

DRAFT CONDITIONS

DA 223/2014 – Nos. 27-43 LITTLE STREET, LANE COVE

1. (20) That the development be strictly in accordance with the following architectural drawings drawn by Mijolla International and Landscape drawings drawn by Sturt Noble Associates subject to the deletion of Unit B503 as shown on the amended plans submitted in satisfaction of the deferred commencement condition:

DRAWING NAME	DRAWING NUMBER	REVISION	DATED
COVER SHEET	A101	A	8-Dec-14
SITE PLAN	A103	A	8-Dec-14
BASEMENT 2 PLAN	A200	B	31-Mar-15
BASEMENT 1 PLAN	A201	B	31-Mar-15
LEVEL 1 PLAN	A202	C	17-Apr-15
LEVEL 2 PLAN	A203	B	17-Apr-15
LEVEL 3 PLAN	A204	C	17-Apr-15
LEVEL 4 PLAN	A205	B	17-Apr-15
LEVEL 5 PLAN	A206	B	17-Apr-15
LEVEL 6 PLAN	A207	B	17-Apr-15
ROOF PLAN	A208	A	8-Dec-14
ELEVATIONS - EAST & WEST	A301	A	8-Dec-14
ELEVATION - NORTH	A302	A	8-Dec-14
ELEVATION - SOUTH	A303	A	8-Dec-14
MATERIAL FINISHES BOARD	A310	A	8-Dec-14
SECTION A-A, B-B, C-C	A401	A	8-Dec-14
ADAPTABLE LAYOUTS SHEET 1	A601	B	8-Apr-15
ADAPTABLE LAYOUTS SHEET 2	A602	B	8-Apr-15
LANDSCAPE CONCEPT PLAN	DA -1425-01	G	22-Apr-15
LANDSCAPE CONCEPT PLAN - DETAIL	DA -1425-02	F	22-Apr-15
LANDSCAPE CONCEPT PLAN - LEVEL 5	DA-1425-03	E	22-Apr-15

and except as amended by the following conditions.

2. (1) The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
3. (2) All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
4. The carpark exhaust for both buildings is constructed in accordance with the Building Code of Australia Clause F4.11. Details to be provided to the Certifying Authority prior to the issue of the Construction Certificate.
5. (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.
6. (17) An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
7. (14) The payment of a contribution for an additional 130.9 persons in accordance with council's section 94 contributions plan. This payment being made prior to the issue of a subdivision certificate and is to be at the current rate at time of payment. The amount is **\$1,293,643.60** at the current rate of \$9,636 per person. note: payment must be in bank cheque. Personal cheques will not be accepted.

this contribution is for community facilities, open space/ recreation and road under the lane cove section 94 contributions plan which is available for inspection at the customer service counter, lane cove council, 48 Longueville road, lane cove.

Note: The section 94 contribution is calculated in the following manner:

No. of bedrooms	S94 per dwelling	Number of persons	Required contribution (\$)
34 x 1 bedroom	\$9,636 /person x1.2 person/dwelling =\$11,563.2	40.8	393,148.80
47 x 2 bedroom	\$9,636 /person x1.9 person/dwelling = \$18,308.40	89.3	860,494.80
12 x 3 bedroom	\$9,636/person x 2.4 person/dwelling = \$23,126.40= \$20,000.00 (cap)	28.8	240,000.00
Total		158.9	1,493,643.60

Increase in population: 158.9 – 28 = 130.9 persons.

The credit for the existing 10 dwelling houses is 10 x \$20,000.00/dwelling = \$200,000.00.

The required S94 contribution of the proposed development is **\$1,293,643.60** (\$1,493,643.60 minus \$200,000.00).

8. (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.

9. 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 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.

10. (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.**

11. (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.
12. (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.
13. (38) All advertising signs/structures being the subject of a separate development application.
14. (43) Access and parking spaces for disabled persons being provided in accordance with Part D.3 of the Building Code of Australia.
15. (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.

16. (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.

17. (50) The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.
18. 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) Framework including roof and floor members when completed and prior to covering.
 - c) Installation of steel beams and columns prior to covering
 - d) Waterproofing of wet areas
 - e) Stormwater drainage lines prior to backfilling
 - f) Completion.
19. 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) upper level floor framing;
20. (63) All metal deck roofs being of a ribbed metal profile or colourbond corrugated galvanised or zincalume iron, in a mid to dark colour range.
21. (64) A check survey certificate is to be submitted at the completion of:-
- a The establishment of each floor level prior to pouring concrete;
 - 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.

22. (66) The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal to be submitted **PRIOR TO COMMENCING ANY DEMOLITION WORKS.**

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 and construction works being confined within the boundaries of the site.
25. (77) All spillage deposited on the footpaths or roadways to be removed at the completion of each day's work.
26. (78) The site being properly fenced to prevent access of unauthorised persons outside of working hours.
27. (79) Compliance with Australian Standard 2601 - The Demolition of Structures.
28. (87) Pedestrians' portion of footpath to be kept clear and trafficable at all times.
29. (130) Compliance with the Waste Management Plan submitted with the application.
30. (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.

31. (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.
32. (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.**
33. (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.**

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

General Engineering Conditions

35. **(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.
36. **(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.
37. **(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.**
38. **(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.
39. **(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.
40. **(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.

41. **(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*'.
42. **(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.
43. **(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.
44. **(B1) Council infrastructure damage bond:** The applicant shall lodge with Council a \$135,000 cash bond or bank guarantee. The bond is to cover the repair of damage or outstanding works to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred as a result of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the commencement of any demolition works**.
45. **(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 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.

46. **(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.
47. **(H5) 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.

48. **(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.
49. **(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.
50. **(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.
51. **(S1) 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.

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

52. **(D2) Drainage Plans Amendments:** The stormwater drainage plan **numbered 14046 Rev P1** prepared by **TDL Engineering Consulting Pty Ltd** dated **5/12/14** 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.

53. **(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.**
54. **(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.**
55. **(D2) 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.**
56. **(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.

57. **(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.

58. **D5) 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**.

59. **(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 Little 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.

60. **(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**.

61. **(V1) Proposed Vehicular Crossing:** The proposed vehicular crossings 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**.

62. **(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 basement shall be determined by Council.
63. **(A11) 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**.
64. **(K1) Council Construction Requirements:** The applicant shall construct / reconstruct the following:
1. New 1.5m wide footpath adjacent the entire frontage of Little Street.
 2. New Kerb and Gutter along the entire frontage of Little Street.
 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 \$20,000 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.

65. **(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**.

66. **(C1) 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

67. **(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 approved plan satisfying condition '(C1) *Erosion and sediment control*'. The devices shall be maintained during the construction period and replaced when necessary.

Engineering Conditions to be complied with prior to Occupation Certificate

68. **(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**.

69. **(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**.
70. **(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**.

71. **(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.

Tree Conditions:

72. (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.
73. (302) The applicant must obtain a Tree Preservation Order Work Authority prior to the pruning or removal of any trees growing on site, located in neighbouring properties or trees located in adjacent reserves that overhang the site, including the cutting of any tree roots greater than 40 mm in diameter. Trees designated for removal on site are exempt from this condition.
74. (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.
75. (354) Footing, trench or excavation that is within 3m of any tree greater than 4m in height; including neighbouring trees, must be carried out using hand held tools only with no tree roots greater than 40mm diameter to be severed or damaged.
76. The owner of the property shall bear the responsibility and cost of removing the two (2) Bottlebrush street trees known as Tree 34 and Tree 35.
77. The 56 trees designated for retention including Council trees directly adjacent to the site must be tagged prior to commencement of all work. The tags must be clearly visible and contain the tree's individual number and its botanical name in accordance with the arborist report. The tags must be retained on the trees for the duration of the development work. Trees designated for removal do not require tags.
78. Tree protection zones must be installed by the project arborist and in accordance with the tree protection diagram shown in Section 5 of the arborist report by Tony Lydon dated 13th December 2014. All trees within the sites tree protection zones shall be mulched as mentioned in Section 7.1 of the report.
79. The Tree Protection Plan (TPP) compiled by Tony Lydon dated 13th December 2015 shall be adopted as part of the development consent. All recommendations and specifications including supervision and certification holding points within the (TPP) must be followed at all stages of the development. Certification of installed tree protection measures including tagging of trees must be obtained by the Authorised Private Certifier.

80. Council's street trees shall not be mulched as mentioned in the Section 7.1 of the Tree Protection Plan. The lawn area around the street trees shall be maintained in a tidy state for the duration of the development.

Bond on Street & Council Trees

81. 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 \$20,000 (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 applicant shall contact Council's Senior Tree Assessment Officer to have the street tree inspected and the Bond refunded following issue of the final Occupation Certificate.

Landscape Conditions

82. The landscape provisions as shown on the submitted plans by Stuart Noble Associates dated 22.04.2015- Drawing Landscape Concept plans DA-1425-01 Issue G, DA-1425-02 Issue F, DA-1425-03 Issue E are found to be satisfactory subject to the following conditions:
83. Thirty four (34) x *Cerotopetalum gummiferum* (NSW Christmas Bush) are indicated on the proposed landscape plan on the Little Street east elevation. It is required that fifteen (15) of these proposed *Cerotopetalum gummiferum* (NSW Christmas Bush) must be replaced with a native flowering Callistemon tree species capable of achieving a mature height 5m +.
84. Two (2) medium canopy entrance trees (*Diploglottis australis* -Native Tamarind) must be replaced with two(2) *Angophora costata* in the locations indicated on the plans prepared by Stuart Noble Associates dated 22.04.2015 Drawing Landscape Concept plans DA-1425-01 Issue G, DA-1425-02 Issue F, DA-1425-03 Issue E. These trees are to be visible from the streetscape.
85. Eight (8) indicated medium canopy trees along the southern side of the property are tagged as (*Cerotopetalum gummiferum*) must be replaced with *Tristaniopsis laurina* "Luscious" to achieve the illustrated canopy coverage and planted in pot sizes no smaller than 100 litres.
86. The proposed tree plantings are to have a mature height of no less than 6 m at maturity. All proposed tree species are to be installed in pot sizes no smaller than 100 litres (and contract grown where those species are not readily available) in accordance with the plans prepared by

Stuart Noble Associates dated 22.04.2015- Drawing Landscape Concept plans DA-1425-01 Issue G, DA-1425-02 Issue F, DA-1425-03 Issue E.

87. 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.
88. 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 prepared by Stuart Noble Associates dated 22.04.2015- Drawing Landscape Concept plans DA-1425-01 Issue G, DA-1425-02 Issue F, DA-1425-03 Issue E.
89. 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
90. 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.

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

91. 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.
92. 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
93. 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.
94. 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.

Environmental Health Conditions:

General:

95. **(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.

96. **(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.

97. **(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)

98. **(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.

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

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

Contamination:

100. **(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.

101. (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:

102. (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 Environment Operations Act 1997.

Special:

103. Noise Mitigation Measures detailed in the Construction Noise Management Plan prepared by Acouras (SYD2014-1043-R3003C) and subsequent letter from Fu Siong Hie (Acouras) to Alex Zhao (SJD Property Group), dated 16/04/15 must be implemented. These measures include but are not limited to:

(where possible):

1. Utilising a muffler/shroud on noise generating equipment, e.g Jack Hammer and Rock Breaker.
2. Utilising localised noise barriers around noise generating equipment.
3. Staging operation of noise generating equipment in consideration of the existing ground topography.
4. Use alternative methods such as rotary drill and burster or thermic lance
5. Limit noise generating activities to the hours of 9AM-12PM, and 2PM to 5PM Monday to Friday
6. Avoid simultaneous operation of noise generating plant and equipment and turn off plant that is not being used.
7. Provide information to the surrounding residents that works are expected to be noisy, the expected duration, what is being done to minimise noise and when the respite periods will occur.

104. In the event of a complaint regarding noise or vibration, monitoring must be conducted (during times of operation of noise/ vibration causing equipment) by an appropriately qualified acoustic consultant. The data captured is to be used to formulate strategies to further mitigate noise disturbance, taking into account both A-weighted and peak noise levels.
105. The applicant will keep a register of all noise complaints and response action undertaken, which will be accessible to Council personnel.
106. A compliance certificate from an acoustic consultant is to be submitted to the principle certifying authority, prior to the issue of the Occupation Certificate, confirming that all plant and equipment associated with the proposed development will operate in accordance with the provisions of the noise provisions of the Protection of the Environment Operations Act, 1997.

Ventilation:

107. (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.

108. (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.

109. (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.

Parking and servicing

110. (42) The provision of a minimum of 154 on-site car parking spaces for the exclusive use of the proposed development at all times.
111. The proposed 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.
112. The access to the public car park shall comply with Australian Standards. AS 2890.1-2004.
113. All disabled car spaces in the public car park are to be adequately signposted and line marked, and provided in accordance with AS2890.6 including the adjacent shared space and the height clearance. In this regard, the approved plans are to be amended to include five (5) disabled car

parking spaces in accordance with the requirements of Lane Cove DCP 2013, with details to be provided on the plans submitted with the Construction Certificate. The garbage collection area is to be clearly signposted and line marked, and provided in accordance with AS2890.2.

Pedestrians / Cycling

114. Pedestrian access on Little Street, 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'.
115. 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 adjacent to the site and within 25m, will need to be installed or 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.
116. 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 that exceed the Australian Standards will also be considered appropriate.
117. Resident cycle parking in the basement car park should be 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.
118. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

Public Transport

119. A Sustainable Transport Action Plan (STrAP) showing the proposed mode shares, relevant bike routes, access to existing car-share spaces and bus route frequencies will need to be and approved by the Traffic and Transport Manager in Lane Cove Council prior to Occupation Certificate.

Works Zones

120. 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.

Construction Traffic Management Plan

121. A Construction Management Plan must be lodged with Council prior to the issuing of a Construction Certificate. As per DCP Part R, the Construction Management Plan should address (but not necessarily be limited too) issues related to the movement of construction vehicles to and from the site, safe access of construction vehicles, and any conflict with other road users in the street including public transport. Heavy vehicles will not be permitted to travel on local roads unless prior Council permission is obtained from Council's Traffic section.

The Construction Management Plan should specify proposed Work/Construction Zones and the impact of the construction traffic activities to all road users including pedestrians and cyclists. The Construction Management Plan may contain issues requiring the attention and approval of the Lane Cove Traffic Committee (LTC). It is recommended that the developer/builder check with Council's Traffic Manager with respect to any LTC requirements on lodging the Construction Management Plan. The Construction Management Plan should also assess and address the impact of construction vehicles travelling through the surrounding road network.

Any construction vehicles exiting the site during demolition/construction should have their tyres washed in order to avoid any construction material, dust, etc coming in contact with the road pavement.

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.

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.

Heritage Condition:

122. Photographic archival recording of the properties and associated structures should be undertaken prior to commencement of any demolition works within the site.

Privacy Condition:

123. The provision of privacy screens to all above ground balconies on the northern, western and southern façades of the building. Details are to be submitted to the Principle Certifying Authority for approval prior to the issue of the Construction Certificate.

Site Consolidation:

124. All lots the subject of this application must be consolidated into one (1) allotment prior to the release of the Occupation Certificate.