



Date: 3 December 2012

Panel Secretariat  
Joint Regional Planning Panel  
Sydney Region East  
23-33 Bridge Street  
SYDNEY NSW 2000

For the Attention of:  
Mr John Roseth, Chair of Sydney East Joint Regional Planning Panel

Dear Sir

**RE: 2012 SYE033, DEVELOPMENT APPLICATION DA  
12/39 316-322 BURNS BAY ROAD, LANE COVE**

Reference is made to the Agenda for the Sydney East Joint Regional Planning Panel meeting of 6 December 2012 and specifically the item relating to 2012 SYE033.

This letter has been prepared on behalf of the owner and project proponent Tuta Properties Pty Ltd (Tuta) and is a response to the Supplementary Assessment Report and draft conditions of approval prepared by Lane Cove Council (the Council). This letter should be read in the context of the Council's correspondence dated 16 October 2012 and the Council meeting report relevant to that correspondence and the APP letter dated 17 October 2012. While there is an overlap between the two responses we seek to limit the repetition of our arguments.

**Council Report to JRPP Meeting 17 October 2012**

The Assessment Report tabled on the Joint Regional Planning Panel (JRPP) Agenda of 17 October 2012 included a recommendation for the grant of deferred commencement consent. One of the deferred commencement conditions required the Applicant to enter into an appropriate legal arrangement with the Council (as landowner of 304-314 Burns Bay Road) for the design and construction of an access road through the adjacent Council land.

In the period since 17 October 2012 the Council (as land owner) and Tuta (owner of 318-322 Burns Bay Road) have entered into a Deed of Agreement and Licence to Access the future road.

The Deed and Licence sets out the obligations and rights of the parties and will, when the Council completes the proposed road across 304-314 Burns Bay Road, enable the proposed development to link to that road and provide an alternate and additional access route to that proposed under the current development application. The Deed and Licence facilitate the construction of the proposed road but does not obligate the Council as land owner to build the road nor does it establish a timetable for completion or construction of the road.

The action of the Council and Tuta in executing the Deed and Licence has satisfied in full the terms

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and intent of the previously proposed deferred commencement consent conditions and the development application as submitted stands for determination by the JRPP.

### **Development Application DA12/39**

The development application proposes the demolition of existing buildings, removal of trees and excavation of land within the site comprising 316-322 Burns Bay Road to enable the construction of a residential flat development comprising 218 dwellings within five residential blocks, a neighbourhood shop, basement car parking for 377 cars, landscaping, construction of a new substation and relocation of the existing bus stop. In addition it is proposed that vehicular access will be from Burns Bay Road, replacing the four existing driveway crossings with a slip lane providing left hand ingress and egress from and to Burns Bay Road.

During the course of the assessment of the development application it was agreed between Tuta and the Council (as land owner) that the proposal would incorporate the provision of 18 car parking spaces to provide public parking to visitors of the adjacent Carisbrook House. The parking is located partly within the development site (316-322 Burns Bay Road) and partly within Council road reserve of Burns Bay Road. Council as land owner granted owners consent to this aspect of the proposed development.

The development application as submitted has been the subject of referrals to Roads and Maritime Services (RMS). The RMS letter dated 21 September 2012 (Attachment 4 to the Council's original assessment report) provides a two part response, the first provides RMS's requirements for the development if the only access is proposed by the future access road across 304-314 Burns Bay Road and the second gives the RMS's requirements should the link road not be constructed.

At time of determination of the development application (6 December 2012) the link road has not been constructed. The Council (as land owner) is progressing designs and approval processes for the road but the road remains a future project and not part of the Council's capital works program. Accordingly, it is appropriate for the concurrence and conditions contained within the second part of the RMS letter to be applied to the determination of the development application.

### **Supplementary Report to DA12/39**

The Council's Supplementary Report notes that the previously proposed deferred commencement conditions have been satisfied by the execution of the Deed of Agreement and Licence to Access Public Road by the Council (as land owner) and Tuta. The Deed is not a Works Authorisation Deed as stated in the report.

The Supplementary Report states:

*Council supports the Roads and Maritime Services (RMS) advice Part 1 for left out traffic only from the proposed development to Burns Bay Road. Given that Part 1 does not permit left in traffic from Burns Bay Road to the proposed development, the proposed deceleration lane is considered unnecessary for the development and should be deleted.*

*However, Council's traffic engineer raises no objection to the construction of the deceleration lane.*

A review of the RMS correspondence demonstrates that Part 1 of the advice relates to a development that includes (and is dependent upon) the construction of the link road while Part 2 of the advice grants concurrence to the development application as proposed with the left in/left out access to Burns Bay Road, including the slip lane.

The Council's traffic engineer raises no objection to the slip lane as noted in the Supplementary Report.

As the development is not dependent upon the access road across the Council's land and in circumstances where the access road has not been constructed it is illogical from a traffic safety perspective to require the deletion of the deceleration lane from the proposal which could be completed and occupied prior to the Council road being constructed. The deceleration lane will be required on occupation of the proposed development and concurrence has been granted to enable its construction.

Upon completion of the access road across the Council land and its connection to Burns Bay Road an additional and alternate access will be made available to the residents of 316-322 Burns Bay Road. This in itself is not a reason to require the deletion of the deceleration lane.

The Council seeks to rely on a statement in the RMS advice that it supports in principle the proposed link road to the local road network as the basis on which the Council proposes the deletion of the deceleration land and imposition of the Part 1 conditions. Tuta also supports the proposed link road but the road IS NOT proposed under the current development application and Tuta has no control over the timing of its construction. Provision is made for this in Part 2 of the RMS advice and it is submitted that as concurrence has been granted to the development application as submitted the Part 2 conditions should be incorporated into any development consent issued.

This submission does not seek to critique the Council's report. Set out below are a series of comments and observations that require clarification or emphasis. This will also provide background to the objections raised below in relation to the draft conditions recommended by Council.

The Supplementary Report responds to four issues raised by APP in the correspondence dated 17 October 2012 under the heading RESPONSE TO THE APPLICATION SUBMISSION. The comments are noted in relation to item 1(a) however it is important to respond to the potentially misleading statements made in relation to items 1(b), (c) and (d).

***Issue 1(b) The development application does not include a Voluntary Planning Agreement.***

The confidential and without prejudice discussions referred to in the APP letter of 17 October 2012 between the Council (as land owner) and Tuta were concluded in recent weeks with the execution of a Deed of Agreement and Licence to Access Public Road. The statement in the Council's Supplementary Report that the parties have entered "...into a deed of agreement to construct a link road satisfactory to the requirements of the RMS advice Part 1" is both incorrect and misleading.

The Deed of Agreement and Licence to Access Public Road DOES NOT reference in any way the RMS concurrence advice of 21 September 2011 instead it acknowledges that the development as proposed includes the construction of the slip lane. This comment made by Council should be dismissed.

***Issue 1(c) RMS has granted concurrence to the development application as submitted***

The response by Council is misleading and in part incorrect. The RMS advice of 21 September 2012 provides concurrence and conditions to the development application in two parts, firstly in circumstances where the development is dependent upon the Council access road and secondly in circumstances where the access road has not been constructed. The Council's unconditional adoption of the Part 1 conditions ignores the RMS consideration of the application and recognition that while the access road is supported in principle by the RMS that the proposed development should be permitted to proceed should the access road not be constructed. Part 2 of the advice should therefore be adopted for the purpose of determining the development application.

The statement in the Supplementary Report that “*The deed of agreement between the owner of the site and Council calls up the RMS Part 1 advice.*” is incorrect and misleading and should be dismissed.

**Issues 1(d) DCP Controls concerning Access to the Site**

It is agreed that the development application should be assessed against the DCP which has been operative from 9 December 2011.

The Block 2 controls were amended on 9 December 2011 to delete reference to the deceleration lane and to incorporate the following statement “*If required by the RTA, the future development of 316-322 Burns Bay Road shall allow for a deceleration lane along Burns Bay Road to comply with RTA guidelines and requirements.*”

As discussed above Part 2 of the RMS grants concurrence to the proposal which incorporates the deceleration lane and the conditions and requirements of the RMS relating to the construction of the deceleration lane in circumstances where the access road has not been constructed. The conditions within Part 2 of the RMS correspondence are accepted and will be complied with in any development consent granted.

**Review of Conditions**

For ease of reference we have reproduced the Council’s table from the Supplementary Report and added comments of APP.

ORIGINAL CONDITION NO.	COUNCIL PROPOSED AMENDMENTS	COUNCIL COMMENTS	APP COMMENTS
Part A  Deferred Commencement Conditions	Deleted	The owner of the site and Council have reached an agreement and executed a deed of agreement for the construction of a link road that would provide vehicular access to Burns Bay Road in a manner acceptable to the RMS. The requirements of Part A deferred commencement conditions have been fully addressed.  Therefore, all Part A deferred commencement conditions are deleted.	Noted, deletion of the deferred commencement consent conditions is supported.
<b>Part B</b>			
1	No change	The applicant requested that the conditions to be amended to be “ <b>generally</b> ” in accordance with the nominated architectural drawings instead of “ <b>strictly</b> ”.  Council does not support the request as the assessment has been based on the details	The request for the amendment is still maintained. We request that the condition be amended so that <b><i>development be strictly generally in accordance with</i></b> the nominated architectural drawings so as to remove the

		of the nominated architectural drawings.	necessity for section 96 applications for insignificant design refinements during the construction certification development phase.
1A	<p>Amended plans to be submitted Amended plans and specifications incorporating the following amendments are to be submitted with the application for a Construction Certificate</p> <p>(i) The deceleration lane at the front of the property adjacent to Burns Bay Road must be deleted and replaced with landscaping.</p>	This is a new condition in response to the RMS requirements.	This condition must be deleted as it is based on a false premise. RMS have granted concurrence to the slip lane and the development in circumstances where the access road within 304-314 Burns Bay Road has not been constructed.
3	No change	<p>The applicant requested that the width of the footpath to be reduced to 1.3m.</p> <p>Council does not support this request as the minimum width for an accessible footpath is 1.5m.</p>	<p>An accessible footpath of a 1.5m width can be provided generally within the site except between blocks 1 and 2 where a 1.3m wide accessible foot path can be provided. To amend the footpath width in this location would mean that Block 1 would either need to be moved closer to Burns Bay Road by 400mm, or encroach into the eastern set back by 400mm, or reduce the truck parking bay width by 400mm. None of these design solutions is ideal.</p> <p>A 1.3m wide pathway between block 1 and 2 is acceptable given the nature of the proposal and the low traffic volumes.</p>
10	No change	The Section 94 contribution Plan applies to the proposed development and this is a separate requirement to the DEED.	Noted.
11	THE PAYMENT OF A CONTRIBUTION OF <b>\$9,508.82</b> TOWARDS	There was an error in the original condition. Calculations have been checked and now	Noted.

	<p>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 \$94.84/m<sup>2</sup>. NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.</p> <p>THE CONTRIBUTION IS BASED ON 100.23 SQM AND THE CONTRIBUTION RATE OF \$94.87 PER SQM OF ADDITIONAL RETAIL/COMMERCIAL FLOOR SPACE.</p> <p>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.</p>	<p>reflect Council's Section 94 Contribution Plan.</p> <p>The required amount should be <math>\\$94.87 \times 100.23\text{m}^2 = \\$9508.82</math></p>	
15	<p>The shop must meet the definition of "neighbourhood shop" of Lane Cove Local Environmental Plan 2009.</p> <p>The shop is used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local</p>	<p>The applicant stated that a neighbourhood shop is the only type of shop permitted and car parking has been provided for the shop and condition 10 requires the payment of a contribution towards floor space of the neighbourhood shop and requested that the condition to be deleted.</p> <p>The hours of operation of the shop were not included in the application. The condition sets</p>	Noted. The condition is acceptable.

	<p>area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.</p> <p>The hours of operation of the neighbourhood shop is strictly between 7:00am to 7:00pm, Monday to Sunday.</p>	<p>the standard hours and days of operation and is recommended for amendment.</p>	
17	<p>The minimum provision of 360 on-site car parking spaces, 14 motor cycle spaces, 22 bike lockers and 18 bike rails must be provided for the use of the development at all times.</p>	<p>It is noted that there are 377 car spaces proposed in the development and the minimum car parking requirement of the development is 360 car spaces in accordance with the Lane Cove Development Control Plan (DCP).</p> <p>However, there are no bike lockers proposed to meet the parking requirements of DCP.</p> <p>The applicant could convert some car spaces for the required bike lockers to meet the DCP requirements.</p>	<p>Noted. The condition is acceptable.</p>
49	<p>No change</p>	<p>Council does not support the request of the applicant to delete this condition. The intention of this condition is to fully secure the car spaces in the Carisbrook car park for the operation of the Carisbrook House.</p> <p>For example, Non visitors to Carisbrook House may park their cars in the car park prior to the opening of Carisbrook House and may be tempted to occupy the car park during the operation of the Carisbrook House.</p>	<p>We request that the condition be deleted. The fencing of the physical barrier as proposed would adversely affect circulation in the car park. Also if the intention is to fence the spaces when Carisbrook House is closed and there is no demand for parking to Carisbrook House then it is not necessary to secure the spaces and preclude their use.</p>
51	<p>Deleted</p>	<p>Deleted Agreed with the applicant as the condition relates to the land not included in the development proposal.</p>	<p>Noted.</p>
74	<p>Deleted</p>	<p>Deleted Agreed to delete as the required payment is not</p>	<p>Noted.</p>

		included in the Lane Cove Council's current Fees and Charges Schedule.	
113	Deleted	The condition has been addressed by the execution of the Deed agreement.	Deletion of the condition is supported and noted.
114	Deleted	The condition has been addressed by the execution of the Deed agreement.	Deletion of the condition is supported and noted.
115	Deleted	The condition has been addressed by the execution of the Deed agreement.	Deletion of the condition is supported and noted.
122	Deleted	This is a traffic comment and not a condition.	Deletion of the condition is supported and noted.
124	Deleted	This condition repeats requirement of RMS in condition 150.	Deletion of the condition is supported and noted.
125	Deleted	This condition repeats requirement of RMS in condition 151.	Deletion of the condition is supported and noted.
126	Deleted	This condition repeats requirement of RMS in condition 151.	Deletion of the condition is supported and noted.
127  Numbered 118 in the revised conditions below	No change	This condition is required to ensure that temporary car parking is to be provided for Carisbrook House during the construction of the proposed development.	This condition should be deleted Presently there is no formal car parking available on the subject site for Carisbrook House. To require the provision of six temporary spaces during the construction phase is unreasonable and impractical as the site will be a construction zone which by the conditions of this consent is required to be fenced to ensure public safety. It is reasonable to require the preparation of a Construction Traffic Management Plan and this is called for in RMS condition 131.
128 to 151	No change	No change Council only supports Part 1 of the RMS	The Council nominated conditions are the RMS



inclusive		recommendation.	Conditions Part 1 and were proposed on the premise that the access road within the Council land has been constructed, these are not the circumstances of the development application. The Part 1 conditions should be deleted in their entirety as shown and replaced with the Part 2 conditions. See the amendments below.
Numbered 119 to 139 inclusive in the list below.			

### Revised Recommendation

For ease of reference we have extracted below the Council's revised recommendation and have ~~struck through~~ the matters we request be deleted and have underlined new text. The conditions below reflect the discussion from the table above and pick up some additional matters where it is considered the content of the Council condition is a note rather than a condition or is a duplicate of an RMS requirement.

THAT pursuant to Section 80(1) (a) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grants development consent to Development Application DA 12/39 (2012SYE 033) for the demolition of all existing structures and construction of 5 residential flat buildings comprising 218 dwellings, a shop, basement car parking and 18 car spaces and a bus parking space for Carisbrook House 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

also known as 316-322 Burns Bay Road, Lane Cove subject to the following conditions:

### General Conditions

1. That the development be ~~strictly~~ generally 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.

- ~~1A. Amended plans to be submitted Amended plans and specifications incorporating the following amendments are to be submitted with the application for a Construction Certificate~~
- ~~(i) The deceleration lane at the front of the property adjacent to Burns Bay Road must be deleted and replaced with landscaping.~~
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 except between Blocks 1 and 2 where the minimum width is to be 1.3m wide.
  4. Appropriate measures must be taken to ensure the following LAeq Levels are not exceeded:
    - 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](http://www.sydneywater.com.au) see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The consent authority or a private accredited certifier must:-

- Ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.
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 **\$9,508.82** 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 \$94.84/m<sup>2</sup>. 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 works 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. ~~The shop must meet the definition of "neighbourhood shop" of Lane Cove Local Environmental Plan 2009.~~ The shop is used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises. The hours of operation of the neighbourhood shop is strictly between 7:00am to 7:00pm, Monday to Sunday.
16. All advertising signs/structures being the subject of a separate development application.
17. ~~The~~ A minimum provision of 360 on-site car parking spaces, 14 motor cycle spaces, 22 bike lockers and 18 bike rails must be provided 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;
  - c) a statement that unauthorised entry to the construction site is prohibited; and

- 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, Lane Cove River or stormwater system 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 colour bond 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.~~

[Condition 34 should be deleted as it is a note identifying a statutory obligation]

35. ~~Lane Cove Council charges~~ A fee of \$36 is to be paid to Lane Cove Council 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](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance. Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

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 within Burns Bay Road is 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 the 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 direct pedestrian access link between Carisbrook courtyard garden and the "Truck Turning Area" at the southern end of the site must be deleted.



- ~~52. no works including landscaping works are to be undertaken within the site boundaries of Carisbrook without prior consultation and approval from Council~~

[Condition 52 should be deleted as the development application does not relate to or propose works within the Carisbrook House site]

### **General Engineering Conditions**

53. **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.
54. **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.
55. **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, excluding the proposed on grade car parking for Carisbrook House. Applications shall be submitted **prior to the start of any works on Council property**.
56. **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.
57. **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.
58. **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.
59. **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*'.
60. **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.

61. **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.

62. **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.

63. **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.

64. **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.

65. **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.

66. **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.
67. **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.
68. **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.
69. **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**

70. **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.

71. **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.**
72. **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.**
73. **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.
74. **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.

75. **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.

76. **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**.

77. **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**.

- ~~78. **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**.~~

[Condition 78 should be deleted as the requirements are dealt with in RMS condition 123.]

79. **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.

80. **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**.

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

- 1) New 1.5m wide footpath along the ~~entire~~ Burns Bay Road frontages of the site.
- 2) New Kerb and Gutter along the ~~entire~~ Burns Bay Road frontages of the site.
- 3) Reinstate all nature strips with turf and soil along the ~~entire~~ Burns Bay Road 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.

82. **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**.

83. **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**

84. **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

85. **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.**

- ~~86. **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.**~~

[Condition 86 is addressed in RMS condition 124 and the duplication is unnecessary]

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

88. **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

- ~~89. 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.~~

[Condition 89 should be deleted as it is a policy statement or advisory note and is not a condition.]

90. 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. This condition does not relate to those trees nominated on the approved plans to be removed as part of the development.
91. 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.
92. 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.
93. No access to the property is allowed via adjoining easement, public open space or public / heritage garden.
94. 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.**
95. 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).
96. 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.
97. 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**

98. 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.
99. 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.
100. 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 construction landscape details to be submitted for Councils approval.
101. 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.
102. 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.
103. 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.
104. 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

105. 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:
- structural soil profiles for street tree planting pits with tree grates or load bearing/decorative surfacing
  - verge plantings and Bio swales
  - 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.*

106. 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.

107. 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.

108. 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

109. 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)

<b>Block 1</b>	<b>Block 2</b>	<b>Block 3</b>	<b>Block 4</b>	<b>Block 5</b>
<b>62 Units</b>	<b>60 Units</b>	<b>34 Units</b>	<b>31 Units</b>	<b>32 Units</b>
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
<b>Total Bins 32</b>	<b>Total Bins 21</b>	<b>Total Bins 17</b>	<b>Total Bins 16</b>	<b>Total Bins 16</b>

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

### Traffic Management Conditions

111. The applicant shall comply with AS2890.2 with respect to truck manoeuvring on the site.
112. All parking spaces shall be installed in accordance with AS2890.1.
113. 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.
114. 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.
115. 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 of each residential building at each of the street frontages notifying visitors that the on-site parking is available.

~~116. Signage will also be required at the proposal's access is to be erected at the Burns Bay Road entrance to the site advising that the parking for Carisbrook House is provided on the site.~~

[Condition 116 should be deleted as it is redundant due to RMS condition 137]

~~117. No Stopping zones will be required on Burns Bay Road, for the length of the site (outside any approved bus zone).~~

[Condition 117 should be deleted as it is a duplicate of RMS condition 132.]

~~118. 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.~~

[Condition 118 should be deleted as it is a duplicate of RMS condition 131.]

## **Road and Maritime Service Conditions**

~~119. All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.~~

~~120. 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.~~

~~121. 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.~~

~~122. 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.~~

~~123. 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.~~

~~124. All redundant driveways shall be removed and replaced with kerb and gutter to match existing.~~

~~125. 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.~~

- ~~126. All vehicles are to enter and leave the site in a forward direction.~~
- ~~127. 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.~~
- ~~128. 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).~~
- ~~129. 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.~~
- ~~130. 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.~~
- ~~131. 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.~~
- ~~132. 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.~~
- ~~133. 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.~~

- ~~134. 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.~~
- ~~135. 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.~~
- ~~136. 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 AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.~~
- ~~137. Council should ensure that all pedestrian pathways within the site meet the requirements of the Disability Discrimination Act 1992.~~
- ~~138. 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.~~
- ~~139. 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.~~

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

Reason: To comply with RMS requirements.

120. 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.

Reason: To ensure RMS's assets function effectively.

121. 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) day's notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Reason: To maintain RMS's assets and the classified road network efficiency.

122. 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.

Reason: To comply with RMS requirements.

123. The proposed deceleration lane along Burns Bay Road shall be designed to meet RMS's requirements, and be endorsed by a suitable 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 proposed concrete island separating the left in/left out vehicle movements on Burns Bay Road is to be extended in the direction of the pedestrian crossing. The turning movement for coaches must not encroach on the concrete island and place pedestrians at risk.

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.

Reason: To maintain the classified road network capacity and efficiency.



124. Any realignment boundary to facilitate a footway resulting from the proposed deceleration lane must be dedicated as road at no cost to RMS.

Reason: To comply with RMS requirements.

125. All redundant driveways shall be removed and replaced with kerb and gutter to match existing.

Reason: To ensure pedestrian safety.

126. 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) 83961513 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, and 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.

Reason: To maintain the classified road network efficiency and capacity.

127. All vehicles are to enter and leave the site in a forward direction.

Reason: To allow safe vehicular entry and exit

128. 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.

Reason: To maintain peak traffic flows and classified road capacity.

129. 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).

Reason: To maintain pedestrian and vehicle safety.

130. 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.

Reason: To comply with EPA requirements.

131. 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.

Reason: To comply with RMS requirements.

132. 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.

Reason: To comply with RMS requirements.

133. 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.

Reason: To comply with RMS requirements.

134. 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 133 above has been approved by RMS.

Reason: To comply with RMS requirements.

135. 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.
136. 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 AUSTROADS. Details to be submitted with the Construction Certificate.
137. Signage on Burns Bay Road to the north of the site to inform motorists that access to, and parking for Carisbrook House, is provided via the access to the development shall be submitted to Council prior to release of first the occupation certificate for the development.
138. The final location of the bus stop and bus zone is to be determined in consultation with RMS and Sydney Buses.
139. The marked pedestrian crossings within the site are to be signposted and pavement markings consistent with RMS standards and RMS Technical Directions prior to the release of the Occupation Certificate.
140. The T-junction within the site requires a traffic control arrangement to formalise traffic movements at the intersection. Details to be submitted with the construction certificate and to be in place prior to occupation.

## **CONCLUSION**

The development application as submitted with the construction of the slip lane has been granted the concurrence of the RMS.

We support the Council's recommendation to grant development consent to the development application 2012SYE033 presented to the JRPP meeting of 6 December 2012 subject to the amendments to conditions requested above.

Yours sincerely

**APP CORPORATION PTY LIMITED**

A handwritten signature in cursive script, appearing to read 'Clare Brown'.

**CLARE BROWN**

NSW PRINCIPAL PLANNER