

Addendum to Report from Lane Cove Council

Environmental Services Division

Sydney East Joint Regional Planning Panel meeting of 19 March 2015

2014SYE117

Property:	1-13A and Part 15 and 15A Marshall Avenue, St. Leonards
DA No:	DA14/143
Date Lodged:	15 September 2014
Cost of Work:	\$95,503,546
Owner:	Loftex Pty Ltd
Applicant:	Loftex Pty Ltd
Author:	Rebecka Groth

SUMMARY

Following the completion of the JRPP assessment report, the applicant provided a response to the recommended draft conditions. The corrections recommended by the applicant are supported to draft conditions 2, 4, 31, 59, 105 and 120.

CORRECTIONS

Condition 2 – Incorrect references to the drawings due to amendments during the assessment process.

Condition 4 – The applicant advised the submitted plans incorrectly referred to 56 adaptable units being proposed. It is noted the Lane Cove DCP requires a minimum of 20% of the units to be adaptable units, being a minimum of 54 adaptable units in this case. Drawing DA064_1 was amended by the applicant to reduce the 3 bedroom adaptable units from 13 to 11. The proposal provides the required minimum adaptable units. As such Condition 4 has been amended to require 54 accessible car spaces.

Condition 31 – As a result of amendments made during the assessment process the BASIX report submitted is no longer relevant. Amended wording is suggested to require an updated BASIX certificate prior to the issue of a construction certificate.

Condition 59 – Amendment to the condition to remove the need for a pedestrian refuge on the driveway. This had been previously agreed to.

Condition 105 – Amendment to condition to require the lots subject of the development application to be consolidated prior to the issue of an occupation certificate.

Condition 120 – Deletion of the requirement for a 1.5m footpath along Marshall Lane given Condition 61 requires a shared zone to be constructed.

The above amendments have been made in the recommended draft conditions (below) and are highlighted in bold text. These draft conditions shall supersede the draft conditions previously submitted to the JRPP.

RECOMMENDATION

That pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grant development consent to Development Application DA13/32 for the construction of a mixed use development comprising of 269 residential units and retail/commercial, subdivision and the Voluntary Planning Agreement at 1-13A and part 15 and 15A Marshall Avenue, St Leonards subject to the following conditions:

Sydney Trains (RailCorp)

Deferred Commencement Condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

1. **A1**
The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:
 - i. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
 - ii. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
 - iii. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail tunnel. All measurements are to be verified by a Registered Surveyor.
 - iv. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
 - v. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

Operational

General

2. That the development be strictly in accordance with the following drawings prepared by:

Nettleton Tribe Partnership Pty Ltd

4264_DA001	Site Plan, dated 28.08.2014
4264_DA003_1	Basement Level 3 Plan, Rev A, dated 20.11.2014
4264_DA004_1	Basement Level 2 Plan, Rev A, dated 20.11.2014
4264_DA005_1	Basement Level 1 Plan, Rev A, dated 20.11.2014
4264_DA006_1	Ground level – overall Plan, dated 20.11.2014
4264_DA007_1	Level 1 – Overall Plan, Rev A, dated 20.11.2014
4264_DA008_1	Level 2 – Overall Plan, Rev A, dated 20.11.2014
4264_DA009_1	Level 3 – Overall Plan, Rev A, dated 20.11.2014
4264_DA010_1	Typical Overall Level Plan, Rev A, dated 20.11.2014
4264_DA011	Low Rise Building – Ground Level Plan, dated 28.8.2014
4264_DA012_1	Low Rise Building – Level 1 Plan, Rev A, dated 20.11.2014
4264_DA013_1	Low Rise Building – Level 2 Plan, Rev A, dated 20.11.2014
4264_DA014_1	Low Rise Building – Level 3 Plan, Rev A, dated 20.11.2014
4264_DA015_1	Low Rise Building – Level 4 Plan, Rev A, dated 20.11.2014
4264_DA016_1	Low Rise Building – Level 5 Plan, Rev A, dated 20.11.2014
4262_DA17_1	Low Rise Building – Level 6 Plan, Rev A, dated 20.11.2014
4264_DA018	Low Rise Building – Roof Plan, dated 28.8.2014
4264_DA019_1	High Rise Building – Ground Level Plan, Rev A, dated 20.11.2014
4264_DA020_1	High Rise Building – Level 1 Plan, Rev A, dated 20.11.2014
4264_DA021	High Rise Building – Level 2 Plan, dated 28.8.2014
4264_DA022	High Rise Building – Level 3 Plan, dated 28.8.2014
4264_DA023_1	High Rise Building – Midrise Level 4-7 Plan, Rev A, dated 20.11.2014
4264_DA024_1	High Rise Building – midrise level 8-13 Plan, Rev A, dated 20.11.2014
4264_DA025_1	High Rise Building - Level 14 Plan, Rev A, dated 20.11.2014
4264_DA026_1	High Rise Building – High Rise Level 15-25 Plan, Rev A, dated 20.11.2014
4264_DA027_2	High Rise Building – High Rise Level 26-27 Plan, dated 25.11.2014
4264_DA028_1	High Rise Building – Penthouse Level 28 Plan, Rev A, dated 20.11.2014
4264_DA029	High Rise Building –Plant Level Plan, dated 28.8.2014
4264_DA030	High Rise Building Roof Plan, dated 28.8.2014
4264_DA031_1	Overall North Elevation, dated 27.11.2014
4264_DA032_1	Overall South Elevation, dated 27.11.2014
4264_DA033_1	High Rise Building East/West Elevation, dated 27.11.2014
4264_DA034	Low Rise Building East / West elevations, Rev A, dated 20.11.2014
4264_DA036_1	East-West Overall Section, dated 27.11.2014
4264_DA037	Sections – Low Rise Building, dated 5.9.2014
4264_DA038_1	Sections – High Rise Building, dated 27.11.2014
4264_DA060_1	Adaptable Units – Sheet 1, Rev A, dated 20.11.2014
4264_DA061_1	Adaptable Units – Sheet 2, Rev A, dated 20.11.2014
4264_DA062_1	Adaptable Units – Sheet 3, Rev A, dated 20.11.2014
4264_DA063_1	Adaptable Units – Sheet 4, Rev A, dated 20.11.2014
4264_DA064_2	Adaptable Units – Sheet 5, dated 11.3.2015
4264_DA065_1	Adaptable Units – Sheet 6, Rev A, dated 28.8.2014

Site Image, Landscape Architects

SS14-2817 000	Cover Sheet, Rev B, dated 24.7.2014
SS14-2817 100	Landscape Masterplan, Rev B, dated 24.7.2014
SS14-2817 101	Landscape Masterplan Marshall Street Frontage, Rev B, dated 24.7.2014
SS14-2817 102	Landscape Masterplan Marshall Lane Frontage, Rev B, dated 24.7.2014
SS14-2817 501	Landscape Details, Rev B, dated 24.7.2014
SS14-2817 502	Landscape Details, Specification Notes and Plant Schedule, Rev B, dated 24.7.2014

except as amended by the following conditions.

3. Prior to the issue of the construction certificate, details of external lighting and the operation system shall be submitted to the Private Certifying Authority and shall be implemented prior to the issue of an occupation certificate.
4. **Prior to the issue of a construction certificate the applicant shall submit amended plans to the Private Certifying Authority demonstrating 54 accessible car spaces within the basement. The spaces shall be clearly marked as accessible spaces and be implemented within the basement prior to the issue of an occupation certificate.**
5. Prior to the issue of the construction certificate the applicant shall implement the recommendations of the Acoustic Report prepared by Renzo Tonin and Associates and dated 27 June 2014 (Revision 1).
6. Prior to the issue of the construction certificate the applicant would be required to submit amended plans for the adaptable units detailing compliance with the requirements of AS4299 in accordance with the Access Review prepared by Morris-Goding Accessibility Consulting and dated 21 November 2014 and submitted to the Certifying Authority.
7. Prior to the issue of the construction certificate, the recommendations within the Access Review, prepared by Morris-Goding Accessibility Consulting and dated 21 November 2014 shall be implemented on the plans and submitted to the Certifying Authority.
8. Prior to the issue of the construction certificate the applicant shall submit amended plans of the Tower building to the certifying authority detailing the conversion of the winter balconies into balconies to Units 03 and Units 07 on Levels 4 to 7.
9. A Voluntary Planning Agreement (VPA) shall be entered into between Lane Cove Council and Loftex Pty Ltd for 1-13A and part of 15 and 15A Marshall Avenue, which is consistent with the VPA dated 5 March 2015. The VPA shall be satisfied as per the VPA requirements.
10. (1) The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
11. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
12. (11) 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.

13. (12) Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council or the PCA that they have complied with the applicable requirements of Part 6. **Council as the PCA will not release the Construction Certificate until evidence of Home Owners Warranty Insurance or an owner builder permit is submitted.** THE ABOVE CONDITION DOES NOT APPLY TO COMMERCIAL/INDUSTRIAL CONSTRUCTION, OWNER BUILDER WORKS LESS THAN \$5000 OR CONSTRUCTION WORKS LESS THAN \$20,000.
14. (21) THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL **446.4 PERSONS AND 327M² OF RETAIL/COMMERCIAL FLOOR SPACE** IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. **THE AMOUNT IS \$3,680,917.38 AT THE CURRENT RATE OF \$9636 PER PERSON AND \$97.34 PER M² RETAIL/COMMERCIAL FLOOR SPACE (CALCULATED AT 2014/2015 RATES).** THIS AMOUNT INCORPORATES THE CREDIT FOR PREVIOUS DEVELOPMENT.

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

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

15. (145) **Critical concrete pours**

The applicant may apply to 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 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:

- There is a critical concrete pour application fee
- A critical concrete pour application and prior approval is required
- 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.

16. (17) An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
17. (24) 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.

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

Monday to Friday (inclusive) 7am to 5.30pm High noise generating activities, including rock breaking and saw cutting must not be carried out continuously for longer than 3 hours without a 1 hour break.

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.

A Notice/Sign showing permitted working hours and types of work permitted during those hours, including the applicant's phone number, project manager or site foreman, shall be displayed at the front of the site.

19. 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.

20. 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.
21. Continuous balustrading is to be provided to all balconies, decks, terraces, landings and the like where more than 1m above the ground or floor surface beneath. Such balustrading is to have a minimum height of 1m. Openings in the balustrade must not allow a 125mm sphere to pass through and where the floor is more than 4m above the ground or floor surface below, any horizontal or near horizontal elements within the balustrade between 150mm and 760mm above the floor must not facilitate climbing.
22. Depositing or storage of builder's materials on the footpath or roadways within the Municipality without first obtaining approval of Council is PROHIBITED.

Separate approval must be obtained from Council's Works and Urban Services Department PRIOR TO THE PLACEMENT of any building waste container ("Skip") in a public place.

23. 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.

24. Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-
 - a) underpinning;
 - b) retaining walls;
 - c) footings;
 - d) reinforced concrete work;
 - e) structural steelwork;
 - f) upper level floor framing;
25. Where Lane Cove Council is appointed as the Principal Certifying Authority, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-
 - a) The pier holes/pads before filling with concrete.
 - b) All reinforcement prior to filling with concrete.
 - c) The dampcourse level, ant capping, anchorage and floor framing before the floor material is laid.
 - d) Framework including roof and floor members when completed and prior to covering.
 - e) Installation of steel beams and columns prior to covering
 - f) Waterproofing of wet areas

- g) Stormwater drainage lines prior to backfilling
- h) Completion.

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

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

27. Noise from domestic air conditioners is not to be audible in any adjoining dwelling between the hours of 10:00pm and 7:00am on weekdays or between the hours of 10:00pm and 8:00am on weekends and public holidays.

If the noise emitted from the air conditioning unit results in offensive noise, Council may prohibit the use of the unit, under the provisions of the Protection of the Environment Operations Act 1997.

28. (67)

(a) The use of mechanical rock pick machines on building sites is prohibited due to the potential for damage to adjoining properties.

(b) Notwithstanding the prohibition under condition (a), the principal certifying authority may approve the use of rock pick machines providing that:-

(1) A Geotechnical Engineer's Report that indicates that the rock pick machine can be used without causing damage to the adjoining properties.

(2) The report details the procedure to be followed in the use of the rock pick machine and all precautions to be taken to ensure damage does not occur to adjoining properties.

(3) With the permission of the adjoining owners and occupiers comprehensive internal and external photographs are to be taken of the adjoining premises for evidence of any cracking and the general state of the premises PRIOR TO ANY WORK COMMENCING. Where approval of the owners/occupiers is refused they be advised of their possible diminished ability to seek damages (if any) from the developers and where such permission is still refused Council may exercise its discretion to grant approval.

(4) The Geotechnical Engineer supervises the work and the work has been carried out in terms of the procedure laid down.

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

29. An *automatic* fire detection and alarm system, designed to ensure the occupants are given adequate warning so they can evacuate the building in an emergency, must be installed in the dwelling.

This requirement is satisfied by:-

- (a) Smoke alarms installed in—

- (i) Class 1a buildings in accordance with 3.7.2.3 of the Building Code of Australia; and
- (ii) in Class 1b buildings in accordance with 3.7.2.4 and 3.7.2.5 of the Building Code of Australia
- (b) Smoke alarms complying with AS 3786.
- (c) Smoke alarms connected to the consumer mains power where consumer power is supplied to the building.

Location – Class 1b buildings

In a Class 1b building, smoke alarms must be installed on or near the ceiling—

- (a) in every bedrooms; and
 - (b) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
 - (c) on each other storey.
30. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
31. **BASIX – Prior to the issue of a construction certificate, the applicant shall provide an amended BASIX certificate to the certifying authority detailing compliance.**
32. **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.

Sydney Trains (RailCorp)

33. B1. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
34. B2. Unless advised otherwise the Applicant shall comply with the following items:
- All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
 - No rock anchors/bolts are to be installed into RailCorp's property or easements.

- On completion of the basement slab works all temporary rock anchors/bolts along the rail corridor boundary are to be destressed in accordance with the Geotechnical and Structural Reports.
- The project engineer is to conduct vibration monitoring during the course of the excavation.

A Construction Certificate is not to be issued until the measures detailed in this condition of consent have been incorporated into the construction drawings and specifications. Prior to the commencement of works the Principle Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

35.

B3. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- If required by Sydney Trains, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

The Principle Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

36.

B4. Sydney Trains and Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.

37.

B5. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.

38.

B6. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains, Transport for NSW and Council. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

39.

B7. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying

Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

40.
 - B8. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
41.
 - B9. In exercising its functions in relation to any Sydney Trains conditions, Sydney Trains reserves the right to liaise with Transport for NSW and impose any requirements (as advised by those entities) on their behalf as if they were Sydney Trains requirements.
42.
 - B10. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
43.
 - B11. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
44.
 - B12. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
45.
 - B13. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
46.
 - B14. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written

confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

47.
 - B15. The Sydney Trains corridor access gates located opposite the development site shall be unobstructed at all times.
48.
 - B16. No construction vehicles (including staff vehicles), equipment, bins or building material shall occupy the land used for car parking purposes located opposite the development site.

Department of Infrastructure and Regional Development

49. The building must not exceed a maximum height of 166.8m AHD, inclusive of all lift over-runs, vents, chimneys, aerials, antennas, lighting rods, any roof top garden plantings, exhaust flues etc.
50. Separate approval must be sought under the Airports (Protection of Airspace) Regulations 1996 for any cranes required to construct the building.
51. At completion of the construction of the building, a certified surveyor must notify in writing the airfield design manager of the finished height of the building.

NSW Roads and Maritime Services

52. All vehicles should enter and leave the site in a forward direction.
53. All vehicles should be wholly contained on site before being required to stop.
54. The layout of the proposed car parking areas associated with the subject development (including driveway, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.
55. The swept path of the longest vehicle (including garbage trucks) entering and exiting the site, as well as maneuverability through the site, shall be in accordance with AUSTROADS.

Traffic and Transport

56. The car park design shall comply with AS 2890.1-2004 including parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the car parking areas shall comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
57. The access to the public car park shall comply with Australian Standards AS 2890.1-2004.
58. All disabled car spaces in the public car park shall be adequately signposted and line marked, and provided in accordance with AS2890.6. The garbage collection area

shall be clearly signposted and line marked, and provided in accordance with AS2890.2

59. **Pedestrians shall be accommodated for on all approaches of the roundabout in Marshall Avenue with the inclusion of a pedestrian refuge. A stop line and stop sign shall be included in the edge of the property to ensure pedestrian safety along the northern side of Marshall Avenue.**
60. Pedestrian access, including disabled and pram access shall be maintained throughout the course of the construction as per AS-1742.3, Part 3 - Traffic control devices for works on roads.
61. Prior to the issue of the occupation certificate the applicant shall construct, at their cost, a shared zone for the entire length of Marshall Lane to a design and specification approved by Lane Cove Council.
62. Provision shall be made for on-site visitor cycle parking, in addition to the cycle parking in the basement car park. The public cycle parking shall be clearly signposted, well lit and easily accessible by bike.
63. A Construction Traffic Management Plan (CTMP) shall be lodged with Council prior to the issue of a Construction Certificate. The CTMP shall be prepared in accordance with the requirements of the *Lane Cove Development Control Plan, Part R – Traffic Transport and Parking*. The CTMP shall specify proposed Work/Construction Zones and the impact of the construction traffic activities to all road users including pedestrians and cyclists.
64. Work Zone Permit Applications shall be submitted to Council prior to the commencement of works. No works shall commence on site until the Work Zone signs have been installed Council.
65. Prior to the issue of the construction certificate detailed drawings of the proposed roundabout at Marshall Avenue and Holdsworth Avenue and the proposed location of the driveway shall be submitted to Lane Cove Council for Local Traffic Committee for endorsement.

Tree Protection

66. 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.

67. The applicant shall obtain written authority from Council prior to the pruning of any street trees or trees in neighbouring properties. Tree 33 (the Forest Oak street tree) is exempt from this condition and may be removed by the developer.
68. There shall 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.
69. Excavation within 6 metres of street trees directly adjacent to the site shall be carried out under the supervision of the project arborist (Level 5). Any tree roots encountered during excavation must be cut cleanly by the arborist.
70. The footings supporting the front boundary walls shall remain in place as a root protection measure. Machinery usage in close proximity to the wall footings shall be carried out in such a way that the footings are not disrupted.
71. A 1.8m high chain mesh fence shall be erected encompassing the entire nature strip between the footpath and the street gutter. Adequate room must be provided to allow car passengers to exist parked cars. The tree protection zones must not enclose the parking metres. The tree protection area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed.
72. A waterproof sign must be placed on tree protection zones at 6 metre intervals stating 'NO ENTRY TREE PROTECTION ZONE – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A4 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
73. All tree protection measures and signage must be erected **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR THE COMMENCEMENT OF WORKS, WHICHEVER OCCURS FIRST.** This includes demolition or site preparation works, and tree protection measures must remain in place for the duration of the development, including construction of the driveway crossing.

BOND ON STREET AND COUNCIL TREES

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

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

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

Landscaping

75. The applicant shall submit detailed landscape working drawings for construction which achieve the overall landscape design intent and comply with the conditions of the development consent. The plans shall be submitted to the private certifier prior to the issue of a 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).
76. The applicant shall submit detailed landscape working drawings for construction including sections, elevations and landscape profiles and specifications of the proposed public open space that comply with the conditions of the development consent, and are to be submitted to the private certifier prior to the issue of a Construction Certificate.

Each plan/ sheet is to be certified by a qualified landscape architect / environmental designer or horticulturist. The detailed landscape construction plans shall show the treatment of open space areas, level changes, treatment of all built form/ pedestrian interfaces, detailed hard and soft material selection and any other general landscaping treatment, within the communal open space and any future open space connections and linkages.

77. 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 plans by Site image.
78. A sufficient number of groundcovers and low shrubs which are planted at appropriate distances and depths shall be planted within twelve (12) months of completion of all landscaping works. Where screen planting is required throughout the development, plants must have a height of 2 m at planting as per Landscape Documentation Package prepared by Site Image.
79. 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.
80. The proposed tree plantings shall have a mature height of no less than 6m at maturity, to be installed in pot sizes no smaller than 45 litres in accordance with the Landscape Documentation Package prepared by Site Image.

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

81. 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.

82. A landscape practical completion report shall be prepared by a consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report shall 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
83. Prior to the issue an Occupation Certificate, the applicant / developer 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.
84. At the completion of the landscape maintenance period, the consultant landscape architect/ designer shall submit a report to Council or 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.

Engineering

General Engineering Conditions

85. **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.
86. **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.
87. **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.**
88. **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.
89. **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.
90. **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.

91. **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'.
92. **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.
93. **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.
94. **Overland Flow around Buildings:** To prevent stormwater from entering the building the finished habitable ground floor level of the building must be a minimum of 150mm above the adjacent finished ground level.
95. **Overland Flow:** Overland flows generated from a 1 in 100 year storm event must be accepted at the upstream boundary and conveyed through the site. A hydraulic evaluation of the overland flow path shall be prepared by a suitably qualified engineer the hydraulic evaluation is to comply with Council's DCP- Stormwater Management.
96. **Work Zone:** A Traffic Construction Management Plan and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of the demolition and prior to any works that require construction vehicle and machinery movements to and from the site. If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to RMS for approval. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council's Traffic Section must be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
97. **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.

98. **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.
99. **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.
100. **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.
101. **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.
102. **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.
103. **Stormwater Requirement:** The following details need to be added to the amended stormwater design plans:
- The design needs to incorporate an adequate gross pollutant trap (GPT).
 - Discharge directly to the kerb and gutter is prohibited. The stormwater discharge from the development needs to drain directly into the nearest Council pipe line system. The extension of the Council stormwater system will require a minimum diameter 375mm reinforced concrete pipe.
 - All sub-soil drainage systems for the basement car park areas are to be connected to a pit and not directly to the Kerb and gutter.
 - Details of the pump-out drainage details for the basement car park areas of seepage water.
 -

The design and construction of the drainage system is to fully comply with, AS-3500 and part O Council's DCP-Stormwater Management. The design shall ensure that the development, either during construction or upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.

Engineering conditions to be complied with prior to Construction Certificate

104. **(X1) 88B Instrument:** An instrument under 88B of the conveyancing Act 1919 plus two copies is to be submitted to Council prior to the release of subdivision certificate.

The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies.

Where Council, inter-allotment drainage lines or services are located within the development, drainage easements and easements for services shall be created in accordance with Council's minimum widths as set out in Council's DCP-Stormwater Management.

Part 2 of the 88B instrument shall contain a provision that any easements, rights of way, covenants shall not be extinguished or altered without the written consent of Council.

105. **The lots subject to the development application shall be consolidated prior to the issue of the Occupation Certificate.**

106. **Drainage Plans Amendments:** The stormwater drainage plan **numbered** H0000:H1011/Rev 02 prepared by **Cardno Pty Ltd** dated **June 2014** is to be amended to reflect the above condition titled '*Stormwater requirement*'. The amended design is to be certified that it fully complies with, AS-3500 and part O Council's DCP-Stormwater Management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, in order for the issue of the Construction Certificate.

107. **Positive Covenant Bond 1:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of the required positive covenants for OSD. Lodgement of this bond is required **prior to the issue of the Construction Certificate.**

108. **Positive Covenant Bond 2:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of the required positive covenants for the Pump-Out System. Lodgement of this bond is required **prior to the issue of the Construction Certificate**

109. **Positive Covenant Bond 3:** The applicant shall lodge with Council a \$1000.00 cash bond to cover the registration of the required positive covenants for maintenance of overland flow path. Lodgement of this bond is required **prior to the issue of the Construction Certificate**

110. **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.**

111. **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.

112. 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.

113. 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.

114. **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**.

115. **Road Dilapidation Survey:** The applicant is prepare a dilapidation survey and a dilapidation report detailing the existing state of repair / condition of the road surfaces along Marshall Avenue, Marshall Lane, Berry Road and Canberra Street, 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.

116. **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**.

117. **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**.

118. **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.

119. **Council infrastructure damage bond:** The applicant shall lodge with Council a **\$50,000.00** cash bond or bank guarantee with no expiry date. 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**.

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

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

A \$10,000.00 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of

this bond is required prior to the issue of the Construction Certificate. The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out prior to the issue of the Occupation Certificate. All costs associated with the construction of the above works are to be borne by the applicant.

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

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

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

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

122. **Erosion and Sediment Control Plan:** An *Erosion and Sediment Control Plan* (ESCP) shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction Fourth Edition 2004 Volume 1*" prepared by LANDCOM. The plan is to be submitted to the principal certifying authority to **prior to the issue of the Construction Certificate**

Engineering condition to be complied with prior to commencement of construction

123. **Erosion and Sediment 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) *Erosion and sediment control*'. The devices shall be maintained during the construction period and replaced when necessary.

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) *Erosion and sediment control plan*' [OR] '(C1) *Soil and Water Management Plan*'. The devices shall be maintained during the construction period and replaced when necessary.

Engineering Condition to be complied with prior to Occupation Certificate

124. **Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system and overland flow path have 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 and
- (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.**

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.**

125. **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.**
126. **Positive Covenants for Overland Flow Path and Restriction on the use of Land:** A Restriction and Positive Covenant shall be registered on the title for the maintenance of the overland flow path system. An evidence of such registration should be submitted to Council prior to issue of the **Occupation Certificate.**
127. **Positive Covenants OSD and Pump Out System:** Documents giving effect to the creation of a positive covenants over the on-site detention system and over the basement pump out system shall be registered on the title of the property **prior to the issue of the Occupation Certificate.** The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

Environmental Health

General

128. **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.
129. **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).
130. **Registration of water cooling and warm water systems**

All water cooling and warm water systems regulated under the *Public Health Act 1991* must be registered with Council's Environmental Services Unit within one month of installation.

131. Clean water only to stormwater system

Only clean unpolluted water is permitted to enter Council's stormwater drainage system.

132. The works shall not give rise to environmental pollution or public nuisance or, result in an offence under the *Protection of the Environment Operations Act 1997* or *NSW Occupational Health & Safety Act (2000) & Regulations (2001)*.

Operational

133. Garbage storage area – Commercial/Industrial

All garbage shall be stored in a designated garbage area, which includes provision for the storage of all putrescible waste and recyclable material emanating from the premises. The area is to be constructed with a smooth impervious floor graded to a floor waste and connected to the sewer. The garbage area/room is to be well ventilated and fitted with fire sprinklers and meet fire safety standards in accordance with the Building Code of Australia. Detailed plans and specifications for the construction of the designated garbage area are to be submitted with the Construction Certificate.

134. Garbage collection – Commercial/Industrial

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environmental operations Act 1997. Records shall be kept of all waste disposal from the site. Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 6am on any day.

135. Litter Control

A sufficient number of garbage bins shall be provided on the premises for garbage disposal. Such bins shall be made of impervious material and shall have close – fitting, vermin – proof, fly – proof lids. All waste bins are to be stored in designated garbage/trade refuse areas which must be maintained in a satisfactory condition at all times and must not be stored in designated garbage/trade refuse areas which must be maintained in a satisfactory conditions at all times and must not be stored or permitted to overflow into car parking or gardens areas.

136. Garbage Room Location & Access

Garbage rooms shall:

- be located in positions which will permit easy, direct and convenient access for the removal of garbage without creating a nuisance from dust, litter, odour and noise.
- not contain any fittings, facilities or matter not associated with the treatment, storage or disposal of garbage.
- where possible be located within the main building. Where this is not practicable due to noise levels or other exceptional circumstances, the garbage room shall be located in a position approved by the Principal Certifying Authority. If it is proposed to make application to construct a detached structure, special attention shall be given to the aesthetics of the structure and its siting.

Details of appropriate recycling facilities must be provided, both in the communal garbage room and individual units.

137. Construction Requirements – Garbage Room

Garbage rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, remain subject to the following requirements:

- Floors of garbage rooms shall be constructed of concrete at least 75mm thick or other approved solid impervious material, graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface coved at the intersection with walls and plinths
- Walls of garbage rooms shall be constructed of approved solid impervious material and shall be finished to a smooth even surface coved at all intersections
- Ceilings of garbage rooms shall be finished with a rigid smooth faced non-absorbent material capable of being easily cleaned.

Construction

138. Compliance with the Waste Management Plan approved under application D14/143.

Contamination

139. Any soils proposed for removal from the site are to be initially classified in accordance with the “Waste Classification Guidelines, Part 1: Classifying Waste” NSW DECC (2009) and in accordance with the Preliminary Stage 2 Environmental Site Assessment report prepared by EIS, dated June 2014, which itself shall be taken within the context of the previous reports prepared by EIS for the Stage 1 DA pertaining to the development of 15-25 Marshall Avenue. Details of waste classification shall be submitted to Council prior to the issue of a Final Occupation Certificate.

140. 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.

141. 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).

142. 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 shall be retained for at least 3 years and be made available to authorised Council officers on request.

Noise

143. Noise Control – Offensive Noise

To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give

rise to an offensive noise as defined under the provisions of the Protection of the Environmental Operations Act 1997.

144. Noise Control – Residential Air Conditioning units

To minimise the impact of noise from the air conditioning unit, it shall be located 3 meters from the boundary and/or attenuated so that noise generated does not exceed 5db(A) above the ambient background level between 7am and 10pm on weekdays and 8am and 10pm on Weekends and Public Holidays.

Any noise emitted by the air conditioning unit shall not be audible within a room of any residential dwelling or sole occupancy unit at any time within the hours of 10pm and 7am on weekdays and 10pm and 8am on weekends and public holidays.

145. 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.

146. Noise Control

Noise must be minimised as far as practicable, by the selection of appropriate methods and equipment, and by the use of silencing devices where practicable.

147. Noise Monitoring

Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work

148. Road Traffic Noise

The residential flat building must be 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.

149. Mechanical Ventilation of Rooms

If the noise level with the windows and doors open exceeds the above noise criteria by more than 10dB(A), an approved system of mechanical ventilation must be provided.

Compliance with NSW Industrial Noise Policy

150. Noise mitigation measures must be implemented to ensure noise from the developments demolition, excavation and construction works are in accordance with the requirements of the NSW EPA Industrial Noise Policy.

Ventilation

151. 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 prepared by a suitably qualified mechanical engineer shall be submitted to the certifying authority certifying that the design and operation of the mechanical ventilation system meets the requirements of AS 1668 Parts 1 and 2.

152. Ventilation – Garbage Rooms

Garbage rooms shall be ventilated by:-

- a) an approved system of mechanical exhaust ventilation in accordance with the requirements of the Building Code of Australia and *Australian Standard AS 1668*
- b) permanent unobstructed natural ventilation openings with contact direct to the external air, having an aggregate area of not less than 1/20th of the floor area. One half of the openings shall be situated at or near the floor level and one half at or near the ceiling level
- c) Where permanent natural ventilation openings are provided the openings shall be designed to prevent the entry of rainwater.

153. Car Park Ventilation

The covered car park must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.

154. Fresh air intake vents

All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

155. Exhaust air discharge vents

All exhaust discharge vents must be located in a position where no nuisance or danger to health will be created and at least 6m from any fresh air intake vent or natural ventilation opening.

156. Exhaust air discharges

The composition, direction and velocity of the exhaust air discharged from the exhaust vents must be such that no nuisance or danger to health will be created.

Waste Conditions

Garbage Chutes

- 157. Prior to the issue of the construction certificate amended plans shall be submitted to the Private Certifying Authority detailing the location of the garbage chute and compaction unit in the Tower building.
- 158. Garbage chute systems and interim recyclable storage facilities shall be provided to the development.
 - o Garbage chutes must be constructed in accordance with the requirements of the Building Code of Australia (BCA).

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

Garbage Chute Service Rooms

159. The service opening (for depositing rubbish into the main chute) on each floor of the building shall be located in a dedicated service room.
- The charging device for each service opening must be self-closing and must not project into the main chute.
 - Branches connecting service openings to the main chute must be no longer than 1m.
 - Each service room must include provision for 2x240l recycling bins for the storage of recyclable materials. Signage regarding the materials that can be recycled must be displayed near these recycling bins.
 - Each service room must be located for convenient access by users and shall be well ventilated and well lit.
 - The floors, walls and ceilings of service rooms must be finished with smooth durable materials that are capable of being easily cleaned.
 - Service rooms must include signage that clearly describes the types of materials that can be deposited into the garbage chute, the types of materials which must be deposited into recycling bins, and bulky waste collection arrangements including the location and travel paths to the bulky waste storage room.

Waste and Recycling Storage Rooms

160. Prior to the issue of the construction certificate amended plans shall be submitted to the Private Certifying Authority detailing the location of the Waste and Recycling Storage Rooms.
161. Basement waste and recycling storage rooms shall be provided with each garbage chute and be of sufficient size to accommodate garbage chute systems and a total of 49x240l garbage bins and 47x240l recycling bins with adequate space for maneuvering garbage and recycling bins.
 - o Minimum clearance between bins of 300mm;
 - o Minimum door openings of 1700mm; &
 - o Minimum distance of 1700mm between rows of bins (where bins are located on either side of the room).
162. The floor of waste and recycling storage rooms (including bulky waste storage rooms) shall be constructed of either:
 - o Concrete which is at least 75mm thick; or
 - o Other equivalent material; and
 - o Graded and drained to a floor waste which is connected to the sewer
163. All floors must be finished to a smooth even surface, coved at the intersection of walls and floor.
164. The walls of waste and recycling storage rooms, bulky waste storage areas and waste service compartments must be constructed of solid impervious material and must be cement rendered internally to a smooth even surface coved at all intersections.
165. All waste and recycling storage rooms and bulky waste storage rooms shall be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock.
166. A close-fitting and self-closing door that can be opened from within the room shall be fitted to all waste and recycling and bulky waste storage rooms.
167. All waste and recycling and bulky waste storage rooms shall be constructed to prevent the entry of vermin.
168. All waste and recycling and bulky waste storage rooms must be ventilated by either:
 - o Mechanical ventilation systems exhausting at a rate of 5L/s per m² of floor area, with a minimum rate of 100l/s; or
 - o Permanent, unobstructed natural ventilation openings direct to the external air, not less than 1/20th of the floor area.
169. All waste and recycling and bulky waste storage rooms must be provided with artificial light controlled by switches located both outside and inside the rooms.
170. Clearly printed "No Standing" signs shall be affixed to the external face of each waste and recycling and bulky waste storage room.

Bulky Waste Storage Room

171. A readily accessible bulky waste storage room(s) located near the main garbage rooms must be provided for the use of all residents.
- A bulky waste storage room(s) with a minimum floor area of 30m² shall be provided and be of sufficient size to practically accommodate a minimum of 10m³ of bulky waste at any given time. Doorways and travel paths must be a minimum width of 1700mm and of sufficient height and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point.

Access to Waste Collection Point

172. Prior to the issue of the construction certificate amended plans shall be submitted to the Private Certifying Authority detailing the path of travel for waste collection vehicle.
173. All waste must be collected on-site via on-site access by Council's garbage collection vehicles.
- The location(s) of waste and recycling rooms and bulky waste storage areas must be conveniently accessible for both occupants and Council's waste collection contractors.
 - The minimum finished ceiling height must be 2.6m along the path of travel from the street to the residential waste and recycling collection point and maneuvering area. This clearance must be kept free of any overhead ducts, services and other obstructions.
 - The maximum grade of any access road leading to the waste and recycling collection point must not be more than 1:5 (20%). The turning area at the base of any ramp must be sufficient for the maneuver of a 6.0m rigid vehicle to enter and exit the building in a forward direction.
 - Where security gates are proposed, a Council master key system shall be installed to permit unimpeded access.

Indemnity

174. Prior to the issue of any Occupation Certificate, the applicant shall enter into a suitable Deed indemnifying Council and its contractors against claims for loss or damage to common property, liabilities, losses, damages and any other demands arising from any on-site collection service.

Provision of Waste Services

175. Prior to the issue of any Occupation Certificate, the applicant shall make written application to Council for the provision of domestic waste services.
176. Prior to the issue of a construction certificate amended plans shall be submitted to the Certifying Authority demonstrating that the RL of the Ground Floor Level of the high rise building shall be amended from RL 69.70 to RL 69.05 in order to relate to the existing footpath levels on Marshall Avenue and facilitate disabled access to the main entry lobby.

A handwritten signature in black ink, appearing to be 'M Mason', with a long horizontal flourish extending to the right.

Michael Mason
Executive Manager
Environmental Services Division