

INTRODUCTION:

The assessment report of Development Application DA 14/25 for the construction of a mixed use development in accordance with the approved Concept Plan at 150 Epping Road, Lane Cove was submitted to the Joint Regional Planning Panel (JRPP) on 8 October 2014. The Concept Plan comprises a maximum total Gross Floor Area (GFA) for the mixed use development being 35,351.2sqm and notably a maximum GFA for the residential component being 33,310sqm.

Following the consideration of this report, on the 15 October 2014 the JRPP sought clarification regarding the proposed GFA of the residential component of the proposal. The JRPP understood that the Concept Plan approved up to 33,310sqm of residential floor space, while the proposal comprises 34,119sqm of residential floor space.

The applicant was requested to provide a response to the concern raised by the JRPP regarding the consistency of the proposal with the Concept Plan and the accompanying terms of Approval.

APPLICANT'S SUBMISSION

On 16 October 2014 the applicant provided revised GFA calculation plans for the proposal stating the changes are a result of services and plant not being fully deducted and access to vehicle parking. The revised GFA calculation plans details a residential GFA of 33,292.2sqm and a total proposed GFA of 34,462sqm:

Approved Concept Plan MP_0148 MOD 1	Revised GFA Calculation Plans
residential GFA of 33, 310sqm	residential GFA of 33, 292.2sqm
community GFA of 816sqm	community GFA of 1169.8sqm
childcare GFA 470.3sqm	childcare GFA 470.3sqm (no change)
retail GFA 258sqm	retail GFA 192sqm (no change)
Total proposed GFA of 35, 034sqm	Total proposed GFA of 34, 462sqm

The revised GFA calculation plans dated 16.10.2014 are contained in **AT 1**.

OFFICER RESPONSE

A review of the revised GFA plans indicate that the corridor areas, community area and indoor swimming pool are excluded from the revised calculation. In the absence of a specific definition by the terms of the Concept Plan the Lane Cove LEP 2009 defines GFA as:

the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

(a) the area of a mezzanine, and

- (b) *habitable rooms in a basement or an attic, and*
- (c) *any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
- (d) *any area for common vertical circulation, such as lifts and stairs, and*
- (e) *any basement:*
 - (i) *storage, and*
 - (ii) *vehicular access, loading areas, garbage and services, and*
- (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) *any space used for the loading or unloading of goods (including access to it), and*
- (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) *voids above a floor at the level of a storey or storey above.*

After consideration of this definition, it is the view of council that the corridor areas, community area and indoor swimming pool are to be included within the GFA calculation plans.

The GFA calculation plans dated 8.08.2014 details the following:

Approved Concept Plan MP_0148 MOD 1	GFA calculation plans dated 8.08.2014
residential GFA of 33, 310sqm	residential GFA of 34,119sqm (+809sqm or 2%)
community GFA of 816sqm	community GFA of 569.9sqm
childcare GFA 470.3sqm	childcare GFA 470.3sqm
retail GFA 258sqm	retail GFA 192sqm
Total proposed GFA 35, 034sqm	Total proposed GFA 35,351sqm (+317sqm or <1%)

As such the GFA calculation plans dated 8.08.2014 remains accurate, notably this calculation includes the corridor areas, community area and indoor swimming pool. The revised GFA calculation plans provided by the applicant have not been prepared with regard to the definition of GFA pursuant to the LEP.

The GFA calculation plans dated 8.08.2014 are contained in **AT 2**.

OFFICER RECOMMENDATION:

The GFA calculation plans prepared and submitted by the applicant have been used in the assessment of the Development Application. Following a detailed review of the GFA calculation plans submitted by the applicant, it is evident that the proposal does not comply with the residential GFA or the total GFA permitted by the Concept Plan. The proposal comprises approximately 809smq of additional residential GFA and approximately 317sqm (<1%) of additional total GFA.

The proposal is therefore only generally consistent with the Concept Plan.

Notwithstanding the failure to comply with the specific residential requirements (+2% or 809sqm) of the Concept Plan the overall proposal has merit and is supported as the total GFA remains generally in compliance with the total permitted GFA with a minor deviation (<1%) in excess.

Therefore on balance the final development proposal as amended is considered to meet the terms of the Minister's modified Approval dated 2 December 2013 and is recommended for approval subject to the following draft conditions:

DRAFT CONDITIONS:

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 and community/communal spaces 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 –	C	Meriton Builders &	8/8/14

	Level 4		Developers	
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	C	Meriton Builders &	8/8/14

	Diagram		Developers	
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
P0 BOX 973 Parramatta CBD 2124

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 Traffic 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 Traffic 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 Environment Operations Act 1997. Records shall be kept of all waste disposal from the site.

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

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 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 **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.