

MEMORANDUM

TO: Joint Regional Planning Panel

FROM: Lane Cove Council

DATE: 3 March 2014

SUBJECT: 2014SYE131: 390-398 Pacific Highway,
Lane Cove – Proposed Draft Conditions



Following the submission of Council's assessment report to the Panel for the above development application, the following matters have arisen that Council would request the Panel be advised of for their consideration of the application, including amendments to the recommended draft conditions as follows:

1. It has come to Council's attention that draft conditions 58 and 99 which both address the matter of Work Zones are in conflict with regard to the requirement for a Works Zone. It is therefore recommended that Condition 58 be deleted and Condition 99 be reworded as follows:
 99. Given there will be no access permitted to the Pacific Highway, due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within a Work Zone. The work zone must be approved by the Council and have a minimum length of 20 metres (to accommodate a large truck). Work Zone signs are only to be erected by Council staff. The work zone application is to be submitted to and approved by Council prior to the earlier of the following two situations occurring; either (a) issue of any Construction Certificate or (b) any work commencing, in the case where work is to occur on a Public Road during demolition.
The developer must give the Council written notice of at least 14 days prior to the date upon which use of the Work Zone will commence and the duration of the Work Zone approval shall be taken to commence from that date. All vehicle unloading/loading activities on a public roadway/footway are to be undertaken within an approved Work Zone.
2. The applicant's traffic consultant made representation to Council regarding the reasonableness of Condition 96 which restricts vehicle movement to and from the site during the AM and PM peak period and reads as follows:
 96. All construction deliveries and removal of building materials to and from the site will be restricted to the following off/peak hours:-
 - Monday to Friday (inclusive): 9.30am to 3.30pm
 - Saturday: 8.00am to 12.00pm

In light of the concerns raised by the applicant's Traffic Consultant and following consultation with Council's Transport Planner it was acknowledged that the condition recommended goes further than the intention of the RMS advice of 16 January 2014, and draft condition 96 is thus recommended to be reworded to read:

96. Due to the time it takes accelerating and decelerating which would impact on the road network during the key network time periods, no heavy vehicle construction movements are to occur on Pacific Hwy or Longueville Rd during the AM and PM traffic peaks. This does not stop work occurring on site during these times or medium or small construction vehicles from accessing the site, only the large heavy vehicles.

3. The applicants Traffic consultant has also requested the deletion of draft condition 46 as it requests the provision of a document, being the Construction Traffic Management Plan (CTMP), which has already been provided. It is considered appropriate that the final version of the CTMP be required to be provided to Council for approval prior to the issue of the Construction Certificate. As such, draft condition 46 remains in the updated draft conditions provided (attached).

Please find below an updated version of the draft conditions recommended by Council. This is intended to supersede the draft conditions contained within the assessment report submitted to the Panel on 25 February 2015.

General Conditions

1. (20) That the development be strictly in accordance with following drawings and supporting documentation, except as amended by the conditions hereunder.

Document	Prepared by	Number	Rev	Dated
Basement 3 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-04A	6	17.12.2014
Basement 2 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-05A	6	17.12.2014
Basement 1 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-06A	8	17.12.2014
Ground Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-07A	7	17.12.2014
Level 1 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-08A	7	17.12.2014
Level 2 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-09A	7	17.12.2014
Level 3 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-10A	7	17.12.2014
Level 4 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-11A	7	17.12.2014
Level 5 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-12A	7	17.12.2014
Level 6 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-13A	7	17.12.2014
Level 7 Floor Plan	Nettletontribe Partnership Pty Ltd	4336_DA-14A	5	09.12.2014
Elevations - East & South	Nettletontribe Partnership Pty Ltd	4336_DA-21A	5	17.12.2014
Elevations – West & North	Nettletontribe Partnership Pty Ltd	4336_DA-22A	5	17.12.2014
Section A & Section B	Nettletontribe Partnership Pty Ltd	4336_DA-31A	4	17.12.2014
Landscape Plan Ground Floor Plan & Level 1	Site Design + Studio	LP 01	B	16/12/14
Landscape	Site Design + Studio	LP 02	B	16/12/14

Plan Basement 1 & 2				
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2. The approved plans shall be amended to incorporate the recommendations of the Acoustic Report by PKA Acoustic Consulting dated October 2014. An accredited acoustic engineer shall verify that these plans would achieve the noise reduction performance as recommended in the Acoustic Report, prior to the issue of the Construction Certificate.

Once the required acoustic measures required have been included in the amended plans required under this condition, the plans shall be verified by a suitably qualified environmental consultant to certify that not less than 60% of the apartments achieve cross-ventilation. This verification must be submitted to the Certifier prior to the issue of the Construction Certificate.

3. The northern side window openings of the portion of the building fronting onto the Pacific Highway shall include high sill levels (min 1500mm above FFL) for levels 5 to 7(inclusive).
4. A dedicated pedestrian entry shall be provided to the Mafeking Avenue frontage.
5. The fire control centre located on the ground floor is required to comply with clause EP1.6 of the Building Code of Australia.
6. **(21) The payment of a contribution for an additional 87.4 persons in accordance with Council's Section 94 Contributions Plan, plus an amount capped at \$20,000.00 for each 3 bedroom dwelling (i.e 9 x \$20,000.00 = \$180,000.00) imposed under the *Reforms of Local Development Contribution*. 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 \$766,376.88 at the current rate of \$9636.00 per person, and includes the capped amount. 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.

7. (1) The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
8. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
9. (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.
10. (17) An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.

11. (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.

12. (35) 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 <u>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.</u>
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.

13. (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.**

14. (36) 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.
15. (37) 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.
16. (43) Access and parking spaces for disabled persons being provided in accordance with Part D.3 of the Building Code of Australia.
17. (48) 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.

18. (49) 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.
19. Standard Condition (56) 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) All reinforcement prior to filling with concrete.
 - b) The dampcourse level
 - c) Framework including roof and floor members when completed and prior to covering.
 - d) Installation of steel beams and columns prior to covering
 - e) Waterproofing of wet areas
 - f) Stormwater drainage lines prior to backfilling
 - g) Completion.
20. Standard Condition (57) 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) floor framing;
21. (60) A temporary connection to be made to the sewers of Sydney Water (where available)

with an approved toilet structure and toilet fixtures being provided on the site BEFORE WORK IS COMMENCED. Where the Sydney Water sewer is not available a "Chemical Closet" type toilet shall be permitted.

22. Standard Condition (64) A check survey certificate is to be submitted at the completion of:-

- a Prior to pouring concrete to 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.

23. (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.

24. (72) The demolition works being confined within the boundaries of the site.

25. (74) All demolition works being completed within a period of three (3) months from the date of commencement.

26. (75) Use of explosives is not permitted.

27. (76) All machinery used on the site during demolition shall have a noise emission no greater than 75dB(A) when measured at a radius of 7.0 metres from the specified item.

28. (77) All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.

29. (78) The site being properly fenced to prevent access of unauthorised persons outside of working hours.

30. (79) Compliance with Australian Standard 2601 - The Demolition of Structures.
31. (86) An approved type of hoarding being erected along the street frontage.
32. (128) Submission of documentation detailing the destination of materials in accordance with the Waste Management Plan approved under this application. These details are required **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**.
33. (132) It should be understood that this consent in no way relieves the owners or applicant from any obligation to obtain any other approval which may be required under any covenant affecting the land or otherwise nor relieve a person from the legal civil consequences of not complying with any such covenant.
34. (137) 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.
35. (139) A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE CONSTRUCTION CERTIFICATE BEING ISSUED**.
36. (140) If at the commencement of, or during the demolition stage of the development, it becomes apparent that all or any of the existing structures that were to be retained may require demolition, works are to cease immediately. The Principal Certifying Authority is to advise Council of the status of the works and the proposed method of rectification. It should be noted that any variations to the approved consent will require the lodgement of a new Development Application.
37. (141) **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.

38. (142) **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.

NSW ROADS AND MARITIME SERVICES CONDITIONS

39. Land was previously acquired for the Lane Cove Tunnel (LCT) beneath the subject property (DP 1056023). Title to the subject property (Lots 13–15 DP 1056023) is therefore limited in stratum in the manner described in DP 1056023.
40. All buildings or structures, together with any improvements integral to the future use of the site are to be clear of the LCT and the Pacific Highway road reserve (unlimited in height or depth).
41. Prior to the issue of a Construction Certificate, the proponent is to provide a geotechnical design review to ensure that the Lane Cove Tunnel (LCT) infrastructure is not effected by the proposed works, the geotechnical design review shall include but not limited to the following:
 - a. Confirm the dimensions of the proposed development do not penetrate the LCT stratum at any point (it appears the proposed development is in close proximity to the limit of depth),

- b. Potential impact of excavations (stress relief within rock stratum) on the LCTs
- c. Potential impacts of temporary shoring loads and grouting operations on the LCTs. In addition any temporary anchors within the stratum should be destressed and disconnected from their permanent structures (note that LCT and Roads and Maritime will not normally permit such anchors within stratum)
- d. Detail of potential impacts of foundation loads on the tunnel and compliance with any predefined limits set by the original designer
- e. Details of potential impacts of vibration caused by construction methodologies, which can impact upon shotcrete adhesion
- f. Potential impacts on water tables
- g. Additional impacts arising from the inclusion of the elevated roadway/driveway off Epping Road
- h. Details of timing of initial inspection, ongoing monitoring, and final inspection and report is required in the LCTS to validate all of the above.

- 42. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.
- 43. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:
 Project Engineer, External Works
 Sydney Asset Management
 Roads and Maritime Services
 P0 Box 973 Parramatta CBD 2124.
 Telephone 8849 2114
 Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 44. The proposed development should be designed such that road traffic noise from the Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.
- 45. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.
 Details should be forwarded to:
 The Sydney Asset Management
 Roads and Maritime Services
 P0 Box 973 Parramatta CBD 2124.
 A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.
- 46. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
- 47. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the Pacific Highway.
- 48. All works/regulatory signposting associated with the proposed development are to be at no

cost to Roads and Maritime.

ENGINEERING CONDITIONS

General Engineering Conditions

49. **(A1) 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.
50. **(A2) 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.
51. **(A3) 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.**
52. **(A4) 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.
53. **(A5) 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.
54. **(A6) 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.
55. **(A7) 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*'.
56. **(A8) 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.
57. **(A9) 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.
58. **Deleted**
59. **(H3) 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 contactors 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.

60. **(H4) 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.
61. **(H5) Covering Heavy Vehicle Loads:** All vehicles transporting soil material to and from the subject site shall ensure that the entire load is covered at all times. 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.
62. **(O3) 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.
63. **(K2) 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.
64. **(O4) 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.
65. **(R1) 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.

Engineering conditions to be complied with prior to Construction Certificate

66. **(D3) Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with plan numbered **13839 Rev A** prepared by **Sparks & Partners Engineers** dated **September 2014**.
Certification by a suitably qualified engineer of the above plans is to be submitted to the

Principal Certifying Authority stating that the design fully complies with, AS-3500 and Part O, Council's DCP-Stormwater Management. The plans and certification shall be submitted **prior to the issue of the Construction Certificate.**

The Principal Certifying Authority is to satisfy themselves of the adequacy of the certified plans for the purposes of construction. They are to determine what details, if any, are to be added to the Construction Certificate plans, in order for the issue of the Construction Certificate.

67. **(O1) 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.**
68. **(T1) Design of Retaining Structures:** All retaining structures greater than 1m in height are to be designed and certified for construction by a suitably qualified engineer. The structural design is to comply with, all relevant design codes and Australian Standards. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
69. (D2) Geotechnical Report: **A geotechnical report is to be completed for the excavation proposed for the development. The Geotechnical Report and supporting information are to be prepared by a suitably qualified geotechnical engineer and be submitted to Principal Certifying Authority prior to issue of a Construction Certificate.**
70. (D3) 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.
71. (D4) 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.
72. **D5) Dilapidation Report** The applicant is to provide a dilapidation report of all adjoining structures, properties and any of Council and RMS 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**.

73. **(H1) Road Dilapidation Survey:** The applicant shall prepare a dilapidation survey and a dilapidation report detailing the existing state of repair / condition of the road surfaces along Mafeking Avenue and Pacific Hwy 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.
74. **(V4) Car Parking Certification:** The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities shall be submitted to the Principal Certifying Authority. The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate**.
75. **(V1) Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A '*Construction of a Multi Unit Footpath Crossing*' application shall be submitted to Council **prior to the issue of the Construction Certificate**. All works associated with the construction of the crossing shall be completed **prior to the issue of the Occupation Certificate**.
76. **(A10) Boundary Levels:** The levels of the street alignment shall be obtained from Council. These levels are to be incorporated into the design of the internal pavements, car parking, landscaping and stormwater drainage plans and shall be obtained **prior to the issue of the Construction Certificate**. Note: The finished floor level of the proposed garage or carport shall be determined by Council.
77. **(B1) 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 to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred as a result of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the issue of the Construction Certificate**.
78. **(K1) Council Construction Requirements:** The applicant shall construct / reconstruct the following:

1. New 1.5m wide footpath adjacent the site to Council's Satisfaction.
2. New Kerb and Gutter adjacent the site to Council's Satisfaction.
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.

79. **(K4) 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**.

Engineering condition to be complied with prior to commencement of construction

80. **(C2) 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 plan numbered **13839 Rev A** prepared by **Sparks & Partners Engineers** dated **September 2014**. The devices shall be maintained during the construction period and replaced when necessary.

Engineering Condition to be complied with prior to Occupation Certificate

81. **(M1) Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:

- (a) be signed by a registered surveyor, &
- (b) clearly show the surveyor's name and the date of signature.

All documentation is to be submitted to the Principle Certifying Authority **prior to the issue of the Occupation Certificate**.

82. **(V3) Redundant Gutter Crossing:** All redundant gutter and footpath crossings shall be removed and the kerb, gutter and footpath reinstated to the satisfaction of Council's Urban Services Division. These works shall be carried out **prior to the issue of the Occupation Certificate**.

83. **(D6) Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise.

The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Occupation Certificate**.

84. **(O2) 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.

TRAFFIC AND TRANSPORT CONDITIONS

General

85. The Car Park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the Car Parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
86. The access to the public car park shall comply with Australian Standards. AS 2890.1-2004.
87. All disabled car spaces in the public car park are to be adequately signposted and linemarked, and provided in accordance with AS2890.6. The garbage collection area is to be clearly signposted and linemarked, and provided in accordance with AS2890.2.

Pedestrians / Cycling

88. Pedestrian access on both Pacific Highway and Mafeking Avenue, 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'.
89. The Lane Cove Pedestrian Access and Mobility Program (PAMP) and Lane Cove Bicycle plan encourages developments to improve pedestrian and cycling amenity within the area to encourage walking and cycling within the Council area. All footpaths within 25m, including Pacific Highway outside the site and Mafeking Ave, will need to be upgraded ensuring a consistent width and surface treatment. The minimum footpath width for all footpaths in the area is 1.2m and this should be clear of any obstructions including tree branches.
90. Bicycle storage facilities are to be provided in the development as shown in the ground level plan. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at the car park entry and throughout the car park identifying their locations, to the satisfaction of Council's Traffic section.
91. All cycling racks and secure bike parking provided on-site must meet the minimum standards as outlined in Section 4.3 in Part R of the DCP and designed in accordance with AS 2890.3. Alternative designs as shown in Annexure D that exceed the Australian Standards will be considered appropriate.
92. Resident cycle parking in the basement car park shall be located as close to the car park entrance as possible so as to be both convenient and safe for cyclists to use. Secure bike lockers or a bike cage should be provided for residents' bikes.
93. The development shall include provision for 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.

Public Transport

94. Workers to the site should be encouraged to catch public transport or car-pool with other workers from the same company in order to minimise the impact on local amenity.
95. A Sustainable Transport Action Plan (STrAP) showing the proposed mode shares, relevant

bike routes and bus route frequencies will need to be and Approved by the Traffic and Transport Manager in Lane Cove Council prior to Occupation Certificate.

Construction Traffic Management Plan

96. Due to the time it takes accelerating and decelerating which would impact on the road network during the key network time periods, no heavy vehicle construction movements are to occur on Pacific Hwy or Longueville Rd during the AM and PM traffic peaks. This does not stop work occurring on site during these times or medium or small construction vehicles from accessing the site, only the large heavy vehicles.
96. All truck movements accessing or departing the site should be undertaken in a forward direction.
97. Due to the narrow nature of the local streets in this area, trucks with trailers are not permitted for this site. Smaller single unit trucks as proposed by John Coady in the letter dated 19 December are the only permissible trucks for this site.
99. Given there will be no access permitted to the Pacific Highway, due to requirements for safe traffic and pedestrian movement, loading or unloading of any vehicle or trailer carrying material associated with the development must not take place on the public road unless within a Work Zone. The work zone must be approved by the Council and have a minimum length of 20 metres (to accommodate a large truck). Work Zone signs are only to be erected by Council staff. The work zone application is to be submitted to and approved by Council prior to the earlier of the following two situations occurring; either (a) issue of any Construction Certificate or (b) any work commencing, in the case where work is to occur on a Public Road during demolition.
The developer must give the Council written notice of at least 14 days prior to the date upon which use of the Work Zone will commence and the duration of the Work Zone approval shall be taken to commence from that date. All vehicle unloading/loading activities on a public roadway/footway are to be undertaken within an approved Work Zone.
98. Works zones / construction zones will not be permitted on the Pacific Highway at any time during the development or construction process. Instead a No Stopping restriction will be enforced along Pacific Highway at all times.
99. The primary truck route to the site will be via Pacific Highway, left into Gatacre Avenue, right into Mafeking Avenue and right into the site. Trucks that are using this route will then exit the site by turning right onto Mafeking Ave, right into Kimberley Ave and then left onto Longueville Road.

The secondary truck route (for small trucks and vans only) to access the site will be via Longueville Road / Epping Road, left into Kimberley Avenue, left into Mafeking Avenue and left into the site. These trucks and vans will exit the site via left turn into Mafeking Ave, left into Gatacre Avenue and left into Pacific Highway as per the map and discussion shown in the Construction Traffic Management Plan dated February 2015.
100. Any construction vehicles exiting the site during demolition/construction shall have their tyres washed in order to avoid any construction material, dust, etc coming in contact with the road pavement.
101. The traffic and parking activity during the construction phases shall be conducted in such a manner so as not to interfere with the amenity of the surrounding properties in respect of noise, vibration, dust and safety.

102. Any construction related machinery or trucks, (other than in an approved loading Zone), that are required to stand on the road or footway, (including unloading and loading of trucks and standing of any demolition or construction related machinery or plant), must be covered by an approved Stand Plant permit. Application for the permit is to be made 10 working days before the day of the related works.

ENVIRONMENTAL HEALTH CONDITIONS

General:

103. **(402) 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.

104. **(403) Dust During Construction**

Dust suppression techniques are to be employed during works to reduce any potential nuisances to surrounding residences

105. **(404) 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.

106. **(406) 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)

107. **(408) 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.

108. **(485) 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.

109. **(491) Clean water only to stormwater system**

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

110. **(493) 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**

Contamination:

111. 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 Phase 1 Environmental Assessment from JBS&G, dated December 2013. Details of waste classification must be submitted to Council prior to the issue of a Final Occupation Certificate
112. **(401) 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.
113. **(466) 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.
114. **(467) 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).
115. **(468) 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.

Noise and vibration:

116. **(441) 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.
117. **(442) 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.

118. (443) **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.

119. (444) **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.

120. (445) **Noise Control – Demolition Works**

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.

121. (447) **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

122. (448) **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.

123. (449) **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.

124. Noise Mitigation Measures detailed in 7.1 and 7.2 of the Acoustic Management Plan prepared by PKA Acoustic Consulting must be implemented.

125. The Vibration Mitigation Measure detailed in 8.2.2 of the Acoustic Management Plan prepared by PKA Acoustic Consulting must be implemented. In the event of a complaint regarding vibration, vibration monitoring must be conducted during times of operation of vibration causing equipment, regardless of the operation location within the site.

Ventilation:

126. (450) **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.

127. **(451) Odour Control**

To ensure that adequate provision is made for the treatment of odours, the mechanical exhaust system shall be fitted with sufficient control equipment to prevent the emission of all offensive odours from the premises, as defined by the Protection of the Environment Operations Act, 1997.

128. **(453) 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.

129. **(454) 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.

130. **(455) Landscaping not to Impede Ventilation of Car Park**

The proposed landscaping must not impede the free flow of air through any natural ventilation openings for the car park.

131. **(457) 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.

132. **(458) 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 6 metres from any fresh air intake vent or natural ventilation opening

133. **(459) 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:

134. **Open Air Collection Point**

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

135. **Car Park Entry Height**

The clearance height of the car park entry must be no less than 2.6 metres. This minimum clearance must also be maintained for all pipeworks and ceiling fixtures located within the travel path and stationary locations of the waste collection truck.

136. **(143) Prior to the issue of an Occupation Certificate**, the applicant must make written

application to Council for the provision of new domestic waste services.

137. Indemnity

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

LANDSCAPE ARCHITECT CONDITIONS

138. **NEW)** – *Viburnum odoratissimum* (Sweet Viburnum) on the west elevation (Mafeking Ave) be replaced with a native species capable of achieving a mature height of up to 7m
139. **NEW)** – Two (2) medium canopy and Three (3) large canopy native trees must be planted as per DA Landscape Plan LP 02 Rev B 16/12/14 on the Basement 1 & 2 Plan. Plantings to be distributed across the west and southwest corner of subject site on Mafeking Ave as shown on the Landscape Plan Basement 1,2 (LP02) the planting must include 3 x *Angophora costata* (Sydney Red Gum) in a pot size no smaller than 75L and 2 x *Elaeocarpus reticulatus* (Blueberry Ash)
140. **NEW)** – Twelve (12) medium canopy and Two (2) large canopy native trees must be planted as per DA Landscape Plan LP 01 Rev B 16/12/14 on the ground floor landscape plan. Plantings to be distributed across the north, east and south eastern building elevations in the planting areas shown on the landscape plan (LP01) and must include 12 x *Elaeocarpus reticulatus* (Blueberry Ash) to be in pot sizes no smaller than 45 litres and 2 x *Angophora costata* (Sydney Red Gum) in a pot size no smaller than 75L with 3 x ornamental feature trees indicated as *Prunus cerasifera* “Nigra”
141. 378 - *revised*) Detailed landscape documents for construction are to be prepared by a qualified landscape architect, environmental designer or horticulturist and submitted to the Principal Certifying Authority (PCA) prior to the issue of a Construction Certificate. The detailed landscape drawings are to include plans, sections, construction details, and specifications as necessary for the implementation of the landscape works, including any pavements, landscape structures, soil profiles and soil preparations, planting works, and maintenance schedule, and are to comply in all respects with the conditions of the development consent. The plans and specifications are to be certified by the author as meeting the requirements of the conditions of consent.
142. 379) – Provision must be made for on-structure landscaping to have adequate soil depth, volume and suitable soil profile to support the number of trees and shrubs indicated on the DA plans LP01 and LP02 prepared by Site Design Studios and as amended by any conditions of consent.
143. 382) A sufficient number of locally indigenous groundcovers and low shrubs species must be 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 2 m at planting
144. 383) 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.
145. 386) 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 Landscape Plans prepared by Site Design + Studios DWG Nos: DA LP 01-02 Rev A 13/10/14

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

146. 394) A qualified practising landscape architect, Landscape / environmental designer or horticulturist, is to 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.
147. 395) A landscape practical completion report is to be prepared by a consultant landscape architect and submitted to the Principal Certifying Authority 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
148. 396) Prior to the issue an Occupation Certificate, the applicant / developer is to 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.
149. 371) At the completion of the landscape maintenance period, the consultant landscape architect/ designer is to submit a report to the Principal Certifying Authority, 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.

TREE PROTECTION CONDITIONS

150. (300) 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. 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.
151. (303) 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.