

8 November 2012

Panel Secretariat
Joint Regional Planning Panels
GPO Box 39
Sydney NSW 2001

Your Ref: 2012SYE057

Attention Mr John Roseth, Chair, Sydney East Joint Regional Planning Panel

RE : 1-5 Little Street, Lane Cove, NSW, 2066, DA 90/2012

Mr Lee as Applicant on behalf of Lane Cove Council for the redevelopment of the Little Lane Car Park at 1-5 Little Street, Lane Cove, has reviewed the report attached to the Business Paper of the meeting of the Panel on 15 November 2012. Mr Lee gives his apologies in not attending the Panel meeting as he is overseas. The Applicant will be represented by Mr Jeff Mead of Planning Ingenuity, and supported by Mr Klauzner, Gennady of KE Architects and Mr Craig Wrightson, General Manager Lane Cove Council.

With a detailed understanding of the construction sequencing outlined in the draft construction management plan, the following matters are drawn to the attention of the Panel for consideration.

Schedule 1 – Condition relating to Deferred Commencement

A (iii) Southern Windows

The Assessor raised a concern about the full height windows on the southern facade to the Ground Floor creating a perception of overlooking and recommended a sill height of 1.5m above the floor level. These concerns were not raised as part of the SEPP 65 Review.

It is noted that the southern boundary is to be well vegetated with ferns with both high level foliage and lower level foliage spreading out from stumpy bases. The effect of the landscaping will be similar to the following photograph.



http://en.wikipedia.org/wiki/Todea_barbara

The relationship of 4 window sets along the southern facade to the adjoining building are considered in 3 sections.

a) Retail Window Section 1

The separation between the windows on the southern facade in the Retail area has 9.9m separation to the adjacent door off the balcony in the adjoining property, in excess of RFDC recommendations.

The sill height of the ground floor balcony is 77.25m relative to the retail floor level of 75.45m.

The location of windows in the proposal, combined with ferned landscaping, actually improves the relationship as vehicles currently park up to the boundary fence with frequent turnover of spaces.

A 1.5m high sill would be at RL 76.95 but located below the adjacent ground floor sill. Most activity in a retail area is usually by clients standing at a level at or above 1.5m off the floor. We submit that increasing the amount of ambient light into the Retail area should not be compromised when there is no improvement in visual amenity by raising the sill height.

b) Community Area Windows Sections 2 and 3

These windows to the Community facility are the only source of natural light into an area approximately 13m between the windows and internal stairway. Being on the south side, the larger the window openings, the more natural light is available.

There is at least 19m separation between these windows and the adjoining property and combined with the existing landscaped forecourt and proposed landscape of the southern boundary there is no justification at all for a consideration of overlooking.

We submit therefore that the requirement for 1500mm high sills is unreasonable for these window sets.

c) Community Area Window Section 4.

This window set is located between 9 and 9.6m from bedroom windows in the adjacent building and meets the RFDC separation requirement.

The sill height of the adjacent ground floor balcony is 74.01m and the first floor is 76.67m relative to the community ground floor level of 75.45m

Given compliance with RFDC and the relationship is to bedrooms, we submit that the requirement for 1500mm high sills compromising ambient light into community spaces is unreasonable. Alternately we request an option of installing opaque glass panels up to 1.2m (to match the first floor sill level) resulting in an improvement in ambient light into the community space.

It is submitted that this condition be rephrased to:

“The easternmost windows to the Community area shall be amended to incorporate opaque glazing up to 1.2m above the ground floor level”

A ((iv) Balconies on Southern Elevation

Level 1

The south facing balcony to unit 106 is at least 19.8m from the windows in the adjacent building. The proposal includes a 1.5m high privacy screen on its eastern edge.

We submit that no additional treatment is warranted on this balcony.

The southern edge of the balcony to unit 105 is not directly adjacent to the bedroom window in the adjacent building, is 13m distant and is screened with landscaping on the green roof.

We submit that no additional treatment is warranted on this balcony.

Level 2

Unit 205

While the separation of the balcony exceeds the RFDC recommendation, and notwithstanding the size of the balcony we agree to extend the landscaped treatment as a 600mm wide landscaped planter box 900 high along the southern face.

Level 3

Units 305 and 306

The balconies to these units are for the most part some 22m away from the adjacent building with minor sections at either end at least 12.5m away. These balconies are also above the roof line.

We submit that a 1500mm high privacy screen be incorporated into the balcony for a distance of 2000mm from either end.

Levels 4 and Above

We submit that as these balconies are located further away and well above the roof line there is no justification for requiring any additional privacy treatments.

It is submitted therefore that Condition A (iv) be rephrased in the following terms:

The balconies to Units 205, 305 and 306 shall be provided with additional design treatments (for example planter boxes or screens) to minimise overlooking of the adjoining building to the south.

B Road Closure

Attached is the certificate of Title for the closed road stratum lot 1 in DP 1177740 without reference to "road". Accordingly this draft condition has been satisfied and may now be withdrawn.

Schedule 2 - General Conditions of Consent

- 4 It appears that condition 4 deals with separate issues.

The first part relates to DCP Part D – Little Lane locality Clause 4.10 (c) in the following terms:

Car parking requirements of commercial uses may be included as public car parking spaces to be provided up to a maximum of 50 in excess of 150 public car parking spaces provided.

We submit that the first sentence “Approved commercial and retail uses within the building combined, shall not generate a demand for more than 50 of the 200 public parking spaces” is inconsistent with the intent of the credits implied in the DCP and is too onerous and limiting as a condition. It is accepted that that 50 of the 200 public spaces should be available as a credit for allocation against parking demand from commercial or retail uses in the development.

We submit that this condition be reconstructed to acknowledge the DCP credits in the following terms:

“The combined parking requirements for commercial and retail uses within the development shall be entitled to a maximum credit of up to 50 out of the 200 public parking spaces.”

We submit that a new condition be incorporated to include all words in condition 4 commencing with the words “Prior to”. This part imposes a restriction requiring care control and management of the carpark. This restriction is inappropriate as the Council may for commercial reasons hand over its management to a specialist carpark management company. It is more appropriate to record on title that the carpark stratum lot is burdened by a right of carriageway in favour of the public. It is therefore submitted that the condition should be drafted as:

“Prior to the issue of an Occupation Certificate, a right of carriageway in favour of the public restriction under section 88B of the Conveyancing Act 1919 shall be registered on the stratum lot containing the public carpark ensuring that the 200 parking spaces and access thereto remains a public car park.”

13 and 14 – Section 94 Contributions

Whilst acknowledging the discussion by the Assessor in regard to the application of Section 94 (5) of the EPA Act, where a material public benefit can be taken into account in satisfying a condition of consent, we submit that the assessment of any provision of or increase in the demand for public amenities and public services under Section 94 (1) should reasonably deduct from the monetary contribution the value of public amenities incorporated into the development.

We therefore submit that conditions 13 and 14 are unreasonably imposed and should be deleted as the development incorporates for public amenities and public services for traffic management, streetscape improvements and community facilities well in excess of the combined contributions being imposed.

- 15 It is expected that the Private Certifier may issue multiple construction certificates. A redrafting of this condition is in the following terms:

“The submission of a Construction Certificate(s) and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK covered by the certificate commencing”

- 31 (a) It is submitted for housekeeping, that this clause be prefaced by the words
“Unless approved by the Principal Certifying Authority,”
- 39 As the works incorporated in this development include works within the public road, it is submitted for housekeeping, that this condition be prefaced by the words
“ Outside of the works authorised by this consent”
- 43 As the fence would extend onto the Little Street pavement, it is submitted for housekeeping that the words “within the footpath” be added after the word “erected”
- 46 This condition deals with tree protection of trees 39, 40, 41, 42 and 43 located in the adjoining property to the south.

Trees 39 and 40

The building has been set back to preserve a deep soil zone around trees 39 and 40 which are located 1300 and 1500mm respectively off the common boundary. These trees can be adequately protected by a tree protection fence 700mm off the boundary for a distance of 15000mm from Little Street.

Tree 41

This is a casurina located approximately 1.2m off the boundary, and its protection does not require a tree protection fence 2m off the southern boundary.

No other trees are within 2m of the southern boundary.

It is submitted that this condition, requiring a 2m wide tree protection zone running along the entire southern boundary, is impractical when piling is required for the basement carpark within 1m of the boundary.

Accordingly the Panel is requested to consider a redrafting of the condition in the following terms:

A 1.8m high tree protection zone a minimum of 700mm wide from the southern boundary shall be established for a distance of 25m from the Little Street Boundary. The tree protection zone shall not be used for the storage of building materials etc.

The tree protection zone shall remain in place until works are required to erect retaining walls on the boundary.

- 48 It is our understanding that a construction certificate is required prior to commencement of work.
- This condition does not allow for the matters set out in the draft construction management plan submitted with the application. By way of example, the initial works include trench excavation for sewer and drainage diversions, pile boring and a top down slab in Little Lane. During this time, Little Lane traffic will be diverted through the car park.

It would be more appropriate to require the timing of the tree protection measures to be approved in the construction management plan and have condition 75 modified.

- 51 This condition would appear to limit the maximum pot sizes for the lemon scented gums set out in Appendix 29 of the Application to 100 litres. If this is not the intent, it is submitted that the condition specify the minimum pot size at 100 litres.

- 71 Due to the site constraints the application gave reasons why a compost area was not appropriate. It is submitted that the reference to a compost bin be deleted. The last 3 paragraphs appear to be repeated and need to be either deleted or amended.

- 73 The assessor advised on Page 19 of his report:

Council's Executive Manager, Open Spaces and Urban Services (Traffic) has confirmed the geometry and design of the parking areas satisfies relevant design standards, other than for a minor non-compliance to the public car park driveway enter which is not considered to affect traffic safety or movements.

It is submitted that this condition requiring compliance with AS 28901. Cl 3.2.1 be deleted.

- 75 As discussed above it is appropriate to include in the construction management plan details on the timing for the erection of tree protection fences.

- 80 The assessor advised on Page 19 of his report:

Council's Executive Manager, Open Spaces and Urban Services do not support the advisory comment of the RMS relative to amending the design of the residential driveway entry. As this issue is a local matter, the view of Council is accepted.

The inclusion of this RMS advisory condition is inconsistent with the assessment report which concluded that residential carpark access as proposed is acceptable and did not require right turn restrictions.

It is submitted that this RMS advisory condition be deleted.

- 81 Council has successfully implemented a ticketless parking system in its Market Square carpark, and considers that such a system is a preferred management system in this carpark. It is noted that the RMS Guidelines for pay parking do not include ticketless parking schemes.

It is submitted that this RMS advisory condition be modified by adding the words at the commencement " Other than for ticketless pay parking systems, "

- 99 It is submitted that as for tree protection fencing the timing for safety fencing of various segments of work should be dealt with in the construction management plan.

Accordingly it is submitted that the condition be redrafted to:

"Temporary safety fencing shall be provided around work sites required to complete the project in accordance with the approved construction management plan."

- 116 Given that assessment accepted the public driveway is acceptable although not fully compliant with AS 2890.1, the second sentence in the second paragraph, for housekeeping purposes should be rephrased to:

"Except as otherwise approved by this consent, the design is to be certified that it complies with AS 2890 Series and Council's standards and specifications"

It is therefore respectfully requested that the Panel in making its determination have regard to the changes made to the attached amendments to the draft conditions.

A handwritten signature in dark ink, consisting of a series of loops on the left and a more fluid, sweeping stroke on the right.

Craig Wrightson

General Manager

Attachments: Suggested amendments to the draft conditions of consent.

**SCHEDULE 1 - CONDITIONS RELATING TO DEFERRED COMMENCEMENT
CONSENT PURSUANT TO SECTION 80(3) OF THE ENVIRONMENTAL PLANNING
AND ASSESSMENT ACT 1979**

- A. Amended architectural plans shall be submitted, to the satisfaction of Council, addressing the following matters:
- (i) The Little Lane pedestrian entry to the residential lobby/ public lobby it to be provided with an architectural treatment/design element to increase its visual prominence within the building facade, particularly from the intersection with Little Street.
 - (ii) Design measures are to be provided to residential balconies (Levels 3-8 on the west, south and east elevations necessary to achieve appropriate wind criterion outcomes. The amended plans are to be supported by a report from a suitably qualified person confirming this outcome is achieved.
 - (iii) The easternmost windows to the Community area shall be amended to incorporate opaque glazing up to 1.2m above the ground floor level~~Ground floor external glazing within the southern elevation, opposite Nos. 7-9 Little street, shall be amended to achieve a sill height a minimum of 1.5m above floor level.~~
 - (iv) The balconies to Units 205, 305 and 306 shall be provided with additional design treatments (for example planter boxes or screens) to minimise overlooking of the adjoining building to the south.~~All residential balconies within the southern elevation of the building shall be provided with additional design treatments (for example, planter boxes or screens) to minimise overlooking of adjoining buildings to the south.~~
- B. ~~All requirements and processes of the Department of Primary Industries (Catchments and Lands) are to be completed relative to the closure of that part of Little Lane, Lane Cove affected by the stratum subdivision that created Lot 1 DP 1177740, including the removal of the reference to 'road' on the Certificate of Title. Relevant documentation confirming compliance to be submitted to Council.~~

SCHEDULE 2 - GENERAL CONDITIONS OF CONSENT

Upon confirmation from Council that the matters in Schedule 1 have been satisfactorily completed, the following conditions of consent shall apply:

1. That the development be strictly in accordance with drawings:

Drawing numbers	Description	Issue	Date
DA01	Cover & Basix specifications	-	-
DA03	Basement 5 Plan	D	22 May 2012
DA04	Basement 4 Plan	D	22 May 2012
DA05	Basement 3 Plan	D	22 May 2012
DA06	Basement 2 Plan	D	22 May 2012
DA07	Basement 1 Plan	D	22 May 2012
DA08	Mezzanine Plan	D	22 May 2012
DA09	Site and Ground floor Plan	D	22 May 2012
DA10	Partial Ground floor Plan	D	22 May 2012
DA11	Partial Ground floor Plan	D	22 May 2012

Drawing numbers	Description	Issue	Date
DA12	Level 1 Plan	D	22 May 2012
DA13	Level 2 Plan	D	22 May 2012
DA14	Level 3 Plan	D	22 May 2012
DA15	Level 4 Plan	D	22 May 2012
DA16	Level 5 Plan	D	22 May 2012
DA17	Level 6 Plan	D	22 May 2012
DA18	Level 7 Plan	D	22 May 2012
DA19	Level 8 Plan	D	22 May 2012
DA20	Roof Plan	D	22 May 2012
DA21	East Elevation	D	22 May 2012
DA22	North Elevation	D	22 May 2012
DA23	South Elevation	D	22 May 2012
DA24	West Elevation	D	22 May 2012
DA25	Section A-A	D	22 May 2012
DA26	Section B-B	D	22 May 2012
DA27	Section C-C	D	22 May 2012
DA28	Section D-D	D	22 May 2012
DA30	Adaptable unit layouts	C	10 February 2012
DA12	Level 1 Plan	D	22 May 2012
DA13	Level 2 Plan	D	22 May 2012
DA14	Level 3 Plan	D	22 May 2012
DA15	Level 4 Plan	D	22 May 2012
DA16	Level 5 Plan	D	22 May 2012
DA17	Level 6 Plan	D	22 May 2012
DA18	Level 7 Plan	D	22 May 2012
DA19	Level 8 Plan	D	22 May 2012
DA20	Roof Plan	D	22 May 2012
DA21	East Elevation	D	22 May 2012
DA22	North Elevation	D	22 May 2012
DA23	South Elevation	D	22 May 2012
DA24	West Elevation	D	22 May 2012
DA25	Section A-A	D	22 May 2012
DA26	Section B-B	D	22 May 2012
DA27	Section C-C	D	22 May 2012
DA28	Section D-D	D	22 May 2012
DA30	Adaptable unit layouts	C	10 February 2012

by K E Architects Pty Ltd, except as amended by:

- (a) The plans approved to satisfy the deferred commencement conditions in Schedule 1; and
- (b) The following conditions within this Notice.

- 2. External materials of construction, colours and finishes shall be in accordance with Drawing No F01, Issue D, dated 22 May 2012 by K E Architects Pty Ltd.
- 3. Separate development applications shall be lodged with Council seeking approval for the first use of any of the tenancies created within the commercial or community floor space. All applications shall be accompanied by full details of mechanical plant and equipment associated with each use.

4. The combined parking requirements for commercial and retail uses within the development shall be entitled to a maximum credit of up to 50 out of the 200 public parking spaces. Approved commercial and retail uses within the building, combined, shall not generate a demand for more than 50 of the 200 public parking spaces.

4.5. Prior to the issue of an Occupation Certificate, a right of carriageway in favour of the public restriction under section 88B of the Conveyancing Act 1919 shall be registered on the stratum lot containing the public carpark ensuring that the 200 parking spaces and access thereto remains a public car park under the care, control and management of Lane Cove Council.

5.6. Prior to the issue of any Occupation Certificate the applicant shall provide to the Principal Certifying Authority evidence of the consolidation of all lots which comprise the development site, including the stratum allotment below Little Lane (Lot 1 DP 1177740).

6.7. The disposal of all excavated materials shall be completed in accordance with recommendations in section 9 of the Preliminary Environmental Site Assessment report prepared by Environmental Investigation Services dated April 2009 (reference: E22159KB-RPT)

7.8. Prior to the issue of any Construction Certificate the applicant shall submit to Council for approval a Final Plan of Management (POM) for the public car park.

The report shall nominate:

- (a) Time periods in which parking shall be free of charge and time periods when fees will be charged;
- (b) Signage and any other way-finding measures within the car park;
- (c) Arrangements for the ticketing system; and
- (d) Arrangements to inform approaching motorists when the public car park is full.

All works, systems, signage and the like nominated within approved POM shall be installed prior to the issue of any Occupation Certificate.

8.9. The following measures shall be implemented to minimise the opportunity or incidence for crime or anti-social behaviour:

- (a) Implementation of measures in the Crime Prevention report lodged with the development application
- (b) All lighting throughout the basement car, all pedestrian areas and the loading dock shall satisfy relevant Australian Standards;
- (c) The ceilings of the basement car park building shall be painted white to maximise reflection of lighting;
- (d) Colour coding shall be used to identify each level of the car park to improve ease of access;
- (e) Access to the undercroft at the base of any stairwell shall be prevented through the installation of security bars, grills or the like;
- (f) Ramp corrugations or other suitable measures can be included in pavement and landscaped areas to discourage skateboarders;
- (g) Building surfaces and signage can be treated to be made graffiti resistant;

- (h) Stairwells shall be provided with mirrors and any necessary lighting to ensure vision around corners.

All of the above measures shall be detailed on plans approved with the Construction Certificate and shall be completed prior to the issue of any Occupation Certificate

- ~~9.10.~~ Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall be provided with evidence to confirm that the building has been completed consistent with the recommendations in the Accessibility Plan lodged with the development application.
- ~~10.11.~~ Prior to the issue of any Occupation Certificate the Principal Certifying Authority shall be provided with evidence to confirm that the building has been completed consistent with the recommendations in the acoustic report lodged development application prepared Vipac Engineers and Scientists (report No. 20C-11-0335- TRP-466576-2). In this regard:
- (a) Acoustic glazing is required to in accordance with AS/NZS 2107:2000 and schedule D of the report;
 - (b) External walls to be constructed shall meet section 6.1.1;
 - (c) Community spaces at the ground floor level shall be double glazed per section 6.1.2; and
 - (d) Seals to windows and doors shall be per section 6.1.3
- ~~11.12.~~ Public art shall be incorporated into the development to satisfy Part L of Development Control Plan 2009 and otherwise in accordance with section 2.1(c) of the Public Art Statement, dated April 2012, lodged with the development application. All public art installations for the building shall be installed prior to the issue of any Occupation Certificate.
- ~~12.13.~~ All exterior lighting shall comply with Australian Standard AS 4282 'Control of the obtrusive effects of outdoor lighting' to avoid nuisance for surrounding land uses
- ~~13.~~ ~~The payment of a contribution of \$52,273.40 in accordance with Council's Section 94 Contributions Plan towards Traffic Management and Streetscape improvements, Open Space and Recreation Facilities, Drainage and Communities Facilities. The contribution is to be made prior to the issue of a Construction Certificate and is to be at the current rate at time of payment.~~
- ~~The contribution is based on 551 SQM of additional retail/commercial floor space at the contribution rate of \$94.87 per SQM.~~
- ~~NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED. 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.~~
- ~~14.~~ ~~The payment of a contribution of \$823,477 in accordance with Council's Section 94 Contributions Plan towards Communities Facilities, Open Space/Recreation and Roads. The contribution is to be made prior to the issue of a Construction Certificate and is to be at the current rate at time of payment.~~
- ~~The contribution is based on an increase in residential population of an additional 89.7 persons at the contribution rate of \$9,180.35 per person.~~
- ~~NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED. 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.~~
- ~~15.14.~~ The submission of a Construction Certificate(s) and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK covered by the certificate commencing.

- | ~~16-15.~~ All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
- | ~~17-16.~~ An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
- | ~~18-17.~~ 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.

- | ~~19-18.~~ All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm with no excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to comply will result in the issue to a breach of consent P.I.N
Sunday	Sunday No work to be carried out on Sundays or any public holidays

- | ~~20-19.~~ 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.
- | ~~21-20.~~ 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.
- | ~~22-21.~~ 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 Service Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

- | ~~23-22.~~ Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:

- a) the name, address and telephone number of the Principal Certifying Authority;
- b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours;
and
- c) a statement that unauthorised entry to the construction site is prohibited.

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

~~24.~~23. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.

~~25.~~24. 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.

~~26.~~25. 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) framing;

~~27.~~26. 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.

~~28.~~27. A check survey certificate is to be submitted at the completion of:-

- a) Basement level 5 floor level
- b) Ground floor level top of slab;
- c) Level 8 top of slab;
- d) The completion of works.

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

~~29.~~28. 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.

~~30.~~29. 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.

~~31.~~30.

- (a) Unless approved by the Principal Certifying Authority, 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.

~~32-31.~~ All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.

~~33-32.~~ The site being properly fenced to prevent access of unauthorised persons outside of working hours.

~~34-33.~~ A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE CONSTRUCTION CERTIFICATE BEING ISSUED.**

~~35-34.~~ **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.**

~~36-35.~~ **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application (Certificate No. 425963M.) **Landscaping Conditions Advice.**

~~37-36.~~ 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.

~~38-37.~~ 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. Trees designated for removal on the stamped plans are exempt from this condition.

~~39-38.~~ Outside of the works authorised by this consent, ~~There~~ 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.

Prior to Issue of Construction Certificate

- | ~~40-39.~~ Submission of detailed landscape working drawings consistent with Council's Landscape Checklist, and complies in all respects with the conditions of the development consent and tree protection plan, 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 plan is to show the treatment and construction detailing of common open space areas, front and rear setbacks, balconies, any decking and raised screening or general landscaping treatment.
- | ~~41-40.~~ Submission of detailed landscape working drawings of hard landscaping features within the public domain, consistent with the Lane Cove Town Centre precinct and Lane Cove Council Public Art Strategy, are to be submitted to Council or the Private Certifying Authority prior to release of the Construction Certificate. Each plan/ sheet is to be certified by a qualified landscape architect.
- | ~~42-41.~~ 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.
- | ~~43-42.~~ A 1.8 m high chain mesh fence shall be erected within the footpath a radial distance of not less than 2m from the trunk of the street tree identified as Tree 38. The tree protection area shall not be used for storage or advertising and soil levels within the tree protection area shall remain undisturbed.
- | ~~44-43.~~ A 1.8 m high chain mesh fence shall be erected around Tree 2 measured as 5 m to the north and 4 m to the south of the centre of the tree. The tree protection area shall not be used for storage or advertising and soil levels within the tree protection area shall remain undisturbed.
- | ~~45-44.~~ A 1.8 m high chain mesh fence shall be erected 2 m from the centre of Tree 13 parallel to the line of the stormwater pipe. The tree protection area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed.
- | 45. A 1.8m high tree protection zone a minimum of 700mm wide from the southern boundary shall be established for a distance of 25m from the Little Street Boundary. The tree protection zone shall not be used for the storage of building materials etc. The tree protection zone shall remain in place until works are required to erect retaining walls on the boundary.
- | ~~46. A 1.8 m high chain mesh fence shall be erected to form a 2m wide tree protection zone running along the entire southern boundary line for the protection of Trees 39, 40, 41, 42 and 43. The tree protection area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed.~~
- | ~~47-46.~~ 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)
- | ~~48-47.~~ The timing for the erection of All-all tree protection measures and signage must be specified in the Construction Management Plan. All tree protection measures and signage must be erected as set out in the Construction Management Plan. **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR THE COMMENCEMENT OF WORKS, WHICHEVER OCCURS FIRST.** This includes demolition or site preparation works, and T tree protection measures must remain in place for the duration of the development, including construction of the driveway crossing.
- | ~~49-48.~~ All trees designated for retention and protection must be tagged by the Supervising Arboriculturist (AQF 5) 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 Supervising

Arboriculturist shall certify that all trees have been tagged correctly and this certification must be obtained by the Private Certifying Authority 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.

During Construction

- | ~~50-49.~~ The Supervising Arboriculturist (AQF 5) must view all digging / excavation that is within the tree protection zones for Trees 2 and 13. A report must be submitted within 60 days of inspection to the Private Certifying Authority, outlining the extent of the excavation and the impact upon the tree and if there was any damage to the root system along with undertaken remediation works.

LANDSCAPING

- | ~~51-50.~~ The proposed Lemon-scented gums to be installed in pot sizes of no ~~larger~~ smaller than 100 litres and in accordance with the approved DA Landscaping Plans in Appendix 29.
- | ~~52-51.~~ The Applicant must ensure that 'On' structure landscaping has adequate soil depth, volume and suitable profile to support the number of trees and shrubs indicated on the approved DA plan.
- | ~~53-52.~~ The Applicant must ensure that all landscaping is completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications.
- | ~~54-53.~~ 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.

Prior to Issue of Occupation Certificate

- | ~~55-54.~~ A landscape practical completion report must be prepared by the consultant landscape architect and submitted to the Private Certifying Authority within 7 working days of the date of practical completion of all landscape works. This report must certify that all landscape works have been completed in accordance with the landscape working drawing.
- | ~~56-55.~~ A certificate must be submitted by a qualified practising landscape architect, Landscape / environmental designer or horticulturist and submitted to the Private Certifying Authority, certifying that the proposed subsoil drainage and any associated waterproofing membrane have been installed in accordance with the details shown on the approved landscape working drawings and specification. **Works must not progress until the Private Certifying Authority has confirmed that this condition has been fully satisfied.**
- | ~~57-56.~~ Prior to issue of the Occupation Certificate 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.
- | ~~58-57.~~ At the completion of the landscape maintenance period, the consultant landscape architect/ designer is to submit a final report to Council or the Private Certifying Authority 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.
- | ~~59-58.~~ Where the project is being supervised by a Private Certifying Authority, for the purposes of public record, a copy of all the Landscaping and Arboricultural certifications and reports to be forwarded to Council within 5 working days of the date of issue.
- | ~~60-59.~~ The Supervising Arboriculturist (AQF 5) must provide a report detailing the health and condition of Trees 2 and 13 at completion of the development. The report must contain

recommendations for any management of the tree to ensure its ongoing viability. A copy of the report must be submitted to the Private **PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE. Environmental Health Conditions**

- | ~~61-60.~~ Ensure that all recommendations put forward in the Acoustic Impact Assessment produced by VIPAC (dated 8 May 2012) are implemented in their entirety to ensure compliance with all relevant noise regulations and standards applicable.
- | ~~62-61.~~ Ensure that the sediment and erosion control plan within the proposal is strictly adhered to at all times during the demolition and construction phases. Sediment, dust, clay and other earthen residue is strictly prohibited from leaving the confines of the site.
- | ~~63-62.~~ **Proposed use and Operation of Plant and Equipment** The proposed use of the premises and the operation of all plant, building services, machinery and ancillary fittings (including air conditioning units) shall not give rise to an 'intrusive or offensive noise' as defined in the Protection of the Environment Operations Act 1997 and Regulations, and the New South Wales EPA's Industrial Noise Policy (January 2000).

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background (LA90), 15 min noise level, measured in the absence of the noise source/s under consideration, by more than 5dB(A).

Accessibility conditions:

- | ~~64-63.~~ Each adaptable unit contained within the building is to be allocated an accessible carparking space in accordance with Australian Standard 2890 – 2009.
- | ~~65-64.~~ Install hearing augmentation systems in all community meetings rooms on the ground floor and the mezzanine. Waste Management:
- | ~~66-65.~~ **Garbage storage area – Commercial/Industrial** All garbage shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. The area is to be constructed with a smooth impervious floor graded to a floor waste and connected to the sewer. The garbage area/room is to be well ventilated and fitted with fire sprinklers and meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the designated garbage area are to be submitted with the Construction Certificate.
- | ~~67-66.~~ **Garbage collection – Commercial/Industrial** Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment operations Act 1997. Records shall be kept of all waste disposal from the site. Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 6am on any day.
- | ~~68-67.~~ **Litter Control** A sufficient number of garbage bins must be provided on the premises for garbage disposal. Such bins shall be made of impervious material and shall have close – fitting, vermin – proof, fly – proof lids. All waste bins are to be stored in designated garbage/trade refuse areas which must be maintained in a satisfactory condition at all times and must not be stored in designated garbage/trade refuse areas which must be maintained in a satisfactory conditions at all times and must not be stored or permitted to overflow into car parking or gardens areas.
- | ~~69-68.~~ **Construction Requirements – Garbage Room**

Garbage rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, remain subject to the following requirements:

 - Floors of garbage rooms shall be constructed of concrete at least 75mm thick or other approved solid impervious material, graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface covet at the intersection with walls and plinths

- Walls of garbage rooms shall be constructed of approved solid impervious material and shall be finished to a smooth even surface coved at all intersections
- Ceilings of garbage rooms shall be finished with a rigid smooth faced non-absorbent material capable of being easily cleaned.

~~70-69.~~ **Drainage**

Garbage room floors shall be graded to a floor waste, which shall be connected to the sewer. No drainage from garbage rooms shall be connected directly or indirectly to the stormwater drainage system, Council's street gutter or Council's drainage system.

~~71-70.~~ **Trade Waste Compounds – Construction and Demolition**

The reuse and recycling of waste materials must be maximised during construction and demolition.

Minimum separation required is into 1) masonry products (bricks, concrete/concrete roof tiles) to be sent for crushing/recycling and 2) mixed waste (paper, plastic etc) for landfill.

This can be achieved by constructing a minimum of two trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in an adequately sized waste compound and sent to a waste contractor/waste facility that will sort the waste on their site for recycling.

Trade waste compounds shall be constructed with sediment fencing, shade cloth, wood or metal sheets firmly staked into the ground (a trade waste bin is also suitable). The location and size of the waste storage areas must also be shown on the site plan.

Submission of a Waste Management Plan detailing the types and approximate quantities of weekly waste produced on site, whether it is liquid, solid or gas; and the collection and disposal agreements for all recyclable materials including paper, cardboard, metal, oil, aluminium, P.E.T. and glass.

Submission of a Waste Management Plan for the disposal of all waste material, spoil and excavated material. The Waste Management Plan shall be submitted **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE.**

Details of the location of the waste storage, ~~and~~ recycling container storage area ~~and position of compost bin~~ are to be submitted **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

Submission of documentation detailing the destination of materials in accordance with the Waste Management Plan approved under this application. These details are required **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

Submission of receipts may be requested upon completion of works.

~~Submission of documentation detailing the destination of materials in accordance with the Waste Management Plan approved under application D*.~~

~~These details are required as soon as practicable after demolition is completed.~~

~~Submission of receipts may be requested upon completion of works.~~

~~Compliance with the Waste Management Plan approved under application D*.~~

Traffic Conditions

~~72-71.~~ The proposed Car Park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the Car Parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.

~~73. The access to the public car park shall comply with Australian Standards. AS 2890.1-2004 3.2.1~~

~~74-72.~~ The pedestrian crossing located at the intersection of Little Street and Little Lane is to be raised and upgraded to the satisfaction of the Lane Cove Traffic Committee.

75.73. Construction Management Plan: A Construction Management Plan must be lodged with Council prior to the issuing of a Construction Certificate. The Construction Management Plan should address (but not necessarily be limited too) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, and any conflict with other road users in the street including public transport.

The Construction Management Plan should specify proposed Work/Construction Zones and the impact of the construction traffic activities to all road users. The Construction Management Plan may contain issues requiring the attention and approval of the Lane Cove Traffic Committee (LTC). It is recommended that the developer/builder check with Council's Traffic Manager with respect to any LTC requirements on lodging the Construction Management Plan. The Construction Management Plan should also assess and address the impact of construction vehicles travelling through the surrounding road network and the impact on the intersection of Little Street and Longueville Road and Longueville Road and Central Ave taking into consideration the congestion at the above intersection, especially during peak hours.

- (i) The applicant is to liaise with Council's Traffic Manager with respect to any work that will occur in Little Lane. It should be noted that traffic management measures are required to be implemented in order to reduce inconvenience as much as possible for vehicles which are currently using Little Lane and are servicing the businesses which have their rear accesses through Little Lane.
- (ii) A clear heavy vehicle access traffic route should be introduced showing the directions of heavy vehicles to and from the site and any heavy vehicle layover facility required to be specified during the various construction stages.
- (iii) Any proposed Work Zones should be clearly shown on plans and application be made to Council in accordance with approvals required for the Works Zones, Crane Permits and other associated works. Wherever possible, construction vehicle parking should be contained within the site. Proposed Work Zones will require the approval of the Lane Cove Traffic Committee.
- (iv) Any construction vehicles exiting the site during demolition/construction should have their tyres washed in order to avoid any construction material, dust, etc coming in contact with the road pavement.

The Construction Management Plan shall also address:

- An overall construction management program;
- Construction traffic management;
- Pedestrian management;
- Hoardings;
- Dust management
- Sediment and erosion control;
- Demolition, excavation and disposal of excess spoil;
- Noise management measures;
- Vibration management measures
- Identification and disposal of hazardous materials/demolition materials;
- Waste Management and recycling;
- The timing for installation of tree protection fencing;
- The timing for the installation of pedestrian safety fencing around specific work sites; and
- Any other relevant matter nominated within this Notice.

- | ~~76-74.~~ The traffic Construction Management Plan shall be submitted to Lane Cove Council for determination prior to the demolition commencing and prior to any works that require the movement of construction vehicles and machinery to and from the site”.
- | ~~77-75.~~ All construction deliveries of building materials to and from the site to be restricted to the following off/peak hours:- Monday to Friday (inclusive) 9.30am to 3.30pm Saturday 7.00am to 4.00pm
- | ~~78-76.~~ The traffic and parking activity during the demolition/construction phases shall be conducted in such a manner so as not to interfere with the amenity of the surrounding properties in respect of noise, vibration, dust and safety. **Roads and Maritime Services Conditions**
- | ~~79-77.~~ All works/regulatory signposting associated with the proposed development are to be at no cost to RMS.
- | ~~80.~~ ~~The entrance to the residential car park is channelized to restrict right turn movements into the site from Little Street. The applicant is to submit amended plans showing the channelised entry/exit and the swept paths of vehicles entering and leaving the residential car park.~~
- | ~~81-78.~~ ~~Other than for ticketless pay parking systems, The the~~ public car park is implemented in accordance with RMS's guidelines "Pay Parking", Version 4.
- | ~~82-79.~~ The swept path of the longest vehicle (including garbage trucks and removalist vans) entering and exiting the subject site, as well as maneuverability 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.
- | ~~83-80.~~ All vehicles are to enter and leave the site in a forward direction.
- | ~~84-81.~~ Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Little Lane and Little Street.

Traffic Conditions

- | ~~85-82.~~ A Construction Traffic Management Plan detailing construction/demolition/ excavation vehicle routes, number of trucks, hours of operation, access arrangements and traffic control is to be submitted to Council prior to the commencement of any works on the site. Heavy vehicles will not be permitted to travel on local roads unless prior Council permission is obtained from Council's Traffic section.
- | ~~86-83.~~ All disabled car spaces in the public car park are to be adequately signposted and linemarked, and provided in accordance with AS2890.6.
- | ~~87-84.~~ The garbage collection area provided on Basement Level 1, is to be clearly signposted and linemarked, and provided in accordance with AS2890.2
- | ~~88-85.~~ A Loading Zone, 20 metres in length, is to be provided in Little Lane, adjacent to the development and to the satisfaction of the Lane Cove Traffic Committee. All costs associated with the Loading Zone will be borne by the applicant.
- | ~~89-86.~~ No Stopping zones are to be installed in Little Street and Little Lane, outside of the Loading Zone, adjacent to the development and to the satisfaction of the Lane Cove Traffic Committee.. All costs associated with the No Stopping zones will be borne by the applicant.
- | ~~90-87.~~ Bicycle storage facilities are to be provided in the development, as shown in the Basement Level 1, 3 & 4 plan prepared by KE Architects, dated 22 May 2012. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at the car park entry and throughout the car park identifying their locations, to the satisfaction of Council's Traffic section.

General Engineering Conditions

- 91-88. **(A1) 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.
- 92-89. **(A2) 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.
- 93-90. **(A3) 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 hoarding applications, 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**.
- 94-91. **(A4) 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.
- 95-92. **(A5) 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.
- 96-93. **(A6) 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.
- 97-94. **(A7) 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*'.
- 98-95. **(A9) 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.
- 99-96. **(D7) Safety fence along the boundary of the property:** Temporary safety fencing shall be provided around work sites required to complete the project in accordance with the approved construction management plan. Before commencement of any works, barrier or temporary fencing is to be provided around the entire boundary of the proposal. This fence-fencing is for the safety of pedestrians on the public footpath.
- 100-97. **(H2) 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 monthly 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.
- 101-98. **(H3) 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 contactors 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.

~~402.99.~~ **(H4) 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.

~~403.100.~~ **(H5) 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.

~~404.101.~~ **(O3) On-Site Stormwater Detention System - Marker Plate:** The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in part O Council's DCP-Stormwater Management. An approved plate may be purchased from Council's customer service desk.

~~405.102.~~ **(K2) 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.

~~406.103.~~ **(O4) On-Site Stormwater Detention Tank:** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 m in depth must be fitted with step irons.

~~407.104.~~ **(R2) 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

~~408.105.~~ **(D3) Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with report dated May 2012 and plan numbered **MP2012-2 Rev A** prepared by **John Lee** dated **16-04-12**.

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.

~~409~~106. **(O1) Positive Covenant Bond:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the on site detention system. Lodgement of this bond is required **prior to the issue of the Construction Certificate.**

~~440~~107. **(T1) 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.**

~~444~~108. **(H1) 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 **\$5.93**

4 axle single unit **\$7.39**

4 axle or less double unit, 1 unit is truck **\$8.76**

5 axle double unit, 1 unit is truck **\$10.33**

6 or more axle double, 1 unit is truck **\$11.84**

5 axle or less multi unit **\$18.60**

6 axle multi unit **\$14.74**

The calculated fee is payable to Lane Cove Council Prior to the issue of the **Construction Certificate.**

~~442~~109. **(D2) 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.

~~443~~110. **(D3) 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.

~~414~~.111. (D4) 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.

~~415~~.112. (D5) Dilapidation Report The applicant is to provide a dilapidation report of all adjoining properties and any of Council's 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**.

~~416~~.113. (V4) 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. [Except as otherwise approved by this consent, 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**.

~~417~~.114. (V1) Proposed Vehicular Crossings: The proposed vehicular crossings 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 per driveway **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**.

~~418~~.115. (A10) 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**.

~~419~~.116. **(B1) Council infrastructure damage bond:** The applicant shall lodge with Council a \$100,000.00 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**.

~~420~~.117. **(K1) Council Construction Requirements:** The applicant shall reconstruct the following in accordance with the approved plans:

1. New footpath along the entire frontages of the site.
2. New Kerb and Gutter along the entire frontages of the site.
3. Reinstate all adjustments to the road surface to Council's satisfaction.
4. Divert Council's existing stormwater system.

A \$30,000.00 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.

~~421~~.118. **(K4) Council Inspection Requirements:** The following items shall require Council inspections and approval.

- New footpath
- New kerb and gutter
- All asphalt adjustments to the roadway
- All the approved stormwater drainage works on Council property

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

An Inspection fee of \$1500.00 is to be paid **prior to the issue of the Construction Certificate**.

~~422~~.119. **222. (C1) 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

~~423~~.120. **323. (C2) 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

- ~~424.121.~~ **424. (M1) 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.**
- ~~425.122.~~ **525. (V3) 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.**
- ~~426.123.~~ **626. (E3) Creation of Drainage Easements:** A drainage easement is to be created over the pipeline between Pit F and Pit G in accordance with Part O, Council's DCP Stormwater Management. The drainage easement is to be created in favour of Council and burdening Lot 2 DP 524992. Standard wordings are to be obtained from Council. Documents demonstrating that the proposed easement has been created are to be submitted to the principle certifying authority **prior to the issue of the Occupation Certificate.** All costs associated with piping, relocation and creation of easements shall be borne by the applicant.
- ~~427.124.~~ **(D6) 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.**
- ~~428.125.~~ **(O2) Positive Covenant OSD:** Documents giving effect to the creation of a positive covenant over the on site detention system shall be registered on the title of the property **prior to the issue of the Occupation Certificate.** The wording of the terms of the positive covenant shall be in accordance with part O Council's DCP-Stormwater Management.

ADVICE

A. Dewatering

Should dewatering of excavation be required, an aquifer interference approval under the Water Management Act 2000 will need to be sought from the NSW Office of Water prior to commencement of construction, and a copy of that approval provided to the Principal Certifying Authority.