

**Environmental Services Division Report
Sydney East Joint Regional Planning Panel meeting of 21 October 2014
2014SYE032**

Property: 150 Epping Road, Lane Cove
 DA No: 2014SYE032 (DA14/25)
 Date Lodged: 7 March 2014
 Cost of Work: Original construction cost provided: \$107, 723, 699
 Construction of basement shell (DA14/74): \$2,100,000
Revised construction cost for DA14/25: \$105, 623, 699
 Owner: Karimbla Properties (No. 35) Pty Ltd
 Applicant: Karimbla Construction Services (NSW) Pty Ltd
 Author: Rebecka Groth

DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION	Construction of five (5) residential flat buildings, retail space, child care centre, associated communal recreation facilities, earthworks and landscaping, internal roads and land subdivision
ZONE	IN2 – Light Industrial
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Not permissible within the IN2 – Light Industrial zone as per the Lane Cove Local Environmental Plan 2009. Permitted by the Part 3A Concept Plan approval (MP10_0148) and the subsequent modification (MP10_0148 MOD 1).
IS THE PROPERTY A HERITAGE ITEM?	No
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No
BUSHLAND PRONE LAND?	Yes
BCA CLASSIFICATION	2, 6, 7a, 9b, 10b
STOP THE CLOCK USED	Yes
NOTIFICATION	Notification was undertaken in accordance with Council's notification policy

REASON FOR REFERRAL:

This application has been referred to the Sydney East Joint Regional Planning Panel as per Schedule 4A of Environmental Planning and Assessment Act 1979 because the proposed development has a capital investment value of greater than \$20 million.

EXECUTIVE SUMMARY:

- The subject site is highly irregular in shape with an area of 31,740m² (approximately 3.17ha) and is located on the southern side of Epping Road.
- A Part 3A concept plan to develop the site for mixed use purposes including residential towers and commercial office space applies to the site. The concept plan was determined by a Planning Advisory Committee (PAC) appointed by the Minister for Planning in August 2012. The PAC approved a 'Planning Concept Plan' that overrides the Lane Cove Local Environmental Plan 2009 and local controls and sets a range of provisions and standards that must be part of any subsequent Development Application (reference MP10_0148). The concept plan includes demolition, remediation, the retention and rehabilitation of 1.35ha of bushland and the provision of a walking trail (undeveloped portion of the site), and a Voluntary Planning Agreement.

The PAC granted approval to modify the concept approval on 2 December 2013 (reference MP10_0148 Mod 1). The modifications relate to the terms of approval and modifications to the statement of commitments including dedication of bushland, reduction in retail space (258m² of GFA), community floor space (816m² of GFA) and residential floor space (35,034m² of GFA), deletion of commercial space and various architectural amendments.

- It is proposed to construct five residential flat buildings comprising 367 units, an 88 place child care centre (479m²), retail (108m²) and community/communal spaces (816m²) and on-site parking for 638 vehicles. The proposal also involves the subdivision of the site to create two (2) lots. The DA is proposed to be completed over 4 stages.
- The initial proposal does not meet State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) objectives for good design principles of resource, energy and water efficiency and amenity. The Residential Flat Design Code recommends that living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter. The initial proposal resulted in 37% of units receiving solar access.
- On 7 May 2014 the JRPP was briefed on the proposal and were advised of council's concerns including but not limited to compliance with the concept approval including SEPP 65, traffic and transport concerns, accessibility and adaptability, waste storage and collection, compliance with the Child Care Centre Regulation, engineering and public access.
- Lane Cove Council and the applicant entered into a Voluntary Planning Agreement (VPA) in June 2014.
- The following external referrals which have been considered:
 - Consulting architect for SEPP 65
 - NSW Roads and Maritime Services
 - NSW Rural Fire Service
- Seven (7) submissions have been received in response to the notification of the proposed development. Reasons for objection include:
 - The VPA is insufficient for the expected impacts on the community and infrastructure

- Air quality and acoustic impacts as a result of surrounding industrial uses
 - Consistency with the concept approval
 - Inconsistency between the statement of environmental effects and plans
 - Insufficient information regarding upgrading of infrastructure
 - Site suitability
 - Noise
 - Safety
 - Privacy
- Further information was requested of the applicant on the 27 and 31 March 2014, 8, 16 and 24 April 2014, 13 June 2014 and 17 July 2014 to seek to clarify and resolve concerns including stormwater, cross ventilation, solar access, amenity, landscaping, VPA provisions, compliance Building Code of Australia, engineering, compliance with the Education and Care Services National Regulations, waste management, traffic management including ingress and egress, compliance with the approved concept plan, accessibility and noise management.
 - On the 11 June 2014 council received a revised development proposal. The amendments included the deletion of an elevated driveway on the southern side of Building E. The amendment was made as a result of raised concern by council officers that the elevated driveway provided an insufficient area to manoeuvre vehicles. The amendments also incorporated the relocation of units. The relocation of units were generally taken from Building A and provided within Building E as a result of the modification to the driveway. This amendment comprised two (2) additional units, resulting in a total of 369 units proposed on the site.
 - Further information was requested of the applicant on the 7 July 2014 to assist council in assessing compliance with solar access. The requested files were submitted by the applicant on the 10 July 2014.
 - Further information was submitted by the applicant on 29 July 2014 to address pedestrian and bike access routes within the site.
 - On the 17 July 2014 the applicant was advised that the solar access provided to the development was grossly insufficient and the requested stormwater details were required to address a submission received from the adjoining industrial SC Johnson site. A meeting was held with the applicant on the 29 July 2014 to discuss the outstanding solar access and stormwater matters. The applicant agreed to make further amendments to the proposal to improve solar access and to submit the required information in relation to stormwater.
 - Further information was submitted by the applicant on 1 August 2014 to address stormwater.
 - Revised plans and a revised solar access report were submitted by the applicant on the 12 August 2014. The revisions resulted in a minor reduction in residential units to a total of 367. The revisions to the plans sought to improve the proposals' overall access to sunlight.
 - The current revision of the proposal fails to achieve the minimum solar access requirement being at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter. The current revision of the proposal represents 64% of units receiving solar access.

- The proposal generally meets the conditions within the Concept Plan with the exception of full compliance with SEPP 65 and the accompanying Residential Flat Design Code (RFDC).
- In an effort to further improve amenity for future residents, council officers required the applicant to implement communal roof top recreational areas as an alternate solution. Whilst it is acknowledged that these areas are not private living spaces, the areas would increase opportunities for access to the sun.
- Lane Cove Council has to date, required all residential flat buildings and the residential component of mixed use developments to meet the requirements of SEPP 65 and the RFDC. It is regrettable that the proposal fails to meet the principles of amenity, solar access and resource, energy and water efficiency. This proposal would be the first development application within the Lane Cove LGA which fails to satisfy the minimum requirement of 70% of apartments in a development receiving a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter.
- Given the limitations of the concept plan and the resultant footprint of the proposal, which the applicant has not sought to further modify with the PAC, it is considered that the site is constrained and compliance with SEPP 65 would be challenging. As such the proposal is supportable.

SITE:

The site is located on the southern side of Epping Road. The overall site area is 3.174ha and is highly irregular in shape. The site has approximately 700m frontage to Epping Road.

It is understood that the construction of the basement is underway at the site in accordance with a separate approval. The site previously comprised an express Shell/Coles service station and associated infrastructure such as signage and underground petroleum storage systems, a retail shop building and a dual car wash facility. The express Shell/Coles service station and associated infrastructure have since been demolished.

The site comprises several trees in the north-western portion of the site which were required to be protected under previous development applications. It is noted two trees required to be protected under separate development applications have been removed. The applicant has been fined for the removal of these trees. The north-eastern handle of the site is densely vegetated (bushland area).

A covenant covers part of the site which enables public access and a shared vehicular right of way over part of the western side of the site, providing access to the SC Johnson's (SCJ) site to the south.

Existing access to the site is via Epping Road, ingress is provided at the eastern end and egress is provided at the western end.

The site adjoins Epping Road to the north, Sam Johnson Way to the east, bushland and the SCJ facility to the south and an access road and commercial buildings to the west.

PROPOSAL:

Proposed Development:

- Construction of five residential flat buildings comprising 34,118m² (Buildings A, B, C, D and E)
- Community floor space comprising 530m²
- Construction of a child care centre 470m² comprising 88 places (Building E)
- Construction of retail premises comprising 192m² (Building F)
- Associated basement parking comprising 638 car spaces
- Vehicular access to and from Epping Road

Dwellings:

The proposed residential flat buildings would contain a total of 367 dwellings:

- Building A: 177 units (21 x 1 bedroom dwellings, 121 x 2 bedroom dwellings and 35 x 3 bedroom dwellings).
- Building B: 54 units (1 x studio, 35 x 1 bedroom dwellings and 18 x 2 bedroom dwellings).
- Building C: 29 units (0 x studio, 7 x 1 bedroom dwellings and 22 x 2 bedroom dwellings).
- Building D: 26 units (12 x 1 bedroom dwellings and 14 x 2 bedroom dwellings).
- Building E: 81 units (1 x studio, 16 x 1 bedroom dwellings, 49 x 2 bedroom dwellings and 15 x 3 bedroom dwellings).

Building F would comprise the childcare centre and Building G would comprise the retail portion of the proposal.

The applicant proposes 74 dwellings as adaptable units. Fifteen (15) units would be dedicated to Lane Cove Council for the purposes of affordable housing in conjunction with the Voluntary Planning Agreement (VPA).

Subdivision of the site is proposed to create Lot 100 (1.831ha) and Lot 101 (1.343ha). Lot 100 would comprise the development lot (mixed use site) and Lot 101 would comprise the bushland area which would be dedicated to Lane Cove Council as per the VPA. Both lots would incorporate the existing public right of footway through the site.

The proposal is to be completed over 4 stages. However since the lodgement of the subject proposal (DA14/25), the application has been amended to remove the construction of the basement. The construction of the basement was approved in conjunction with a separate development application (DA14/74) at the request of the applicant. As such the staging plan submitted to council is no longer relevant and a revised plan may be called for if this application is approved.

The architectural plans are contained in **AT 1**.

PREVIOUS APPROVALS/HISTORY:

- A Part 3A (Master Plan) proposal applies to develop the site for mixed use purposes including residential towers and commercial office space. The proposal was determined by a Planning Advisory Committee (PAC) appointed by the Minister for Planning in August 2012. The PAC approved a 'Planning Concept Plan' which overrides local controls and sets a range of provisions and standards that must be part of any subsequent Development Application (reference MP10_0148). This proposal includes demolition, remediation and the retention and rehabilitation of 1.35ha of bushland and the provision of a walking trail (undeveloped portion of the site).

The PAC granted approval to modify the concept approval on 2 December 2013 (reference MP10_0148 Mod 1). The modifications relate to the terms of approval and modifications to the statement of commitments including dedication of bushland, reduction in retail (258m² of GFA), community floor space (816m² of GFA) and residential floor space (353,310m² of GFA), deletion of commercial space and changes to the architectural drawings.

- Development consent for the decommissioning and demolition of Shell/Coles express service station was granted on 18 March 2013 (DA12/196).
- A modification to DA12/196 to amend Condition 2 and 5 relating to traffic management was approved in April 2012.
- In October 2013 a further modification to DA12/196 was approved on the site to increase the area of remediation.
- Development consent for the demolition of all above ground structures and the removal of all waste and materials on the subject site was granted on 7 January 2014 (DA13/191).
- Development consent for the installation of shoring walls and the excavation of the site within the basement parking area as per the concept plan was granted on 10 July 2014 (DA14/74). The proposed excavation level of RL 14.8 on the submitted plans corresponds to the basement levels indicated on the plans for DA14/25.

PROPOSAL DATA/POLICY COMPLIANCE:

Site area: 3.174ha (31740m²).

CONCEPT PLAN – MP _0148 & MP _0148 MOD 1

Background

The concept approval was originally approved by the Planning Assessment Commission (PAC) on the 14 August 2012 for residential and mixed use development at the subject site (MP10_0148). The concept approval included the terms of the approval, future environmental assessment requirements and statement of commitments.

On the 2 December 2013 the PAC granted an amendment to the concept plan (MP10_0148 MOD 1). The amendments included the dedication to council of 1.35ha of bushland,

reduction in basement car spaces, reduction in retail floor space, deletion of commercial floor space and reduction in community floor space.

The approved concept plan (MP_0148 MOD 1) is the primary instrument used in the assessment of the subject development application. The concept plan comprises terms of approval, future environmental assessment requirements and statement of commitments which are to be used in the assessment of the development application. The concept approval overrides council's controls.

Assessment of Compliance with the Concept Plan

The proposal generally satisfies the conditions of the concept approval with the exception of the conditions relating to compliance with *State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65)* and the accompanying *Residential Flat Design Code 2002*. A summary of the non-compliance with the compliance with the terms of approval is provided below.

- *Concept Approval Condition 1. Building Design*
c) *The applicant shall demonstrate compliance with the provisions of the State Environmental Planning Policy 65 - Design Quality of Residential Flat Development (SEPP 65) and the accompanying Residential Flat Design Code 2002*

The proposal does not meet the objectives of good urban design of the principles of energy and water efficiency and amenity. The proposal does not achieve the minimum rule of thumb for solar access, being a minimum 70% of living rooms and private open spaces receiving a minimum of 3 hours direct sunlight between 9am to 3pm June 21. The proposal may achieve 64% of solar access.

- *Concept Approval Condition B1. Full compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65)*

Similarly to the non-compliance with Concept Approval Condition 1 (above) the proposal does not meet the objectives of good urban design of the principles of energy and water efficiency and amenity as the proposal fails to achieve the minimum solar access requirement.

To address the areas of non-compliance the applicant was requested to improve solar access. Revised plans were provided in which the solar access improved from 37% to 64%. To further improve amenity, similarly to a variation to the Local Environmental Plan, Council required the applicant to provide an alternate solution to access to sunlight by implementing communal rooftop recreation areas.

Solar access is discussed in further detail in the evaluation of *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)* which is a later section of this report.

The complete assessment of the terms of approval as per the modified concept plan against the current proposal is provided in **Table 1**.

Table 1 - Assessment of Compliance with Concept Approval

**Schedule 2
PART A – TERMS OF APPROVAL**

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
<p>A1 Development Description</p>	<p>Concept approval is granted to the development as described below:</p> <ul style="list-style-type: none"> • demolition of all existing structures; • remediation of the land; • retention, rehabilitation and dedication to Council of 1.35ha of bushland and the provision of a walking trail and associated infrastructure; • a basement car park for approximately 596 spaces; • approximately 400 residential apartments including 'affordable housing' apartments; • 258sqm of retail floor space; • 0sqm of commercial floor space; • 816sqm of community floor space; • up to 33,310sqm of residential floor space; • subdivision to create a development lot and open space lot; and • open space, internal vehicular/pedestrian access and associated landscaping. <p>Note: The number of apartments and car spaces may vary by a maximum of 10% without any change to the approved gross floor area or building envelopes.</p>	<p>Demolition and remediation works have been approved separately by Council and completed.</p> <p>Consistent with the remaining Concept Approval components, the proposal comprises:</p> <ul style="list-style-type: none"> • 1.35ha of bushland (proposed Lot 102) • Basement and on-site car parking for 638 cars • 367 apartments (400 apartments less 8%) • 192m² of retail • 530m² of community/communal • 34,118m² of residential floor space • Subdivision to create a development lot and open space lot • Open space, internal vehicular/ pedestrian access and associated landscaping. 	<p>The proposal is generally in accordance with the concept plan.</p> <p style="text-align: center;">Achieved</p>
<p>A2 Development in Accordance with Plans and Documentation</p>	<p>The approval shall be generally in accordance with MP 10_0148, the Environmental Assessment prepared by Perica & Associates 28 June 2011, and the revised Statement of Commitments (refer to Schedule 4), except where</p>	<p>The proposal is generally in accordance with the Concept Approval. Minor footprint changes are proposed, reflected in the detailed design development. The applicant submitted footprint and elevation comparisons of the Concept Approval</p>	<p>The proposal is generally in accordance with the concept plan.</p> <p style="text-align: center;">Achieved</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<p>amended by the Preferred Project Report prepared by Perica and Associates dated 5 March 2012, and the Section 75W application Planning Report dated 14 June 2013 and Preferred Project Report dated 19 September 2013 both prepared by Meriton Property Services Pty Ltd, and the drawings prepared by CM+(Conybeare Morrison International Pty Ltd).</p> <p>A010, Issue 4, Building Envelope Plan & dated 16 September 2013 AI01, Issue 6, Roof Plan & dated 16 September 2013 AI02, Issue 3, Plan at RL 30.5 & 6 June 2013 AI03, Issue 4, Plan at RL 27.5 16 & dated 16 September 2013 AI04, Issue 3, Plan at RL 24.3 & dated 6 June 2013 AI05, Issue 3, Plan at RL 21.1 & dated 6 June 2013 AI06, Issue 3 Plan at RL 18 & dated 6 June 2013 A201, Issue 5 Site Elevation - North & dated 19 August 3013 A202, Issue 5, Site Elevation West & dated 19 August 3013 A203, Issue 5, Site Elevation East & dated 19 August 3013 A204, Issue 6 Site Section A & dated 19 August 3013 A205, Issue 6 Site Section B & dated 19 August 3013 A601, Issue 4 Schedule of Areas & dated 19 August 3013,</p> <p>except for as modified by the following pursuant to Section 750(4) of the Act</p>	<p>envelopes and proposed buildings. The plans have since been amended and a revision of the comparison plans has not been submitted given the amendments are generally consistent with the initial DA plans.</p>	
A3 Lapsing of Approval	<p>Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a</p>	<p>Noted</p>	<p>The concept plan, last modified in December 2013 has not lapsed.</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	project or development for which concept approval has been given prior to the lapsing of the Concept Plan.		
A4 Inconsistency Between Documentation	In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings/documents referred to above, the modifications of the Concept Plan shall prevail.	Noted	Noted

SCHEDULE 3 - FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
1. Building Design	<p>a) Future applications for development on the site shall achieve design excellence in accordance with the requirements of the Director General's Design Excellence Guidelines.</p> <p>b) The development shall demonstrate compliance with sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resource, energy and water efficiency and meet the applicable requirements of BASIX.</p> <p>c) The development shall demonstrate compliance with the provisions of the <i>State Environmental Planning Policy 65 - Design Quality of Residential Flat Development</i> (SEPP 65) and the accompanying <i>Residential Flat Design Code 2002</i> (RFDC).</p> <p>d) The key design principles in the <i>NSW Premiers Council for Active Living, Development and Active Living: Designing Projects for</i></p>	<p>a) In accordance with the DG's Design Excellence Guidelines, a design excellence competition was conducted and CM+ was selected as the winner by the jury</p> <p>b) BASIX certificate has been submitted</p> <p>c) See above.</p> <p>d) Active Living was considered</p>	<p>a) The design of the proposal was the subject of a design excellence competition in which CM+ were the successful firm</p> <p>b) An amended Basix certificate has been provided.</p> <p>c) The proposal is inconsistent with SEPP 65 and the RFDC in relation to solar access. The proposal does not meet achieve a minimum of 70% solar access.</p> <p>d) Compliance with active living key design principles achieved</p> <p>Variation</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<i>Active Living</i> shall be considered and where relevant inform the detailed design to create an active living environment.		
2. Landscaping	a) A detailed Landscape Plan, prepared by a suitably qualified landscape architect detailing the location, types and treatments for landscaping and public domain elements.	A detailed Landscape Plan was prepared by Site Image	A landscape plan was submitted however further details are required. The applicant is required to prepare a landscape plan with further details including the public walking track clearly marked on the plan to the satisfaction of the certifier (refer to draft condition 155). Achieved
3. Noise Management Assessment	a) A detailed Noise Management Assessment, prepared by a suitably qualified acoustic consultant in accordance with the NSW Industrial Noise Policy. The noise assessment shall identify which buildings or parts of buildings require acoustic treatment to habitable spaces to provide satisfactory indoor noise levels. The assessment is to include all noise sources surrounding the site including traffic and industrial activities. The mitigation measures to minimise noise impacts (eg. landscape buffers, building design, enclosure of balconies, construction techniques) are to inform the detailed design stage of the development.	Acoustic Logic has prepared an Acoustic Report	The Acoustic Report prepared by Acoustic Logic has been amended Acoustic Report (Rev 2) since the DA was lodged to incorporate all noise sources surrounding the site including industrial activities. The report includes mitigation measures to minimise noise impacts such as facade orientation and use of air conditioning. Achieved
4. Contamination	a) Preparation of a detailed contamination assessment, prepared by a suitably	Remediation of the site has been approved and carried out. The site audit statement	Council's Manager Environmental Services advises

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<p>qualified person including a Sampling, Analysis and Quality Plan.</p> <p>b) A Remedial Action Plan, prepared by a suitably qualified person in accordance with <i>Managing Land Contamination: Planning Guidelines SEPP 55 -Remediation of Land (DUAP/EPA 1998)</i>, based on recommendations and conclusions in the Contamination Assessment Report, prepared by AECOM, dated 4 March 2011.</p> <p>c) Should contamination be identified through intrusive monitoring, a comprehensive human health risk assessment taking into account pathways of human exposure shall be conducted to inform the remedial plan.</p> <p>d) The National Environment Protection Measure low density residential health-based investigation level should be applied to the proposed child care centre unless the proponent can demonstrate to the satisfaction of Council that children from the child care centre will have very limited access to contaminated soil.</p>	confirms that the site is now suitable for the proposed use	<p>the site audit statement and site Auditors Report confirms the site is suitable for the proposed residential and child care centre uses.</p> <p>Achieved</p>
5. Stormwater	e) A detailed Stormwater Plan, prepared by a suitably qualified consultant is to conform with the requirements of Lane Cove Council's DCP Part O - Stormwater Management.	A Stormwater Concept Plan has been prepared by AT&L	<p>The detail provided in relation to stormwater is sufficient to enable Council's Development Engineer to prepare conditions in relation to stormwater.</p> <p>Achieved via condition</p>
6.	a) A detailed Groundwater	A Supplementary	The JK

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
Groundwater	<p>Investigation shall be undertaken to confirm the current depth of groundwater beneath the site. The integrity of the existing bore on the site should be monitored and in the event there is a significant rise in the watertable since 2006 a monitoring bore network will need to be designed.</p> <p>b) Any proposed groundwater works including bores for the purpose of investigation, extraction, dewatering, testing or monitoring must obtain approval from NSW Office of Water (NOW) prior to their installation.</p> <p>c) The Groundwater investigation will need to identify the location of Groundwater Dependent Ecosystems (GOEs) in accordance with NOWs requirements. The Investigation should not be limited to only on-site impacts but give consideration to potential impacts on GOEs along Stringybark Creek. The works that intercept the groundwater will be subject to the provisions under the Water Act 1912.</p> <p>d) In the event there is significant interception of groundwater due to excavation for the basement, details of a waterproof retention system will need to be provided with the Groundwater Investigation.</p>	Hydrogeological Assessment, by JK Geotechnics (which appends an earlier Ground Water Management Assessment by Hyder is submitted.	<p>Geotechnics Report advises the ground water is present within the sandstone bedrock well below the proposed basement excavation and will not be intercepted by the proposed development. The consultants advise a water licence is considered unlikely.</p> <p>The excavation of the basement has been approved via a separate DA (DA14/74). It is understood that the excavation of the site for the basement construction has been completed.</p> <p style="text-align: center;">Achieved</p>
7. Air Quality	a) A detailed Air Quality Assessment, prepared by a suitably qualified consultant is to provide mitigation measures that can be incorporated into the design of the buildings to minimise odour impacts from the National Starch facility to	An Air Quality Impact Assessment has been prepared by AECOM	The recommended measures within the Air Quality Impact Assessment are included as a condition of consent (refer to draft condition 2).

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<p>future residents on the site. The assessment must be based on the current activities and analysis should be undertaken using the facility-specific data from the National Pollution Inventory. The mitigation measures to minimise odour impacts are to inform the detailed design stage of the development (and may include measures such as enclosed balconies and location of air intakes).</p>		<p>The report considers the current operations of the National Starch Facility.</p> <p style="text-align: center;">Achieved</p>
<p>9. Traffic Impact</p>	<p>a) A Traffic Impact Analysis, prepared by a suitably qualified traffic consultant detailing the impact of the proposed development on the operation of the intersection at Mowbray Road/ Centennial Avenue having regard to cumulative impacts from the Mowbray Road Precinct. In the event the traffic analysis determines the proposed development contributes to the need to upgrade the intersection then the proponent shall negotiate with Lane Cove Council to ascertain proportionate monetary contributions to fund the upgrade of the intersection.</p> <p>b) The traffic analysis shall be undertaken in consultation with Lane Cove Council and the RMS.</p>	<p>An Assessment of Traffic and Parking Implications has been prepared by Transport and Traffic Planning Associates</p>	<p>A Traffic Impact Analysis has been prepared and submitted in accordance with the condition.</p> <p>Council engaged SMEC Australia to assist in the calculation of a fair Meriton contribution to the upgrade works at Mowbray Road and Centennial Avenue.</p> <p>SMEC provided two contribution scenarios, as follows:</p> <ol style="list-style-type: none"> 1. <i>"The proposed development would result in a 49% increase in current right turn filter movement at the subject intersection. The total contribution to the right turn would be 32% (49/(100+49)). Based on this one movement, the</i>

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			<p><i>developer contribution to the upgrade would be \$320,572.”</i></p> <p>2. <i>“Alternatively, looking at the whole western approach, the development contributes 87 trips which represent 13% of all trips on the approach (87/(575+87)). Based on this whole approach, the developer contribution to the upgrade would be \$130,232.”</i></p> <p>Council's position is the applicant's contribution to the upgrade works should be based on the lower level of contribution in Scenario 2, therefore a cash contribution of \$130,232 towards the intersection upgrade works.</p> <p>The applicant has agreed to a contribution of \$130,232 (refer to draft condition 87).</p> <p>Achieved</p>
10. Parking Plan	a) A Parking Plan showing the proposed car parking areas including driveways, grades, turning paths, site distance requirements, aisle widths, aisle lengths and	a) The parking complies with relevant Australian Standards. b) Bicycle Parking complies with Lane Cove DCP	Compliance with the AS2890.1-2004 and AS2890.2-2002 are ensured via conditions (refer to

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	<p>parking bay dimensions in accordance with AS 2890.1 -2004, including Amendment 1:2005 Parking Facilities - Off-street Car Parking and AS2890.2 - 2002 Off-street commercial vehicle facilities.</p> <p>b) Details of bicycle storage in the basement of apartments and bicycle lockers and bicycle parking areas for the retail components in accordance with Lane Cove DCP.</p>		<p>draft conditions 71-100)</p> <p>Achieved</p>
<p>11. Travel Access Guide</p>	<p>a) A Travel Access Guide for residents and visitors prepared by a suitably qualified traffic consultant, to encourage public and active transport use in accordance with resources available on the Roads and Maritime Services website http://www.rta.nsw.gov.au/</p> <p>b) The principles of the Travel Access Guide are to be developed in consultation with Lane Cove City Council, Roads and Maritime Services, Sydney Buses and other relevant stake holders with a view to reducing car travel and encouraging use of public transport buses and bicycle paths along Epping Road.</p>	<p>A green Travel Plan has been prepared by Traffix</p>	<p>The Green Travel Plan and Travel Access Guide shall be reinforced via conditions of consent including several amendments (refer to draft conditions 71-100).</p> <p>Achieved</p>
<p>12. Construction Management Plan</p>	<p>a) A detailed Construction Management Plan (CMP) shall be provided for the development on the site to a level of detail commensurate to the type of application lodged. The CMP shall address, but not be limited to, the following matters where relevant: hours of work; contact details of site manager; erosion and sediment control; traffic management; noise and vibration management; waste management and flora and</p>	<p>Meriton has prepared a CMP by Karimba and is dated February 2014</p>	<p>A CMP was submitted to council and was referred to the RMS. The RMS request that a construction traffic management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control be</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<p>fauna management.</p> <p>b) The designs and construction methods and activities are to result in NIL or minimal harm to aquatic and riparian environments and will not cause erosion or sedimentation. All engineering, other structural works or natural landscaping proposed must be designed, constructed and operated by suitably qualified professionals, recognised in that specialised field. This also relates to vegetation rehabilitation practices in the eastern part of the site.</p> <p>c) The CMP shall be prepared in consultation with the RMS and NSW State Transit Authority.</p> <p>d) A Construction Environmental Management Plan (CEMP) shall provide details on measures to avoid, minimise, mitigate, manage and if required offset residual environmental impacts of the proposed construction works on surrounding bushland. The CEMP shall include the measures identified in the Flora and Fauna Assessment, prepared by Aecom, dated 7 March 2011.</p>		<p>submitted to the RMS for determination prior to the issue of a construction certificate (refer to draft condition 13).</p> <p>Achieved</p> <p>A CEMP was not identified within the SEE. It appears that the applicant has addressed some of the mitigating measures from the Aecom report 2011 into the Vegetation Management Plan.</p> <p>Partly achieved</p>
<p>13. Erosion and Sedimentation Control</p>	<p>a) A detailed Soil and Water Management Plan, prepared by a suitably qualified consultant. It should include measures to divert and treat sediment leaving the site to minimise impact on water quality and riparian vegetation along Stringybark Creek and the Lane Cove River. Erosion and sediment control measures are to be implemented prior to any works commencing at the site and must be maintained for as long as necessary after</p>	<p>The CMP includes a Site Water and Sediment & Erosion Control Management Plan by Total Earth Care</p>	<p>Council's Manager Bushland reviewed the sediment and erosion control plan and advised further control on this site is needed. The Manager recommends a 1.8 m high solid hoarding fence of an impermeable material such as timber be constructed along</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	the completion of works, to prevent sediment and dirty water entering the watercourse. These control measures are to follow relevant management practices as outlined in the Landcom manual "Managing Urban Stormwater: Soils and Construction - Volume 1" (4th Ed, 2004) - the "Blue Book".		the entire perimeter of the development site (refer to draft condition 139). Achieved via condition
14. Staging Plan	a) If staging is proposed, a detailed Staging Plan showing the development being carried out in a sequential manner. All road works to Epping Road for the entire development (within Epping Road and associated with the development) and access arrangements for new residents shall be completed prior to the first occupation certificate.	The CMP by Meriton includes a staging plan	A staging plan has been submitted however this plan no longer accurately reflects the proposal. Achieved
15. Geotechnical Assessment	a) A Geotechnical Assessment is required to assess and ensure there are no impacts of the development on the Lane Cove Tunnel during and after development construction. The assessment will need to include detailed information on the proposed final design, depth and type of footings and foundations of all the buildings. The Geotechnical Assessment is to be submitted to the Roads and Maritime Services (RMS) for review and comment prior to being finalised and construction commencing, with any comments received within 30 days of being submitted to the RMS included in the report.	A Geotechnical Investigation has been prepared by Coffey	The Geotechnical Assessment was referred to the RMS for comment. The RMS raised no concern in relation to the Geotech Assessment. Achieved
16. Riparian Land Vegetation Management Plan	a) A Vegetation Management Plan (VMP) shall be provided for riparian land in the undeveloped southern and eastern portions of the site. The VMP must consider the	A Vegetation Management Plan has been prepared by Total Earth Care dated January 2014	The VMP comprises an APZ to the south of the site, restoration works associated with the APZ

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<p>criteria identified in the <i>Guidelines for Vegetation Management Plans on Waterfront Land</i> (Office of Water, July 2012). The VMP is to be prepared by a suitably qualified person and should address but not be limited to, the following:</p> <ol style="list-style-type: none"> 1) Provide details of vegetation to be retained and measures to protect riparian vegetation during the construction and operation phases of the development. 2) Identify areas to be rehabilitated and details of the vegetation species, composition, planting, layout and densities of plants to re-vegetate these areas. 3) Long term financial commitment to any proposed conservation measures, including any mechanisms to be implemented to achieve this and costings. 4) Outline ongoing management arrangements, including but not limited to responsibilities, funding and long term maintenance. 5) Provide details on weed control, access control, rubbish control, planting, monitoring and timing of revegetation works within the retained vegetation and the areas to be revegetated. 6) A plan showing the location of the Asset Protection Zone (APZ) around the southern developable portion of the site in relation to riparian land and the proposed walking track and associated infrastructure and sewer infrastructure. 		<p>would be the responsibility of the applicant. Restoration works associated with the Vegetated Riparian Zone (VRZ) within proposed Lot 101 (bushland lot) would be the responsibility of Lane Cove Council.</p> <p>No concern was raised by Council's Manager Bushland in relation to the VMP.</p> <p style="text-align: center;">Achieved</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
17. Bushfire	<p>a) A report demonstrating how the final design complies with the New South Wales <i>Planning for Bushfire Protection Guidelines 2006</i> and <i>AS 3959-2009 Construction of Buildings in Bush Fire Prone Areas</i> and has regard to the comments from the NSW RFS in their letter dated 25 July 2012 (512/0013).</p> <p>b) The proposed child care centre must be constructed to BAL 12.5 in accordance with AS 3959-2009 Construction of Buildings in Bush Fire Prone Areas.</p>	A Bushfire Hazard Assessment Report has been prepared by Building Code & Bushfire Hazard Solutions Pty Limited.	<p>The NSW Rural Fires Service (RFS) provided their approval to the development subject to the implementation of conditions (refer to draft conditions 31-44).</p> <p style="text-align: center;">Achieved</p>
18. Aboriginal Heritage	<p>a) An Aboriginal Heritage Statement to assess the impact of the works to be undertaken for a walking trail and associated infrastructure in the eastern part of the site.</p> <p>b) Provide details of consultation with Aboriginal groups as set out in the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 DECCW, 2010.</p>	The Metropolitan Local Aboriginal Land Council has confirmed that there are no carvings, artefacts or relics on the bushland handle.	<p>The letter dated 13 November 2013 from the Metropolitan Local Aboriginal Land Council advised the site is free from any restrictions and the site does not have any known Aboriginal sites or relics.</p> <p>As a precaution the draft conditions requires all work cease and the NSW Department Heritage and Environment is notified immediately in the event a relic is uncovered (refer to draft condition 133).</p> <p style="text-align: center;">Achieved</p>
19. Hazard Analysis	a) A detailed Hazard Analysis to ensure impacts from neighbouring industrial facilities are appropriately controlled and do not exceed	A Preliminary Hazard Assessment has been prepared by SLR Consulting	The Preliminary Hazard Assessment concludes the proposal would not

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	the risk criteria in the <i>Hazardous Industry Planning Advisory Paper No. 4 Risk Criteria for Land Use Safety Planning</i> , NSW Department of Planning.		be impacted by any hazardous incidents from adjoining facilities including SC Johnson, Ingredion, CBS Vehicle Repair and Car Painting, and Jemena Gas Network primary regulator station Achieved
20. Section 94 Contributions	a) Future applications shall be required to pay developer contributions to Lane Cove Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval.	The applicant calculates the applicable Section 94 contribution required as being approximately \$6,131,601.56.	It is noted that the proposal has been amended since the lodgement of the Development Application. The Section 94 contribution as calculated by Council officers is included in draft condition 8. This calculation is based on the most recent revision of the plans. Achieved
21. Voluntary Planning Agreement	a) The future application for the first stage of building development (if staged, otherwise the first DA) shall provide details in the form of discussions and/or correspondence with Lane Cove Council regarding the progress or otherwise of a voluntary planning agreement	A VPA accompanies the DA.	The applicant and Lane Cove Council have entered into a VPA. Achieved
22. Sydney Water	a) Future DAs shall address Sydney Water's requirements in relation to the required upsizing of the existing 150 mm drinking water main and the required upsizing and/or relocation of the existing wastewater mains.	Noted It is assumed that the DA will be formally referred to Sydney Water for comment.	It is the responsibility of the applicant to liaise with Sydney Water (refer to draft condition 48). Achieved via condition
23. Public	a) The future application shall	The VPA includes a	a) The

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
Access	<p>provide design details of a public walking trail with rest points, seats and information posts through the undeveloped riparian bush land portion of the site.</p> <p>b) The future application shall clearly set out the mechanism for creating rights of public access to the undeveloped riparian bushland with the relevant instrument is to be executed prior to commencement of the final occupation/use of the development.</p>	<p>monetary contribution for the bushland trail</p> <p>The Plan of Proposed Subdivision creates rights of public access to the undeveloped riparian bushland.</p>	<p>Development Application does not include the design details of the public walking trail. The VPA includes a contribution for these works.</p> <p>b) The Development Application includes Torrens Title subdivision to create 2 lots, being Lot 100 (residential lot) and Lot 101(bushland area). The plan of subdivision details an easement for a right of footway for public access through the site.</p> <p>Achieved</p>
24. Public Art	<p>a) The future application shall provide details of the type and location of a permanent public art installation in accordance with Part L of the Lane Cove Development Control Plan adopted on 22 February 2010. The public art shall be constructed prior to the issue of the final occupation certificate for the development.</p>	<p>The applicant submitted an Arts and Cultural Plan prepared by Site Image Public Art Consultants dated February 2014.</p>	<p>The Development Application comprises indicative details of proposed public art.</p> <p>Public art shall be required in accordance with Part L of the DCP (refer to draft condition 213).</p> <p>Achieved via condition</p>
25. Sustainability	<p>a) The future application shall provide details on the</p>	<p>The proposal includes</p> <ul style="list-style-type: none"> • 2 car share spaces 	<p>The Development Application</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
Measures	provision of sustainability measures such as car share spaces, a community bus (funds for which may be provided as part of a VPA with Council), charge points for electric cars, bicycle parking and storage.	<ul style="list-style-type: none"> • A \$100,000 contribution for a community bus (VPA) • 131 bicycle spaces • 22 motorcycle spaces • A Travel Access Guide 	<p>includes the provision of car share spaces, bicycle parking and storage. The VPA incorporates a contribution towards the purchase of a community bus.</p> <p style="text-align: center;">Achieved</p>
26. Housing Affordability	<p>a) The future DAs shall demonstrate that 10% of the apartments are affordable housing for a 10 year period and consistent with the State Environmental Planning Policy Affordable Rental Housing 2009. The affordable housing apartments shall be spread across the development and not contained solely within 1 or 2 buildings.</p> <p>b) Details shall be provided with the first DA for residential development showing how the delivery of 10% of apartments will be achieved taking into account the stages of the development.</p> <p>c) Details shall be provided with the future DA for each stage regarding the restriction to be registered on the title as a covenant and the commercial arrangement with a registered community housing provider for management and administration of the affordable housing apartments.</p> <p>d) At the discretion of the proponent in consultation with Council, 4% of units to be dedicated to Council as affordable housing OR 10% of units to be allocated as Affordable Housing for a</p>	<p>The applicant and Lane Cove Council have agreed to the dwelling mixture of the units to be dedicated to Council. The applicant has agreed to dedicate 4% of apartments (15 dwellings) as affordable housing to Council. The dedicated apartments include the following a mix of dwelling sizes:</p> <ul style="list-style-type: none"> • 2 x studio apartments • 8 x 1 bedroom apartments • 4 x 2 bedroom apartments • 1 x 3 bedroom apartment 	<p>The applicant has agreed to a condition of consent in regard to the dedication of the units for the purposes of affordable housing (refer to draft conditions 4-7).</p> <p style="text-align: center;">Achieved via condition</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	period of 10 years that is consistent with the state Environmental Planning Policy Affordable Rental Housing 2009, which allows for housing within the National Rental Affordability Housing Scheme. A diversity of unit sizes is to be provided in either option.		
27. Bushland Rehabilitation	a) The future application shall provide details on the dedication, free of cost to Lane Cove Council and the upgrade to Council's agreed standard, of the undeveloped riparian bushland portion of the site.	The VPA includes dedication of the bushland handle (proposed Lot 102) and a \$122,280 contribution for bushland rehabilitation.	VPA includes the dedication of approximately 13,430m ² of land to council (proposed Lot 102) Achieved

SCHEDULE 4 - STATEMENT OF COMMITMENTS

PART A - ADMINISTRATIVE COMMITMENTS

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
A1. Project Description	A Mixed Use development comprising a total of 35,034sqm of Gross Floor Area (as defined under Lane Cove LEP 2009). <i>Responsibility - Proponent and Department of Planning</i>	See condition A1 (above).	According to the GFA calculation plans submitted by the applicant the proposal comprises a GFA of 34,118m ² Achieved
A2. Future DAs	Future DAs will be submitted to Lane Cove Council under Part 4 of the EP&A Act and be generally in accordance with the Concept Plan. <i>Responsibility - Proponent and Department of Planning</i> * The final unit number may vary by +/- 10%, provided the gross floor area and envelopes are complied with. The same applies for car parking.	DA for detailed design is submitted to Council.	A DA for mixed use development, staging and subdivision is lodged with Lane Cove Council for assessment which is generally in accordance with the concept plan. Achieved

PART B - GENERAL

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
B1. Bushfire Management	<p>Bushfire hazard will be managed consistent with Planning for Bushfire Protection Guidelines and be in accordance with the recommendations of the Bushfire Hazard Assessment report prepared by Building Code and Bushfire Hazard Solutions, as amended by any conditions of approval.</p> <p><i>Responsibility - Proponent and Occupants</i></p>	See condition 17 (above).	<p>The NSW Rural Fire Service provided general terms of approval for the Integrated Development in accordance with Section 91 of the EP&A Act 1979 on 7 May 2014. The recommended conditions are included in the draft consent (refer to draft conditions 31-44).</p> <p>Achieved</p>
B2. Land Contamination Investigation	<p>To ensure the site is suitable for residential purposes additional assessment will be carried out as required. Site audits will be carried out as necessary to certify the suitability of the site for the proposed uses and according to SEPP55 Guidelines and in accordance with the recommendations made in the Contamination Assessment Report prepared by Aecom and/or conditions of any other development approval issued for the land.</p> <p><i>Responsibility - Proponent</i></p>	See condition 4 (above).	<p>The Site Audit Statement number SAS53 and Site Auditors Report reference 14081 (SAR53) dated 18 August 2014 and prepared by Zoic Environmental Pty Ltd were submitted to council on 19 August 2014. Council's Manager Environmental Services reviewed the Statement and Report and advised they were prepared in accordance with EPA requirements and provides a clear end statement. Further the site is suitable for the proposed residential tower and child care facility subject to the conditions of the report.</p> <p>Achieved</p>
B3. Flora and Fauna	To ensure that impacts on the surrounding ecology are minimised,	See condition 16 (above).	The applicant appears to have

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<p>all works will comply with the mitigation measures outlined in the Flora and Fauna Assessment report prepared by Aecom and/or conditions of any other development approval issued for the land.</p> <p><i>Responsibility - Proponent</i></p>		<p>addressed some of the mitigating measures from the Aecom report dated 2011 into the VMP</p> <p>Achieved</p>
B4. Heritage	<p>An assessment of non-Indigenous and Aboriginal heritage was undertaken for the Concept Plan. Further Heritage Impact statements and Consultation shall be carried out in accordance with the recommendations of the Heritage Study prepared by Artefact Heritage Services if required.</p> <p><i>Responsibility - Proponent</i></p>	<p>The Metropolitan Local Aboriginal Land Council has confirmed that there are no carvings, artefacts or relics on the bushland handle in a letter dated 13 November 2013.</p> <p>See condition 18 (above)</p>	<p>The letter dated 13 November 2013 from the Metropolitan Local Aboriginal Land Council advised the site is free from any restrictions including no known Aboriginal sites or relics.</p> <p>As a precaution draft condition 133 is included requiring all work cease and the NSW Department Heritage and Environment is notified immediately in the event a relic is uncovered.</p> <p>Achieved</p>
B5. Air Quality	<p>The Proponent commits to comply with the recommendations of the Air Quality & Odour Constraints Study prepared by Aecom where required*</p> <p><i>Responsibility - Proponent</i></p> <p><i>* Note: study dated 8 March 2011</i></p>	<p>An Air Quality Impact Assessment has been prepared by AECOM dated 13 February 2014</p>	<p>The mitigation measures recommended in the Air Quality & Odour Constraints Study are generally consistent with those within the Air Quality Impact Assessment prepared by Aecom.</p> <p>The mitigation measures shall apply to all buildings within the subject site (refer to draft condition 2).</p> <p>Achieved</p>

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
B6. Noise	<p>An Acoustic Assessment Report was carried out for the application. Further studies will be carried out for the DA and the recommendations of the report will be incorporated into the detailed design.</p> <p style="text-align: center;"><i>Responsibility - Proponent</i></p>	See conditions 3 (above).	<p>As detailed above draft condition 2 requires the applicant to demonstrate on the plans the implementation of the mitigation measures within the Air Quality Impact Assessment prepared by Aecom Australia Pty Ltd and dated 13 February 2014.</p> <p style="text-align: center;">Achieved</p>
B7. Geotechnical and Contamination	<p>Preliminary geotechnical information has been assessed. Further detailed geotechnical assessment and reports will be undertaken at DA stage. A Remedial Action Plan will be prepared as part of any future DA or Project Application if required.</p> <p style="text-align: center;"><i>Responsibility - Proponent</i></p>	See conditions 15 and 3 (above).	<p>A Geotech report was referred to the RMS.</p> <p>The Site Audit Statement number SAS53 and Site Auditors Report reference 14081 (SAR53) dated 18 August 2014 and prepared by Zoic Environmental Pty Ltd were submitted to council on 19 August 2014. Council's Manager Environmental Services reviewed the Statement and Report and advised they were prepared in accordance with EPA requirements and provides a clear end statement. Further the site is suitable for the proposed residential use and child care facility.</p> <p style="text-align: center;">Achieved</p>
B8. Traffic and Public	Roadworks, footpaths and bicycle ways will be provided in accordance	The VPA includes:	The applicant has entered into a VPA

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
Transport	<p>with a Voluntary Planning Agreement.</p> <p>Management of works will be undertaken by the proponent. The developer will also commit to changing the current bus stop just to the east of the development to an all-weather bus shelter as outlined in a Voluntary Planning Agreement. In lieu of the pedestrian bridge, the proponent will contribute two million dollars (\$2,000,000) to Lane Cove Council prior to the issue of the first Construction Certificate to improve public infrastructure facilities in the Council area.</p> <p><i>Responsibility – Proponent/RMS</i></p>	<ul style="list-style-type: none"> • Monetary contribution of \$2 million to be used by Council to improve public infrastructure facilities in Lane Cove • Monetary contribution of \$53,600 to improve the bus shelter. 	<p>with Lane Cove Council</p> <p>Achieved</p>
B9. Stormwater	<p>All stormwater drainage, treatment will be designed in consultation with Lane Cove Council recommendations of the Stormwater Report prepared by Hyder will be taken into account where relevant to the building and land uses on the site.</p> <p><i>Responsibility - Proponent</i></p>	See conditions 5 and 13 (above).	<p>Council's Development Engineer reviewed report number 13-157 Rev 4 and dated July 2014 and Civil Works Package, Rev D, dated June 2014 and prepared by AT&L.</p> <p>The Development Engineer advises the information provided generally demonstrates the catchments and the proposed mechanisms to be used to manage stormwater runoff. The plans would be conditioned to strictly meet the requirements of Part O of the DCP (refer to draft conditions 178-212).</p> <p>Achieved</p>
B10. Groundwater	Further testing will be carried out at DA stage to identify the depth of the groundwater. Appropriate mitigation measures will be will be taken as	See condition 6 (above).	Further testing was carried out as detailed in the Supplementary

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
	<p>required by future reports.</p> <p><i>Responsibility - Proponent</i></p>		<p>Hydrological Assessment by JK Geotechnics dated December 2013.</p> <p>Achieved</p>
B11. BASIX	<p>The proposal will comply with SEPP (Building Sustainability Index: BASIX) 2009.</p> <p><i>Responsibility - Proponent</i></p>	<p>Revised Basix certificate number 532765M dated 19 August 2014</p>	<p>The submitted Basix certificate confirms that the proposed development will meet the NSW government's requirements for sustainability if it is built in accordance with the commitments within the certificate</p> <p>Achieved</p>
B12. Developer Contributions and VPA	<p>The proponent to enter into a Planning Agreement (VPA) with Lane Cove Council pursuant to conditions 20 and 21, in Schedule 3 of MP10_0148 and any subsequent modifications to that approval, including section 94 or cash contribution offsets towards agreed works-in-kind.</p> <p><i>Responsibility – Proponent/Lane Cove Council</i></p>	<p>See conditions 20 and 21 (above).</p>	<p>The applicant has entered into a VPA with Lane Cove Council</p> <p>Achieved</p>
B13. Dedications & Titling Arrangements	<p>Dedication of the E2 Zoned Handle of the site is proposed to be dedicated to Council as outlined in the draft VPA. The site will be appropriately subdivided to take into account the multiple land uses, public access and land dedications.</p> <p><i>Responsibility – Proponent/Department of Planning/Lane Cove Council</i></p>	<p>See conditions 27 (above).</p>	<p>The Development Application comprises a two lot subdivision to satisfy the dedication of the E2 zoned handle to council.</p> <p>Achieved</p>

PART B - MODIFICATIONS TO THE CONCEPT PLAN

Condition Reference	Concept Approval conditions/commitments	Applicants Response accompanying initial DA plans	Council Response
<p>B1 Full Compliance with SEPP 65</p>	<p>The concept approval is subject to each building (including any townhouses included in the building) strictly complying with <i>State Environmental Planning Policy 65 - Design Quality of Residential Flat Development</i> (SEPP 65) and the accompanying <i>Residential Flat Design Code 2002</i> (RFDC).</p>	<p>An assessment of compliance with SEPP 65 is set out in Table 3 of the SEE. See also CM+ SEPP 65 design statement. Minor and reasonable departures are proposed.</p>	<p>Solar access does not meet the rule of thumb. At the request of council officers, the applicant amended the plans to increase solar access from 37% to 64%. The amendment includes roof top recreation areas on Buildings B, C, D & E.</p> <p>Council's Consultant Architect advises the proposal does not meet the principles of amenity or resource, energy and water efficiency.</p> <p>Not achieved</p>

Lane Cove Development Control Plan

The concept approval overrides council's controls, where the concept approval is silent the relevant section from the Development Control Plan has been relied upon. The sections of the DCP relevant to the proposal are discussed in **Table 2**.

Table 2 - Part C3 – Residential Flat Buildings

Clause	Requirement	Proposed	Complies/ Comment
<p>3.9 Design of roof top area</p>	<p>Detailed landscape plan required for roof top area</p>	<p>The design of the roof top area has been provided in an attempt to improve the level of access to sunlight on-site</p>	<p>Complies</p>

Clause	Requirement	Proposed	Complies/ Comment
3.10 Size & mix of dwellings	Minimum 40m ²	There are no dimensions on the plans. It is noted the studio achieves a minimum area of approximately 41m ²	Complies
3.10 Size & mix of dwellings	A mixture of 1, 2, & 3 bedroom dwellings should be provided At least 10% of each unit type is to be provided	91 x 1 bedroom units = 25% 210 x 2 bedroom units = 57% 64 x 3 bedroom units = 17% 2 x studio units are also proposed	Complies
3.11 Private open space	Primary balconies - 10m ² with minimum depth 2m Primary terrace - 16m ² with minimum depth 4m	There are no dimensions on the plans. A calculation of a typical floor plan indicates that the balcony is approximately 8m ² . To ensure compliance is achieved a condition of consent would be recommended.	To ensure compliance is achieved a condition of consent is recommended (refer to draft condition 10).
3.13 Ceiling heights	Minimum 2.7m	2.7m	Yes
3.15 Solar access	Maximum 10% (37 dwellings) dwellings with a southerly aspect	The number of dwellings with a southerly aspect exceeds 10%	No The number of dwellings with a southerly aspect is 15%
3.16 Natural ventilation	Minimum 25% (92 dwellings) of kitchens have access to natural ventilation	Achieved	Minimum 25% achieved
3.17 Visual privacy	Provide visual privacy between the adjoining properties	Adequate visual privacy	Due to the setbacks proposed and the nature of the surrounding land uses, visual privacy between adjoining properties is achieved.

Table 3 - Part F - Access and Mobility

Clause	DCP	Proposed	Complies/ Comment
3.3 Public spaces and link to private properties	Development on public and private properties must provide and maintain accessible links and paths of travel between class 2 to Class 10 buildings and to	The applicant proposes to address the accessible links requirement at the construction certificate stage	To be addressed via a draft condition (refer to draft condition 124)

Clause	DCP	Proposed	Complies/ Comment
	adjacent public spaces or pedestrian networks		
3.5 Parking Provide 1 space for each adaptable housing unit.	The applicant proposes 74 adaptable units, therefore 74 disabled car spaces are required	83 spaces	Complies
3.6 Adaptable and Visitable housing	<p>Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings which would be 73.8 dwellings</p> <p>80% of the dwellings are to be visitable (295.2 dwellings)</p>	<p>74 adaptable units proposed</p> <p>The applicant provided further information to demonstrate 80% of the units would be visitable. The revised cover sheet submitted to council on the 18 August 2014 does not detail any units as being visitable. It is noted the response to this matter prepared by Morris Goding Accessibility Consulting (MGAC) dated 30 May 2014 states the cover sheet did not accurately reflect the actual visitability component for the residential development and would be further developed at design stage.</p> <p>The requirement for 80% of the units to be visitable would be reinforced as a condition.</p>	<p>Complies</p> <p>To be addressed via a draft condition (refer to draft condition 123)</p>
3.7 Access to and within buildings	Access is required to common areas and all dwellings	<p>The applicant submitted further advice from MGAC to address this matter. The response dated 30 May 2014 advises this can be further developed during the design development stage and compliance is achievable.</p> <p>The requirement for</p>	To be addressed via a condition (refer to draft condition 124)

Clause	DCP	Proposed	Complies/ Comment
		access to and within buildings would be reinforced as a condition.	

Part H – Bushland

The assessment of the proposal has had regard for Part H of the DCP. The matters required to be addressed in this section of the DCP are incorporated into the concept plan requirements and the VPA. The proposal comprises a buffer area in the form of an Asset Protection Zone (APZ), a landscaped area adjacent to the bushland, stormwater details and rehabilitation of bushland areas. As such the proposal is considered to satisfactorily address the requirements of Part H of the DCP.

Part I – Child Care Centres

Part I of the DCP outlines the objectives and the requirements for child care centre developments. The proposed development comprises an 88 place child care centre within building F which fronts Epping Road. The child care centre would have the following staff and ages of children:

- 4 staff for the 16 children aged 0 to 2 years (1 staff per 4 children)
- 4 staff for the 32 children aged 2 to 3 years (1 staff per 8 children)
- 4 staff for the 40 children aged 3 to 5 years (1 staff per 10 children)
- 1 staff for administration and reception

The outdoor play area is situated behind the child care centre building. Six (6) trees are proposed in the play area.

The applicant seeks to operate the child care centre from 6am to 8pm seven (7) days a week. The outdoor play areas would not operate before 8am or after 6pm.

On the 31 March 2014 the applicant was requested to address the following concerns:

Child Care Centres are required to comply with the Education and Care Services National Regulations. The following items do not appear to comply:

- a) There is no office/administration space including no private parent interview room/area
- b) There is no direct access to toilets for children aged 0-2 years
- c) There are no hand-washing facilities for children aged 0-2 years
- d) There is no nappy change facility for children aged 2-3 years
- e) There are limited number of toilets for age groups 2-3 and 3-5 year olds

The applicant was required to provide an assessment prepared by a suitably qualified person to demonstrate compliance with the Education and Care Services National Regulations.

Further information and amended plans were submitted to council on 11 July 2014 to address the above concerns. The amended plans do not incorporate an office/administration space including a private parent interview room/area as previously requested. It is noted the

applicant would be required to obtain a separate development application for the detailed design of the child care centre and obtain a license from the relevant authority in accordance with the regulations (refer to draft conditions 129 and 130).

Clause 1.6 objectives of Part I of the DCP

Objective

1. *To encourage the provision of Child Care Centres in the Lane Cove Local Government Area which meet the needs of the community, in particular with the provision of spaces for 0-2 year olds.*

Officer's Comment

The proposed child care centre would provide 88 care places including 16 places for 0-2 year olds which accords with the needs of Lane Cove community. The proposal meets the objective of the DCP.

2. *To ensure that sites containing Child Care Centres are appropriate for that purpose and provide a functional and pleasant environment for their users.*

Officer's Comment

The proposed development meets the indoor and outdoor play area requirements of the DCP.

3. *To ensure that sites containing Child Care Centres are compatible with the environment in which they are situated, particularly in terms of visual character, landscaping etc.*

Officer's Comment

The concept approval issued by the PAC is the instrument of approval for permitting the child care centre within this site. The facade treatment to Epping Road and associated landscaping are deemed to be an appropriate response.

4. *To ensure that potential adverse impacts from Child Care Centres on surrounding residential areas, such as those created by noise, traffic generation and on-street parking, are minimized.*

Officer's Comment

The proposed development does/does not meet the on-site parking requirement of the DCP however the concept approval overrides the DCP requirement.

Table 4 - Part I – Child Care Centres

Provision	Requirements	Proposed	Complies
I.3.1 Indoor play area	3.25m ² /child = 286m ² total	305.10m ²	Complies
I.3.2 Other	Minimum 5m ² for each employee	Not demonstrated on the	No

Provision	Requirements	Proposed	Complies
indoor space	(13 staff = 65m ² required) Administration room required	plans	
I.3.3 Outdoor play area	7m ² /child = 616m ² 30% Natural Planting area (excluding turf) 30% turfed area 40% surfaces (including san, soft fall, paving and timber platforms)	618m ² Details not provided on plans	To be conditioned (refer to draft condition 125)
I.4 built form & building appearance	The design and layout of the child care centres must respond to the character of the existing neighbourhood and streetscape. Existing residential character of the locality must be maintained through the use of appropriate finishes, materials, landscaping, fencing and plantings. In low density residential areas, childcare centres are to be single storey in height for reasons of safety and access. In the case of 2 storey buildings, the second storey should only be used for the purposes of storage and staff facilities.	The concept approval overrides council's controls in relation to positioning of the child care centre adjacent to Epping Road. The facade fronting Epping Road is considered to be an acceptable response to the busy road. NA	Complies
I.6 Accessibility	Access should be in accordance with Australian Standard 1428.1 to 4 to comply with Part D of the Building Code of Australia	Details not confirmed	To be conditioned (refer draft condition 47)
I.7 Safety/security/fencing	a) Floor should be of a non-slip surface and easy to clean b) Fire safety precautions must be provided in accordance with BCA and AS. c) Every gate should be provided with a childproof self-locking mechanism, but must still be accessible for adults in wheelchairs. d) Child care centres which are not entirely located at ground level must satisfy Council as to their high safety level relating to fence/balcony heights,	Not shown on the plans Not shown on the plans Not shown on the plans N/A	Details not confirmed on plans. To be required to comply prior to the issue of the first construction certificate (refer draft condition 125)

Provision	Requirements	Proposed	Complies
	<p>reduced window opening size etc.</p> <p>e) Any part of the child care centre is designed for outdoor play space must be fenced on all sides.</p> <p>f) Any side of a stairway, ramp, corridor, hallway or external balcony that is not abutting a wall must be enclosed to prevent a child being trapped or falling through.</p> <p>g) Fences should be designed to minimise noise transmission (on busy roads), improve privacy and must not dominate the streetscape. Materials and finishes for fences may be used that complement the surrounding streetscape</p>	<p>The proposed outdoor play areas are fenced on all sides.</p> <p>N/A</p> <p>1.8m high child proof fencing is proposed along the perimeter of the outdoor play area which is situated behind the child care centre.</p>	
I.9 Landscaping /planting	<p>a) Planting should be used for its quality of shading, screening and decorating outdoor areas. Trees located on the northern and western boundary will shade the place during the hottest part of day.</p> <p>b) The planting and vegetation should provide educational features.</p> <p>c) Where the outdoor play area is proposed above ground level natural plants are to be provided in pots.</p>	<p>Trees are proposed along the perimeter fence of the outdoor play area.</p> <p>Not shown on the plans</p> <p>The proposed child care centre is located on the ground floor of the site. Details regarding plants in pots are not provided on the plans.</p>	<p>Complies</p> <p>Not shown on the plans</p> <p>Not shown on the plans</p>
I.10 Privacy and Noise Minimisation	<p>a) Effect should be made to reduce any possible adverse noise impact into the child care centre. In certain situations, this may require double-glazing of windows or appropriate location of windows.</p> <p>b) The development application should demonstrate that privacy and noise minimisation for neighbouring properties</p>	<p>The proposed child care centre is proposed to be located adjacent to Epping Road. The applicant has submitted an acoustic report including recommendations for noise attenuation.</p> <p>An acoustic assessment report was submitted with the development application and a supplementary report was</p>	<p>To be conditioned (refer to draft condition 126).</p>

Provision	Requirements	Proposed	Complies
	have been considered in designing the centre.	submitted. The emphasis of this report however was to ensure amenity to the residential units and child care centre as a result of the traffic noise and industrial uses. A 1.8m high child proof fence is shown on the Ground Floor Plan of the child care centre prepared by Achrutex, Rev A and dated 26/02/2014.	
I.11 Sustainability	Applications in residential zonings need to indicate that they fulfil any requirements for a BASIX Certificates which may have been introduced by the State government for relating to water and energy efficiency etc.	A revised Energy Efficiency Report was submitted	Complies
I.12 Hours of Operation	The maximum hours of operation shall be between 7.00am and 6.00pm, Monday till Friday, in a residential zone.	The applicant proposes that the child care centre operate from 6am to 8pm seven (7) days per week. The outdoor play areas would not operate before 8am or after 6pm. The site is located outside of a residential zone, however it will be within close proximity to residential uses. To ensure the amenity of the future residents of the site, the child care centre shall be required to operate within the limitations of the DCP, being between 7.00am and 6.00pm, Monday till Friday	To be conditioned (refer draft condition 122)

REFERRALS:

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development

Council's consulting architect reviewed the proposal and advised it does not meet the objectives of the 10 planning principles of SEPP 65. The consultant architect advises the proposal does not meet the objectives of good design of the principles of amenity or energy and water efficiency. The proposal fails to achieve a minimum 70% of solar access which is discussed in detail in a later section of this report (see Other Planning Instruments section).

NSW Rural Fire Service

The NSW RFS reviewed the proposal as required under section 100B of the 'Rural Fires Act 1997' and provided a number of conditions to be included in any approval. The conditions included reference to the site plan drawing, requirement for asset protection zones including that the child care centre and the residential buildings be managed as an inner protection area, connection requirements for water, electricity and gas, landscaping requirements and evacuation and emergency management (refer to draft conditions 31-44). A copy of the comments from the NSW RFS is contained in **AT 2**.

Manager Strategic Planning

Council's Strategic Planner reviewed the proposal and advised of no objection to the proposal.

Manager Community Services

Council's Manager Community Services reviewed the plans and raised the following concerns.

Council's Community Services section reviewed this information and advised some matters previously raised and highlighted in the submitted Access Report did not appear to be addressed including the required 80% visitable units being identified on the plans and modification to unit 3 type adaptable units (bathrooms and bedrooms) demonstrating compliance with AS4299.

To ensure compliance draft conditions have been imposed relating to accessibility including a condition requiring that the recommendations in the Morris Goding Access Consultants Report (March 2014) which raises similar accessibility issues be addressed (refer to draft conditions 122-130).

Manager Urban Design and Assets

The applicant was requested on several occasions to provide further details of the proposed stormwater management as detailed stormwater concept plans for the proposed development in accordance with Part O – Council's DCP Stormwater Management had not been provided. The conceptual reports provided were deemed insufficient for a development of this scale.

On 1 August 2014 details were provided which assisted to move the project forward. The concept plan and accompanying report prepared by AT&L consulting on the 1 August 2014 enabled council's Development Engineer to prepare draft conditions (refer to draft conditions 178-212).

Traffic and Transport Manager

Council's Transport Planner reviewed the proposal and requested further information relating to traffic generation, location of storage spaces and the bike rails and motor bike spaces, confirmation that the internal network demonstrate how any bicycle rider can connect to the state bike route that runs past the site, pedestrian connectivity to the pedestrian pathways and confirmation that the internal path network is with all aspects of Lane Cove Council's DCP – Part F - Access and Mobility.

On the 11 July 2014 and 29 July 2014 the applicant submitted further information to address these concerns, amended plans were also received on 18 August 2014.

Council's Traffic Engineer reviewed this information and provided draft conditions relating to on-site parking design and layouts, internal bus collection points and pedestrian pathways. As discussed within the assessment of compliance with the concept plan previously in this report, the applicant was required to undertake a traffic impact analysis detailing the impact of the proposal on the operation of the intersection at Mowbray Road and Centennial Avenue. In the event the traffic analysis determines the proposed development contributes to the need to upgrade the intersection then the applicant shall negotiate with Lane Cove Council to ascertain proportionate monetary contributions to fund the upgrade of the intersection.

Council engaged SMEC Australia to assist in the calculation of a fair contribution to the upgrade works at Mowbray Road and Centennial Avenue.

SMEC provided two possible contribution scenarios, as follows:

1. *"The proposed development would result in a 49% increase in current right turn filter movement at the subject intersection. The total contribution to the right turn would be 32% (49/(100+49)). Based on this one movement, the developer contribution to the upgrade would be **\$320,572.**"*
2. *"Alternatively, looking at the whole western approach, the development contributes 87 trips which represent 13% of all trips on the approach (87/ (575+87)). Based on this whole approach, the developer contribution to the upgrade would be **\$130,232.**"*

Council's position is the applicant's contribution to the upgrade works should be based on the lower level of contribution in Scenario 2, therefore a cash contribution of \$130,232 towards the intersection upgrade works. The applicant has agreed to the contribution amount of \$130,232 (refer to draft conditions 71-100).

Manager Open Spaces and Bushland

Council's Manager Bushland reviewed the proposal and provided draft conditions of consent including those relating to the protection of the adjacent bushland through sediment and erosion control measures, containment of lighting within the site and stockpile of topsoil and the like must be within the site boundaries (refer to draft conditions 131-158).

Council's Landscape Architect reviewed the proposal and provided draft conditions in response to both tree and landscaping matters. Of note the Landscape Architect required the retention of existing trees in the north-western section of the site. These trees were required to be retained in the previous DA for the site for the excavation of the basement (DA14/74).

The Landscape Architect reviewed the revised documentation received on 10 June 2014 and advised this information addressed many previous concerns raised in relation to plans not correlating, illegible text and the like and the remaining matters could be addressed via conditions (refer to draft conditions 159-171).

Manager Environmental Services

The Manager Environmental Services reviewed the contamination report and supporting documentation. The Manager raised no concern with regards to site contamination due to the previous development approvals on the site relating to remediation. The Manager reviewed the submitted Site Audit Statement and Site Auditors Report and confirmed that the report states the site is suitable for the proposed residential tower and child care facility subject to the conditions of the report.

Council's Waste Coordinator reviewed the proposal and raised no concern with it in relation to waste management. The Waste Coordinator recommended conditions regarding the dedication of waste storage rooms for the retail/commercial components of the proposal being separate from the residential waste storage rooms and the waste management plan (refer to draft conditions for environmental services 101-121).

Building Surveyor

Council's Senior Building Surveyor reviewed the development proposal that was initially submitted and raised the following concerns:

There are a number of non compliances with the deemed to satisfy provisions of the Building Code of Australia:

- a) An accessible path of travel is required to each entry to each building from the main points of entry from the allotment boundary in accordance with D3.2 of the BCA.
- b) Indicate an accessible toilet at or near ground level for employees in accordance with Table F 2.1 of the BCA.
- c) Amend the Fire Control room layout to comply with Spec E1.8 8(b).
- d) Extended travel distances were identified in all unit blocks and in the carpark.
- e) Construct the fire isolated stairway in block D1 so there are no rising and descending stair flights in accordance with D2.4.
- f) Building G (retail section) requires 2 exits from the top storey.
- g) An accessible path is required from the accessible carspace to building F and G.
- h) Circulation spaces around lift lobbies in Lift B2 require a minimum 1.8 metre clearance from the lift door in accordance with AS1428.1-2009.
- i) An accessway is required between buildings in accordance with D3.2 (a).
- j) Block D requires 2 exits in accordance with D1.2.

Further information was submitted by the applicant on the 11 July 2014 in response to these matters. The Senior Building Surveyor reviewed the revised development proposal against the deemed to satisfy provisions of the Building Code of Australia (BCA) and Premises Standards 2010, the accessibility report and advice from the fire engineer. The Senior Building Surveyor advises the proposal can comply with the applicable legislation and raises no objection to the proposal subject to the implementation of conditions relating to building works complying with the Premises Standards 2010, requirements for construction and occupation certificates and noise limitations for the air conditioners (refer to draft conditions 45-70).

79 (C) (1) (a) the provisions of any Environmental Planning Instrument

Lane Cove Local Environmental Plan 2009

The proposed development is not permissible within the IN2 – Industrial zone. The approved concept plan (MP_0148 MOD 1) is the primary instrument used in the assessment of the subject development application. The concept plan comprises terms of approval, future environmental assessment requirements and statement of commitments which are to be used in the assessment this development application. The concept approval overrides council's LEP with regard to zoning and height of buildings and floor space ratio. Where the concept approval is silent, the relevant legislation or section from the DCP has been relied upon to assess the potential impacts and set development standards for compliance.

Clause 5.10 – Heritage Conservation applies to the site given its close proximity to heritage items and archaeological sites. The Chicago Mill Building and archaeological site is located to the north-west of the subject site and the Cumberland Paper Mill Building and archaeological site is located to the south-east of the site. The proposal would have no impact on any of these heritage items.

Lane Cove Development Control Plan

The proposal complies with all the controls of the Development Control Plan with the exception of the following:

- *Units with southerly aspect*

The DCP permits a maximum of 10% (37 dwellings) dwellings with a southerly aspect. The proposal comprises 15% (55 dwellings) dwellings with a southerly aspect. The design and orientation of the units are the outcome of the approved concept plan which includes the provision of building footprints. The resultant solar access issue is discussed in further detail in the following section of this report.

OTHER PLANNING INSTRUMENTS

State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP 65)

Council's consulting architect advised the proposed development does not meet the objectives of all the 10 planning principles of SEPP 65. The consultant architect raised particular concern regarding solar access. The Residential Flat Design Code (RFDC) rule of thumb in relation to daylight access states:

Living rooms and private open spaces for at least 70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid winter.

In dense urban areas a minimum of two hours may be acceptable.

The proposal fails to achieve a minimum 70% of living rooms and private open spaces receiving a minimum of 3 hours direct sunlight between 9am to 3pm June 21. Council's consultant architect has undertaken an analysis of the solar access provided to the apartments

and estimates a maximum of 37% of living rooms and private open spaces receiving a minimum of 3 hours direct sunlight between 9am to 3pm June 21.

The applicant's justification to this issue is due to the proximity of the site to the Lane Cove and Macquarie Park high density regions. Further the applicant regards the site as being in a dense urban area, in which consideration of a minimum of two hours of direct sunlight may be acceptable. The proposal would achieve 70% of apartments receiving solar access for 2 hours between 9am to 3pm June 21.

Officer's Comment:

The applicant's justification is not supported. The site is isolated from any dense urban environment and is free from constraints of surrounding high rise buildings. The subject site adjoins bushland and occupies a large site, to infer the site cannot or could not meet the minimum provisions of the SEPP and the provisions of the concept approval would be selective.

In an attempt to improve amenity to future residents, Council officers requested the applicant investigate increasing the units receiving solar access and using the rooftops as communal recreational areas.

On the 19 August 2014 the applicant submitted amended plans to improve the level of solar access to the proposal. The applicant advises the amended proposal results in 66% of the units achieving 3 hours of sunlight between 9am to 3pm in midwinter. The applicant justification for this variation which is summarised below:

- *The proposed development has been designed in accordance with – and within the limitations of – the approved building envelopes in the Major Project approved concept plan*
- *The approved concept plan documentation is not explicit about the requirements for 3 hours solar access to the units (as opposed to 2 hours solar access)*
- *Rooftop communal landscaped spaces have been added to Buildings B, C and D to provide residents with generously proportioned sunlit open space*
- *The percentage of units that achieve 3 hours of solar access may marginally improve if the hours are extended to before 9am and after 3pm*
- *The solar access provisions of the SEPP 65 Residential Flat Design Code are a 'Rule of Thumb' and were always intended to be a guide only*

The applicant's justification dated 18 August 2014 is provided in **AT 3**

Council's Response to revised plans:

Council's Consultant Architect reviewed the amended plans and does not agree the amended proposal achieves 67% solar access, rather their calculations reveal 64% solar access.

The proposal is not considered to meet the objectives of good design of the principles of energy and water efficiency and amenity. Notwithstanding the view of the applicant, the concept approval is clear and unambiguous, Part B, Condition B1 of the Concept Approval states:

'The concept approval is subject to each building (including any townhouses included in the building) strictly complying with State Environmental Planning Policy 65 – Design Quality of Residential Flat Development (SEPP65) and the accompanying Residential Flat Design Code 2002 (RFDC).'

Council's Consultant Architects comments are provided in **AT 4**

Communal rooftop areas are provided in the revised plans for Buildings B (81m²), C (44m²) and D (34m²) and comprise BBQ areas, pergolas and some landscaping. The communal rooftop areas would be accessed via the lifts and available to all residents within the development to utilise. To further improve the usability of these spaces draft conditions are recommended to increase the areas of the pergolas, the provision of toilet facilities, adequate screening to reduce wind speeds and hours in which these spaces may be used (refer to draft conditions 12-15).

State Environmental Planning Policy (Building Sustainability Index) 2004

A revised Basix report is provided demonstrating the proposal meets the requirements for sustainability.

State Environmental Planning Policy No. 19 – Bushland in Urban Areas

Part of the eastern handle of the site, comprising Lot 101 is subject to SEPP 19. This portion of the site is to be dedicated to Lane Cove Council in conjunction with the VPA for the purposes of a public bushland reserve. This Lot would be maintained and the walking track upgraded by Lane Cove Council.

SEPP (Infrastructure) 2007

The application was referred to the NSW Roads and Maritime Services (RMS) in accordance with the SEPP (Infrastructure) 2007. The RMS provided conditions of consent in the event council recommended approval of the proposal including requirements for final details being provided to the RMS for approval for ingress and egress, construction traffic management plan, the development is designed to mitigate noise associated with traffic and vehicles are to enter and leave the site in a forward direction (refer to draft conditions 17-30). A copy of the comments from the RMS is provided in **AT 5**.

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 based on the following calculation:

- i. the population (person density) of the previous car wash, service station and ancillary services have not been included in the following calculation. These structures have been demolished under separate development applications.
- ii. the population (person density) of the proposal as indicated in the following table.

The population of the proposed development is as follows:

No. of bedrooms	Average occupancy rate (persons/dwelling)	Population
2 x studio	1.2	2 x 1.2 = 2.4
91 x 1 bedroom	1.2	91 x 1.2 = 109.2
210 x 2 bedroom	1.9	210 x 1.9 = 399
64 x 3 bedroom	2.4	64 x 2.4 = 153.6*
Total Population		510.6 + *cap of \$20,000 per 3 bedroom unit
Retail m ²	Contribution rate per m ² of floor space	Population
192m ² retail 470m ² child care centre Total = 662m ²	\$97.34	662m ² x \$97.34 = \$64,439.08

A cap of \$20,000 per dwelling has been imposed under the *Reforms of Local Development Contribution*. Therefore because of the approved 64 x 3 bedroom units, the applicable S.94 contributions would comprise the following:

- 510.6 persons in the studio, 1 and 2 bedroom units (2.4 + 109.2 + 399);
- Plus the capped amount for each of the 3 bedroom units (64 x \$20,000 = \$1,280,000.00);

The net person increase would therefore be 510.6 persons, and because of the cap, the amount required for the residential component to be imposed would be:

- 510.6 (the net person increase) x \$9,636.00 per person (current rate for 2014/2015) = \$4,920,141.60 + (64 x \$20,000 = \$1,280,000.00) = \$6,200,141.60

The amount required for the commercial/retail component to be imposed would be:

- 662m² commercial/retail at a rate of \$94.87 per m² of floor space is \$64,439.08.

The total contributions required for the application would be: \$6,264,580.68

(\$6,200,141.60+ \$64,439.08) (refer to draft condition 8).

THE LIKELY IMPACTS OF DEVELOPMENT (Section 79C (1) (b))

Likely impacts of the proposal were considered in the assessment and determination of the PAC concept approval. Notwithstanding this the following impacts are discussed.

Overshadowing

The proposal would not result in unacceptable overshadowing on adjoining properties. It is noted that the surrounding land uses south of the site are industrial.

Traffic and Access

Additional traffic in the vicinity of the site would occur as a result of the proposal, however the report prepared by Transport and Traffic Planning Associates advises the likely traffic generation would be less than the previous uses on-site. The report also advises the traffic generated by the proposed development would not have any adverse impact on the access road network, sufficient on-site parking is proposed and the proposal has been designed in accordance with the relevant Australian Standards.

Council's Traffic and Transport Team raised no concern to the impacts associated with increased traffic movements within the vicinity of the site and the like subject to draft conditions.

Wind

An Environmental Wind Assessment Report has been prepared by SLR Global Environmental Solutions dated 28 February 2014 to accompany the development proposal. The report incorporates wind acceptability criteria for the wind speeds deemed to be safe and comfortable for walking, standing, waiting, dining in outdoor restaurants (10m/s) and knockdown wind speeds in isolated and public access areas (16m/s). The report identifies several areas of concern associated with Building A (the tower) including the entry and upper level balconies which are anticipated to experience winds which approach or exceed 10m/s or 16m/s. The report comprises wind mitigation measures to reduce the impact of wind including for the entry areas to Building A to include canopies or awnings to the north-east and south-west sides of Tower A. The report recommends that additional shielding may be required for some upper level balconies and further investigation be undertaken at the construction certificate stage for the upper balconies from Level 10 upwards to determine the specific treatments required for these balconies. The recommendations of the Environmental Wind Assessment are enforced via the draft conditions (refer to draft condition 11).

Reflectivity

A Reflectivity Assessment Report has been prepared by SLR Global Environmental Solutions dated 26 February 2014 to accompany the development proposal. The report indicates that glare would be experienced for motorists heading east and west along Epping Road as a result of Building A (the tower). SLR considered pedestrian glare around the site and found that some level of discomfort as a result of glare would be experienced by pedestrians on Epping Road. The report advises there would be no elements within the development facades that are capable of causing adverse (disability) glare events at surrounding locations for motorists or unacceptable discomfort glare for passing pedestrians due to the building exterior being broken up in a number of ways including articulation and the use of balconies, use of low reflectivity materials such as rendering and vegetation.

THE SUITABILITY OF THE SITE (Section 79C (1) (c))

The suitability of the site for the proposed development was considered during the assessment of the concept plan and was found to be acceptable.

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

The proposal was notified in accordance with Council's notification policy. Seven (7) objections have been received in response to the notification of the proposed development. Multiple submissions have been received from and on behalf of SCJ.

The issues raised in the objections are summarised below:

Submission received from Ingredion, 170 Epping Road

- i. *There is likely to be a potential land use conflict between the long-standing operating manufacturing plant operating at 170 Epping Road, by Ingredion, and the proposed residential development. Current operations and future plans for the expansion are likely to be highly frustrated and challenged by future residents on the nearby development, limiting operations of the site.*

Comment: The PAC undertook an assessment of the suitability of the subject site for the purposes of mixed use development, having regard to the surrounding land uses and their zones.

- ii. *Appropriate measures to mitigate potential odour impacts to future residential development are essential. The manufacturing process associated with 170 Epping Road includes several sources of emissions to air, some of which have a characteristic odour as a result of the conversion of agricultural products into ingredients. The air emissions from the site rise as a plume into the atmosphere, dispersing high in the air so that few amenity impacts are observed by local residents. Ingredion are concerned about the impacts of higher rise tower forms, in particular Buildings A and E, which may intercept the plume before it disperses in which the levels of odour may be noticeable by future residents. The interaction of the buildings with the plume can cause a condition known as building downwash, which can result in residents on all floors of the building including those on or near the ground experiencing odour.*

The air quality impact assessment report is provided with the DA and includes recommended measures for mitigation air quality impacts for the child care centre. The report suggests positioning air intakes for the air conditioning system on the northern or eastern sides. The plans do not appear to include this detail and the SEE does not provide this detail.

Comment: The child care centre is a sensitive land use. The applicant is required to implement the recommended measures within the air quality impact assessment report prepared by Aecom (refer to condition 2).

- iii. *The Acoustic report prepared by Acoustic Logic submitted with the DA does not include reference and consideration of the presence of the industrial premises surrounding the site. The assessment that has been undertaken is limited to determining the acoustic impacts generated by Epping Road. The DA fails to satisfy the modified Concept Plan approval condition 3 which specifies 'the assessment is to include all noise sources surrounding the site including traffic and industrial activities'.*

Comment: The applicant submitted a revised Acoustic Report (Rev 2) prepared by Acoustic Logic which incorporates all noise sources surrounding the site including the industrial activities.

- iv. *Ingredion is permitted to run 24 hours a day, with some restriction on certain activities to minimise noise intrusion during the night time periods. The background noise levels are currently partly absorbed by the topography of the land and the highly-vegetated steep slope between Ingredion and the subject site. The proposed 24 storey tower on the western corner of the subject site which will stand above the manufacturing plant runs the risk of increasing exposure of future residents to background noise levels, particularly at the upper levels of the buildings. The sounds from the general operation of the site including site safety alarms and reversing beepers associated with vehicles can be a source of annoyance for residents.*

The design of the tower needs to consider the potential noise impacts and appropriate mitigation must be provided during initial construction. The acoustic report has provided several acoustic mitigation measures for addressing the noise impacts from Epping Road. The applicant should also be required to confirm or require the following:

- o The acoustic recommendations for the installation of glazing 10.38mm laminated with acoustic seals for the northeast/northwest facades of Tower A will be suitable for satisfactorily mitigating acoustic impacts from surrounding industrial premises, including intermittent or pulsating sources of noise.*
- o Request that the southeast/southwest facades of Tower A be afforded the same type of glazing as per the northeast/northwest facades to ensure a satisfactory acoustic amenity is achieved.*
- o Provide confirmation that the glazing for the remaining buildings will be suitable to mitigate against surrounding industrial noise sources, including intermittent or pulsating sources of noise.*
- o Acoustic seals are implemented to doors that open onto terrace/balcony areas to provide further added acoustic treatment.*

Ingredion support the implementation of outside air supply systems or air conditioning as recommended in the report.

Comment: The acoustic report confirms that the residential component of the building can be constructed so that internal noise levels are acceptable to residents. Upon completion of the building, Council would require the developer provide Council with certification, confirming that habitable rooms will have an internal noise level not exceeding 40 dBA.

The applicant would be required to demonstrate on the plans the implementation of all recommendations within the Acoustic report prepared by Acoustic Logic (Rev 2) dated 24 February 2014 which includes recommendations for commercial and retail occupancies, recommended noise levels in AS2107-2000 "Recommended Design Sound Levels and Reverberation Times for Building Interiors" would be adopted.

Response from applicant to Ingredion submission

A summary of the applicant's response to the submission is provided below:

- v. *Ingredion's submission acknowledges that their facility emits odours beyond its boundary which it is not permitted to do under the conditions of its environment protection licence. The proposal cannot be required to design for a facility that is in breach of its statutory requirements.*
- vi. *The site has concept approval for mixed use development including apartments. The site has been assessed as appropriate for residential use.*

- vii. *Each air-conditioning unit will be provided with an individual split system air conditioning unit. As such, it will not be practical to locate each of the associated condensers on the northern or eastern sides of the buildings.*
- viii. *Enclosing the balconies on all buildings cannot be implemented as:*
 - o *the design would be non-compliant with SEPP 65 Residential Flat Design Code*
 - o *the design quality of the buildings may be diminished as the balconies form an integral part of the proposed architecture*
 - o *the gross floor area of the development would exceed the allowable limits determined by the concept approval*
- ix. *The revised Acoustic Report prepared by Acoustic Logic (Rev 2) dated 24/02/2014 considers the noise impacts from the Ingredion facility and includes recommendations for treatments.*

A copy of the applicant's response and the Acoustic Report (Rev 2) are provided in **AT 6 and AT 7**.

Comment: Council's Manager Environmental Services advised the acoustic report confirms that the residential component of the building can be constructed so that internal noise levels are acceptable to residents. Upon completion of the building, Council will require that the developer provide Council with certification, confirming that habitable rooms will have an internal noise level not exceeding 40 dBA.

Submission from SC Johnson (SCJ)

- *Stormwater currently flows off the site onto the SCJ site. There is a risk that any such stormwater could have high levels of sediment and is potentially contaminated.*
- *The final Environmental Site Assessment approved as part of the DA for the remediation of the site indicates that groundwater is contaminated and that this would affect downstream properties including the SC Johnson site, Stringy Bark Creek and the Lane Cove River*

Comments: Council's Manager Environmental Services reviewed the SCJ submission and advised there is no evidence of contaminated stormwater leaving the site, other than what was subject of a Council investigation in 2011/12 that resulted in a Clean Up Notice being issued to Shell Australia for the on site cleanup of the SC Johnson site, immediately adjacent to the road access from Epping Road. Throughout the clean up process, council kept SC Johnson informed of the clean up actions and the subsequent sign off by the environmental consultants. The subsequent approvals for the removal of Underground Storage Tanks (USTs), the Remediation Action Plan (RAP) for the decommissioning of the USTs and the submission of the NSW EPA Site Auditor's Site Audit Statement, satisfied Council that all works had been undertaken correctly as per the provisions of SEPP55 and the Contaminated Land Management Act, 1997.

The concern of groundwater contamination is addressed in the applicant's contamination report and site auditor's review. With the removal of the USTs the associated risk of contamination is reduced. Accordingly, Council is assured by the implementation of the RAP, the verification testing and the endorsement of the Site Auditor (Site Audit statement), that the associated risks would be addressed and mitigated.

- *Stormwater coming off the site should be piped into adequate infrastructure within an easement for drainage and should be lawfully piped off the SC Johnson site*

Comment: The applicant provided revised stormwater drainage details which have been forwarded to SCJ for review. Council's Development Engineer has reviewed the stormwater drainage details and raised no objection to this information.

- *The acoustic report is inadequate and does not assess the noise which might reasonably emanate from the SCJ site being utilised to its full industrial potential.*

Comment: The applicant submitted a revised Acoustic Report (Rev 2) prepared by Acoustic Logic which addresses the industrial premises surrounding the site. It is noted that noise monitoring was not undertaken on the site's full industrial potential, rather it was undertaken on the site's current operations. The report states '*given the distance of the industrial premises from the site and the impact of Epping Road, a major Sydney arterial roadway, (the current) noise emissions from the industrial premises were inaudible above traffic noise*'.

- *The hazard assessment carried out in support of the DA did not consider the risks associated with the use of the SCJ site in accordance with its zoning and permitted uses*

Comment: The PAC undertook an assessment of the suitability of the subject site for the purposes of mixed use development.

- *The proposed development gives rise to significant security issues because of the risk that residents or visitors to the proposed development will unlawfully obtain access to the SCJ site, including the large dam of water located on that site. Appropriate arrangements should be put in place including fencing to prevent access.*

Comment: Access to the site is currently readily available to pedestrians, and a boom gate that restricts vehicle access. SCJ could provide a more robust style of fence or gate at the Epping Road, entry point (via the access road). SC Johnson was requested by the assessing officer to provide details of what fence type and height would be deemed to be suitable. At the time of writing this report no further detail had been provided.

- *All vehicular traffic ingressing or egressing from the development site should be required to use the access points from Epping Road which is separate to the access point used to SCJ. The applicant should be required to provide an adequate security gate across the access driveway to SCJ site which prevents uninvited persons accessing the SCJ site*

Comment: The plans associated with the development application show the vehicular access points to the subject site. These points are located along Epping Road and have been endorsed by Concept Plan (MP10_0148 MOD 1, Roof Plan A101, Issue 6, dated 16 September 2014 and prepared by Conybeare Morrison International Pty Ltd). Emergency vehicles only may use the entry on the western boundary of the site. Detailed plans of the final access off Epping Road are required to be submitted to Roads and Maritime Services for review and approval prior to the issue of occupation certificate for this development and prior to the commencement of any road works.

The north-western vehicular access point into the site is shown in the concept approval plan as being for emergency vehicles only. This access point will be fitted with bollards which will be accessible only by emergency vehicles. A draft condition has been included to reinforce this matter (refer to draft condition 72).

- *A fence is to be provided along the boundary of the subject site (including the land to be dedicated) and 160 Epping Road with the following specifications:*
 - i. *Total fence height should be a minimum of 2.1m comprised of 1.8m non-climbable material chain wire and 0.3m of barbed or razor wire .*
 - ii. *The fence must reach within 10mm of hard ground or pavement. On soft ground, it must reach below the surface by a minimum of 0.5m*
 - iii. *If chain wire is used, it must be constructed with 9-gauge or heavier wire. It must be galvanized with mesh openings not larger than 5cm per side.*
 - iv. *A clear zone of at least 3m should be provided on both sides of the fence.*

Comment: Council has had regard to this matter in formulating draft conditions. Draft condition 157 requires the construction of a 1.8m black chain mesh fence to be constructed along the entire southern boundary of the site.

Submission from Ingham Planning on behalf of SC Johnson (SCJ)

It is noted that concerns raised by Ingham Planning and SCJ are in cases duplicated. In these cases the concerns have not been repeated.

- *The acoustic assessment undertaken is inadequate. The assessment does not address the noise from the SCJ site.*

Comment: The applicant submitted a revised Acoustic Report (Rev 2) prepared by Acoustic Logic which addresses the industrial premises surrounding the site. It is noted that noise monitoring was not undertaken on the site's full industrial potential, rather it was undertaken on the site's current operations. The report states '*given the distance of the industrial premises from the site and the impact of Epping Road, a major Sydney arterial roadway, noise emissions from the industrial premises were inaudible above traffic noise*'.

- *The SCJ site is zoned to facilitate a large manufacturing company that could operate 24 hours a day. The acoustic report does not consider this.*

Comment: The PAC undertook an assessment of the suitability of the subject site for the purposes of mixed use development which incorporated consideration of the surrounding land uses and zonings.

- *Groundwater from the subject site is entering SC Johnson property without the consent of SCJ and outside of the existing easement for drainage on the SCJ land.*

Comment: The proposal incorporates a stormwater system which would drain the entire development through the drainage easement at the southern end of the site.

- *Condition 18 of Schedule 3 of the Concept Approval requires a hazard analysis of the neighbouring industrial uses. The report does not consider SCJ on the approved development rather it considers the current operation. The hazard assessment should consider the capacity of the SCJ site in terms of the relevant approvals and licenses, not the current situation.*

Comment: The preliminary hazard analysis prepared by SLR Global Environmental Solutions and dated 20 February 2014 considers the current operations of SCJ. It is noted the key environmental issues considered within the assessment report prepared for the Planning and Assessment Commission did not incorporate hazards from adjoining land uses. The preliminary hazard analysis finds that the LPG tanks previously occupied on the SCJ site have been decommissioned.

- *There is a potential liability issues with the walking trails within the dedicated land. This area directly adjoins the SCJ site and the private lake located on the site. The lake would be highly visible from the walking trail and many apartments. The proposal does not include details of fencing.*

Comment: This matter would be resolved via fencing being installed between the subject site and SCJ site (refer to draft condition 157).

- *Vehicular access to the site is shared with SCJ.*

Comment: The plans associated with the development application show the vehicular access points to the subject site as being located along Epping Road and have been endorsed by Concept Plan. The north-western vehicular access point into the site is shown in the concept approval plan as being for emergency vehicles only. This access point will be fitted with bollards which will be accessible only by emergency vehicles (refer to condition 4).

Submission from Lane Cove Bushland and Conservation Society Inc

- *The original PAC approval limited Building A to 20 storeys, with an RL of 97.6. The present application shows 24 storeys and an RL of 98, being 400mm above the approved RL.*

Comment: The modification to the PAC concept approval (MP_1048 MOD 1) shows Building A has having an RL of 97.6. The DA plans shows a Building A as having a height of RL 98. The applicant has proposed the plans are generally in accordance with the PAC concept approval.

- *SEPP 19 has not been addressed within the development application. SEPP 19 – Bushland in Urban Areas and Part H of the DCP should be binding on the development*

Comment: Council's assessment of this application has considered SEPP 19. Council's Manager Bushland has also been involved with the assessment of the application with particular attention being paid to the bushland.

- *There are discrepancies between in the figures for deep soil planting within the documentation*

Comment: The amended plans have been provided to correct this anomaly.

- *The planting regime for the Asset Protection Zone (APZ) included in the Vegetation Management Plan requires planting which does not reflect the natural bushland of Lane Cove.*

Comment: Council's Manager Bushland reviewed the proposal and raised no concern regarding the species proposed within the APZ.

- *We would ask that the RFS reconsider the requirements of the APZ in this location given the built up areas of SC Johnson and the office building at 166 Epping Road so that more sympathetic planting can be achieved.*

Comment: An APZ is required for this development as it comprises residential apartments and childcare. The APZ is calculated using Planning for Bushfire Protection 2006. The RFS has endorsed the location of the APZ being situated around the southern boundary of the subject site.

- *The landscape plan shows a concrete path within the pedestrian easement along the southern boundary of the site, but it appears not to connect with the walking track through the bushland handle (Yangoora Reserve). This track is essential for the continuity through the site and the connectivity to the river frontage walking tracks below 166 Epping Road.*

Comment: Amended plans were requested to provide amended plans detailing the retention of the existing public walking track (easement) over the site. Council's Manager Bushland has recommended further details be provided (refer to draft condition 150).

- *There is no mention in the development application regarding the upgrading of the existing sewerage system. Any enhancement required, including remedial work on the site, must be carried out with minimal impact on the bushland especially the bushland handle and the APZ area.*

Comment: The applicant is required to liaise with the relevant authority, being Sydney Water in relation to the sewerage system.

- *The stormwater drawings do not incorporate a detention tank on site and there are no other mechanisms to reduce discharge from the site during heavy rain periods. There are no details of where this water will go, how it will affect the road and how it will eventually end up in Stringy Bark Creek.*

Comment: The plans have now been amended and the stormwater details incorporate an on-site detention tank.

- *The SEE indicates a VPA which includes an amount of \$100,000 for the upgrade of the intersection of Mowbray Road/Centennial Avenue. Why is this not included in the VPA?*

Comment: The VPA does not include a contribution towards the upgrade of the subject intersection. Despite this Schedule 3 Condition 9 of the concept approval states in the event the traffic analysis undertaken by the applicant determines the proposed development contributes to the need to upgrade the subject intersection then the proponent shall negotiate with Lane Cove Council to ascertain proportionate monetary contributions to fund the upgrade of the intersection. The applicant and Council officers have negotiated a contribution towards the upgrade of this intersection (refer draft condition 83).

- *Council is urged to insist on a monetary contribution to the continuing regeneration and maintenance of Yangoora reserve and public walking track.*

Comment: Council is permitted to collect contributions in accordance with Council's Section 94 contributions plan. It would not appear that the Section 94 plan could collect money for this purpose.

Submission from M. Diamond

- *The \$2 million voluntary planning agreement (VPA) is inadequate for the expected impacts on the community and infrastructure*

Comment: A VPA is a separate agreement between the applicant and Lane Cove Council. As its Ordinary Council meeting on 22 April 2014 Council resolved to enter into a VPA with the applicant with the General Manager being authorised to finalise the terms and conditions of the VPA and sign the agreement on behalf of council. The VPA has been prepared and finalised to the satisfaction of Council's General Manager.

Submission from Lane Cove West Business Association

- *The proposal would increase the traffic problems encountered by the Business Park by the inadequate access via Epping Road and Sam Johnston Way*

Comment: The proposal would result in additional vehicular movements in the area. Vehicular access for the proposal would be from Epping Road only.

- *Concern is raised regarding the establishment of a residential development within close proximity to the businesses that have operated within this precinct for a substantial period of time*

Comment: The suitability and likely conflicts between land uses was considered by the PAC in its decision to approve the site for the mixed use development.

A copy of the submissions are contained in **AT 8**.

A copy of the signed VPA is contained in **AT 9**.

THE PUBLIC INTEREST (Section 79C (1) (e))

The proposed development is generally consistent with the approved concept plan, with the exception of solar access. The proposal would provide additional housing and child care places within the Lane Cove Local Government Area.

CONCLUSION

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

It is not the practice of Lane Cove Council to accept residential developments which fail to meet the Residential Flat Design Code's minimum rules of thumb for amenity and solar access. This development is unique in that a Concept Plan was approved on the site in 2012 by the PAC. It is acknowledged that the proposal is somewhat constrained as a result of compliance with the layout of the concept plan. A reduction of the number of units, through the consolidation of units would assist to improve solar access. In an effort to further improve amenity for future residents, council officers required the applicant to implement communal roof top recreational areas. Whilst it is acknowledged that these areas are not private living spaces, the areas would increase opportunities for access to the sun.

Lane Cove Council has to date, required all residential flat buildings and the residential component of mixed use developments to meet the requirements of SEPP 65 and the RFDC. It is regrettable that the proposal falls short of the principles of amenity, solar access and resource, energy and water efficiency.

Given the limitations of the concept plan and the resultant footprint of the proposal, it is considered that the site is constrained and compliance with SEPP 65 would be challenging. As such the proposal is supportable.

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 approve the Development Application DA14/25 for the construction of five residential flat buildings comprising 367 units, an 88 place child care centre, retail (192m²) and community/communal spaces (530m²) and on-site parking for 638 vehicles on 150 Epping Road, Lane Cove subject to the following conditions:

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

Drawing numbers	Title	Revision	Prepared by	Dated
A0000	Cover Sheet	C	Meriton Builders & Developers	8/8/14
A001	Location Plan	B	Conybeare Morrison International Pty Ltd	28/5/14
A003	Footprint comparison – concept approval layout	B	Conybeare Morrison International Pty Ltd	28/5/14
A010	Site – Roof Plan	C	Meriton Builders & Developers	8/8/14
A011	Site – Typical	C	Meriton Builders & Developers	8/8/14
A012	Site – Level 04	C	Meriton Builders & Developers	8/8/14
A013	Site – Level 03	C	Meriton Builders & Developers	8/8/14
A020	Site – Level 02	C	Meriton Builders & Developers	8/8/14
A021	Site – Level 01	C	Meriton Builders & Developers	8/8/14
A022	Site – Carpark Level 1	C	Meriton Builders & Developers	8/8/14
A023	Site – Carpark Level 2	C	Meriton Builders & Developers	8/8/14
A101	Buildings A + B – Roof Plans	C	Meriton Builders & Developers	8/8/14
A101A	Building A L21-24 & Building E L11-12	C	Meriton Builders & Developers	8/8/14
A102	Buildings A + B – Typical Layout	C	Meriton Builders & Developers	8/8/14
A103	Buildings A + B – Level 4	C	Meriton Builders & Developers	8/8/14
A104	Buildings A + B – Level 3	C	Meriton Builders & Developers	8/8/14

A105	Buildings A + B – Level 2	C	Meriton Builders & Developers	8/8/14
A106	Buildings A + B – Level 1	C	Meriton Builders & Developers	8/8/14
A150	Buildings A – Sections AA + BB	B	Conybeare Morrison International Pty Ltd	28/5/14
A151	Building B – Sections CC + DD	C	Meriton Builders & Developers	8/8/14
A160	Building A – North + East Elevations	C	Meriton Builders & Developers	8/8/14
A161	Building A – South + West Elevations	C	Meriton Builders & Developers	8/8/14
A162	Building B – Elevations	C	Meriton Builders & Developers	8/8/14
A180	Typical Adaptable Units 1+2	C	Meriton Builders & Developers	8/8/14
A181	Typical Adaptable Unit 3	C	Meriton Builders & Developers	8/8/14
A201	Buildings C + D + E – Roof Plans	C	Meriton Builders & Developers	8/8/14
A202	Buildings C + D + E – Typical Plan	C	Meriton Builders & Developers	8/8/14
A203	Buildings C + D + E – Level 4	C	Meriton Builders & Developers	8/8/14
A204	Buildings C + D + E – Level 3	C	Meriton Builders & Developers	8/8/14
A205	Buildings C + D + E – Level 2	C	Meriton Builders & Developers	8/8/14
A206	Buildings C + D + E – Level 1	C	Meriton Builders & Developers	8/8/14
A207	Buildings C + D + E – Level 1 Lower	C	Meriton Builders & Developers	8/8/14
A250	Buildings C + D – Sections EE + FF + GG	C	Meriton Builders & Developers	8/8/14
A251	Building E – Sections HH + JJ	B	Conybeare Morrison International Pty Ltd	28/5/14
A260	Buildings C + D – Elevations	C	Meriton Builders & Developers	8/8/14
A261	Building E – North + East + South + West Elevations	C	Meriton Builders & Developers	8/8/14
A301	Buildings F + G – Plans	C	Meriton Builders & Developers	8/8/14
A302	Buildings F + G – Elevations	C	Meriton Builders & Developers	8/8/14
A501	Site Sections	B	Conybeare Morrison International Pty Ltd	28/5/14
A613	Bicycle Network Diagram	C	Meriton Builders & Developers	8/8/14
A614	Pedestrian Network Diagram	C	Meriton Builders & Developers	8/8/14
A615	Bicycle & Motor Cycle Network Diagram	C	Meriton Builders & Developers	8/8/14
A701	Rendering 1	A	Conybeare Morrison International Pty Ltd	28/5/14
A702	Rendering 2	A	Conybeare Morrison International Pty Ltd	5/3/14
A703	Rendering 3	A	Conybeare Morrison International Pty Ltd	5/3/14

A704	Rendering 4	A	Conybeare Morrison International Pty Ltd	5/3/14
A901	Material Finishes	A	Conybeare Morrison International Pty Ltd	14/3/14

except as amended by the following conditions.

2. Prior to the issue of the first construction certificate, the applicant shall demonstrate on the plans the implementation of the mitigation measures within the Air Quality Impact Assessment prepared by Aecom Australia Pty Ltd and dated 13 February 2014. The mitigation measures shall apply to all buildings within the subject site.
3. Prior to the issue of the first construction certificate, the applicant shall demonstrate on the plans the implementation of all recommendations within the Acoustic Report prepared by Acoustic Logic (Rev 2) dated 24/02/2014.
4. Prior to the issue of the first construction certificate the applicant shall demonstrate on the floors plans the units to be dedicated to Lane Cove Council for the purpose of key worker housing (affordable housing). A minimum of 4% of the total number of units are to be dedicated to Council with the following mixture, 2 x studio, 8 x 1 bedrooms, 4 x 2 bedrooms and 1 x 3 bedrooms.
5. The key worker housing (affordable housing) units to be dedicated to Lane Cove Council shall be finished to a high and robust quality.
6. The key working housing (affordable housing) units to be dedicated to Lane Cove Council shall be allocated the following car spaces:

Each studio, 1 bedroom and 2 bedroom unit shall be allocated a single car space. The 3 bedroom unit shall be allocated 2 car spaces.
7. The units and car spaces dedicated to council for the purposes of key worker housing (affordable housing) shall be subdivided individually as part of a future strata subdivision and dedicated to Council on the issue of the final Occupation Certificate for the respective residential buildings.

Each unit will be subject to a restriction as to user registered on title for the purposes of affordable housing.

8. **THE PAYMENT FOR AN ADDITIONAL 510.6 PERSONS AND 662M² COMMERCIAL/RETAIL SPACE IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF THE FIRST CONSTRUCTION CERTIFICATE IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. THE AMOUNT IS \$6,264,580.68 AT THE CURRENT RATE OF \$9,636.00 PER PERSON AND \$97.34 PER RETAIL/COMMERCIAL SQUARE METER (PURSUANT TO 2014/2015 FEES AND CHARGES). NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.**

THESE CALCULATIONS ARE BASED ON THE 2014/2015 FEES AND CHARGES.

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. The Voluntary Planning Agreement (VPA) between Lane Cove Council and Meriton Property Services Pty Ltd/Karimbla Properties (No.35) Pty Ltd for 150 Epping Road, Lane Cove, dated 13 June 2014 shall be satisfied as per the VPA requirements.
10. Prior to the issue of the first construction certificate, the applicant shall amend the plans to demonstrate all primary balconies achieve a minimum area of 10m² with a minimum depth of 2m as per the *Lane Cove Council Development Control Plan Part C – Residential Development*.
11. Prior to the issue of the first construction certificate the applicant shall demonstrate compliance with the wind amelioration recommendations within the Environmental Wind Assessment prepared by SLR Global Environmental Solutions (SLR) and dated 28 February 2014. The amelioration measures are to be detailed on the plans and endorsed by SLR.
12. Prior to the issue of the first construction certificate, the applicant shall amend the plans to demonstrate the rooftop recreational areas on Buildings B, C and D comprise additional shading devices, adequate perimeter screening, are treated with soft floorings and grassed areas and unisex disabled toilets and parents room facilities in accordance with the BCA.
13. Prior to the issue of the first construction certificate the applicant shall amend the plans to demonstrate the rooftop recreation areas can be used in high winds. The mitigation measures implemented on the plans shall be prepared by a suitably qualified person.
14. The rooftop recreation areas on Buildings B, C and D shall be available to be used by all residents and their guests within the development site.
15. The rooftop recreation areas on Buildings B, C and D shall not be used between 10pm and 7am.
16. **Critical concrete pours**

The applicant may undertake critical concrete pours outside of normal working hours provided all of the following requirements are satisfied:

- the submission, at least seven (7) working days prior to the critical concrete pour, to Council of an application along with the prescribed fee, in the prescribed Council form, that includes a written statement of intention to undertake a critical concrete pour and that also contains details of the critical concrete pour, the number of such pours required, their likely time duration, impact statement and how foreseeable impacts will be addressed (i.e light spill/ noise/ traffic etc);
- adjoining and nearby affected residents being notified in writing at least two (2) working days prior to the pour, and a copy of this notice to be provided to Council for review prior to issue;
- no work and deliveries to be carried out before 7.00am and after 10pm;
and
- no work occurring on a Sunday or any Public Holiday.

All other relevant requirements relating to critical concrete pours that are the subject of other conditions of this development consent remain relevant at all times.

Following any critical concrete pour, the applicant must advise Council in writing by no later than seven (7) working days after the completion of the pour, what measures were actually undertaken by the applicant with a view to minimising any potential adverse impacts as a result of the pour, including but not limited to impacts with respect to noise, light spillage, and the positioning of the required vehicle(s), so that all related matters can be reviewed and any potential adverse events and/or impacts addressed in future critical concrete pours.

NOTE:

No work shall be undertaken outside standard working hours without prior written approval from Council.

Council reserves the right to refuse the application with or without reason.

NSW Roads and Maritime Services

17. It is noted that the access to the above development on Epping Road has been agreed upon during the Master Planning stage. However, detailed plans of the final access off Epping Road needs to be submitted to Roads and Maritime for review and approval prior to the issue of occupation certificate for this development and prior to the commencement of any road works.
18. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Roads and Maritime for determination prior to the issue of a construction certificate.
19. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AIJSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
20. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1– 2004.
21. All construction activity associated with the proposed development is to be contained on site as no construction zones will be permitted on Epping Road in the vicinity of the site.
22. A Road Occupancy License should be obtained from TMC for any works that may impact on traffic flows on Epping Road during construction activities.
23. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the Roads and Maritime for approval, prior to the commencement of works.

Details should be forwarded to:
Sydney Asset Management
Roads and Maritime Services

24. Deleted.
25. The proposed development should be designed such that road traffic noise from adjacent public roads is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
26. The excavation of the site will require separate approval from Roads and Maritime.
27. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.
28. All redundant driveways shall be removed and replaced with kerb and gutter to Roads and Maritime requirements.
29. All vehicles are to enter and leave the site in a forward direction.
30. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.

NSW Rural Fire Service

31. The development proposal is to comply with the layout identified on the drawing prepared by Conybeare Morrison International Pty Ltd numbered drawing no. A 011, Issue A and dated March 14.

Asset Protection Zones

32. 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:
33. At the commencement of building works and in perpetuity the property surrounding the child care centre and residential buildings shall be managed as an inner protection area (IPA) to the property boundaries, except for the eastern elevation of Building F where 25 metres from the building shall be managed. The IPA shall be maintained 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'.

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:

34. Water, electricity and gas are to comply with sections 4.1.3 and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

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:

35. Property access roads shall comply with sections 4.1.3(2) and 4.2.7 of 'Planning for Bush Fire Protection 2006'.

Evacuation and Emergency Management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following conditions shall apply:

36. Arrangements for emergency and evacuation are to comply with section 4.2.7 of 'Planning for Bush Fire Protection 2006' in relation to the development of the child care centre.

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:

37. All new fencing shall be non-combustible.
38. New construction of the child care centre shall comply with Sections 3 and 5 (BAL 12.5) 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 2006'.
39. Building A's new construction on the south western elevation shall comply with Sections 3 and 8 (BAL 40) of 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 2006'.

On the south eastern, north eastern and north western elevations, the new construction shall comply with Sections 3 and 7 (BAL 29) of 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 2006'.

40. Building B's new construction on the south western, north western and southern elevations shall comply with Sections 3 and 7 (BAL 29) of 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 2006'.

On the northern and eastern elevations, the new construction shall comply with Sections 3 and 6 (BAL 19) of 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 2006'.

41. Building C's new construction on the western elevation shall comply with Sections 3 and 8 (BAL 40) of 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 2006'.

On the northern, eastern and southern elevations, the new construction shall comply with Sections 3 and 7 (BAL 29) of 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 2006'.

42. Building D's new construction on the southern elevation shall comply with Sections 3 and 8 (BAL 40) of 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 2006'.

On the northern, eastern and western elevations, the new construction shall comply with Sections 3 and 7 (BAL 29) of 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 2006'.

43. Building E's new construction on the south eastern elevation shall comply with Sections 3 and 8 (BAL 40) of 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 2006'.

On the south western, north eastern and north western elevations, the new construction shall comply with Sections 3 and 7 (BAL 29) of 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 2006'.

Landscaping

44. 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:
- i. Suitable impervious areas being provided immediately surrounding the building such as courtyards, paths and driveways;
 - ii. Grassed areas/mowed lawns/ or ground cover plantings being provided in close proximity to the building;
 - iii. Restrict planting in the immediate vicinity of the building which may over time and if not properly maintained come in contact with the building;
 - iv. Maximum tree cover should be less than 30%, and maximum shrub cover less than 20%;
 - v. Planting should not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters);
 - vi. When considering landscape species consideration needs to be given to estimated size of the plant at maturity;
 - vii. Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
 - viii. Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
 - ix. Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
 - x. Avoid climbing species to walls and pergolas;
 - xi. Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
 - xii. Locate combustible structures such as garden sheds, pergolas and materials such timber garden furniture way from the building; and

- xiii. Use of low flammability vegetation species.

Building

45. All building works are required to be carried out in accordance with the Premises Standards 2010.
46. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
47. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
48. 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.
49. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
50. 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.

51. 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."

52. 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.
53. 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.
54. Access and parking spaces for disabled persons being provided in accordance with Part D.3 of the Building Code of Australia.
55. 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.

56. 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 – 2007, "Swimming Pool Safety".

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

ADVICE: In accordance with the Swimming Pools Amendment Act 2012, the swimming pool or spa is required to be registered on the NSW Government State wide Swimming Pool Register when completed.

The register can be found at www.swimmingpoolregister.nsw.gov.au.

57. 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.

58. 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".

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

- a The establishment of 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.

60. The site being cleared of all debris and left in a clean and tidy condition at the completion of all works.
61. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
62. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
63. An approved type of hoarding being erected along the street frontage.
64. Pedestrians' portion of footpath to be kept clear and trafficable at all times.
65. Lane Cove Council charges a fee 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.
66. 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.
67. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE CONSTRUCTION CERTIFICATE BEING ISSUED.**
68. **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.**

69. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.

70. 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.

Traffic and Transport

71. All pedestrian pathways internal and public shall be constructed to the relevant Australian Standard. In particular:
- i. The internal path network is to be compliant with all aspects of Lane Cove Council's DCP – Part F - Access and Mobility.
 - ii. The internal network is to connect to the existing pedestrian path along the frontage of the site.
 - iii. Necessary infrastructure such as street lighting improvements and crossing facilities

Any infrastructure improvements shall be designed in accordance with the relevant Australian Standard and funded by the applicant. All such works are to be completed prior to the issue of each relevant occupation certificate.

72. RMS approval is required for the works on Epping Road prior to issue of the relevant Construction Certificate.

This approval shall include details that show how the existing exit to the western service road will be fitted with bollards that will be accessible only by emergency vehicles.

The applicant is to submit to the RMS a plan detailing how the road entries will be constructed and / or modified. The plans are to be submitted and approved by the RMS prior to issue of the first Occupation Certificate. A copy shall be made to council prior to occupation.

73. 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.
74. Car parking spaces must be constructed in accordance with the relevant provisions of AS/NZS 2890.1:2004 Parking facilities – Part 1: Off-street car parking. Small car parking spaces must not be provided.
75. Small car spaces must not be provided as part of the overall car parking provision.
76. Tandem parking spaces must not make up more than 10% of the overall car parking provision.
77. Disabled parking spaces must be constructed in accordance with the relevant provisions of AS/NZS 2890.6:2009 Parking facilities – Part 6: Off-street parking for people with disabilities.

78. All bicycle parking facilities must comply with the intent and provisions of AS 2890.3.
79. The number of private bicycle parking facilities shall be provided as per the DA submission:
 - (a) 92 bike lockers
 - (b) 39 bike rails
80. 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.

For convenience and safety all residents shall have access to both car park doors.
81. The on-site waste collection / loading bay must comply with the Service Bay dimensions for the SRV vehicle class (3.5m x 6.4m; 3.5m vertical clearance) as per AS 2890.2.
82. Vehicle head room clearance must comply with Australian Standards (AS 2890 series) and Council's DCP Part Q.
83. All vehicle manoeuvres required on site should meet Australian Standards (AS 2890 series) for User Class 1A.
84. All ramp grades and widths must comply with Australian Standards (AS 2890 series).
85. The combined vehicle access must meet relevant Australian Standards (AS 2890 series) with regards to width, sight distances, kerb splays, queuing and signposting.
86. All roads within the development shall be private roads, and are not to be dedicated to Council. The maintenance of the roads is to be the responsibility of the body corporate.
87. The applicant is to pay a contribution of \$130,232 as a part contribution (13 % of the total intersection upgrade costs) to the upgrading of the intersection of Mowbray and Centennial Ave. This amount is to be paid to Council prior to the issue of the first Construction Certificate. This contribution is based on the information in the report by SMEC – Matthew Stephens, Dated 11 Feb 2014.
88. The applicant shall make the following provisions for bicycles on a plan prior to issue of the first Construction Certificate:
 - i. Bike lockers should all be numbered so that they can be identified. The dimensions, structure fabrication method, locking method and all details are to be included on the plan and be submitted to the Certifier.
 - ii. Bike lockers must be available free of cost to residents other than a refundable reasonable key deposit.

- iii. Bike lockers should be constructed of solid material that does not allow passers by to be able to see the contents of the bike locker. A plan is to be submitted to the Certifier prior to issue of the first Construction Certificate.
 - iv. A plan of the locations of bike rails is to be submitted to the Certifier prior to issue of the first Construction Certificate. Bike rails must be provided in areas of high visibility and ideally in view of a CCTV camera.
 - v. Bicycle must be permitted in the lifts to allow residents to take their bike to their units if they wish. In this instance the resident is to be responsible for any damage that is caused by the conveying of bikes in the lift.
 - vi. At least 20% of bike lockers should have a plug socket fitted to allow for the overnight charging of electric bikes. The installation of charging points is to be completed and a plan is to be submitted to the Certifier prior to issue of the first Occupation Certificate.
89. The Applicant shall make the following provisions for motor bikes on a plan prior to issue of the first Construction Certificate:
- (a) A plan of the locations of motor bike spaces is to be submitted to the Certifier prior to the issue of the first Construction Certificate. Motor bike parking locations must be provided in areas of high visibility and ideally in view of a CCTV camera.
90. The applicant shall make the following provisions for storage on a plan and submitted to the Certifier prior to issue of the first Construction Certificate:
- i. Storage lockers shall be created as a lot attached to the unit and shall be created so that they cannot be easily transferred to other owners.
 - ii. A storage space shall be provided in the basement for each unit with at least 50 % of the space provided for each unit in the basement.
 - iii. A plan of the locations of storage lockers in the basement shall be submitted to and the certifier prior to issue of the first Construction Certificate. Storage units must be provided in well lit areas and should be ideally in view of a CCTV camera.
 - iv. All Storage spaces shall be allocated with the strata and are to be allocated to specific units.
91. The applicant shall provide written confirmation to the Certifier that the western most access point will only be used for emergency vehicle access to the site.
92. The applicant shall provide lighting to all pedestrian paths internally and along the street frontage to Epping Road to a standard that satisfies or exceeds the current Australian Standard (AS1158 series), for the anticipated pedestrian activity at these locations. The applicant is to provide a plan to the certifier prior to issue of the first Construction Certificate. This lighting and design work is to be at the applicant's expense.

93. Prior to issue of the relevant Occupation Certificate the applicant shall provide traffic signals to allow the reversing garbage truck to safely access the loading bay and to stop other vehicular traffic during this movement and submit the details to the Certifier.
94. The applicant shall produce a comprehensive Sustainable Travel and Access Plan for both the residential component and the child care centre and shall outline travel options for users of the development in accordance with the Australian Standards and endorsed by the Certifier prior to the issue of the occupation certificate.
95. The applicant shall provide two (2) on-site car share spaces. The on-site car share spaces must be signed and line marked as being dedicated to car share and must be accessible to the general public i.e. not located behind security doors;

A letter on "company letterhead" from the Car share company shall be submitted to the Certifier confirming that the Car share company is willing to provide public car share vehicles in this location.

96. The car share spaces shall be provided as follows:
 - (a) One space shall be located in the 'surface' carpark, northwest of building C; and
 - (b) A second space shall be provided the 'surface' carpark between Building G and Building E.

97. Community bus service:

Before Construction Certificate

- a) The applicant shall provide an internal traffic management plan which includes:
 - i. A convenient and safe pick-up area for each building.
 - ii. Each pick-up area is to have an all weather cover for patrons.

Before Occupancy

- b) The Green Travel Plan and Travel Access Guide by Traffix (ref13.370101v03), dated 4th March 2014 shall be revised in the following areas and be endorsed by the Certifier prior to issue of the first Occupation Certificate:
 - i. The name of the Traffix document shall be changed to Sustainable Travel and Access Plan (STrAP) in keeping with Councils DCP Part R.
 - ii. The draft Sustainable Travel and Access Plan (STrAP), being Traffix document (ref13.370101v03), dated 4th March 2014, is to be refined where a reference is made to a survey in the last point. The survey is to occur annually.
 - iii. The Sustainable Travel and Access Plan (STrAP) shall include a proforma for an annual survey to be prepared by a suitably qualified

and practicing travel planner. The prepared survey is to be submitted to Council's Traffic Manager for approval prior to issue of the Occupation Certificate any building.

- iv. The Sustainable Travel and Access Plan (STrAP) shall include a series of recommendations on actions and initiatives to be taken by the building manager to reduce the reliance on car based travel. The actions and initiatives shall be prepared by a suitably qualified and practicing travel planner and submitted to Council's Traffic Manager for approval prior to issue of the Occupation Certificate for any building.
- v. In the Traffix document (ref13.370101v03), dated 4th March 2014, Figure 2 is to be amended/updated to:
 - Correctly show the entry and exit points for motorised vehicles, there shall be no entry or exit to the western access road; and
 - Show a pedestrian and cyclist entry/exit points at both the east and west extremities of the frontage of the site as well as the central point already shown; and
 - Detail the drop-box facility and explain how it will work for residents.
 - Correctly show the locations for the car share spaces as follows:
 - One space to be located in the "surface" carpark North West building C; and
 - A second space is to be provided the "surface" carpark between Building G & Building E.
- The Sustainable Travel and Access Plan (STrAP) is to detail how the car pooling initiatives will operate. These details are to be prepared by a suitably qualified and practicing travel planner and submitted to Council's Traffic Manager for approval prior to issue of the Occupation Certificate any building.

After Occupancy

98. The approved Sustainable Travel and Access Plan (STrAP) shall be:
- i. Provided to all new residents when they commence occupancy; and
 - ii. Available, at all times, on a prominent notice board to be seen by all residents in each building.
 - iii. Progress towards mode share targets is to be monitored annually and reported to Council.
 - iv. Updated annually by the suitably qualified and practicing travel planner. The updated report is to be submitted annually to Council's Traffic Manager and provided annually to all residents.

- v. Updated annually including the actions and initiatives to be taken by the building manager to reduce the reliance on car based travel. This work is to be undertaken by a suitably qualified and practicing travel planner and submitted to Council's Traffic Manager annually.
 - vi. Implemented by the body corporate and the building manager. These actions and initiatives are aimed at encouraging residents to reduce their reliance on car based travel. The annual report to Council is to outline the actions that have been taken by the body corporate and the building manager over the previous year and proposed actions to be taken in the up-coming year.
99. Deleted.
100. Where staging if the work is proposed the applicant shall provide plans and details of the staging and is to show how each stage will be fully provided by the private and public infrastructure to be constructed in that stage, (or a previously constructed stage). Staging plan details are to be submitted to and approved by the Certifier prior to issue of the first Construction Certificate.

Environmental Services

101. Demolition Works and Asbestos Removal/Disposal

The demolition of any existing structure is to be carried out in accordance with *Australian Standards AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have the loads covered and are not to track any soil or waste materials into the road. Pursuant to Section 27A of the Occupational Health and Safety Act 1983 "notification to Commence Demolition Work" form is to be submitted to Workcover at least seven days prior to work commencing. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority and EPA guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

102. Dust Control

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- b) Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.

103. Erosion and Sedimentation Controls – Major Works

Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering works and maintained for a

minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

104. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (blue Book)

105. Stockpiles

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.

106. Construction and Fit out of Child Care Centre

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of the Food Safety Standards Code (Australia) and *Australian Standards AS4674 – Design, Construction and Fitout of Food Premises*.

107. Food Shop Registration Requirements

Occupation of the premises shall not occur until:

- a) a registration application to be submitted to Council's Health and Environment Department for the food shop
- b) notification of the NSW Health Department under Standard 3.2.2 Division 2 Section 4 Notification. This requirement is to be met by notifying through the following website: <http://www.foodnotify.gov.au>

108. Garbage collection – Commercial

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environmental operations Act 1997. Records shall be kept of all waste disposal from the site.

Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 6am on any day.

109. Acoustic Consultant

A qualified acoustic consultant shall be engaged by the applicant to certify that the design and construction of the buildings comply with the EPA's – Environmental criteria for road traffic noise. The acoustic report shall be submitted to Council with the first Construction Certificate

110. Operation of Plant or Equipment

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises.

All sound producing equipment shall comply with the Protection of the Environmental Operations Act 1997.

111. Noise Control – Car Park Security Grills

To minimise the impact on the amenity of surrounding residents, all sound producing plant, equipment, machinery or fittings within or forming part of the proposed security door fitted to the car parking area entrance shall be acoustically attenuated so that the noise emitted does not exceed 5db(A). Notwithstanding the above any noise that is emitted shall not be audible within any premises and comply with the Protection of the Environmental Operations Act 1997.

112. Road Traffic Noise

The residential flat building must be designed and constructed so that road traffic noise levels comply with the satisfactory design sound level in *Australian/New Zealand AS/NZS 2107:2000 Acoustics – Recommended design sound level and reverberation times for building interior*, with windows and doors closed.

113. Ventilation

To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provision of:

- a) The Building Code of Australia
- b) AS 1668 Part 1 and 2 – 1991
- c) Protection of the Environment Operations Act 1997

A certificate shall be submitted from a practicing mechanical engineer certifying that the design and operation of the mechanical ventilation system meets the requirements of AS 1668 Parts 1 and 2.

114. Storage of Potentially Contaminated Soils

All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

115. Assessment of Potentially Contaminated Soils

All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, such as the publication titled *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non – Liquid Wastes* (EPA, 1999).

116. Offsite Disposal of Contaminated Soil

All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste.

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

117. Operation of public pool/spa

The operation of the pool/spa is to comply with the requirements of the:

- Public Health Act 1991,
- Public Health (Swimming Pools and Spa Pools) Regulation 2000,
- NSW Health Department Public Swimming Pool and Spa Pool Guidelines 1996 and the Australian Standard AS 3633-Private Swimming Pools-Water Quality.

118. Prior to the occupation of the building, the applicant shall submit to council a validation report from an environmental consultant. The Report is to be reviewed by a NSW Accredited Site Auditor and a Site Audit Statement submitted confirming that the site is suitable for its intended use. These documents are to be submitted and endorsed by Council Officers prior to the issue of an Occupation Certificate.
119. The development shall comply with the Lane Cove Development Control Plan 2010 - Part Q - Waste Management and Minimisation.
120. The retail and child care/commercial components of the development shall have their own dedicated waste storage rooms, separate from the residential component.
121. A dedicated bulky goods storage room of at least 30m² shall be supplied to the residential portion of the development and be clearly marked on the plans.

Community Services

122. Prior to the issue of the first construction certificate, the applicant shall submit plans which demonstrate to the certifier all recommendations in the report prepared by Morris Goding Accessibility Consulting (MGAC), dated March 2014 and the letter prepared by MGAC dated 30 May 2014 are on the plans.
123. Prior to the issue of the first construction certificate, the applicant shall demonstrate on plan and be accompanied with a report prepared by a suitably qualified access consultant that 80% of the units are visitable as required by the *Lane Cove Development Control Plan 2010 Part F – Access and Mobility*. The plan shall be submitted to the certifier.
124. Prior to the issue of the first construction certificate, the applicant shall demonstrate on the plans and with any required accompanying report, that access to and within buildings complies with *Lane Cove Development Control Plan 2010 Part F – Access and Mobility*.
125. Prior to the issue of the first construction certificate, the applicant shall demonstrate on the plans that the child care centre complies with *Lane Cove Development Control Plan 2010 Part I – Child Care Centres*.
126. The child care centre shall operate between 7.00am and 6.00pm, Monday to Friday.
127. Prior to the issue of the first construction certificate, the applicant shall demonstrate on the plans that the child care centre is fitted with air conditioning.
128. Prior to the issue of the first construction certificate, the applicant shall submit an Acoustic Report prepared by a suitably qualified person stating that the development can achieve the following:

LAeq levels:

- (i) In any bed room 35dB(A) 10.00pm to 7.00am.
- (ii) anywhere else 40dB(A)

The Acoustic Report shall be endorsed by Council.

129. The applicant shall obtain a separate development application for the fit out and detailed design of the child care centre.

130. The applicant shall obtain the relevant license/s from the NSW Department of Community Services.

Bushland

131. The applicant shall comply with the Vegetation Management Plan prepared by Total Earth Care dated January 2014.
132. 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.
133. 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.
134. All materials brought onto the site must be weed free.
135. Any weeds listed under the Noxious Weeds Act must be continually eradicated ensuring there is no re-establishment. Refer to council's website www.lanecove.nsw.gov.au for further information.
136. 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.

STREET TREES

137. All street trees must be protected during the construction process.
138. No access to the property is allowed via the adjoining easement, public open space or public bushland area.
139. A bond of \$20,000 must be paid to Council prior to the issue of the first Construction Certificate to ensure adequate protections are taken during the development to protect the trees. This bond shall be forfeited in the event of damages to any of these trees as a result of the development works within a period of *(12 months)* after completion. In the event of damages to the tree, as determined by Council's Tree Preservation Officer, the cost of replacing the tree including labour will be incurred in addition to forfeiting the bond. The following formula shall be used for retention of all or part of the tree bond:

Breach of any condition - 25% of bond for each offence.

Trunk or root damage of any protected tree - 50% of bond for each offence.

Death or severe decline of any protected tree - 100% of bond and possible legal action by Council.

140. During construction proposed Lot 101 and the 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.

141. 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. Any cleanup operation which involves disturbing the vegetation, leaf litter, soil crust, or natural bedrock, must be coordinated through Council's Assistant Manager Open Space.
142. Any clean up operation which involves disturbing the vegetation, leaf litter or soil crust, must be coordinated through Council's Bushland Manager and the owners of the neighbouring property.
143. All outside lighting must be appropriately baffled to minimise light pollution into the surrounding bushland on public and private property.
144. A 1.8 m high solid hoarding fence of an impermeable material such as timber must be constructed along the entire perimeter of the development site. The bottom of this hoarding fence must be directly on the soil/ rock along the whole length to prevent soil etc from entering the bushland area. The fence must also be strong enough to withstand soil movement and hold back the movement of smaller rocks etc The required sediment fence is to be located 40-50 cm inside the solid hoarding fence.

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.

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.

145. Any trees damaged within the bushland area, above and/or below ground, located within and/or adjacent properties must be reported to Council immediately.

STOCKPILING / SOIL DISTURBANCE

146. There must be no soil disturbance within the tree protection area, including any activities associated with the construction other than topdressing on completion of the landscaping works to a maximum of 50mm, within the approved tree protection zones of the trees shown on the approved plan to be retained. All activity within the Tree Protection Area must be undertaken with hand tools.
147. There must not be any stockpiling of building materials or other materials or dumping of refuse within the approved tree protection zones of the trees shown on the approved landscape plan to be retained.
148. There must not be any stockpiling of building materials or other materials or dumping of refuse to occur within 3m of the drip line of the tree(s) shown on the approved plan to be retained which do not have tree protection fencing.
149. There must not be any filling or stockpiling of soil or building materials or dumping of building rubbish on Lot 101. Details of site protection measures during the construction period, including details of temporary fencing to protect the remnant bushland during construction must be submitted for approval **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**.

150. Temporary fencing must be installed during the extent of the work around the materials storage site and work site. The contractor must ensure the site and surrounding areas are free of hazards at the end of each working day. The applicant must ensure that the contractor fully complies with this obligation.
151. The use of track machinery must cease during or immediately after a rain period and not commence until the surface is deemed firm and dry. At the discretion of a Lane Cove Council, work may be halted if the area is deemed too wet. All movement of the machinery must be kept to a minimum.
152. Ruts, breakage of turf and/or soil surface, by delivery trucks or machinery must be repaired to the satisfaction of the Lane Cove Council.
153. No soil, plant material, building rubble, goods, construction materials, garden refuse, old fencing, nails/fasteners, or any other matter may be deposited in any bushland area.
154. Inside lighting in common areas of the buildings are to be designed to minimise light pollution into surrounding bushland on public and private property. Inside lighting in common areas is to be on a set timer (maximum 5 minutes) to further reduce light pollution to surrounding areas.
155. Prior to the issue of the construction certificate the applicant shall provide a plan to the certifier which details the public footpath/easement through the property to facilitate continuous public access from Sam Johnston Way, through the bushland handle, around the southern perimeter of the development site and onto a footpath on the north western side of the development connecting to the Epping Road footpath. The public easement is to be continuous, open at all times and remain in perpetuity. The easement should not include roadway, but may include a high quality footpath next to the roadway at the developer's expense. The footpath and any bush tracks must be constructed to Australian Standards to ensure public safety. The property owners will be responsible for maintaining any section of the footpath that falls on private land in perpetuity. The footpath/track shall be constructed to provide a direct link to the Lane Cove River in the future.

Note: There is currently no direct link from the development site to the foreshore, but there may be future opportunities to complete this link.

156. The Asset Protection Zone (APZ) must be contained entirely within the boundaries of the site. The APZ is not to extend onto public open space, private property and/or the bushland handle of the development site.
157. The Developer shall construct a 1.8 metre black chain mesh fence along the entire southern boundary of the site. The design and materials to be used shall be submitted to Lane Cove Council prior to the issue of the first construction certificate. Lane Cove Council shall be notified when work is to commence so that Lane Cove council officers can oversee the work. The work shall be completed to the satisfaction of Lane Cove council.
158. Works shall not to commence until sediment and erosion controls have been installed as per the approved *Erosion and Sediment Control Plan/Soil and Water Management Plan*. Erosion and sediment control is to be observed and monitored for the entire construction phase of the development. All objectives and measures outlined within Landcom *Managing Urban Stormwater: Soils and Construction* (2004), this VMP and

any Sediment and Erosion Control Plan prepared for the development are to be enforced.

Landscape

159. The applicant shall submit detailed landscape working drawings for construction which have undergone further design development and refinement to achieve the overall landscape design intent and comply with the conditions of the development consent. The plans must relate to on the amended and approved DA plans by Site image dated 25th June 2014: Landscape Master Plan s- DWG Nos: 100 Rev G; Landscape plans 110 – 112 Rev C;120 - 122 Rev C;130 & 133 Rev C; 140-143 Rev C and Landscape Detail and Specification Notes 501 & 502 rev B and Landscape Concept Sections & Specification notes 601 7602 Rev A and submitted to the private certifier prior to the issue of the first Construction Certificate. Each plan/ sheet is to be certified by a qualified landscape architect / environmental designer or horticulturist. The landscape plan for construction shall show the treatment of common open space areas, front, rear and side setbacks, balconies or on-structure plantings, any decking and raised screening or general landscaping treatment (including sections, elevations, landscape profiles and specifications, consistent with Councils Landscape Checklist and landscape policy).
160. Prior to the issue of the first Construction Certificate the applicant shall submit a detailed landscape working drawings for construction including sections, elevations and landscape profiles and specifications for the proposed playground that comply with the conditions of the development consent and fulfil the overall landscape design intent of the site to the Certifier. Each plan/ sheet is to be certified by a qualified landscape architect / environmental designer or horticulturist. The detailed landscape construction plans must show the treatment of open space areas, level changes, hard and soft material selection and any other general landscaping treatment, within the communal open space.
161. Provision shall be made for on-structure landscaping to have adequate soil depth, volume and suitable profile to support the number of trees and shrubs indicated on the amended and approved DA plans by Site image dated 25th June 2014: Landscape Master Plan s- DWG Nos: 100 Rev G; ; Landscape plans 110 – 112 Rev C;120 - 122 Rev C;130 & 133 Rev C; 140-143 Rev C and Landscape Detail and Specification Notes 501 & 502 rev B and Landscape Concept Sections and Specification notes 601 7602 Rev A.
162. Sufficient groundcovers and low shrubs, planted at appropriate distances and depths, to eliminate bare mulched gardens areas within twelve (12) months of completion of all landscaping works. Where screen planting is required throughout the development, plants must have a height of 2m at planting as per the amended and approved DA plans by Site image dated 25th June 2014: Landscape Master Plan s- DWG Nos: 100 Rev G; Landscape plans 110 – 112 Rev C;120 - 122 Rev C;130 & 133 Rev C; 140-143 Rev C and Landscape Detail and Specification Notes 501 & 502 rev B and Landscape Concept Sections and Specification notes 601 7602 Rev A.
163. All landscape works is to be completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications.

164. The proposed tree plantings are to have a mature height of no less than 6 m at maturity, to be installed in pot sizes no smaller than 45 litres in accordance with all amended and approved DA plans by Site image dated 25th June 2014: Landscape Master Plan s- DWG Nos: 100 Rev G; Landscape plans 110 – 112 Rev C; 120 - 122 Rev C; 130 & 133 Rev C; 140-143 Rev C and Landscape Detail and Specification Notes 501 & 502 rev B and Landscape Concept Sections & Specification notes 601 7602 Rev A.
165. The applicant shall ensure that the proposed concrete path is formalised and complete as indicated on the prepared plans. The extent of the concrete path connects Epping Road from the north west of the site, continuing along the west of subject site, traversing the asset protection zone along the extent of southern side of the site and continuing to the edge of the site on the eastern boundary, connecting with the existing upgraded bushland track to the east on the dedicated bushland handle.
166. The applicant shall ensure that the proposed playground to the south western portion of the site provides a variety of play challenges, makes some provision for accessible play and caters for children ranging from 0 -12 years of age. There is to be a minimum of 7 individual pieces of equipment and is to have appropriate softfall under the equipment conforming with AS 4422:1996 playground surfacing

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

167. A qualified practising landscape architect, Landscape / environmental designer or horticulturist, shall certify that the proposed subsoil drainage and any associated waterproofing membrane, have been installed in accordance with the details shown on the landscape working drawings and specification. Works are not to progress until the principal certifying authority has confirmed that this condition has been satisfied.
168. A landscape practical completion report shall be prepared by a consultant landscape architect and submitted to the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report is to certify that all landscape works have been completed in accordance with the approved landscape working drawings. A copy of this report is to accompany a request for the issue of an Occupation Certificate.
169. Prior to the issue an Occupation Certificate the applicant shall submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from date of issue to the Certifier.
170. At the completion of the landscape maintenance period, the consultant landscape architect/ designer is to submit a report to the accredited certifier, certifying that all plant material has been successfully established and that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Strata Managers /Owners/ Occupiers.
171. The applicant shall ensure that the proposed playground and overall landscape design intent achieved to the south western portion of the site is complete as per the amended and approved DA plans by Site image dated 25th June 2014: Landscape Master Plan s- DWG Nos: 100 Rev G; Landscape plans 110 – 112 Rev C; 120 - 122 Rev C; 130 & 133 Rev C; 140-143 Rev C and Landscape Detail and Specification

Notes 501 & 502 rev B and Landscape Concept Sections and Specification notes 601 7602 Rev A, prior to the release of the occupation certificate.

Trees

172. 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.
173. The applicant must obtain written authority prior to pruning or removal of any trees greater than 4 metres in height, located on the property or in neighbouring properties including the cutting of any tree roots greater than 40 mm in diameter. Trees shown on the approved Plans for removal are exempt from this condition.
174. 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.
175. Trees numbered 1 – 6 – 7 – 8 – 9 and 25 in the arborist report by Tree and Landscape Consultants dated 25 February 2014 shall be retained and protected. A 1.8 metre high chain mesh fence shall be erected a radial distance of not less than four (4) metres from the trunk of the above-mentioned trees. The tree protection areas shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection areas shall remain undisturbed.
176. 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.
177. All tree protection measures and signage shall be erected immediately and **PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE**. The tree protection measures must remain in place for the duration of the development.

Engineering

General

178. **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.
179. **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.
180. **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.**
181. **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.
182. **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.
183. **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.
184. **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*'.
185. **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.
186. **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.
187. **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.

188. **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.
189. **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.
190. **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.
191. **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.
192. **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.
193. **Rainwater Reuse Tanks:** The proposed rainwater tank is to be installed in accordance with Council's rainwater tank policy and relevant Australian standards.
Note:
 - Rainwater draining to the reuse tank is 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.

Conditions to be complied with prior to Construction Certificate

194. **Drainage Plans New:** A stormwater drainage plan prepared and certified by a suitably qualified engineer is to be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**. The design is to be certified that it fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management.
195. **Proposed use of a drainage easement:** Documentation demonstrating that the property benefits from a drainage easement is to be submitted to the Principal Certifying Authority **prior to the issue of Construction Certificate**.
196. **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**.
197. **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**.
198. **Geotechnical Report:** A geotechnical report is to be completed for the excavation and ground water impacts associated with this 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.
199. **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.

200. **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.

201. **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**.

202. **Road Dilapidation Survey:** The applicant needs to prepare a dilapidation survey and a dilapidation report detailing the existing state of repair / condition of the road surfaces along Epping Road, adjacent the site. The survey and report need to be submitted 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.

203. **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**.

204. **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.**

205. **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.
206. **Council infrastructure damage bond:** The applicant shall lodge with Council a \$50,000.00 cash bond or bank guarantee. The bond is to cover the repair of damage or outstanding works 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.**
207. **Soil and Water Management Plan:** 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**

Conditions to be complied with prior to commencement of construction

208. **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.

Conditions to be complied with prior to Occupation Certificate

209. **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.**

210. **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.**

211. **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.**

212. **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 each 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.

213. The applicant shall gain the endorsement of Lane Cove Council for the design and installation of public art pieces within the site.