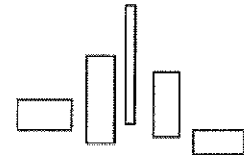


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PIKES & VEREKERS  
LAWYERS

22 October 2012

RECEIVED

The General Manager  
Lane Cove Council  
PO Box 20  
LANE COVE NSW 1595

23 OCT 2012

RECORDS

CONFIRMATION

BY EMAIL mmason@lanecove.nsw.gov.au  
RShankar@lanecove.nsw.gov.au

Dear Sir

LANE COVE COUNCIL ATS HYECORP PROPERTY GROUP  
7 CENTENNIAL AVENUE, LANE COVE  
LAND AND ENVIRONMENT COURT PROCEEDINGS NO. 10715 OF 2012  
Our ref SNG:JMJ:121074  
Your ref DA233/11 Rajiv Shankar

R.S. Adv Ext.

The Section 34 Agreement has now been signed herein and a copy of the Agreement is **enclosed** for your records.

The Section 34 Agreement will be filed with the Court tomorrow and we expect the Court to make the orders within the next day or so.

We will advise you once that occurs.

Yours faithfully

Stephen Griffiths  
Partner  
Accredited Specialist Local Government and Planning Law

encl



**AGREEMENT BETWEEN PARTIES  
SECTION 34(3)**

**COURT DETAILS**

Court	Land and Environment Court of New South Wales
Class	1
Case number	10715 of 2012

**TITLE OF PROCEEDINGS**

Applicant	Hyecorp Pty Ltd
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Respondent	Lane Cove Council
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**FILING DETAILS**

Filed for	The Parties
Legal representative	Anthony Whealy GADENS Lawyers Level 12 77 Castlereagh Street Sydney NSW 2000 DX 364 Sydney
Legal representative reference	AQW/AAG/32603739
Contact name and telephone	Aaron Gadiel                      9931 4999

**TERMS OF AGREEMENT**

1. The parties have reached agreement as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions).
2. The terms of the decision are as follows:
  - 2.1. The appeal is upheld.
  - 2.2. Development application no. 233/11 for the demolition of 11 residential buildings and construction of a residential flat building is determined by the granting of development consent subject to the conditions contained in Annexure A.
  - 2.3. There is no order as to costs.


3. Pursuant to Section 34(3)(a) and (b), the parties request the Commissioner to dispose of these proceedings in accordance with the terms of the decision set out in paragraph 2 above.

**SIGNATURES****Applicant**

Signature of legal representative

Capacity

Date of signature

  
Solicitor for the Applicant


22 October 2012

**Respondent**

Signature of legal representative

Capacity

Date of signature

  
Solicitor for the Respondent

22/10/12

## **Annexure "A"**

### **Development Consent Conditions**

#### **General Condition**

1. That the development be in accordance with the following drawings except as amended by the following conditions.

Plan 1, Block A RL40.10, DA-01 Rev C – 25/09/12.

Plan 2, Block A RL43.10, Block B, RL42.00. Block C RL 42.00, DA-02, Rev C – 25/09/12.

Plan 3, Block A RL46.10, Block B RL45.00. Block C RL 45.00, DA-03, Rev D- 25/09/12.

Plan 4, Block A RL49.10, Block B, RL48.00, Block C RL 48.00, DA-04, Rev E – 25/09/12.

Plan 5, Block A RL52.10, Block B, RL51.65, Block C RL 51.45, DA-05, Rev F – 25/09/12.

Plan 6, Block A RL55.10, Block B, RL54.65, Block C RL 54.45, DA-06, Rev F – 25/09/12.

Plan 7, Block A RL58.10, Block B, RL57.65, Block C RL 57.45, DA-07, Rev D – 25/09/12.

Plan 8, Block A RL61.10, Block B, RL60.65, Block C RL 60.45, DA-08, Rev D – 25/09/12.

Plan 9, Block A RL64.10, Block B, RL63.65, Block C RL 63.45, DA-09, Rev D – 05/10/12.

Plan 10, Block B, RL66.65, Block C RL66.45, DA-10, Rev D – 05/10/12.

Plan 11, Block B, RL69.65, DA-11, Rev C – 25/09/12.

Elevations, North & South, DA012, Rev B dated 19/03/12.

Elevations, East & West, DA-13, Rev B, dated 15/5/12.

Section A-A & B-B, DA-14, Rev D – 25/09/12.

Section C-C, DA-15, Rev D – 25/09/12.

Car Park sections, DA-16, Rev A, dated 15/12/11.

Entry Driveway Sections, DA-17, Rev A, dated 15/12/11.

Landscape Plan, job.dwg no. 168.11/280, One/Three, prepared by Iscape Landscape Architecture, dated November 2011.

Planters Plan, job.dwg no. 168.11/281, Two/Three, prepared by Iscape Landscape Architecture, dated December 2011.

LWUP Plan, job.dwg no. 168.11/282, Three/Three, prepared by Iscape Landscape Architecture, dated November 2011.

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](http://www.sydneywater.com.au) see Your Business then Building & Developing then Building & Renovating or telephone 13 20 92.

The consent authority or a private accredited certifier must:-

- Ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans before the issue of any Construction Certificate.
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 OF **\$8,822.91** TOWARDS TRAFFIC MANAGEMENT AND STREETScape IMPROVEMENTS, OPEN SPACE AND RECREATION FACILITIES, DRAINAGE AND COMMUNITY FACILITIES. THE CONTRIBUTION TO BE MADE PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE AND TO BE AT THE CURRENT RATE AT TIME OF PAYMENT.

THE CONTRIBUTION IS BASED ON 93 SQM AND THE CONTRIBUTION RATE OF \$94.87 PER SQM OF ADDITIONAL RETAIL/COMMERCIAL FLOOR SPACE.

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

THIS CONTRIBUTION IS UNDER LANE COVE COUNCIL SECTION 94 CONTRIBUTIONS PLAN WHICH IS AVAILABLE FOR INSPECTION AT THE

CUSTOMER SERVICE COUNTER, LANE COVE COUNCIL, 48 LONGUEVILLE ROAD, LANE COVE.

8. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL 249.5 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 \$2,290,497.30 AT THE CURRENT RATE OF \$9180.35 PER PERSON.

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

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

9. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

10. 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").
11. All demolition, building construction work, including earthworks, deliveries of building materials to and from the site to be restricted to the following hours:-

Monday to Friday (inclusive)	7.00am to 5.30pm
Saturday	7.00am to 4.00pm <b>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.</b>

No work to be carried out on Sundays or any public holidays.

12. 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.
13. 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.

14. The provision of at least 274 on-site carparking spaces for the use of proposed development at all times.
15. 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.**

16. 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.

17. 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.

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

19. 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.**

20. 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.

21. 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".

22. 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".

23. 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.

24. 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.

25. 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.



26. A check survey certificate is to be submitted at the completion of:-

- a The establishment each floor level;
- b The roof framing; and
- c 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.

27. 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.

28. 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.

29. 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.

30. The proposed works must be confined within the boundaries of the site.

31. The site being cleared of all debris and left in a clean and tidy condition at the completion of all works.
32. 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.
33. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
34. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
35. Compliance with Australian Standard 2601 - The Demolition of Structures.
36. Compliance with the Waste Management Plan submitted with the development application.
37. 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.
38. 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.
39. 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.
40. **Long Service Levy** Compliance with Section 109F of the *Environmental Planning and Assessment Act 1979*; payment of the Long Service Levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or, where such a levy is payable by instalments, the first instalment of the levy) – All building works in excess of \$25,000 are subject to the payment of a Long Service Levy at the rate of 0.35%.

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

41. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.
42. Separate development consent must be obtained for the use of the shop in the proposed complex.
43. Separate development consent must be obtained for the strata subdivision of the dwellings in the proposed complex.
44. Recommendations from the Access report prepared by Morris-Goding Accessibility Consulting, 1 December 2011 must be implemented.

#### **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.

1. **General Engineering Conditions**
47. **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.
48. **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.
49. **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.**
50. **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.
51. **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.
52. **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.
53. **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*'.
54. **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.
55. **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.
56. **Safety fence along the boundary of the property:** Before commencement of any works, barrier or temporary fencing is to be provided along the full frontage of the property. This fence is for the safety of pedestrians on the public footpath.
57. **Recording of Trucking Movements:** Prior to commencement of site works, the applicant shall
  - Nominate a contact person who will be responsible for all heavy vehicle operations.
  - Submit contact details of the nominated person to Council including relevant telephone numbers, facsimile numbers and email.

During construction the applicant shall

- Submit a weekly summary of all trucking movements. The summary is to include the number of trucks that have travelled to and from the site each day, and the registration numbers (both truck and dog-trailer registration plates) of these vehicles.

58. **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.

59. **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.
60. **Covering Heavy Vehicle Loads:** All vehicles transporting soil material to or from the subject site shall ensure that the entire load is covered by means of a tarpaulin or similar material. The vehicle driver shall be responsible for ensuring that dust or dirt particles are not deposited onto the roadway during transit. It is a requirement under the Protection of the Environment Operations (Waste) Regulation, 1996 to ensure that all loads are adequately covered, and this shall be strictly enforced by Council's ordinance inspectors. Any breach of this legislation is subject to a "*Penalty Infringement Notice*" being issued to the drivers of those vehicles not in compliance with the regulations.
61. **On-Site Stormwater Detention System - Marker Plate:** The on-site detention systems 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.
62. **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.
63. **On-Site Stormwater Detention Tank:** All access grates to the on site stormwater detention tanks 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.
64. **Rainwater Reuse Tanks:** The proposed rainwater tanks are to be installed in accordance with Council's rainwater tank policy and relevant Australian standards.

## Note:

- Rainwater draining to the reuse tanks are to drain from the roof surfaces only. No “on - ground” surfaces are to drain to the reuse tank. “On - ground” surfaces are to drain via a separate system.
- Mosquito protection & first flush device shall be fitted to the reuse tank.
- The overflow from the rainwater reuse tank is to drain by gravity to the receiving system.

**Engineering conditions to be complied with prior to Construction Certificate**

65. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with plan numbered **S11239** drawing numbers HDA01-HDA16 Rev DA02 prepared by **Floth Consultants** dated **October 2011**.

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.

66. **Positive Covenant Bond:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of a Positive Covenant over the on site detention system. Lodgement of this bond is required **prior to the issue of the Construction Certificate**.
67. **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**.
68. **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**.
69. **Accelerated Depreciation to Council's Road Infrastructure:** In order to cover the accelerated depreciation to Council's Road Infrastructure the applicant is to pay a fee based upon a calculation of the damage caused by trucking operations.

A qualified consultant needs to prepare a report estimating all associated truck movements leaving the site for the duration of the construction works. The fee shall be calculated based on the following table:

3 axle single unit \$5.76

4 axle single unit \$7.17

4 axle or less double unit, 1 unit is truck \$8.56

5 axle double unit, 1 unit is truck **\$10.03**

6 or more axle double, 1 unit is truck **\$11.50**

5 axle or less multi unit **\$18.06**

6 axle multi unit **\$14.32**

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

70. **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.
71. **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.

72. **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.

73. **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**.

74. **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**.

75. **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**.

76. **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.

77. **Council infrastructure damage bond:** The applicant shall lodge with Council a \$80,000.00 cash bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred as a result of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the issue of the Construction Certificate**.

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

1. New 1.5m wide footpath along the entire frontage of the site.
2. New Kerb and Gutter along the entire frontage of the site.
3. Reinstate all adjustments to the road surface to Council's satisfaction.
4. Reinstate all nature strips with turf and soil along the entire frontage of the site.

A \$20,000.00 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Construction Certificate**. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the**

**issue of the Occupation Certificate.** All costs associated with the construction of the above works are to be borne by the applicant.

79. **Council Inspection Requirements:** The following items shall require Council inspections.

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

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

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

**Engineering condition to be complied with prior to commencement of construction**

80. **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**

81. **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.**

82. **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.**

83. **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.**

84. **Positive Covenant OSD:** Documents giving effect to the creation of a positive covenant over the on site detention systems shall be registered on the title of the property **prior to the issue of the Occupation Certificate.** The wording of the terms of the positive covenant shall be in accordance with part O Council's DCP-Stormwater Management.



85. **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 works shall be carried out **prior to the issue of the Occupation Certificate.**

#### **Bushland Management Conditions**

86. 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.
87. 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.
88. All materials brought onto the site must be weed free.
89. 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](http://www.lanecove.nsw.gov.au) for further information.
90. 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.
91. 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.
92. 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.

93. 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.
94. 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.
95. 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.
96. All outside lighting must be appropriately baffled to minimise light pollution into the bushland area.
97. 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.
98. 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**

99. 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.
100. 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.
101. 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.

102. 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
103. 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.
104. 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.
105. 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.
106. 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**

107. 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.

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

### **Traffic Management Conditions**

109. That the applicant shall provide a driveway design which encourages a Left In Left Out arrangement at Centennial Avenue to the satisfaction of Lane Cove Council Traffic section.
110. That a design be provided for the access driveway for Council's assessment. The design to include a 'Left In-Left Out' arrangement with a proposed median island on Centennial Ave to avoid right turns in and out of the property.
111. The proposed car park must comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the car parking areas shall comply with AS/NZS 2890.1:2004 for Off-Street car parking and for loading facilities and Services vehicles with AS 2890.2 – 2002.
112. The Minimum parking aisle widths designed shall be 5.8 metres.
113. Service Vehicle parking bays are required to be introduced and to comply with AS 2890.2 – 2002.
114. The disabled parking spaces require must comply with AS 2890.6.
115. The On-site provision for the accommodation of Service Vehicles must comply with 2890.2. The manoeuvres for the waste collection vehicles should be demonstrated in accordance with AS 2890.2.
116. There shall be provision for the accommodation of other waste vehicles on-site, such as removalists vehicles and other service vehicles on in accordance with AS 2890.2
117. **Construction Management Plan**

A Construction Management Plan must be lodged with Council prior to the issuing of a Construction Certificate. The Construction Management Plan should address (but not necessarily be limited too) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, public transport and any conflict with other road users in the street, proposed Work Zones and impact of construction traffic activities to the residents and cyclists. The Construction Management Plan should also restrict the impact of heavy vehicles travelling through the surrounding local road network and especially the impact surrounding residential areas.

118. An application is required to be made to Council in accordance with approvals required for the Works Zones, Crane Permits and other associated works. Wherever possible, construction vehicle parking should be contained within the site. Proposed Work Zones will require the approval of the Lane Cove Traffic Committee.
119. Any construction vehicles exiting the site during demolition/construction should have their tyres washed in order to avoid any construction material, dust, etc coming in contact with the road pavement.

### **Waste Management Service Conditions**

#### **Garbage chutes:**

A garbage chute system and interim recyclable Storage facilities must be provided to the development. Amended plans including the provision of garbage chute system designed to the following requirements must be submitted prior to the issue of construction certificate.

- Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).
- Garbage chutes must be located and insulated in a manner that reduces noise impacts.
- Chutes, service openings and charging devices must be constructed of material (such as metal) that is smooth, durable, impervious, non-corrosive and fire resistant.
- Chutes, service openings and charging devices must be capable of being easily cleaned.
- Chutes must be cylindrical and have a diameter of at least 500mm.
- Chutes must not have any vends or sections of reduced diameter in the main shaft of the chute;
- Internal overlaps in the chute must follow the direction of waste flow.
- Chutes must deposit rubbish directly into a bin or compactor located within a waste/recycling storage room.
- A cut-off device must be located at or near the base of the chute so that the bottom of the chute can be closed when the bin or compacting device at the bottom of the chute is withdrawn or being replaced.
- The upper end of the chute must extend above the roofline of the building.
- The upper end of the chute must be weather protected in a manner that does not impede the upward movement of air out of the chute.
- Compaction of garbage must not exceed a ratio of 2:1. No compaction is permitted for recyclable material or green waste.

121. **Garbage chute service rooms:**

The service opening (for depositing rubbish into the main chute) on each floor of the building must be located in a dedicated service room.

- The charging device for each service opening must be self closing and must not project into the main chute.
- Each service room must include provision for 2x240L recycling bins for the storage of recyclable materials. Signage regarding the materials that can be recycled must be displayed near these recycling bins.
- Each service room must be located for convenient access by users and must be well ventilated and well lit.
- The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
- Each service room must be drained to a floor waste and connected to the sewer
- Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute, the types of materials which must be deposited into recycling bins, and bulky waste collection arrangements including the location and travel paths to the bulky waste storage room.

122. **Waste and recycling Storage Room(s):**

The waste and recycling room(s) must be of sufficient size to accommodate garbage chute systems, a total of 32x240L garbage bins and 38x240L recycling bins with adequate space for maneuvering garbage and recycling bins.

The main waste and recycling storage area(s) must comply with the following:

- Minimum clearance between bins of 300mm.
- Minimum door openings of 1700mm.

- Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
- The floor of waste and recycling rooms (including bulky waste storage rooms) must be constructed of either:
  - Concrete which is at least 75mm thick; or
  - Other equivalent material; and
  - Graded and drained to a floor waste which is connected to the sewer.
- All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.
- The walls of waste and recycling rooms, bulky waste storage areas and waste service compartments must be constructed of solid impervious material and must be cement rendered internally to a smooth even cove at all intersections.
- All waste and recycling rooms and bulky waste storage rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
- A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste/recycling and bulky waste storage rooms.
- All waste/recycling and bulky waste storage rooms must be constructed to prevent the entry of vermin.
- All waste/recycling and bulky waste storage rooms must be ventilated by either:
  - Mechanical ventilation systems exhausting at a rate of 5Lfs per m<sup>2</sup> of floor area, with a minimum rate of 100l/s; or
  - Permanent, unobstructed natural ventilation openings direct to the external air, not less than 1/20<sup>th</sup> of the floor area.
- All waste/recycling and bulky waste storage rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.
- Clearly printed "No Standing" signs must be affixed to the external face of each waste/recycling and bulky waste storage room.

#### 123. **Access to waste and recycling collection point**

All waste must be collected from on-site via access by Council's garbage collection vehicles. Amended plans including the paths to the waste collection point designed to the following requirements must be submitted prior to the issue of a construction certificate:

- The location(s) of waste and recycling rooms & bulky waste storage areas must be conveniently accessible for both occupants and Council's waste collection contractors.
- The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
- The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%). The turning area at the base of any ramp must be sufficient for the manoeuvre of a 6.0m rigid vehicle to enter and exit the building in a forward direction.
- Where security gates are proposed, a Council master key system must be installed to permit unimpeded access.
- A temporary open air holding area for bulky waste collection must be provided inside the property boundary and close to the property vehicular entrance (<10m).

#### 124. **Bulky waste storage area**

Readily accessible bulky waste storage areas must be located near the main garbage rooms and must be provided for the use of all residents.

- Doorways and travel paths must be a minimum width of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to the on-site collection point.

125. **Indemnity**

**Prior to the issue of an Occupation Certificate**, the applicant must enter into a suitable Deed indemnifying Council and its contractors against claims for loss or damage to common property, liabilities, losses, damages and any

126. **Internal Waste Management**

Internal waste/recycling cupboards with sufficient space for one day's garbage and recycling generation must be provided to each dwelling.

127. **Provision of Waste Services**

**Prior to the issue of an Occupation Certificate**, the applicant must make written application to Council for the provision of domestic waste services.

128. **Ongoing waste management**

A waste caretaker shall be engaged to undertake the following duties:

- Maintain & clean the garbage rooms (minimum once per week).
- Replace full garbage bins under the chute with empty bins (as required).
- Deodorise garbage rooms (minimum once per week).
- Empty full recycling bins in the service rooms on each residential floor level & transfer recyclables to the main garbage and recycling rooms.
- Monitor contamination levels and sort recycled waste into appropriate recyclables.
- Transport garbage and recyclable bins weekly to the on-site collection point for collection & return bins when emptied. &
- Assist with the emptying of bins during collection.

129. **Waste management signage**

Clear signage must be displayed in all communal waste storage areas identifying appropriate use of recycling systems, location of waste and recycling storage areas as well as waste and recycling service rooms on each floor including the location and travel paths to the bulky waste storage room.

**NSW Rural Fire Service Conditions**

130. **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'.

### 131. 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'.

### 132. 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'.

### 133. 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'.

#### 134. Landscaping

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.