

Property: 7, 7A, 9, 9A, 11, 11A, 11B, 13 and 15 Centennial Avenue, 92, 94, & 96 Gordon Crescent, Lane Cove

DA No: 2013 SYE111, DA 13/176

Date Lodged: 28 November 2013

Cost of Work: Additional cost \$6,185,000.00 Total cost \$53,185,000.00

Owner: Hycorp Property Fund No. 10 Pty Limited

Applicant: Hycorp Property Group

DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION	Assessment of an existing residential flat building consent DA233/11 to include additional land (15 Centennial Avenue), the dedication of 1530 sqm land to Council, an additional 32 apartments which would include Demolition of 12 dwelling houses and construction of a residential flat building complex containing 213 dwellings, a shop and basement car park for 329 cars
ZONE	R 4 – High Density Residential - Lane Cove Local Environmental Plan 2009
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Yes
IS THE PROPERTY A HERITAGE ITEM?	No
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No
IS THE PROPERTY ADJACENT TO BUSHLAND?	Yes. The site is also located within a Bush Fire Prone Land
BCA CLASSIFICATION	Class 2, 6 & 10b
STOP THE CLOCK USED	Yes – 2 days
NOTIFICATION	<p>Neighbours:</p> <p>1A-5, 19, 2-20 Centennial Avenue, Lane Cove 2-20, 15 & 21 Elizabeth Parade, Lane Cove 82-90 Gordon Crescent, Lane Cove 7, 9 & 12 Kariola Street, Lane Cove 508-520 Mowbray Road, Lane Cove</p> <p>All Councillors:</p> <p>Progress Association: Stringy Bark Creek Residents Association Lane Cove Bushland & Conservation Society</p>

REASON FOR REFERRAL

This application has been referred to the Sydney East Joint Regional Planning Panel as per clause 13B of State Environmental Planning Policy (Major Development) 2005 because the proposed development has a capital investment value greater than \$20 million.

EXECUTIVE SUMMARY

A previous application DA 233/2011 was approved by the Land and Environment Court in September 2012 for a proposal at 7-13 Centennial Avenue & 92-96 Gordon Crescent. The approval comprised 3 buildings (A, B & C) for 181 units, with an FSR of 1.78:1. Blocks A and B met the building height standard of the LEP. However, Block C exceeded the building height standard for the site as it was proposed on the modified landform of the quarry. Refer to Attachment 1 **(AT1)** for the approved plans.

Between the approval of the previous application DA 11/233 and the lodgement of the current development application DA 13/176, the planning controls for the site relating to the building height and the floor space ratio (FSR) standards in the Lane Cove Local Environmental Plan (LEP) were amended on 18 January 2013. The FSR decreased from 2.1:1 to 1.6:1 and the building height increased from 12m to 14.5m.

The current application includes the adjoining site at 15 Centennial Avenue. Given the slope, position and vegetation on 15 Centennial Avenue, the proposal does not seek to build on this portion of the site but seeks to allocate the permissible gross floor area (GFA) from No.15 Centennial Avenue within the approved buildings. No.15 Centennial Avenue is proposed to be dedicated to Council via a voluntary planning agreement (VPA).

The number of dwellings is proposed to increase from 181 to 213. The FSR would reduce from 1.78:1 to 1.71:1. The majority of the proposed development would comply with the 14.5m height limit, however, a portion of Block C would be 20.87m in height (above the area of the former quarry).

The comparison of the approval and the current proposal is summarised in the following table:

	Approved DA	Current DA
Properties	7, 7A, 9, 9A, 11, 11A, 11B & 13 Centennial Ave, 92, 94, & 96 Gordon Crescent, Lane Cove North	7, 7A, 9, 9A, 11, 11A, 11B 13 & 15 Centennial Ave, 92, 94, & 96 Gordon Crescent, Lane Cove North
Site Area	8160.61m ²	9690m ²
No. of dwellings	181	213
No. of car spaces	292	329
FSR	1.78:1 (under 2.1:1 of the previous LEP)	1.71:1 (over the 1.6:1 of the amended LEP)
Building height	Block A – 12m, Block B – 12m Blocks A & B met the standard in the previous LEP. Block C – 19.17m (exceeded the previous LEP)	Block A -14.5m, Block B -14.5m Both blocks meet the standard in the amended LEP. Block C 20.87m (exceeds the amended LEP)
Landscaping	43% (deep soil 31%)	48% (deep soil 41%)

The proposed FSR exceeds the current LEP, however, it is below that of the Court approval and the additional GFA is less than the maximum permitted GFA for 15 Centennial Avenue under the amended LEP. The building height mostly comply with the increased height limit of the amended LEP with the exception of the portion over the former quarry increased marginally.

Public benefit would be gained from the dedication of 15 Centennial Avenue to Council for use as bushland public space. Inclusion of this site in the development is considered to be a better planning outcome.

Negligible changes to amenity of the locality would occur under the new scheme.

A VIP and the development proposal were notified between 6 November 2013 and 5 December 2013. The Report of Results of Community Consultation on the proposed VIP is attached. **AT2.**

Council resolved to enter into the VIP and committed to rezoning the site of 15 Centennial Avenue to E2 – Environmental conservation and classify the land as community land upon acquisition on 16 December 2013. Council's resolution is attached. **AT3.**

Council's resolution to rezone 15 Centennial Avenue to E2- Environmental Conservation would ensure that there would not be any future residential flat building development on the site and such would be used for a reserve for Lane Cove community.

The application is recommended for approval subject to draft conditions included in the report.

SITE

The subject site is located at the western side of Centennial Avenue and the eastern side of Gordon Crescent in Lane Cove North.

The site is made up of 12 lots, namely:

- Lot 200, DP 1002700, 7 Centennial Avenue
- Lot 201, DP 1002700, 7A Centennial Avenue
- Lot 100, DP 850741, 9 Centennial Avenue
- Lot 101, DP 850741, 9A Centennial Avenue
- Lot 1, DP 363679, 11 Centennial Avenue
- Lot 1, DP 525748, 11A Centennial Avenue
- Lot 2, DP 525748, 11B Centennial Avenue
- Lot 3, DP 525748, 13 Centennial Avenue
- Lot B, DP 415901, 15 Centennial Avenue
- Lot 23, DP 27864, 92 Gordon Crescent
- Lot 24 DP 27864, 94 Gordon Crescent
- Lot 25, DP 27864, 96 Gordon Crescent

The site is irregular in shape with a 129.9 m frontage to Centennial Avenue and a 34.6m frontage to Gordon Crescent and has an area of 9,690m². There are 12 existing dwelling houses on the site.

The site has a natural steep embankment to Wilson Creek. There is a history of a former sandstone quarry on the southern part of the site which forms the existing dwelling house locations of 11A, 11B and 13 Centennial Avenue. The ground level of the existing houses on 11A, 11B and 13 Centennial Avenue, were built on the excavated part of the site which varies 4m to 9m below the footpath level on Centennial Avenue and up to 8m below the unexcavated northern part of the site.

With regard to the landform, the site can be divided into three distinct sectors:

The northern sector contains 7, 7A, 9, 9A and 11 Centennial Avenue and occupies a higher ground level of the site with an average 10% south-west slope.

The southern sector contains 11A, 11B and 13 Centennial Avenue, occupies the lower ground level of the site with a relatively level area and is approximately 8m below the existing ground level of 11 Centennial Avenue.

15 Centennial Avenue is located further to the south of the site adjacent to the reserve.

The western sector contains 92, 94 and 96 Gordon Crescent and occupies an average steeper 28% south western slope, which descends, towards Wilson Creek.

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

To the north: A dwelling house and a swimming pool at 5 Centennial Avenue and a dwelling house at 90 Gordon Crescent. The adjoining properties located to the north of the site are within R4 – High Density Residential zone. It is noted that a deferred development consent was issued by Council for the demolition of 4 dwelling houses and construction of a residential flat building comprising 63 dwellings on 1, 3, 3A and 5 Centennial Avenue on 5 December 2013.

To the south: Stringybark Creek reserve in E2- Environmental Conservation zone.

To the east: Centennial Avenue with dwelling houses along the eastern side of Centennial Avenue. Properties located to the eastern side of Centennial Avenue are within R2 – Low Density Residential zone.

To the west: Gordon Crescent with Stringybark Creek reserve beyond. Properties in Gordon Crescent area are within R4 – High Density Residential zone.

PROPOSAL

The approved development DA 11/233 permits the demolition of 11 dwelling houses and construction of a residential flat building complex comprising 181 dwellings, a shop and basement car park for 292 cars.

The proposal seeks to add 32 dwellings to the approved building footprint of the approved development. The proposed dwellings schedule in the proposed development is as follows:

Dwelling Type	Studio	1 bedroom	2 bedroom	3 bedroom	Total
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	10 (4.6%)	97 (45.5%)	83 (39%)	23 (10.8%)	213 (100%)
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The proposed development includes a shop with a gross floor area of approximately 93m².

The current proposal also involves amendments to the floor plans of DA 11/233.

PREVIOUS APPROVALS/HISTORY

The development application DA 11/233 for the demolition of 11 dwelling houses and construction of a residential flat building complex comprising 3 buildings (A, B & C) was lodged with Council on 23 December 2011. The original proposal comprised 189 dwellings.

The JRPP refused the original development application on 17 May 2012 on the grounds that some dwellings were located below the existing ground level and had poor amenity.

The applicant lodged an appeal in the Land and Environment Court with amended plans. The amended plans deleted 3 dwellings located on the lower level of Block A and the amended proposal comprising 181 dwellings. A development consent was issued by Land and Environment Court under Section 34 conference on 22 October 2012. See (Attachment **AT-6**)

PROPOSAL DATA/POLICY COMPLIANCE

Site Area (9,690m²)

Lane Cove Local Environmental Plan 2009

LEP 2009	Provision	Proposed	Complies/ Comment
Zone	R4 – High Density Residential zone	Residential Flat Building	Yes – permissible
		Shop	Yes - permissible
Maximum permitted FSR	1.6:1	1.71:1	No The applicant has submitted a request for an exception of the FSR standard under Clause 4.6 of the LEP. The request is considered to be well founded and supported.
Maximum permitted building height	14.5mm	20.87mm	No The applicant has submitted a request for an exception of the building height standard under Clause 4.6 of the LEP. The request is considered to be well founded and supported.

Lane Cove Development Control Plan

Part B – General Controls

Clause	DCP	Proposed	Complies/ Comment
B.3 - Site Amalgamation & Development on Isolated sites	To encourage site consolidation of allotments for development in order to promote the desired urban design outcomes and the efficient use of land and to avoid the creation of isolated sites.	Consolidation of 12 allotments for a residential flat building complex which would avoid multiple driveways The proposed development would not create an isolated site.	Yes
B.4 – View Sharing	To ensure that public view corridors between buildings are retained	Residents of the proposed development would share their outlook to bushland. The proposed development would not cause loss of view to the bushland from the adjoining houses.	Yes
B8 – Safety & security	Ground floor dwellings to have direct access from the street and at least one habitable room window to face the street.	The proposed building has pedestrian access from Centennial Avenue and Gordon Crescent and all windows facing Centennial Avenue and Gordon Crescent are habitable room windows (bedrooms or living rooms). The shop has frontage to Centennial Avenue.	Yes

Part C3 – Residential Flat Buildings

Clause	Requirement	Proposed	Complies/ Comment
3.2 Density	Minimum site area 1500m ²	Area of site 9690m ²	Yes
3.3 Building depth	18m exclusive of any balcony	33m (Block A)	No However, the design meets the objective of this requirement.
3.4 Building width	40m maximum fronting the street	33m	Yes
3.5 Setback			

Clause	Requirement	Proposed	Complies/ Comment
Front	Minimum 7.5m	7.5m to Centennial Avenue and Gordon Crescent	Yes
Side Block A	6m up to 4 storeys	6m to the northern boundary	Yes
		6m to the western boundary	Yes
	9m for 5-8 storey	9m to the western boundary at RL61.10	Yes
Block B	6m up to 4 storeys	6m to the northern boundary	Yes
	9m for 5-8 storey	9m to the northern boundary at RL63.65	Yes
Block C	6m up to 4 storeys	12.3m for 1-4 storey	Yes
	9m for 5-8 storey	12.7m for 5-7 storey	Yes
Rear Setback	6m	The site has two street frontages	N/A
3.5.3 Parking Podium Height			
Height adjoining front boundary	1.2m	Below the existing ground level	Yes
Height adjoining east boundary	1.2m	Below the existing ground level	Yes
Height adjoining west boundary	1.2m	Below the existing ground level	Yes
Height adjoining rear boundary	1.2m	Below the existing ground level	Yes
3.6 Building separation within development	12m between 4 storey buildings and 18m between 5-8 storey buildings	A-C, 1-4 storey, 12m A-B, 1-4 storey, 12m B-C, 1-4 storey 12m B-C, 5-7 storey 16m	Yes Yes Yes No. However, the setback was

Clause	Requirement	Proposed	Complies/ Comment
			accepted by the Court consent with privacy screen provisions.
3.7 Design of roof top area	Detailed landscape plan required	Provided	Yes
3.8 Size of dwellings	Minimum 40m ²	Minimum dwelling size 40m ²	Yes
3.9 Private open space	Primary balconies - 10m ² with minimum depth 2m	Balconies meet the minimum size requirement.	Yes
	Primary terrace- 16m ² with minimum depth 4m	Private terraces meet the minimum dimensions	Yes
3.10 Number of car parking, motorcycle and bicycle spaces	10 x studio = 5 spaces (10x0.5)		
	97x1 bedroom dwellings = 97 spaces (97x1)		
	83x2 bedroom = 124.5 spaces (83x1.5)		
	23x 3 bedroom dwellings = 46 spaces (23x2)		
	Visitor 1 per 4 dwellings = 53.25 spaces (213/4)		
	Shop with 93m ² = 2.3 spaces (93/40)		
	Required car parking 328.05.75 = 328 spaces	329 car spaces proposed	Yes
	1 motor cycle space per 25 car spaces		
	13 spaces required (329/25)	14 motor cycle spaces proposed on Basement levels	Yes
	1 bike locker per 10 dwellings	21 lockers in the basement	Yes

Clause	Requirement	Proposed	Complies/ Comment
	21 required (186/10) 1 Bike rails per 12 dwellings 18 rails required (213/12)	18 rails proposed in the basement	Yes
3.11 Ceiling heights	Minimum 2.7m	2.7m	Yes
3.12 Storage	6m ³ per 1 bedroom & studio dwelling 8m ³ per 2 bedroom dwelling 10m ³ per 3 bedroom dwelling 50% of the storage volume within the dwelling	Sufficient storage areas in the basement which is more than 50% of the required storage volume is provided on the basement levels. The internal space of the dwellings would be sufficient to meet the storage volume requirements	Yes Yes
3.13 Solar access	Living rooms and private open spaces of 70% of the units to receive 3 hours of direct sunlight between 9am – 3pm on 21 June Maximum 10% dwellings to have a southerly aspect	71% of the dwellings would receive more than 3 hours solar access (151 dwellings) Less than 10% dwellings have a southerly aspect	Yes Yes
3.14 Natural ventilation	Minimum 60% of the dwellings to have cross ventilation. Minimum 25% of the kitchens to have access to natural ventilation	66% of the dwellings have cross ventilation (141 dwellings). More than 25% of the kitchens have access to natural ventilation	Yes Yes
3.15 Visual privacy	Provide visual privacy between the adjoining properties	Balconies & terraces face towards the communal open space Privacy screens to the balconies on the north elevation of Block B are proposed to minimise the overlooking impact upon 5 Centennial Avenue.	Yes Yes
3.16 Communal	Minimum 25%	44% provided	Yes

Clause	Requirement	Proposed	Complies/ Comment
open space			
3.17 Landscaped area	25% provided at ground level and up to 15% provided on structures	41% provided at the ground level and 7% on the elevated private terraces at the rear of the building	Yes

Part F - Access and Mobility

DCP	Proposed	Complies/ Comment
Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings (20%) 43 (213x 20%) dwellings required	20% (43) adaptable dwellings proposed	Yes
Provide 1 accessible parking space for each adaptable housing unit (43 spaces required)	43 accessible parking spaces provided to the adaptable dwellings + 2 accessible visitor's spaces	Yes

REFERRALS

Senior Building Surveyor

Council Senior Building Surveyor has reviewed the proposal against Building Code of Australia and the Premises Standards 2010 and has provided draft conditions in the event that the JRPP approve the application.

Development Engineer

The proposed storm water management plans were referred to Council's development engineer for assessment. The development engineer has provided the following advice:

The plans used to check the engineering matters are drawings by Hyecorp Design numbered DA1.01 – DA4.03 Rev A and dated 04-10-13.

The stormwater concept plan has been prepared in accordance with Council's DCP. The proposed new system provides adequate on site detention and a rainwater reuse system to meet the Basix requirements.

A flood study has been prepared to support the application and the design meets the objectives of the report.

The proposed bulk excavation has been conditioned in the interest of all adjoining structures.

The upgrade of Council infrastructure for the entire frontage of the proposal has been conditioned.

All parking and driveway ramps has been assessed and approved by Council's Traffic Section.

If JRPP is to issue an approval the recommended engineering conditions have been applied to the determination:

Comment: The recommended draft conditions have been provided in the event that the JRPP approve the application.

Manager Community Services

Council Community Services Manager has endorsed the application and has provided draft conditions in the event that the JRPP approve the application.

Traffic Engineer

Council traffic engineer has endorsed the application and has provided draft conditions in the event that the JRPP approve the application.

Tress Assessment Officer

Council's Senior Tree Assessment Officer provided the following advice relating to the previous application DA 11/233:

Trees on the site consist of a mixture of exotica and native tree species. The arborist report discussed the possibility of the retention of a Turpentine tree known as Tree 2. Tree 2 is a good specimen and retention of this prominent tree would be preferred. Excavation is in close proximity to the tree and the site arborist can make a recommendation during excavation as to the viability of retention. A condition of consent would be applied for its retention.

The generic tree protection measures mentioned in the arborist report is not adequate to ensure the trees on site; designated for retention, are protected for the duration of the propose development. All trees on site shown on the plans for retention including the street trees directly adjacent to the site and all trees within Council land on the south side of the site must be protected in accordance with the principles of AS4970 'Protection of trees on development sites. The site arborist must ensure all tree protection measures are in place prior to commencement of demolition works on site.

The proposed Landscape Plan is to the satisfaction of Council and must be adopted as part of the development Consent if the application is approved.

The recommended tree protection conditions were included in the development consent DA 11/233.

Given the proposal would not alter the landscaping of the approved development, the tree protection conditions of the previous consent should be adopted in the event that JRPP approve the application.

The draft conditions have been provided in the event that the JRPP approve the application

Manager Bushland

The site is adjacent to bushland. Council's Bushland Manager confirmed that no part of the proposed Asset Protection zone (APZ) should be on Council land, which is part of Batten Reserve bushland. Council would not support an APZ on Council bushland, as maintaining an APZ on bushland would have an adverse environmental impact upon the existing bushland area. The maintenance of an APZ on Council land would also be a considerable financial burden to Council.

The bushland management conditions have been provided in the event that the JRPP approve the application.

NSW Rural Fire Service (RFS)

NSW RFS endorsed the previous proposal and provided draft condition relating to the bushfire management. The bushfire management conditions recommended by the RFS have been included should JRPP approve the application.

RFS requires a Plan of Management to be prepared for the proposed public open space on the southern portion of the subject site adjacent to Batten Reserve and Wilson Creek. The plan should address measures to ensure the maintenance of the proposed public open space as an Asset Protect Zone (APZ) as outlined within section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones in perpetuity. In this regard, given the dedication of this land to Council as part of a Voluntary Planning Agreement, Council would need to demonstrate its commitment to its maintenance in perpetuity.

Officer's comment:

Council has no intension to use 15 Centennial Ave as an APZ for a private development.

Council resolved to enter into the VIP and committed to the rezoning of the site at 15 Centennial Avenue to E2 – Environmental conservation and classify the land as community land upon acquisition on 16 December 2013 (See Attachment **AT-2**)

The current development proposal does not alter the building setbacks to its previous boundaries and the AZP of the previous approved development was located within the properties of 7-13 Centennial Ave and 92-96 Gordon Crescent, Lane Cove North.

Council would not support an APZ on Council bushland, as maintaining an APZ on bushland would have an adverse environmental impact upon the existing bushland area. The maintenance of an APZ on Council land would also be a considerable financial burden to Council.

The APZ of the proposed development must be located within previous approved development boundary at 7-13 Centennial Avenue and 92-96 Gordon Crescent, Lane Cove.

Council would accept previous RFS conditions to ensure the APZ of the development is within the previously approved development.

Waste Co-ordinator

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

State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development (SEPP 65)

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

Council's consulting architect has assessed the approved design and the current design and raised concerns relating to the building separations within the development and solar access to the dwellings in Building C. Refer to the SEPP 65 assessment advices. Refer to Attachment 4 **(AT 4)**.

The applicant has submitted further additional information to demonstrate that the proposal would meet the minimum solar access and minimum cross ventilation requirements. Attachment 5 **(AT5)**.

The consultant architect has not provided any further comments up to this stage.

State Environmental Planning Policy (Building Sustainability Index) 2004

A BASIX report has been submitted along with the application. No issues are raised with regard to water, thermal comfort and energy targets.

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

LANE COVE LOCAL ENVIRONMENTAL PLAN 2009

The Lane Cove LEP has rezoned the site and its surrounding adjoining properties to R4 – High Density Residential. The objectives of the zone are to provide housing needs of the community within a high density residential environment and to provide facilities or services to meet the day to day needs of residents.

The proposal is for a residential flat building complex and a shop, which meets the zone objectives. The character of the area, which is currently dominated by low density residential dwelling houses, would change to accommodate high density residential flat buildings in future. The proposed development would meet the future desired character of the area.

As stated in the compliance table, part of the proposed building exceeds the maximum permitted building height and the FSR standards of the amended LEP. The applicant has lodged written requests for the exception of the development standards.

Clause 4.6 of the LEP

Exception to the building height standard

The maximum permitted building height for the site is 14.5m and the maximum proposed building height is 20.87m at Block C. Blocks A and B meet the standard.

The previous consent acknowledged that while the building height was measured from the existing ground level, the existing ground of Block C was located on a former quarry which was significantly lower than the existing ground level of the rest of the site and accepted the applicant's written request for the exception to the building height standard in accordance with Clause 4.6 of the LEP. The approved building height of Block C was 19.17m.

The proposal marginally increases the building height of the proposed Block C to 20.87m. Given that Block C is located at the southern end of the site and the breach of the overall height limit would not have an adverse impact upon the amenity of the adjoining developments, the appearance of Block C to Centennial Avenue is compatible with the Block A located to its east, the submission is considered to be well founded and is supported.

Exception to the FSR standard

The maximum permitted FSR for the site is 1.6:1 in accordance with Clause 4.4 of the LEP. The proposed FSR is 1.71:1 which exceeds the LEP standard.

The applicant lodged a submission for the exception to the FSR standard in accordance with Clause 4.6 of the LEP in the Statement of Environmental Effects. The submission stated that the approved application has an FSR of 1.78:1 and the proposed FSR is 1.71:1 which is less than the approved FSR for the site.

The GFA of the additional dwellings to the site area of 15 Centennial Avenue is less than 1.6:1:1.

Given that the approved FSR of 1.78:1 is met the FSR standard of the previous LEP which was 2.1:1 and the proposal reduces the FSR of the approved FSR on the site, the exception to the FSR of the amended LEP is considered reasonable and is supported.

LANE COVE DEVELOPMENT CONTROL PLAN

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

Building separation

Part C Clause 3.6 of the DCP states that separation between five to eight storeys up to 25m height should be 18m between habitable rooms/balconies. Building A and C are 6 storey buildings and the separation between balconies of the top levels of these two buildings is 12m.

The building separations between the buildings were taken into consideration during the S34 conference and the provision of privacy screens would not satisfy the prescriptive measure of separations between dwellings, but would meet the objective of providing adequate amenity achieved in terms of visual and acoustic separation. The proposal maintains the building separations between the buildings.

Building depth

The maximum depth of Building A is 33m, which exceeds the building depth requirements of the DCP.

Comment: The objective of a maximum building depth requirement is to provide for adequate solar access and cross ventilation. The proposal meets the minimum solar access and minimum cross ventilation requirements of the DCP. It is considered that the proposal meets the objectives of the building depth requirements of the DCP.

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:

There are 12 dwelling houses on the site. All existing dwelling houses comprise 3 bedrooms each except the dwelling house on 92 Gordon Crescent, which contains 4 bedrooms. The average occupation rates of dwelling houses are 2.8 persons per a 3 bedroom house and 3.6 persons per a 4 bedroom house. The population of the existing dwelling houses is calculated as:

$$11 \times 2.8 + 1 \times 3.6 = 28 + 3.6 = 34.4 \text{ (persons)}$$

The development as proposed requires the following Section 94 Contribution.

No. of bedrooms	Average occupation rate	Population
10x Studio	1.2	10x1.2=12
97 x 1 bedroom	1.2	97x1.2=116.4
83 x 2 bedroom	1.9	83x1.9=157.7
23x 3 bedroom	2.4	23x2.4=55.2
Total proposed population		341.30

The proposed development would increase the population living on the site for additional 306.9 persons (341.3-34.4). Given the applicant already paid the S94 contribution for the additional 249.5 persons and the shop prior to the release of the Construction Certificate of the approved development DA 11/233 on 12 November 2013, the S94 contribution application for additional 57.4 persons (306.9-249.5) at the current rate of 9,391.00/person is therefore \$539,043.4 (or \$16,845.11 per dwelling). The required Section 94 contribution is less than \$20,000 per dwelling and it would not exceed the cap of the Reforms of the Local Development Contributions.

The Section 94 contribution for the additional retail space has been paid for the previous consent and is no longer required.

The total Section 94 contribution applicable for the development is \$539,043.40 in conjunction with the previous development consent DA 11/233.

The Section 94 Contribution payment has been included as a draft condition in the report in the event that the JRPP approve the application.

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

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

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

The development proposal was notified in accordance with Council's notification policy. 29 submissions were received. The issues raised in the submission can be summarised as follows.

- *The proposed development exceeds the maximum permissible building height standard*

Officer's comment:

It is agreed that the proposal does not comply with the building height standard of the LEP. However, Clause 4.6 of the LEP provides a degree of flexibility in applying certain development standards to particular development. The applicant sought an exception to the building height standard and has demonstrated that the proposal meets the objectives of the clause. The exception is considered reasonable, well founded and supported in the present circumstances.

- *Impact of noise during the period of construction.*

Officer's comment:

The noise impact from the construction of the proposed development would be a short term impact. The concern would be addressed by way of imposing conditions of development consent should JRPP approve the development application.

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

Officer's comment:

The proposed development has included 15 Centennial Avenue as part of the development site. There is no further adjoining building to the south of the site and the additional shadow to the reserve is considered minor.

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

Officer's comments:

The proposal would increase traffic movements in the area. The Council's traffic engineer has assessed and endorsed the traffic report submitted with the development application as satisfactory with draft conditions for consideration.

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

Officer's comment:

The amended proposal complies with the boundaries setbacks of the DCP.

- *The proposed development is very large and excessive*

Officer's comment:

The proposal would result in an amalgamation of 12 properties with more than 9600m² of the site area. The proposed development has an FSR less than that previous approved. The proposed development meets the overall height standards with the exception of building C, the breach of which is considered justified.

The proposed development has a variety of building types, frontages scale and materials. The scale and size of the development is considered acceptable with respect to the site area.

- *The proposed development provides for Insufficient parking*

Officer's comment:

The proposal meets the parking requirements of the DCP. The proposed number of car parking spaces is considered adequate.

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

Officer's comment:

The proposal meets the zoning objectives of the LEP. The character of the area, which is currently dominated by low-density residential dwelling houses, would change to accommodate high-density residential flat buildings in future. The proposed development would meet the future desired character of the area.

All submissions have considered during the assessment.

Submissions relating to the VPA have been discussed in a separate report. Refer to **AT 2**.

CONCLUSION

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

The proposed development complies with the zone objectives of Lane Cove Local Environmental Plan 2009 and the amended plans have addressed the requirements of Lane Cove Development Control Plan.

The requests for exception to the building height and FSR standards of the LEP are considered well found and are supported.

Amended plans and additional information have been submitted to address concerns raised by Council and consultant architect relating to the compliance with the SEPP 65 requirements. The proposed development meets the numerical requirements of building separation by the provision of privacy screens. The compliance with the objectives of providing adequate amenity achieved in terms of visual and acoustic separation was considered satisfactory by Land and Environment Court.

The proposal meets the minimum solar access and minimum cross ventilation requirements of the DCP and the objectives of the building depth requirements of the DCP.

The issues raised by neighbours have been considered and found to be on balance reasonable in the circumstances and context of this current proposal.

The proposal increases the area of the site by including 15 Centennial Avenue. The additional floor space generated by the additional site area is accommodated within the existing three approved residential flat building blocks. As such, there would be no change to the footprint of the approved building. Inclusion of additional site area increases the soft landscape area which would improve the amenity of the development.

The dedication of 15 Centennial Avenue to Council would be a substantial benefit for the community of Lane Cove and is accepted by Council.

The development application is recommended for approval.

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 grants development consent to Development Application DA 13/176 (2013SYE111) the assessment of an existing residential flat building consent DA233/11 to include additional land (15 Centennial Avenue), the dedication of 1530 sqm land to Council, an additional 32 apartments which would include Demolition of 12 dwelling houses and construction of a residential flat building complex containing 213 dwellings, a shop and basement car park for 329 cars on

- Lot 200, DP 1002700, 7 Centennial Avenue
- Lot 201, DP 1002700, 7A Centennial Avenue
- Lot 100, DP 850741, 9 Centennial Avenue
- Lot 101, DP 850741, 9A Centennial Avenue
- Lot 1, DP 363679, 11 Centennial Avenue
- Lot 1, DP 525748, 11A Centennial Avenue
- Lot 2, DP 525748, 11B Centennial Avenue
- Lot 3, DP 525748, 13 Centennial Avenue
- Lot B, DP 415901, 15 Centennial Avenue
- Lot 23, DP 27864, 92 Gordon Crescent
- Lot 24 DP 27864, 94 Gordon Crescent
- Lot 25, DP 27864, 96 Gordon Crescent

subject to the following conditions:

General Condition

1. That the development be strictly in accordance with the following drawings dated 04/10/13 prepared by Hyecorp Design except as amended by the following conditions.
 - Plan 1, Block A RL39.60, DA2.01, Rev A;
 - Plan 2. Block A RL42.60, DA2.02, Rev A

- Plan 3, Block A, RL 45.60, DA2.03, Rev A;
 - Plan 4. Block A RL48.60, Block C RL 47.75, DA 2.04, Rev A;
 - Plan 5. Block A RL51.6, Block B, RL51.35, Block C RL 51.15, DA2.05, Rev A;
 - Plan 6. Block A RL54.60, Block B, RL54.35, Block C RL 54.15, DA 2.06, Rev A;
 - Plan 7. Block A RL57.60, Block B, RL57.35, Block C RL 57.15, DA 2.07, Rev A;
 - Plan 8. Block A RL60.60, Block B, RL60.35, Block C RL 60.15, DA 2.08, Rev A;
 - Plan 9. Block A RL63.60, Block B, RL63.35, Block C RL 63.15, DA 2.09, Rev A;
 - Plan 10. Block B, RL66.35, Block C RL 66.15, DA 2.10, Rev A;
 - Plan 11. Block B, RL69.35, Block C, RL 69.15, DA 2.11, Rev A;
 - Plan 12, Block B, RL 72.35, DA 2.12, Rev A;
 - East and Elevations, DA 3.01, Rev A;
 - West and South Elevations, DA 3.02, Rev A;
 - Section A & B, DA 4.01, Rev A;
 - Section C, DA 4.02, Rev A;
 - Car Park Sections, DA 4.03, Rev A;
 - Entry Driveway Section, DA 4.04, Rev A;
 - Landscape Plan, job.dwg no. 166.13/407, One/Three, prepared by Iscape Landscape Architecture, dated September 2013;
 - Planters Plan, job.dwg no. 166.13/408, Two/Three, prepared by Iscape Landscape Architecture, dated October 2013;
 - LWUP Plan, job.dwg no. 166.13/409, Three/Three, prepared by Iscape Landscape Architecture, dated September 2013.
2. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
 3. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
 4. The approved plans must be submitted to a Sydney Water Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The consent authority or a private accredited certifier must:-

- Ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.
5. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
 6. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance

that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council or the PCA that they have complied with the applicable requirements of Part 6. **Council as the PCA will not release the Construction Certificate until evidence of Home Owners Warranty Insurance or an owner builder permit is submitted.**

THE ABOVE CONDITION DOES NOT APPLY TO COMMERCIAL/INDUSTRIAL CONSTRUCTION, OWNER BUILDER WORKS LESS THAN \$5000 OR CONSTRUCTION WORKS LESS THAN \$20,000.

7. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL 57.4 PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. THE AMOUNT IS **\$539,043.40** AT THE CURRENT RATE (2013-2014) OF \$9391.00 PER PERSON.

NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.

THIS CONTRIBUTION IS FOR COMMUNITY FACILITIES, OPEN SPACE/ RECREATION AND ROAD UNDER THE LANE COVE SECTION 94 CONTRIBUTIONS PLAN WHICH IS AVAILABLE FOR INSPECTION AT THE CUSTOMER SERVICE COUNTER, LANE COVE COUNCIL, 48 LONGUEVILLE ROAD, LANE COVE.

The Section 94 contribution should be paid in conjunction of the Section 94 Contribution of DA 11/233 for the development on the site.

8. 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.

9. 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").
10. (35) Hour of Construction Works

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

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

11. 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.
12. 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.
13. The provision of 328 on-site carparking spaces for the use of proposed development at all times.
14. 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.**
15. 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.

16. 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.

17. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.
18. The swimming pool being surrounded by a fence:-
 - a) That forms a barrier between the swimming pool; and
 - i) any residential building or movable dwelling situated on the premises; and
 - ii) any place (whether public or private) adjacent to or adjoining the premises; and
 - b) That is designed, constructed and installed in accordance with the standards as prescribed by the Regulations under the Swimming Pool Act, 1992, and the Australian Standard AS1926.1 – 1993, "Swimming Pool Safety – Part 1: Fencing for Swimming Pools".

SUCH FENCE IS TO BE COMPLETED BEFORE THE FILLING OF THE SWIMMING POOL.

19. The filter and pump being located in a position where it will create no noise nuisance at any time or, alternatively, being enclosed in an approved soundproof enclosure. If noise generated as a result of the development results in an offensive noise Council, may prohibit the use of the unit, under the provisions of the Protection of the Environment Operations Act 1997.
20. In accordance with the requirements of the Swimming Pools Act 1992 and Regulations thereunder a warning notice is to be displayed in a prominent position in the immediate vicinity of the swimming pool at all times.

The notice must be in accordance with the standards of the Australian Resuscitation Council for instructional posters and resuscitation techniques and must contain a warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL".

21. Fibrecrete Swimming Pool Shell being constructed in accordance with AS.2783-1985 "Concrete Swimming Pool Code, AS 3600-1988 - "Concrete Structure" and "AW1 Fibresteel Technical Manual, November 1981".
22. Where Lane Cove Council is appointed as the Principal Certifying Authority, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-
 - a) The pier holes/pads before filling with concrete.
 - b) All reinforcement prior to filling with concrete.
 - c) The dampcourse level, ant capping, anchorage and floor framing before the floor material is laid.
 - d) Framework including roof and floor members when completed and prior to covering.
 - e) Installation of steel beams and columns prior to covering.

- f) Waterproofing of wet areas.
 - g) Pool reinforcement prior to placement of concrete.
 - h) The swimming pool safety fence and the provision of the resuscitation. poster prior to filling of the pool with water.
 - i) Stormwater drainage lines prior to backfilling.
 - k) Completion.
23. Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-
- a) underpinning;
 - b) retaining walls;
 - c) footings;
 - d) reinforced concrete work;
 - e) structural steelwork;
 - f) framing of each level.
24. All metal deck roofs being of a ribbed metal profile or colourbond corrugated galvanised or zincalume iron, in a mid to dark range colour and having an approved anti-glare finish.
25. A check survey certificate is to be submitted at the completion of:-
- a The establishment each floor level;
 - a The roof framing; and
 - b The completion of works.
- Note: All levels are to relate to the reduced levels as noted on the approved architectural plans and should be cross-referenced to Australian Height Datum.
26. 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.
27. 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.
28. Usage of mechanical rock pick machines
- (a) The use of mechanical rock pick machines on building sites is prohibited due to the potential for damage to adjoining properties.
 - (b) Notwithstanding the prohibition under condition (a), the principal certifying authority may approve the use of rock pick machines providing that:-
 - (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.

- 29. The proposed works must be confined within the boundaries of the site.
- 30. The site being cleared of all debris and left in a clean and tidy condition at the completion of all works.
- 31. All machinery used on the site during demolition shall have a noise emission no greater than 75dB(A) when measured at a radius of 7.0 metres from the specified item.
- 32. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
- 33. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
- 34. Compliance with Australian Standard 2601 - The Demolition of Structures.
- 35. Compliance with the Waste Management Plan submitted with the development application.
- 36. It should be understood that this consent in no way relieves the owners or applicant from any obligation to obtain any other approval which may be required under any covenant affecting the land or otherwise nor relieve a person from the legal civil consequences of not complying with any such covenant.
- 37. Lane Cove Council charges a fee of \$36 for the registration of any Part 4A Certificates (compliance, construction, occupation or subdivision certificates) issued by an accredited certifier under the Environmental

Planning and Assessment Act.

38. All overflow water and drainage including backwash from filter washing from the swimming pool must be directed to the sewer in accordance with Sydney Water's requirements.
39. **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.

40. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.
41. Separate development consent must be obtained for the use of the shop in the proposed complex.
42. Separate development consent must be obtained for the strata subdivision of the dwellings in the proposed complex.
43. Recommendations from the Access report prepared by Hamish Murray Accessibility Consultant & Builder, 23/10/2013 must be implemented.
44. All lots except the lot of 15 Centennial Avenue must be consolidated into 1 lot prior to the release of the Construction of Construction Certificate.

BCA Conditions

45. Any pond that a depth in water exceeding 300mm is required to have a barrier installed to perimeter in accordance with AS 1926.1-2007, safety Barriers for Swimming Pools.
46. The development is to comply with the Access to Premises – Buildings Standards 2010.

Community Services

47. Provide detailed plans and description of the pre-adaptation and post-adaptation units demonstrating how the 20% of adaptable units comply with AS4299.

Noting door widths, turning circles, continue pathways and access to balconies.

48. Demonstrate 80% visitable housing where there is a continuous path of accessible travel from the property frontage or car parking area to the living area and to a toilet that is either accessible or visitable. Internal unit

door widths or bathroom size don't appear to meet the Standards.

49. In addition to the visitable units demonstrate how 80% of the common areas within are to be visitable. The common areas include the specified common areas, gym/pool room area and theatre and other shared amenities. There appears to be stairs on Plan 11 Block C to Common area and Plan 4 block C, a number of the internal doorways leading to the facilities appear not meet the standards. There are no details of the accessible toilets/change facilities in the pool/gym room.

General Engineering

50. **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.
51. **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.
52. **Works on Council Property:** Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property**.
53. **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.
54. **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.
55. **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.
56. **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*'.
57. **Council Drainage Infrastructure:** The proposed construction shall not encroach onto any existing Council stormwater line or drainage easement. If a Council stormwater line is located on the property during construction, Council is to be immediately notified. Where necessary the

stormwater line is to be relocated to be clear of the proposed building works. All costs associated with the relocation of the stormwater line are to be borne by the applicant.

58. **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.
59. **Work Zone:** A Traffic Construction Management Plan and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of the demolition and prior to any works that require construction vehicle and machinery movements to and from the site. If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to RMS for approval. The approval of the Traffic Construction Management Plan and 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.**
60. **Heavy Vehicle Duty Employee and Truck Cleanliness:** The applicant shall
- Inform in writing all contractors of Council's requirements relating to truck cleanliness leaving the site.
 - Keep a register of all contractors that have been notified, the register is to be signed by each contractor. The register must be available for access by Council officers at all times.
 - Place an employee within close proximity of the site exit during site operation hours to ensure that all outgoing heavy vehicles comply with Council's requirements. This employee shall liaise with heavy vehicle drivers and provide regular written updates to drivers on the conditions of entry to the subject site.

Those drivers who have been determined to continually not comply with Council's requirements, either by the developer or authorised Council officers, shall not be permitted re-entry into the site for the duration of the project.

61. **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.
62. **Covering Heavy Vehicle Loads:** All vehicles transporting soil material to and 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.

63. **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.
64. **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.
65. **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.
66. **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.
67. **Flood Risk Management:** No structures are permissible within the area to the South of the top of bank of the watercourse in the vicinity of the site. The minimal habitable floor level and the minimum threshold level for basement access should be 39.50m AHD.

Engineering conditions to be complied with prior to Construction Certificate

68. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with plan numbered **S13450 Rev DA** prepared by **Floth Consulting** and dated **30-09-13**. 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.
69. **Positive Covenant Bond:** The applicant shall lodge with Council a \$2000.00 cash bond to cover the registration of the required positive covenants. Lodgement of this bond is required **prior to the issue of the Construction Certificate**.

70. **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.**
71. **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.**
72. **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.

73. **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.

74. **Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining properties and any of Councils infrastructure located within

the zone of influence of the proposed excavation.

Dilapidation report must be conducted by a suitably qualified engineer **prior to the commencement of any demolition, excavation or construction works**. The extent of the survey must cover the zone of influence that may arise due to excavation works, including dewatering and/or construction induced vibration. The Initial dilapidation report must be submitted to Principal Certifying Authority **prior to issue of a Construction Certificate**.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Principle Certifying Authority **prior to issue of an Occupation Certificate**.

75. **Road Dilapidation Survey:** The applicant is prepare a dilapidation survey and a dilapidation report that includes details of the existing state of repair / condition of the road surface along Gordon Crescent and Centennial Avenue. The survey and report need to be forwarded 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 prepare 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 applicable condition 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.
(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. 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**.
76. **Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A '*Construction of a Multi Unit Footpath Crossing*' application shall be submitted to Council **prior to the issue of the Construction Certificate**. All works associated with the construction of the crossing shall be completed **prior to the issue of the Occupation Certificate**.
77. **Boundary Levels:** The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping and stormwater drainage plans and shall be obtained **prior to the issue of the Construction Certificate**. Note: The finished floor level of the proposed garage or carport shall be determined by Council.
78. **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.**

79. **Council Construction Requirements:** The applicant shall construct / reconstruct the following:
1. New 1.5m wide footpath adjacent the entire frontage of the development.
 2. New Kerb and Gutter along the entire frontage of the development.
 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. Lodgment 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.

80. **Council Inspection Requirements:** 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 \$1160.00 is to be paid **prior to the issue of the Construction Certificate.**

81. **Soil and Water Management Plan:** A Soil and Water Management Plans (SWMP) 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

82. **Soil and Water Management 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) Soil and Water Management Plan'. The devices shall be maintained during the construction period and replaced when necessary.

Engineering Condition to be complied with prior to Occupation Certificate

83. **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**.
84. **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**.
85. **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**.
86. **Positive Covenants OSD and Pump Out System:** Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Occupation Certificate**. The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.
87. **Flood Warning:** Signage shall be erected adjacent to the top of bank of the watercourse indicating that the creek is subject to flooding and flood waters may rise quickly during a storm event. The signs shall be erected to Council's satisfaction and approved signs may be purchased from Council's customer service desk. All signage shall be erected to Council's satisfaction **prior to the issue of the Occupation Certificate**.

Bushland Management Conditions

88. The applicant is required to submit a Bushland Rehabilitation and Maintenance Plan, as per Part H of the DCP, for the development to the Principal Certifying Authority and Council **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**.

The plan is to be produced by a suitably qualified and experienced environmental consultant specialising in bushland management and is to be prepared in accordance with the following:

- The plan is to include an assessment of the existing bushland and its potential to regenerate with suitable management. The Plan should also include proposals for the removal of weeds from the bushland area and an extended maintenance program, with bush regeneration works proposed for the following 5 year period.
 - All plant species to be used for rehabilitation in the riparian area must be species indigenous to the adjacent Batten Reserve. A species list for this reserve is available on request.
89. All Aboriginal sites and relics in NSW are protected under the National Parks and Wildlife Act 1974. If during the course of construction an Aboriginal site or relic is uncovered, works must cease and the Metropolitan Local Aboriginal Lands Council and the NSW National Parks and Wildlife Service must be notified immediately.
90. All materials brought onto the site must be weed free.
91. Any weeds in the bushland area listed under the Noxious Weeds Act must be continually eradicated using suitable bush regeneration methods ensuring there is no long term re-establishment. Refer to council's website www.lanecove.nsw.gov.au for further information.
92. Rubbish must be stored in a locked container / cage. Any building rubbish that is not contained must be cleaned up immediately, including the immediate worksite, surrounding area and/or public open space.
93. There shall be no access through the adjacent park/reserve to carry out any building works, storage of materials, storage of soil or storage of rubbish during construction.
94. A 1.8 m high fence of impermeable mesh fencing shall be erected along the common property boundary and the adjacent public reserve. The fenced area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and the soil levels within the fenced area shall remain undisturbed.

A waterproof sign must be placed on every second panel stating 'NO ENTRY COUNCIL LAND – this fence and sign are not to be removed or relocated for the work duration'. Minimum size of the sign is to be A3 portrait with NO ENTRY COUNCIL LAND in capital Arial Font size 100, and the rest of the text in Arial font size 65.

Such fencing and signage must be erected **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE** including demolition or site preparation and remain in place for the duration of the construction work.

95. The recommendations set out in the Predevelopment Flora and Fauna Impact Assessment prepared by Keystone December 2011 (page 23-24), must be followed at all stages of the development. The

recommendations set in the Predevelopment Riparian Assessment, prepared by GHD December 2011 (page 9) must also be followed at all stages of the development.

96. During construction / landscaping the designated riparian area within the property and adjacent public bushland area must be kept clean of all building materials and rubbish. Any rubbish that is blown into these areas must be immediately cleaned up.
97. In the event that there occurs any accidental or intentional dumping of building material in the bushland area, Council's Assistant Manager, Open Space must be notified immediately.
98. All outside lighting must be appropriately baffled to minimise light pollution into the bushland area.
99. Three replacement *Angophora costata* trees must be planted in a suitable location within the riparian area to replace the *Angophora costata* proposed for removal. Turpentine (*Syncarpia glomulifera*) and other indigenous species listed on the landscape plan are to be planted in the riparian area prior to the issue of the Certificate of Occupation.
100. Prior to issue of the Certificate of Occupation, the applicant must submit evidence of an agreement for the maintenance of all site landscaping by a qualified bush regeneration contractor, for a period of 5 years from the date of issue of the Certificate of Occupation.

Landscaping Conditions

101. 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.
102. The applicant must obtain written authority prior to pruning or removal of any trees greater than 4m in height, located on the property or in neighbouring properties including the cutting of any tree roots greater than 40mm in diameter. Trees shown on the approved Plans for removal are exempt from this condition.
103. 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.

104. Footing, trench or excavation that is within 3m of any tree greater than 4m in height; including neighbouring trees, must be carried out using hand held tools only with no tree roots greater than 40mm diameter to be severed or damaged
105. All trees shown on the plans to be retained including the street trees directly adjacent to the site and all trees within Council land on the south side of the site must be protected in accordance with the principles of AS4970 'Protection of trees on development sites. The site arborist must ensure that all trees are adequately protected and all tree protection measures are in place prior to commencement of demolition works on site. All tree protection measures must remain in place for the duration of the development, including construction of the driveway crossing.
106. The Turpentine (Tree 2) must be retained and protected. If the site arborist determines that the tree should be removed, Council's Senior Tree Assessment Officer must be notified at least two days prior to removal of the tree.
107. The site arborist must certify that all tree protection measures are in place prior to commencement of works. A copy of this certification must be obtained by the Authorized Private Certifier prior to commencement of works and/or Issue of the Construction Certificate.
108. A waterproof sign must be placed on all tree protection zones stating 'NO ENTRY TREE PROTECTION ZONE – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A4 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.

BOND ON STREET & COUNCIL TREES

109. 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 \$10,000 (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 including trees within the Council land on the south side of the allotment..

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 Occupation

Certificate. The owner must notify Council's Senior Tree Assessment Officer who will inspect the street and reserve trees and organize the bond refund.

110. The proposed landscape Plan is to the satisfaction of Council and must be adopted as part of the development Consent.

Waste Management Conditions

111. **Clearance Height**

Minimum clearance height for the car park entry must be 2.6 metres or higher. The 2.6 metre clearance must be maintained throughout the basement car park.

112. **Bulky Goods Storage Room**

The bulky goods storage room must be designed to have a minimum 30m² floor area, and door(s) to the bulky goods storage room must have a minimum opening of 1700 mms.

113. **Open Air Collection Point**

An open air collection point must be identified on the floor plan for the collection of bulky goods. This area must be accessible via Council's waste collection vehicle.

114. **Garbage Chute Room**

Each garbage chute room must be designed to comply with Appendix F of Part Q of Lane Cove DCP. Each garbage chute room must be able to accommodate 2 x 240L recycling bins.

115. **Communal Composting/Worm Farming**

An area of minimum 1 x 2 metres must be allocated on the landscape plan for the purpose of communal composting or worm farming.

116. **WASTE BIN ALLOCATION**

It has been indicated that the number of units in the proposal is 213. Based on the number of dwellings, the total number of Mobile Wheelie Bins provided to the development will be:

Waste: 71 x 240L Red Lidded (Before Compaction);
Paper: 22 X 240L Yellow Lidded;
Container: 22 x 240L Blue Lidded;

The exact number of general waste and recycling bins will be subject to change pending site requirement and number of chute rooms proposed on site.

Traffic Management Conditions

117. The “on-street loading zone” is detailed as 20m in length. The loading area for removal vans is required to be 11.0m x 3.5m (with a vertical clearance of 4.5m). The on-street loading bay should be positioned further north to allow suitable visibility for vehicles turning right out of the development. The on-street loading bay is subject to agreement by RMS. The location of the removal truck loading area must be resolved prior to the release of the construction certificate.
118. The developer to submit to Council and RMS for approval a detailed design of the urban channelized T-junction treatment as shown in Austroads Guide to Road Design – Part 4A, Figure 7.18. In the event that the urban channelized treatment is not approved, a left-in, left-out arrangement will be required, as per conditions 109/110 of DA233/11. The access arrangement must be resolved prior to the release of the construction certificate.
119. The car park layout must be constructed in accordance with the relevant provisions of AS/NZS 2890.1:2004 Parking facilities – Part 1: Off-street car parking and 2890.6:2009 Parking facilities – Part 6: Off-street parking for people with disabilities.
120. All bicycle parking must comply with AS 2890.3. Bicycle lockers in car parks to be well sign posted and located as close as possible to pedestrian entry points to ensure that they are used.
121. Visitor bicycle parking should be marked on the plans in an accessible, well lit location at street level.
122. 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.
123. All vehicle turning paths should meet Australian standards (AS 2890 series).
124. All ramp grades and width to/from and within the development should meet Australian standards (AS 2890 series).
125. Head room clearance must meet Australian standards (AS 2890 series) and particularly Council’s DCP Part Q in relation to Council’s Waste Collection vehicle.
126. Waste collection area on site must provide adequate turning paths and manoeuvrability for Council’s waste collection vehicle, as per AS 2890.2 and Council’s DCP.

NSW Rural Fire Service Conditions

127. Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are

below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

128. Water and Utilities

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

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

- Fire hydrant spacing, sizing and pressures shall comply with Australian Standard AS 2419.1– 2005 'Fire Hydrant Installations'.

129. Access

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

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

130. Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- a. All new fencing shall be non-combustible.
- b. New construction on the northern, eastern and southern elevations for Block A shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- c. New construction on the western and north western elevations for Block A shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- d. New construction on the northern, southern and western elevations for Block B shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings

in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

- e. New construction on the eastern and south eastern elevations for Block B shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- f. New construction on the northern, southern and western elevations for Block C shall comply with Sections 3 and 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
- g. New construction on the eastern elevation for Block C shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

131. Landscaping

- a. Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. In this regard the following landscaping principles are to be incorporated into the development:
 - Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
 - Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
 - When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
 - Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;

- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - Avoid climbing species to walls and pergolas;
 - Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and
 - Use of low flammability vegetation species.
- b. The trees on the southern elevations within the property are to be removed to ensure the canopy is not continuous with the vegetation located to the south.

Attachment 1 -	Approved Plans of DA 11/233
Attachment 2 -	The Report of Results of Community Consultation of VIP
Attachment 3 -	Council's Resolution
Attachment 4 -	Consulting Architect's SEPP 65 Assessment Advises
Attachment 5 -	The Applicant's Response to SEPP645 Assessment Advice
Attachment 6 -	Lane and Environment Court consent for DA233/11