amended landscaping comprises 33% deep soil area and 12% landscaping on structures which adds up to 45% of the site area.

- *The proposal did not address part of Point 13 – Landscape/open space/public domain in that the development must treat the setback as a landscape buffer.*

Officer's comment:

This issue has been addressed in the amended plans submitted to Council on 19 September 2012.

The landscape architect has endorsed the amended plans and provided draft conditions. Refer to **Attachment 3** for Landscape Advice.

NSW Rural Fire Service (RFS)

The subject site is located within Bush Fire Prone Land and the proposal has been referred to NSW Rural Fire Service (RFS) for bush fire management in accordance with Section 79BA of the Environmental Planning and Assessment Act 1979.

RFS has endorsed the application and provided the following recommended conditions:

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:

1. *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'.*

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:

2. *Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.*
- *Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'.*
 - *Fire hydrants shall not be located within any road carriageway.*

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. *Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.*

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:

4. *New construction for Building 1 and Building 3 shall comply with Sections 3 and 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'.*

Landscaping

5. *Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. In this regard the following landscaping principles are to be incorporated into the development:*

- *Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;*
- *Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;*
- *Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;*
- *Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;*
- *Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);*
- *When considering landscape species consideration needs to be given to estimated size of the plant at maturity;*
- *Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;*
- *Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;*
- *Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);*
- *Avoid climbing species to walls and pergolas;*
- *Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;*
- *Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and*
- *Use of low flammability vegetation species.*

Officer's comment:

The recommended conditions from RFS are considered relevant and necessary and are included as draft conditions of consent.

Waste Co-ordinator

The proposal complies with the waste management requirements of the DCP. Council's Waste Service Co-ordinator has endorsed the application and provided draft conditions which have been included in the draft conditions of consent should the JRPP approve the application.

Roads and Maritime Services (RMS)

The proposal would involve the construction of a vehicular crossing and a deceleration lane along Burns Bay Road front boundary. The original and the amended proposal were referred to Roads and Maritime Services (RMS) for comments in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 and Section 138 of the Roads Act 1993.

RMS grants concurrence to the proposed development under Section 138 of the Roads Act 1993 and has provided conditions to be included in any consent.

The RMS has provided two options for their concurrence of the proposed development.

Option 1: With the link road constructed

RMS grants concurrence to left out-only access on Burns Bay Road under Section 138 of the Roads Act 1993 subject to Council approval and the recommended conditions.

Burns Bay Road is a major arterial road, which carries a high volume of traffic and traffic efficiency is of great importance.

State Environmental Planning Policy (Infrastructure) 2007 states:

“The consent authority must not grant consent to development on land that has frontage to a classified road unless it is satisfied that:

(a) Where practicable vehicular access to the land is provided by a road other than the classified road.”

RMS supports in principle, the proposed link road to the local network and the existing traffic control signals at the intersection of Burns Bay Road, to the north of the site.

This provision of link road is consistent with Council's DCP and the draft rezoning master plan of 314 and 318-332 Burns Bay Road, Lane Cove.

The provision of the left out only access will reduce the impact of left turning vehicles on the operation of the existing signalised intersection to the north and would reduce queuing at that intersection.

Officer's comment:

Council supports Option 1 as it is consistent with the DCP requirements. The construction of the deceleration lane at the front of the site would not be required in Option 1. Option 1 would benefit the development by retaining the trees along Burns Bay Road frontage and would also reduce the cost of the proposed development.

The recommended conditions in Option 1 are supported and have been included in the draft conditions should the JRPP approve the application.

Option 2: Without the construction of the link road

RMS notes that the link road has not been built at the time of the assessment of the development application. RMS grants concurrence to a left in and left out access on Burns Bay Road under Section 138 of the Roads Act 1993, subject to Council's approval and the recommended conditions.

RMS advises that the left turn movement from Burns Bay Road would require the construction of a left turn deceleration lane (with a minimum width of 3 metres) including the relocation of public utilities, construction of a footpath and dedication of land to accommodate the above.

Officer's comment:

Council does not support Option 2 as this option would give the applicant a choice not to connect the proposed internal road to the link road to the north of the site. All future north bound traffic from the development would have to use the loop road or View Street for u turns. View Street is the first street to the south of the site and the applicant's traffic engineer agrees that View Street is not suitable for u turn traffic from the subject site.

The loop road under Fig Tree Bridge further south is more than 600m from the site. It is in a poor condition and needs upgrade. It is also noted that the loop road has not been tested for u turns for heavy vehicles from the current residential flat building constructions further north of the site at 288 and 290 Burns Bay Road. Option 2 would not promote a better planning outcome of traffic management in the area.

The RMS's recommended conditions in Option 2 have not been included in the draft conditions. In the event that the JRPP approves the proposal with option 2, the RMS recommended conditions in Option 2 should be included in the conditions of consent.

For RMS advice, refer **Attachment 4**.

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65) (Section 79C (1) (a))

Part 2 of SEPP 65 sets out ten design quality principles as a guide to assess a residential flat building development. The Residential Flat Design Code (The Code) is referred to as an acceptable guide as to how the principles are to be achieved.

The proposed development was referred to Council's consulting architect for assessment. The consultant architect advised that the original proposal and the amended plans submitted in July did not meet the objectives of all 10 design principles. However, the amended plans submitted to Council in September 2012 have improved the design of the proposed development.

Council's consultant architect is of the view that the proposed development now meets the objectives of all ten principles of good design. He has indicated that the amended design is generally of a high quality and should be commended.

For SEPP 65 assessment advices, refer **Attachment 5**.

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 amended design would require an amended BASIX report which would be a draft condition of consent. If approved, an amended BASIX Certificate would be required prior to issue of the Construction Certificate.

LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The Lane Cove LEP 2009 rezoned the site and its surrounding adjoining properties to R4 – High Density Residential. The objectives of the zone are to provide housing needs of the

community within a high density residential environment and provide facilities or services to meet the day to day needs of residents.

The proposal is for a residential flat building complex with a shop, which meets the zone objectives. The character of the site, which is currently dominated by industrial buildings would change to accommodate high density residential flat buildings in future. It is considered that the proposed development would meet the future desired character of the area.

The original development proposal did not meet the building height standard of the LEP and this non-compliance has been addressed in the amended plans submitted in September 2012.

All 5 proposed buildings now comply with the maximum building height standard of the LEP. The proposed FSR has been reduced to 1.66:1 which is permissible.

LANE COVE DEVELOPMENT CONTROL PLAN

The amended design satisfies the objectives of the DCP. The application seeks variations to two DCP requirements:

Building separation

The block control of the DCP states that the minimum separation between Block 2 and Block 4 should be 16m and between Block 4 and Block 5 should be 14m. The proposed building separation between Block 2 and Block 4 is 13m. The separation between Block 4 and Block 5 is also 13m.

The applicant states that the building separation requirements in the DCP are inconsistent with the SEPP 65 Design Code and colourbond external louvers are proposed for the protection of privacy of the future of occupants of the development.

Officer's Comment:

While provision of privacy screens would not satisfy the prescriptive measure of separations between dwellings, but would meet the objective of providing adequate amenity achieved in terms of visual and acoustic separation.

Council's consultant architect also agrees with the applicant that the proposed building separation with the provision of external louvers is consistent with the provisions of SEPP 65 Design Code and is considered acceptable.

The variation to the building separation requirement of the DCP is considered acceptable and is supported.

Building Lengths

The maximum length of Block A is 68m and Block 2 is 64m, which exceeds the DCP requirements.

Officer's Comment:

The block control of the DCP states that the building length should be a maximum of 50m with frontage to Burns Bay Road and new access road. Building length is permitted to increase beyond 50m if facade articulation is satisfactory.

The centre of Blocks 1 and 2 have been set in to break the visual bulk for better façade articulations of the buildings. The design meets the objectives of the requirements and the variations are supported.

Front setback

The DCP requires a minimum of 10m setback from the Burns Bay Road boundary. A small section of Block 1 is 9m from Burns Bay Road front boundary.

Officer's comment:

There are two buildings fronting Burns Bay Road (Block 1 and Block 3). The average front setback of the proposed development is more than 10m. Given that this is a minor variation and would not create any significant adverse impact upon the streetscape, the variation is considered acceptable. However, the quality and quantity of landscaping at the front boundary would be reduced under Option 2 of the RMS advice.

The widths of the footpaths on the internal road

The DCP requires that the minimum width of the footpath on the internal road is 1.5m wide. The widths of proposed footpaths are less than 1.5m and the variation is not supported. The non-compliance would be addressed by draft conditions of consent (Condition 3 in Part B).

Section 94 Contribution Plan

Lane Cove Section 94 (S94) Contribution Plan applies to the proposal for the increase of population in the area as a consequence of the proposed development.

The S94 contribution is calculated in the following manner:

There is a 3 bedroom dwelling house located on 316 Burns Bay Road. The average occupation rate is 2.8 persons per a 3 bedroom house in accordance with the S94 Contribution Plan.

The proposed development would require the following Section 94 Contribution.

No. of bedrooms	Average occupation rate	Population
68 x 1 bedroom	1.2	68x1.2=81.6
130 x 2 bedroom	1.9	130x1.9=247
20 x 3 bedroom	2.4	20x2.4=48
Total proposed population		376.6

The Section 94 contribution applicable for additional 373.8 persons (376.6-2.8) at the current rate of \$9180.35/person would be \$3,431,614.80 (or \$15,741.35 per dwelling). The required Section 94 contribution is less than \$20,000 per dwelling and it would not exceed the cap of the Reforms of the Local Development Contributions.

The Section 94 contribution applicable for the additional retail space at the current rate of \$94.87/m² of the gross floor area is \$9,508.82 (100.23 x \$94.87).

The total Section 94 contribution applicable for the development is \$3,441,123.62.

Note: The Section 94 Contribution payment would be a condition imposed should the JRPP approve the application.

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

The preceding policy assessment table identifies those controls that the proposal does not comply with. Each departure has been discussed in previous sections of the report.

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

The development proposals were notified in accordance with Council's notification policy. The original proposal was notified between 5 April 2012 and 19 April 2012 and the first amended plans were renotified between 16 July and 30 July 2012. 98 submissions were received in the first notification and 37 submissions were received from the second notification in response to the development proposals. It was not considered necessary to notify the amended plans submitted in September 2012 as the amended proposal satisfactorily address the identified concerns and non-compliances. The issues raised in the submission can be summarised as follows.

- *Non-compliance with the building height development standard under Clause 4.3 of the Lane Cove LEP 2009*

Officer's comment:

It is agreed that the original proposed plans and the first amended plans did not comply with the building height standard of the LEP. However, amended plans submitted to Council on 21 September 2012 have reduced the heights of the proposed buildings to comply with the building height standard of the LEP.

- *The north-south orientation of the five eight-storey residential buildings would create a visual 'wall' when viewed from 302 Burns Bay Road and the public reserve.*

Officer's comment:

The location of the proposed buildings is generally consistent with the block control of the DCP. Given that topography of the area and the fall of the site to the foreshore relative lower location of 302 Burns Bay Road to the subject site, any residential flat development complying with the building height and FSR provisions of the LEP on the site would inevitably result in the loss of the existing vegetation and would change the outlook from the existing residential development to the east of the site.

However, it is noted that landscaping is proposed along the eastern boundary to minimise the visual impact of the proposed development.

- *The development does not meet the building separation requirements.*

Officer's comment:

It is agreed that the separation between Block 2 & 4 and Block 4 & 5 does not meet the DCP requirements. However, provision of privacy screens would meet the objectives of providing adequate amenity and is considered reasonable in the context.

- *The proposed development would adversely overshadow the adjoining properties.*

Officer's comment:

The adjacent property to the east of the site, 302 Burns Road, Lane Cove, would receive more than 3 hours of sunlight between 9am and 3pm on 21 June. The proposal meets the minimum solar access requirements of the DCP and is considered acceptable.

- *Inadequate landscaping*

Officer's comment:

45% landscaping including 33% deep soil and 12% on structures has been proposed by the amended plans. The amended proposal now complies with the landscaping requirements of the DCP.

- *The proposed development does not meet the side boundaries setbacks requirements*

Officer's comment:

The amended proposal meets with side and rear boundary setback requirements of the DCP. The minor variation to the front setback requirement is supported.

- *The proposed development is very large and excessive*

Officer's comment:

The development proposes amalgamation of 3 properties to form a site area of 12818m². The proposed development is below the maximum permissible FSR and amended plans also meet the building height standard of the LEP. It is therefore considered that the scale of the amended proposal is acceptable.

- *The proposed development provides insufficient car parking*

Officer's comment:

The car spaces in the amended proposal are more than the minimum parking requirements of the DCP. The proposed car parking spaces is considered adequate.

- *The proposed development shall be incompatible with the character of the existing development*

Officer's comment:

The proposal meets the zoning objectives of the LEP. The character of the area, which is currently dominated by low-density residential dwelling houses along the western side of Burns Bay Road would be remain unchanged. The proposed development would be compatible with the existing residential flat building development to the north and the east of the site. The proposed development would meet the future desired character of the area as detailed in the zoning objectives of the LEP and DCP.

- *Impact on the amenities of the existing adjoining heritage building*

Officer's comment:

In the amended plans, the building height of Block 5 has been reduced to meet the LEP standard and it's setback to Carisbrook House has also been increased. The bland wall of an

existing industrial building would be removed. The impact on the Carisbrook House is considered acceptable.

- *The proposed development would increase traffic movements within the area.*

Officer's comments:

The proposal would increase traffic movements in the area. The Council's traffic engineer does not support the applicant's traffic report which would use of the loop road for the north bound traffic from the proposed development. This issue has been discussed in the previous sections of the report.

- *The traffic from the site should be linked with the internal road to the north of the site.*

Officer's comment:

This is a block control requirement of the DCP. The applicant is required to comply with the requirement and this issue is addressed by a recommendation for a deferred commencement consent conditions.

All submissions have been taken into considered during the assessment.

CONCLUSION

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

The development application was lodged with Council in March 2012 and the original proposal did not meet the building height standard of the LEP and varies requirements of the DCP including access to the site, building length, building separation, landscaping, setback, stormwater and traffic management.

The applicant subsequently lodged three sets of amended plans to address the concerns raised by Council's assessment team and RMS.

The amended plans submitted to Council in September have significantly reduced the height of the proposed buildings by the deletion of the top floor of all 5 proposed buildings. The landscaping and setbacks have also been increased to meet the DCP requirements. The scale of the amended proposal general meets the zoning objectives of the site although the amended plans do not fully address all requirements of Lane Cove Development Control Plan.

Amended plans and additional information has been submitted to address concerns raised by Council and the consultant architect in relation to the compliance with the requirements of the SEPP 65. The amended proposal now meets the objectives of all the ten principles of good design.

The proposed development does not meet the numerical requirement of building separation of the DCP. However, the proposal meets the objectives of the DCP by providing adequate amenity in terms of visual and acoustic separation.

The proposal does not adequately satisfy the traffic concerns raised by Council.

The issues raised by neighbours have been discussed in the body of the report and the range of amendments renders the proposal acceptable on the whole.

It is considered that the proposed development would meet the objectives of Lane Cove LEP 2009 subject to imposition of draft conditions and resolution of traffic entry and exit arrangements. In view of the traffic safety issues raised by Council's traffic engineer, the proposed development should be deferred until the issues with regard to the construction of the internal road is resolved with Council. The proposal is recommended for a deferred commencement approval.

It is disappointed that the applicant belatedly chose to address issues highlighted of the pre and past lodgement meetings. Council time and resource could have been better utilized if a mature approach and a complying proposal was evident at an early stage of the assessment process.

RECOMMENDATION

PART- A

DEFERRED COMMENCEMENT CONDITIONS

THAT pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grant deferred development consent to Development Application 12/39 for the demolition of all existing structures and construction of 5 residential flat buildings comprising 218 dwellings, a shop and basement car parking and 18 car spaces and a bus parking spaces on the following lots

- Lot A, DP 342316;
- Lot 1, DP 338571;
- Lot B, DP 342316;
- Lot 1, DP 204603;
- Lot 2, DP 204603; and
- Lot 3, DP 204603, known as 316-322 Burns Bay Road, Lane Cove

subject to the following conditions:

1. The applicant has entered into a an appropriate legal arrangement ("the agreement") with the Council (as landowner of 304-314 Burns Bay Road) for the design and construction of an access road through the adjoining site at 304-314 Burns Bay Road, Lane Cove and for access to and from the development by means thereof.
 - a. The agreement must include the following:
 - i. The redesign of the proposed development to include an access road to and from the development through the adjoining site at 304-314 Burns Bay Road, Lane Cove, to the satisfaction of the Council.
 - ii. Details as to the monetary contribution to the capital works.
 - iii. Details as to the payment of any security, liabilities, risk and indemnities involved in the proposed works.

- iv. As the proposed access road is to join onto a classified road, the redesign must be to the satisfaction of the Roads and Maritime Service.
2. The applicant has redesigned the subject development, to the satisfaction of the consent authority, providing internal vehicular access to and from the development site's car park up to the proposed access road over the adjoining site at 304-314 Burns Bay Road, Lane Cove under condition 1.
3. Evidence that will sufficiently enable the consent authority to be satisfied as to those matters identified in the deferred commencement conditions 1(a) and 2, as indicated above, must be submitted to the consent authority within 12 months of the date of determination.
4. The consent will not operate until such time that the consent authority notifies the Applicant in writing that deferred commencement consent condition, as indicated above, has been satisfied.
5. Upon the consent authority giving written notification to the Applicant that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the following conditions of consent.

PART - B.

Subject to A. above being satisfied, a development consent and plans be issued, subject to the following conditions:

General Conditions

1. That the development be strictly in accordance with the following drawings numbered 11048, dated 20/09/12, prepared by Mosca Pserras Architects except as amended by the following conditions.
 - Site Plan, AP03, Issue F;
 - Basement 3 Plan, AP04, Issue F;
 - Basement 2 Plan, AP05, Issue F;
 - Basement 1 Plan, AP06, Issue F;
 - Ground Floor Plan, AP07, Issue F;
 - Level 1 Plan, AP08, Issue F;
 - Level 2 Plan, AP09, Issue F;
 - Level 3 Plan, AP10, Issue F;
 - Level 4 Plan, AP11, Issue F;
 - Level 5 Plan, AP12, Issue F;
 - Level 6 Plan, AP13, Issue F;
 - Level 7 Plan, AP14, Issue F;
 - Roof Plan, AP16, Issue F;
 - Elevations Sheet 1, AP 17, Issue F;
 - Elevations Sheet 2, AP18, Issue F;
 - Elevation Sheet 3, AP19, Issue F;
 - Elevation Sheet 4, AP20, Issue F;

- Sections Sheet 1, AP21, Issue F;
 - Sections Sheet 2, AP22, Issue F;
 - Adaptable Unit Details, AP23, Issue F.
2. The pedestrian access from Burns Bay Road to the internal road of the development in Block 1 and Block 3 must be available for all residents and visitors of the development at all time.
 3. The minimum width of the footpath on the internal road is to be 1.5m wide.
 4. Appropriate measures must be taken to ensure the following LAeq Levels are not exceed:
 - a) In any bedroom in the building: 35dB(A) at any time 10pm-7am.
 - b) Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.
 5. The sandstone walls proposed for landscaping in the development to be similar to that used in the northern boundary wall of Carisbrook, in terms of the absence of striation.
 6. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
 7. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
 8. The approved plans must be submitted to a Sydney Water Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The consent authority or a private accredited certifier must:-

- Ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.
9. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
 10. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL 373.8 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 **\$3,431,614.80** AT THE CURRENT RATE OF \$9,180.35 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 PAYMENT OF A CONTRIBUTION OF **\$9,180.35** TOWARDS TRAFFIC MANAGEMENT AND STREETScape IMPROVEMENTS, OPEN SPACE AND RECREATION FACILITIES, DRAINAGE AND COMMUNITY FACILITIES. THE CONTRIBUTION TO BE MADE PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE AND TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. THE AMOUNT IS AT THE CURRENT RATE OF *. NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.

THE CONTRIBUTION IS BASED ON 100.23SQM AND THE CONTRIBUTION RATE OF \$94.87 PER SQM OF ADDITIONAL RETAIL/COMMERCIAL FLOOR SPACE.

THIS CONTRIBUTION IS UNDER LANE COVE COUNCIL SECTION 94 CONTRIBUTIONS PLAN WHICH IS AVAILABLE FOR INSPECTION AT THE CUSTOMER SERVICE COUNTER, LANE COVE COUNCIL, 48 LONGUEVILLE ROAD, LANE COVE.

12. Hours of building construction

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

Monday to Friday (inclusive) 7am to 5.30pm.

Saturday 7am to 4pm with no excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.

Sunday No work Sunday or any Public Holiday.”

13. 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.
14. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
15. Separate development consent must be obtained for the use of the proposed shop.
16. All advertising signs/structures being the subject of a separate development application.

17. The provision of 360 on-site carparking spaces for the use of the development at all times.
18. 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.**
19. 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.

20. 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.
 - d) A statement of hours of work and restrictions.

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

21. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.
22. Where Lane Cove Council is appointed as the Principal Certifying Authority, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-
 - a) All reinforcement prior to filling with concrete.
 - b) Framework including roof and floor members when completed and prior to covering.
 - c) Installation of steel beams and columns prior to covering
 - d) Waterproofing of wet areas
 - e) Stormwater drainage lines prior to backfilling
 - f) Completion.
23. Structural Engineer's details being submitted PRIOR TO ISSUE OF

CONSTRUCTION CERTIFICATE for the following:-

- a) underpinning;
 - b) retaining walls;
 - c) footings;
 - d) reinforced concrete work;
 - e) structural steelwork;
 - f) upper level floor framings.
24. All metal deck roofs being of a ribbed metal profile or colourbond corrugated galvanised or zincalume iron, in a mid to dark range colour and having an approved anti-glare finish.
25. A check survey certificate is to be submitted at the completion of:-
- a The establishment of each floor level;
 - b 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. The use of 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:-
 - (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 site being cleared of all debris and left in a clean and tidy condition at the completion of all works.
29. 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.
30. All spillage deposited on the footpaths or roadways to be removed at the completion of each day of work.
31. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
32. Compliance with Australian Standard 2601 - The Demolition of Structures.
33. Compliance with the Waste Management Plan submitted with the development application.
34. It should be understood that this consent in no way relieves the owners or applicant from any obligation to obtain any other approval which may be required under any covenant affecting the land or otherwise nor relieve a person from the legal civil consequences of not complying with any such covenant.
35. Lane Cove Council charges a fee of \$36 for the registration of any Part 4A Certificates (compliance, construction, occupation or subdivision certificates) issued by an accredited certifier under the Environmental Planning and Assessment Act.
36. **Long Service Levy** Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

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

37. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.
38. 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.

39. Access and parking spaces for disabled persons being provided in accordance with Part D.3 of the Building Code of Australia.
40. 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.
41. Noise from domestic air conditioners is not to be audible in any adjoining dwelling between the hours of 10:00pm and 7:00am on weekdays or between the hours of 10:00pm and 8:00am on weekends and public holidays.

If the noise emitted from the air conditioning unit results in offensive noise, Council may prohibit the use of the unit, under the provisions of the Protection of the Environment Operations Act 1997.
42. Use of explosives is not permitted.
43. Pedestrians' portion of footpath to be kept clear and trafficable at all times.
44. **Prior to the issue of an Occupation Certificate**, the applicant must make written application to Council for the provision of domestic waste services.
45. Separate development consent is required for the strata subdivision of the development.

Community Service Conditions

46. The vehicular access to Carisbrook House car park must be available at all time. No gates are permitted to be installed at the entrances of this site.
47. The Carisbrook House car park comprising 18 car spaces and a coach parking space must be allocated for the exclusive use of Carisbrook and its visitors.

48. Adequate signposting must be installed, advising that on grade car park is for the exclusive use of Carisbrook visitors and staff and no resident parking is permitted. Detail of signage is to be submitted to Council for approval prior to the issue of the Occupation Certificate.
49. Council reserves the right to request the erection of a physical barrier, if required, to restrict unauthorised parking in the Carisbrook car park outside Carisbrook operating hours.
50. A right of way must be created for the access to the Carisbrook car park prior to the issuing of the strata subdivision certificate of the development.
51. The access to the Carisbrook garage driveway must be retained at all time.
52. The direct pedestrian access link between Carisbrook courtyard garden and the "Truck Turning Area" at the southern end of the site must be deleted.
53. no works including landscaping works are to be undertaken within the site boundaries of Carisbrook without prior consultation and approval from Council

General Engineering Conditions

54. **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.
55. **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.
56. **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.**
57. **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.
58. **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.
59. **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.

60. **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'*.
61. **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.
62. **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.
63. **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.
64. **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.
65. **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.

66. **Truck Shaker:** A truck shaker ramp must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass the truck shaker. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.
67. **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.
68. **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.
69. **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.
70. **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.

Engineering conditions to be complied with prior to Construction Certificate

71. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with plan **9389/DA03 Rev G** prepared by **J Wyndham Prince** dated **10-9-12**.

A DETAILED design and Certification by a suitably qualified engineer of the above plans is to be submitted to the Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Construction Certificate**.

The Principal Certifying Authority is to satisfy themselves of the

adequacy of the certified plans for the purposes of construction. They are to determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of THE CONSTRUCTION CERTIFICATE.

72. **Positive Covenant Bond:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the three bio remediation devices. Lodgement of this bond is required **prior to the issue of the Construction Certificate.**
73. **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.**
74. **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.
75. **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.
76. **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.

77. **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.

78. **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**.

79. **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**.

80. **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**. The applicant is required to seek additional approval from the Roads and Maritime Services **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.**

81. **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.
82. **Council infrastructure damage bond:** The applicant shall lodge with Council a \$80,000.00 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.**
83. **Council Construction Requirements:** The applicant shall construct / reconstruct the following:
1. New 1.5m wide footpath along the entire frontages of the site.
 2. New Kerb and Gutter along the entire frontages of the site.
 3. Reinstall all nature strips with turf and soil along the entire frontage of the site.
- A \$20,000.00 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.
84. **Council Inspection Requirements:** The following items shall require Council inspections.
- New footpath
 - New kerb and gutter
- Each item is to be inspected prior to the pouring of any concrete (formwork) and on completion of the construction. An initial site meeting is to be conducted with Council and the contractor prior to the commencement of any of the above works to allow for discussion of Council construction / set out requirements.
- An Inspection fee of \$580.00 is to be paid **prior to the issue of the Construction Certificate.** Additional inspections from the Roads and Maritime Services may be required and need to be organised and paid for by the applicant **prior to the issue of the Construction Certificate.**
85. **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

86. **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

87. **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.**
88. **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.**
89. **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.**
90. **Positive Covenant:** Documents giving effect to the creation of a positive covenant over the bio remediation devices shall be registered on the title of the property **prior to the issue of the Occupation Certificate.** The wording of the terms of the bio remediation devices shall be in accordance with part O Council's DCP-Stormwater Management.

Landscaping Conditions

91. 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.

92. The applicant must obtain a Tree Works Permit from Council prior to pruning of any trees; greater than 4 m in height, located on the property or in neighbouring properties including the cutting of any tree roots greater than 40 mm in diameter.
93. 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.
94. There shall be no access through adjacent park/reserve/ heritage garden to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.
95. No access to the property is allowed via adjoining easement, public open space or public / heritage garden.
96. Submission of a Tree Protection Plan for the trees along the southern boundary in the adjacent heritage property and the eastern portion of the site to be prepared by an AQF Level 5 consultant arboriculturalist. The Tree Protection Plan must illustrate protective measures for all trees to be retained/ protected during construction and identify the location of tree protection fencing and appropriate signage. The Tree protection plan must be submitted to the accredited certifier **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE AND BE AVAILABLE ON SITE FOR THE DURATION OF THE DEVELOPMENT.**
97. A waterproof sign must be placed on all tree protection zones stating 'NO ENTRY TREE PROTECTION ZONE'. This signage must be in accordance with Australian Standard (AS1319).
98. 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.
99. All trees designated for retention and protection must be tagged by the site arborist prior to commencement of works including site preparation and demolition. The identification tags must show the tree species, tree number and tree protection specifications for each individual tree. The

tags must be placed on each tree at 1.6m from ground level and be in legible size for examination. The arborist shall certify that all trees have been tagged correctly and this certification must be obtained by the Private Certifier prior to commencement of works on the site. The tags must remain on the trees for the duration of the development works including landscape construction.

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

100. Detailed landscape working drawings consistent with Councils Landscape Checklist, that comply in all respects with the approved DA landscape plans prepared by Clouston Associates S11 0129 SK 5;13 & 16 , while addressing any conditions of consent and any tree protection measures are to be submitted to prior to release of the Construction Certificate. Each plan/ sheet is to be certified by a qualified landscape architect / environmental designer or horticulturist. The landscape construction plans must show the construction detailing and treatment of common open space areas, details of landscape buffers and setbacks, balconies,/ on-structure/ roof top amenity plus any decking and raised screening or general landscaping treatment.
101. The Applicant must ensure that 3 medium trees are planted along the southern boundary between the proposed sandstone gateway walls (as per Landscape Dwg: S11-0129 SK 5 , Issue H by Clouston Associates), to provide buffer planting and a vegetative partition between the heritage property courtyard and the proposed development. Adequate soil depth, volume and an appropriate structural soil profile and load bearing surface treatment with any root deflection measures, if required, against the heritage outhouses are to be installed. Submission of the refined details, are to be submitted for Councils approval.
102. The Applicant must make provision for on-structure landscaping to have adequate soil depth, volume and suitable profile to support the number of trees and shrubs indicated on the approved DA plan as set out in Lane Cove DCP Part J1.9. Submission of on-structure landscape details to be submitted for Councils approval.
103. The Applicant must ensure that there are sufficient number of groundcovers and low shrubs, planted at appropriate distances and depths to eliminate bare mulched gardens areas within twelve (12) months of completion of all landscaping works. Where screen planting is required throughout the development, plants must have a height of 2m at planting.
104. The Applicant must ensure that deep soil zones have adequate soil depth, volume and suitable profile to support the number of trees and shrubs indicated on the approved DA plan.
105. The Applicant shall 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.
106. The proposed tree plantings are to be locally indigenous species or the dominant tree species growing in the area and to be trees that grow no

less than 4 m at maturity, to be installed in pot sizes no smaller than 400 Rocket Pot, 45 litres and 75litres in accordance with the approved DA Landscape plans.

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

107. A certificate is to be submitted by a qualified practising landscape architect, Landscape / environmental designer or horticulturist, certifying that the proposed items featured on the DA approved plans, have been detailed and installed in accordance with the certified details shown on the approved landscape construction drawings and specifications:
- a. structural soil profiles for street tree planting pits with tree grates or load bearing / decorative surfacing
 - b. verge plantings and Bio swales
 - c. any on structure planting profiles, associated waterproofing membrane and drainage.

Works are not to progress past this point until Council or the accredited certifier has confirmed that this condition has been satisfied.

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

108. A landscape practical completion report is to be prepared by the consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report is to certify that all landscape works have been completed in accordance with the landscape construction /working drawings. A copy of this report is to accompany the request for issue for issue of an Occupation Certificate

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

109. Prior to issue of the Certificate of Occupation, the applicant is to submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from the date of issue of the Certificate of Occupation.
110. At the completion of the landscape maintenance period, the consultant landscape architect/ designer is to submit a final report to Council or the accredited certifier within 7 working days, certifying that all plant material has been successfully established, that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Owner/ Occupier.

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

Waste Management Conditions

111. The number of bins for the proposed development will be 71 for general waste and 42 for recycle waste.

The following bin schedule is required for the development: (All bins sizes are 240L)

Block 1 62 Units	Block 2 60 Units	Block 3 34 Units	Block 4 31 Units	Block 5 32 Units
20 General Waste	20 General Waste	11 General Waste	10 General Waste	10 General Waste
6 Commingle Recycle	6 Commingle Recycle	3 Commingle Recycle	3 Commingle Recycle	3 Commingle Recycle
6 Paper Recycle	6 Paper Recycle	3 Paper Recycle	3 Paper Recycle	3 Paper Recycle
Total 32 Bins	Total 32 Bins	Total 17 Bins	Total 16 Bins	Total 16 Bins

112. A separate **Site Waste Minimisation and Management Plan** will be required for the use application of the proposed shop.

Traffic Management Conditions

113. Due to the safety impacts on the adjoining local road network, the applicant is to provide a financial contribution towards the construction of a public road across 304-314 Burns Bay Road, outside of the Section 94 contribution, by entering into a works Authorisation Deed with Council.
114. The proposed access road connecting to the link road through 304-314 Burns Bay Road shall be designed to meet RMS's and Council's requirements. It is to be endorsed by a suitably qualified practitioner, as being designed in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RMS for consideration and approval prior to the release of the Construction Certificate and commencement of the road works.
115. RMS and Council fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the release of the Construction Certificate and the commencement of the works.
116. The applicant shall comply with AS2890.2 with respect to truck manoeuvring on the site.
117. All parking spaces shall be installed in accordance with AS2890.1.
118. All loading activity must be confined to the site. In this respect, No Stopping zones shall be implemented along the Burns Bay Road frontage, at the applicant's expense. The signage is to be installed prior

to the issue of the Occupation Certificate.

119. The shared areas for the disabled parking will need to comply with AS2890.6. The shared areas will require a bollard or the like to prevent vehicles parking in these spaces.
120. Where security shutters are used for the basement car parks, then intercom systems will be required to allow visitors to utilise the allocated parking spaces. Also, the visitor parking will require signposting, both for the car spaces and at the car park entries at each of the street frontages notifying visitors that the on-site parking is available.
121. Signage will also be required at the proposal's access that the parking for Carisbrook House is provided on the site.
122. The location for the proposed new bus stop on Burns Bay Road is considered unsafe, as it is located too near the site egress. It is unclear why the applicant has not shown the indented bus bay, required adjacent to Carisbrook House. The traffic report refers to a number of options considered. There are four options listed, a) the bus stop could potentially provided in an indented bay, b) maintain the bus stop in its existing location at the northern end of the site, c) the bus stop within the proposed deceleration lane, and d) relocate the bus stop to the southern access to the site (some 70 meters from the existing location). All of the above options require detailed consultation with the RMS and Sydney Buses as there is high speed traffic at Burns Bay Road at the front of 316 – 332 Burns Bay Road.
123. No Stopping zones will be required on Burns Bay Road, for the length of the site (outside any approved bus zone).
124. No Stopping zones will be required for all internal roads, excepting where approved loading zone and visitor parking are provided. A detailed drawing showing all signposting should be forwarded for Council's consideration.
125. The marked pedestrian crossings within the site will require signposting and pavement markings consistent with RMS standards and RMS Technical Directions.
126. The T-junction within the site requires a traffic control arrangement to formalise traffic movements at the intersection. The type of traffic control to be used requires analysis and justification.
127. A Traffic Construction Management Plan shall be prepared to consider the impact of the on and off street road network and include the details of the temporary parking for 6 cars being provided on site for Carisbrook House visitor and staff during the construction period.

Road and Maritime Service Conditions

128. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.

129. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973
Parramatta CBD 2124.

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

130. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by RMS.

This report would need to address the following key issues:

- a. The impact of excavation/rock anchors on the stability of Burns Bay Road and detailing how the carriageway would be monitored for settlement.
- b. The impact of the excavation on the structural stability of Burns Bay Road.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

Telephone 8848 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

131. A Road Occupancy Licence should be obtained from RMS for any works that may impact on traffic flows on Burns Bay Road during construction activities.
132. The proposed access shall be designed to meet RMS's requirements, and be endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with AUSTROADS and other Australian Codes of Practice. The certified copies of the civil design

plans shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by Council and commencement of road works.

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 RMS's assessment of the detailed civil design plans.

RMS fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

- 133. All redundant driveways shall be removed and replaced with kerb and gutter to match existing.
- 134. 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 the 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 RMS's Sydney Project Services on 8849 2496.

- 135. All vehicles are to enter and leave the site in a forward direction.
- 136. 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.
- 137. The required sight lines to other vehicles and pedestrians in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials. Minimum sight lines for pedestrian safety are outlined in AS2890.1 (Figure 3.3).
- 138. The proposed development should be designed such that road traffic noise from Burns Bay Road is mitigated by durable materials, in accordance with the NSW Environment Protection Authority (EPA) criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
- 139. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council and RMS for approval prior to the issue of the Construction Certificate. The TMP must detail the

traffic impact of the construction works on the local area and the means proposed to manage construction works to minimise such impacts. In particular, the report must consider the impact on any on-street parking during construction, the movement of trucks to and from the site, the location of any site sheds, and the use of any cranes and concrete pumps. The applicant is to note that the use of cranes and pumps on the public reserve requires a "Permit to Stand Plant" from Council. All materials and plant are to be stored on-site unless prior permission is received from Council to use the footpath.

140. If not already in place, full time "No Stopping" restrictions are to be implemented along the full Burns Bay Road frontage of the development site, excepting the relocated 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 RMS's Traffic Management Services on phone: (02) 8849 2021 for a works instruction.
141. No demolition, remediation or other work is to occur on site until such time as RMS has been provided with, and approved, a Demolition Traffic Management Plan detailing vehicle routes, number of trucks, hours of operation, access arrangements and traffic control arrangements associated with the demolition and/or remediation of the site.
142. No Construction Certificate is to be issued by a Certifying Authority until such time as evidence is received by the Certifier confirming that the Traffic Management Plan referred to in Condition 14 above has been approved by RMS.
143. Detailed designs regarding the left out only access and the proposed link road are to be provided to Council's Traffic Section and RMS for review and approval prior to the issue of the Construction Certificate.
144. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
145. The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTRROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
146. Council should ensure that all pedestrian pathways within the site meet the requirements of the Disability Discrimination Act 1992.
147. Council should ensure that disabled parking spaces are appropriately located within the basement car park and are in accordance with AS2890.1. The shared areas for disabled parking will need to comply with AS2890.6. The shared areas will require a bollard or the like to prevent vehicles parking in these spaces.
148. Signage will be required on Burns Bay Road to the north of the site to

inform motorists that access to, and parking for Carisbrooke House, is provided via the signalised intersection.

149. The final location of the bus stop and bus zone will require detailed consultation with RMS and Sydney Buses as there is high speed traffic on Burns Bay Road at the frontage of the site.
150. No stopping zones will be required for all internal roads, excepting where approved loading zones and visitor parking are provided. A detailed drawing showing all signposting should be forwarded to Council for consideration.
151. The marked pedestrian crossings within the site will require signposting and pavement markings consistent with RMS standards and RMS Technical Directions. The t-junction within the site requires a traffic control arrangement to formalise traffic movements at the intersection. The type of traffic control to be used requires analysis and justification.

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| Attachment 1 - | Heritage Advice |
| Attachment 2 - | Council's Traffic Engineer's Advice |
| Attachment 3 - | Council's Landscape Architect's Advice |
| Attachment 4 - | Advice from Road and Maritime Services |
| Attachment 5 - | Consulting Architect's SEPP 65 assessment advises |