

UPDATED ADVICE 15 MAY 2013

Environmental Services Division

Sydney East Joint Regional Planning Panel meeting of 9 May 2013

2013SYE018

OTHER PLANNING INSTRUMENTS

Section 94 Contribution Plan

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

The Section 94 Contribution is calculated in the following manner:

The population of the proposed building and credit for existing lots:

| No. of bedrooms | Average occupancy rate (persons/dwelling) | Population |
|---------------------------------------|---|--|
| 28 x 1 bedroom | 1.2 | $28 \times 1.2 = 33.6$ |
| 31 x 2 bedroom | 1.9 | $31 \times 1.9 = 58.9$ |
| 7 x 3 bedroom | 2.4 | $7 \times 2.4 = 16.8$ |
| Total Population | | 109.3 |
| Credit of existing lots | | |
| 5 lots | 3 | $5 \times 3 = 15$ |
| Residential Contribution | | $109.3 - 15 \text{ (credit)} = 94.3$ $94.3 \times \$9,180.35 = \$865,707.005$ |
| Total Residential Contribution | | \$865,707.005 |

| Commercial/retail m ² | Contribution rate per m ² of floor space | Population |
|----------------------------------|---|---|
| 105m ² | \$94.87 | $105\text{m}^2 \times \$94.87 = \$9,961.35$ |
| Total Contribution | | \$9,961.35 |

The Section 94 contribution applicable is:

- 94.3 persons at a rate of \$9,180.35 per person, therefore \$865,707.005 (or \$13,116.77 per dwelling); and
- 105m² commercial/retail at a rate of \$94.87 per m² of floor space is \$9,961.35.

The total Section 94 contribution for the proposal is \$875,668.355.

The required section 94 contribution is less than \$20,000 per dwelling and it would not exceed the cap of the Reforms of Local Development Contributions.

AMENDED DRAFT CONDITIONS

RECOMMENDATION

That pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grant development consent to Development Application DA13/32 for the construction of a mixed use development comprising of 66 residential units and retail/commercial space at the ground level and subdivision on Lots 1 and 2 in DP 209715, Lot 25 Section 1 in DP 7259, Lot 26 in DP 666506, Lot 27 Section 1 in DP 7259, Lot 1 in DP 1083410 and Lot 28 Section 1 in DP 7259 and known as address 15-25 Marshall Avenue, St Leonards subject to the following conditions:

General Conditions:

1. That the development be strictly in accordance with the following drawings prepared by Nettleton Tribe Partnership Pty Ltd except as amended by the following conditions:

Site plan and analysis, DA1-01, Revision A, dated 13/02/13

Basement 3 floor plan, DA1-03, Revision A, dated 13/02/13

Basement 2 floor plan, DA1-04, Revision A, dated 13/02/13

Basement 1 floor plan, DA1-05, Revision A, dated 13/02/13

Ground floor plan, DA1-06, Revision B, dated 28/03/13

Level 1 floor plan DA1-07, Revision A, dated 13/02/13

Level 2 floor plan DA1-8, Revision A, dated 13/02/13

Level 3 floor plan DA1-9, Revision A, dated 13/02/13

Level 4 floor plan DA1-10, Revision A, dated 13/02/13

Level 5 floor plan DA1-11, Revision A, dated 13/02/13

Level 6 floor plan DA1-12, Revision B, dated 06/05/13

Roof plan DA1-13, Revision A, dated 13/02/13

North elevation DA1-21, Revision B, dated 06/05/13

South elevation DA1-22, Revision A, dated 13/02/13

East elevation DA1-23, Revision A, dated 13/02/13

West elevation DA1-24, Revision A, dated 13/02/13

Section A, Revision A, dated 13/02/13

Section B, Revision A, dated 13/02/13

Section C, Revision A, dated 13/02/13

Landscape plan SS13-2559 (101), Revision B, prepared by Site Image and dated 5/02/13

except as amended by the following conditions.

2. The approved plans must be submitted to a Sydney Water Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The consent authority or a private accredited certifier must:-

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

3. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL **94.3 PERSONS** AND 105M² ADDITIONAL COMMERCIAL FLOOR SPACE IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. **THE AMOUNT IS \$865,707.005 AT THE CURRENT RATE OF \$9,180.35 PER PERSON AND \$9,961.35 AT THE RATE OF \$94.87 PER M² OF FLOOR SPACE.**

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.

4. All car parking spaces on-site shall comply with requirements of the Australian Standard AS 2890.1-1993 ("Parking facilities, Part 1: Off-street car parking").
5. 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.
6. All advertising signs/structures being the subject of a separate development application.
7. The provision of on-site car parking spaces for the use at all times to comply with the minimum requirement of Council's Development Control Plan.
8. Access and parking spaces for disabled persons being provided in accordance with Part D.3 of the Building Code of Australia.
9. The cleaning out of ready-mixed concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.
10. All glazing is to comply with the requirements of AS 1288.
11. A check survey certificate is to be submitted at the completion of:-
 - a Dampcourse level;
 - b The establishment of all basement and floor levels;
 - c The roof framing; and
 - d The completion of works.

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

12. 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.

13. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
14. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
15. BASIX - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.
16. 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'.
17. Separate application must be made for strata subdivision of the development.
18. Separate application must be made for the use of the commercial/café area.
19. Prior to the issue of a construction certificate, a letter of commitment from the land owner shall be submitted to Council advising Lot 2 will be reconfigured to achieve compliance with the minimum width of the future pedestrian pathway in conjunction with a future development application. The letter of commitment shall also include a commitment to providing formal public access over Lot 2.
20. Signage shall comply with the Part N of Council's Development Control Plan – Signage and Advertising.
21. **Deleted.**
22. Public access shall be provided over Lot 2 from Marshall Avenue to Marshall Lane.

Building conditions:

General Conditions:

23. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
24. All 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 | 8am to 12 noon 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. | |
25. 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.

26. 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.

27. 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) Installation of steel beams and columns prior to covering
- c) Waterproofing of wet areas
- d) Stormwater drainage lines prior to backfilling
- e) Completion

28. A check survey certificate is to be submitted at 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. The site being cleared of all debris and left in a clean and tidy condition at the completion of all works.

30. An approved type of hoarding being erected along the street frontage.

Conditions to be satisfied prior to construction certificate:

31. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.

32. 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.sydneypwater.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.

33. **Deleted.**

34. 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.**

35. 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 framing;
 - g). Completion
36. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE CONSTRUCTION CERTIFICATE BEING ISSUED.**
37. **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 installments, the first installment 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.**

Conditions to be satisfied prior to commencement of works:

38. 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.

39. 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.
40. The site being properly fenced to prevent access of unauthorised persons outside of working hours.

Conditions to be satisfied prior to issue of occupation certificate:

41. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
42. 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.

Tree Conditions:

General conditions:

43. 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*, 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.
44. The applicant must obtain written authority from Council prior to the pruning of any street trees or trees in neighbouring properties. Tree 17 (the Jacaranda street tree) is exempt from this condition.
45. 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.
46. Excavation and/or soil manipulation within 6 metres of street trees directly adjacent to the site must be carried out under the supervision of the project arborist (Level 5). Any tree roots encountered during excavation must be cut cleanly by the arborist.
47. The footings supporting the front boundary walls must remain in place as a root protection measure. Machinery usage in close proximity to the wall footings must be carried out in such a way that the footings are not disrupted.
48. A 1.8m high chain mesh fence shall be erected encompassing the entire nature strip between the footpath and the street gutter. Adequate room must be provided to allow car passengers to exist parked cars. The tree protection zones must not enclose the parking metres. 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.

49. A waterproof sign must be placed on tree protection zones at 6 metre intervals stating 'NO ENTRY TREE PROTECTION ZONE – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A4 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

Conditions to be satisfied prior to commencement of work or issue of construction certificate:

50. 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.

51. **BOND ON STREET & COUNCIL TREES**

Pursuant to Section 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, prior to the issue of the first construction certificate, provide security in the amount of \$15,000 (by way of cash deposit with the Council, or a guarantee satisfactory to the Council) for the payment of the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to all street trees that are on the public road reserve immediately adjoining the land subject of this development consent.

The Council may apply funds realised from the security to meet the cost of making good any damage caused, as a consequence of the doing of anything to which this development consent relates, to the said trees. If the cost of making good any damage caused to the said trees as a consequence of the doing of anything to which this development consent relates exceeds the amount of the security provided by the applicant additional security must be provided by the applicant to the Council to cover that cost and the Council may apply funds realised from the additional security to meet the total cost of making good the damage.

The bond shall be refundable following issue of the Final Occupation Certificate. The owner must notify Council's Senior Tree Assessment Officer who will inspect the street trees and organize the bond refund.

Landscaping Conditions:

52. The Applicant shall ensure that as per Landscape Plan 101 B, prepared by Site Image there are sufficient number of groundcovers and low shrubs, planted at proposed pot sizes, with appropriate distances and depths to eliminate bare mulched gardens areas within twelve (12) months of completion of all landscaping works. Where the specified Syzigium 'Cascade' (Pink Flowering Lilly Pilly) screen planting is proposed throughout the development, plants must have a minimum foliage height of 1.5m above ground at planting.
53. 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.
54. The proposed Street tree planting of Melaleuca quinquenervia on Berry Road requires adequate site and tree pit preparation with sufficient soil depth to support the

proposed 400L bag size as per the proposed Landscape Plan 101 B, prepared by Site Image.

Conditions to be satisfied prior to the issue of occupation certificate:

55. 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 approved Landscape Plan 101 B. 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.

56. 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.

57. 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.

Environmental Health conditions:

General conditions:

58. All works are to be completed in accordance with the provisions of SEPP55 - Contaminated Land and the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites.
59. The following measures must be taken to control the emission of dust:
- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
 - b) Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter
 - c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
 - d) All stockpiles of materials that are likely to generate dust must be kept damp or covered
 - e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

60. Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the excavation and construction work
61. All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste.

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.
62. All noise and vibration mitigation measures and recommendations outlined in the "Construction Noise and Vibration Management Plan" produced by Renzo Tonin & Associates dated 12 April 2013 are to be implemented throughout all applicable stages of the development.
63. Noise generated by residents, visitors, retail or commercial part and mechanical plant and equipment should not exceed the maximum L Aeq levels pursuant to Council's Development Control Plan – Part D.5 – Development in B4 Mixed Use Zone.
64. External lighting shall comply with the hours of operation specified in Council's Development Control Plan – Part D.5 – Development in B4 Mixed Use Zone.

Conditions to be complied with prior to commencement of works:

65. A Remediation Action Plan (RAP) is to be prepared in accordance with the provisions of SEPP55- Contaminated Land and the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites and submitted to the PCA. The submission of the RAP to Council is to be accompanied by a Site Audit Statement from a NSW EPA Accredited Site Auditor confirming that the RAP has been prepared in accordance with SEPP 55. No works are to commence until Council has provided written confirmation to the applicant that the RAP has been received by Council and that works can commence.
66. Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.
67. A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council/and or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (blue Book).
68. A site water management plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater – Soils and Construction" (the blue book) produced by the NSW Department of Housing.

69. Hazardous or intractable wastes arising from the excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:
- *New South Wales Occupational Health and Safety Act, 2000;*
 - *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
 - *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
 - *Protection Of the Environment Operations Act 1997 (NSW) and*
 - *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

General Engineering Conditions:

70. 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.
71. 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.
72. Separate application shall be made to Council's Urban Services Division for works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**
73. 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.
74. 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.
75. 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.
76. 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*'.
77. 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.

78. 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.
79. 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.
80. 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.

81. 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.
82. 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.
83. 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.
84. 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.

85. 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.
86. 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.
87. 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.
88. A gross pollutant trap needs to be designed and added to the amended plans within the property boundary prior to the connection to the street system. The design and construction of the drainage system is to fully comply with, AS-3500 and Part O of Council's DCP - Stormwater Management. The design shall ensure that the development, either during construction or upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.

Engineering conditions to be complied with prior to construction certificate:

89. The stormwater drainage plan **numbered ITCE-1046 Rev 01** prepared by **Cardno ITC P/L** dated **January 2013** is to be amended to reflect Condition No. 85. The amended design is to be certified that it fully complies with, AS-3500 and part O Council's DCP - Stormwater Management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
90. The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, in order for the issue of the Construction Certificate.
91. 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**.
92. 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**.
93. **Deleted.**

93(a). Road dilapidation survey

The applicant is to cause to be prepared a dilapidation survey and a dilapidation report that includes details of the existing state of repair / condition of the road surface of Berry Road, Marshall Avenue and Marshall Lane and other roads used during construction and provide that survey and report to the Council prior to the issue of the first construction certificate. Following completion of construction of the development and prior to the issue of the first occupation certificate, the applicant is to cause to be prepared a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence truck movements associated with the construction of the development. The Council may apply funds realised from the security referred to in condition 101 to meet the cost of making good any damage caused to the surface of the said public road as a consequence truck movements associated with the construction of the development to which the consent relates. The dilapidation surveys and reports must be prepared by an engineer registered with the Institute of Engineers.

93(b). Recording of Trucking Movements

Prior to commencement of site works, the applicant shall:

- Nominate a contact person who will be responsible for recording details of all trucks attending the site during construction of the development; and
- Submit contact details of the nominated person to Council including relevant telephone numbers, facsimile numbers and email.

During construction of the development the applicant shall:

- Submit a weekly report of the number of truck movements to and from the site during the course of the week . The report is to include the registration number, the GVM and the number of axles of each truck and trailer and the number of times that the truck attended the site on each day.

In this condition the word “truck” has the same meaning as in the Road Rules 2008 (NSW) and GVM has the same meaning as in the Road Transport (Safety and Traffic Management) Act 1999 (NSW) .

94. 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.

95. 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.

96. 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.

97. 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**.

98. 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**.

99. The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A *'Construction of a Multi Unit Footpath Crossing'* application shall be submitted to Council **prior to the issue of the Construction Certificate**. All

works associated with the construction of the crossing shall be completed **prior to the issue of the Occupation Certificate.**

100. 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.
101. 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.**
102. The applicant shall construct / reconstruct the following:
 1. New 1.5m wide footpath along the Marshall Avenue and Berry Road frontages.
 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. Reinstate all existing nature-strips with turf and soil to Council's satisfaction.

A \$10,000.00 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Construction Certificate.** The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Occupation Certificate.** All costs associated with the construction of the above works are to be borne by the applicant.

Note: the above is subject to separate approval.

103. The following items shall require Council inspections.

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

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

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

Engineering conditions to be complied with prior to commencement of construction:

104. 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 plan **numbered ITCE-1046 H0200 Rev 01** prepared by **Cardno ITC P/L** dated **January 2013**. The devices shall be maintained during the construction period and replaced when necessary.

Engineering conditions to be complied with prior to occupation certificate:

105. 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 of 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**.

106. 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**.

107. 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**.

108. 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 of Council's DCP - Stormwater Management.

Traffic and Parking Conditions:

General conditions:

109. All on site car parking facilities including ramps and servicing areas must comply with AS 2890.1 Off-street parking and AS 2890.6 Off-street parking for people with disabilities. If access to the basement car park is controlled by means of a security gate or other similar entry device, an intercom system at the entry to the car park must be provided to allow visitor access.

Conditions to be complied with prior to construction certificate or works commencing:

110. **Deleted.**
111. A construction traffic management plan, including a Traffic Control Plan produced by an RTA accredited red or orange card holder, must be approved by Council before the commencement of any construction work. It must also be shown how

construction and trades vehicles will be accommodated without resulting in adverse impacts on surrounding residential streets.

An application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of any works that require construction vehicle and machinery movements to and from the site. The approval of application for a Work Zone by Council's Traffic Section must be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**