

DRAFT CONDITIONS

(Rev C - Modified: 12.2.2016)

DA 125/15 – NOS. 2-22 BIRDWOOD AVENUE AND 11-15 FINLAYSON STREET, LANE COVE

1. (20) That the development be strictly in accordance with the following architectural drawings drawn by Bates Smart Architects and Landscape drawings drawn by 360 Degrees:

NOTE: These plan numbers will need to be amended to adopt the amended plans submitted in satisfaction of the deferred commencement condition:

DRAWING NAME	DRAWING NUMBER	REVISION	DATED
Revision B plans submitted 16/12/15 (including Architectural Plans Rev A dated 12/8/15 and Rev B plans dated 15/12/15) and Landscape drawings LA – DP 000-002, LA – LO 100-113 and LA – SD 900-906 prepared by 360 Degrees dated 9/12/15.			
Site Plan	DA01.00(B)	A	15.12.15
Ground Level	DA03.001(A)	A	12.08.15
Plan Level 01	DA03.01(A)	A	12.08.15
Plan Level 02	DA03.02(A)	A	12.08.15
Plan Level 03	DA03.03(B)	B	15.12.15
Plan Level 04	DA03.04(B)	B	15.12.15
Plan Level 05	DA03.05(B)	B	15.12.15
Plan Level 06	DA03.06(B)	B	15.12.15
Plan Level 07	DA03.07(B)	B	15.12.15
Plan Level 08	DA03.08(B)	B	15.12.15
Plan Level 09	DA03.09(B)	B	15.12.15
Street Elevation	DA07.01(B)	B	15.12.15
Street Elevation	DA07.02(B)	B	15.12.15
Elevation	DA07.03(B)	B	15.12.15
Elevation	DA07.04(B)	B	15.12.15
Elevation	DA07.05(B)	B	15.12.15
Section AA	DA08.01(B)	B	15.12.15
Section BB	DA08.02(B)	B	15.12.15

and except as amended by the following conditions.

2. Compliance with all conditions of Development Consent No. 194/2013 (as modified) except as modified expanded or additional to conditions of this consent.

General conditions:

3. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
4. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
5. The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In", please refer to web site www.sydneywater.com.au. This is 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. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.
6. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
7. 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.

8. 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>
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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.
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Sunday	No work Sunday or any Public Holiday.
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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.

9. 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.
10. 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.
11. 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.

12. 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.

13. The cleaning out of ready-mix concrete trucks, wheelbarrows and the like into Council's gutter is PROHIBITED.
14. 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) Installation of steel beams and columns prior to covering
 - c) Waterproofing of wet areas
 - d) Stormwater drainage lines prior to backfilling
 - e) Completion.
15. Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-
 - a) shoring and underpinning;
 - b) retaining walls;
 - c) footings;

- d) reinforced concrete work;
- e) structural steelwork;
- f) any framing;

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

- a) The establishment of the each floor level prior to pouring of 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.

17.

- (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.

- 18. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
- 19. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
- 20. Compliance with Australian Standard 2601 - The Demolition of Structures.

21. An approved type of hoarding being erected along the street frontage.
22. Pedestrians' portion of footpath to be kept clear and trafficable at all times.
23. All advertising signs/structures being the subject of a separate development application.
24. 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.
25. 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.
26. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE RELEVANT CONSTRUCTION CERTIFICATE BEING ISSUED.**
27. **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.

28. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.
29. **Critical concrete pours (events)**

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.**

BCA Conditions:

30. All accessible carspaces must be designed and constructed in accordance with AS2890.6-2009 and SA4299 (3.7.1).
31. All habitable rooms must comply with the requirements of natural light and ventilation in accordance with FP4.1 and FP4.3 of the Building Code of Australia. Details to be provided prior to the certifying authority prior to the issue of the relevant construction certificate.
32. Exit travel distances must comply with DP4 of the Building Code of Australia. Details to be provided to the certifying authority prior to the issue of the relevant construction certificate.
33. Accessible paths and pathways must be provided in accordance with DP1 of the Building Code of Australia. Details to be provided to the certifying authority prior to the issue of the relevant construction certificate.
34. A mechanical air handling system must be incorporated into the basement carpark in accordance with FP4.4 and FP4.5 of the Building Code of Australia. Details to be provided to the certifying authority prior to the issue of the relevant construction certificate.

General Engineering Conditions

35. **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. **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. **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. **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. **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. **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. **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. **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. **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. **Council infrastructure damage bond:** The applicant shall lodge with Council a \$150,000 **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. **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. **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. **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. **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. **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. **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. **88B Instrument:** An instrument under 88B of the conveyancing Act 1919 plus two copies is to be submitted to Council prior to the release of subdivision certificate. The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies.

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

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

52. **Linen Plan of Subdivision:** A Linen Plan of Subdivision plus 5 copies are to be submitted to Council prior to the release of subdivision certificate. The linen plan of subdivision shall be suitable for endorsement by the general manager pursuant to Section 327 of the local government act and shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies

Engineering conditions to be complied with prior to Construction Certificate

53. **Drainage Construction:** The stormwater drainage on the site is to be constructed generally in accordance with plan numbered **5065 (CV-0200) Rev 02** prepared by **Enstruct Group Pty Ltd** dated **Aug 2015**.

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 relevant 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.

54. **Overland Flowpath:** The overland flowpath shall have sufficient capacity to convey runoff exceeding the pipe capacity during storms up to the 1 in 100 year storm events. Overland flow, which enters the site from upstream properties, should not be redirected in a manner which adversely affects adjoining properties. The engineering plans are to be completed and certified for construction by a suitably qualified engineer and be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate**.

On completion of the works and **prior to the issue of the Occupation Certificate** the design engineer shall certify that structure has been constructed in accordance with the approved plans and is within acceptable construction tolerances.

55. **Construction adjacent to or parallel to a drainage Easement / pipeline:** The footings of the proposed structure adjacent to the Council drainage easement shall be taken below the zone of influence of the Council stormwater line. The location and depth of the footings in relation to the stormwater line, along with the design of the footings, are to be detailed on engineering plans. The engineering plans are to be completed and certified for construction by a suitably qualified engineer and be submitted to the Principal Certifying Authority **prior to the issue of the relevant Construction Certificate**.

On completion of the works and **prior to the issue of the Occupation Certificate** the design engineer shall certify that structure has been constructed in accordance with the approved plans and is within acceptable construction tolerances. The certification is to include a Work as Executed plan. The Work-as-Executed must show the location of all structures in the vicinity of the Council drainage easement, indicating that all footings are located below the zone of influence of the Council stormwater line.

56. **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**.
57. **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 relevant Construction Certificate**.

58. **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.**
59. **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.

60. **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.

61. **Road Dilapidation Survey:** The applicant shall prepare a dilapidation survey and dilapidation report detailing the existing state of repair / condition of the road surfaces along Birdwood Avenue and Finlayson 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.

62. **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 relevant Construction Certificate.**

63. **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 relevant Construction Certificate.** All works associated with the construction of the crossing shall be completed **prior to the issue of the Occupation Certificate.**

64. **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 relevant Construction Certificate.** Note: The finished floor level of the proposed basement shall be as shown on the approved drawings, and as agreed with Council.

65. **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 relevant Construction Certificate.**

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

1. New 1.5m wide footpath adjacent the entire frontage of Cox's Lane, Birdwood Avenue and Finlayson Street
2. New Kerb and Gutter along the entire frontage of Cox's Lane, Birdwood Avenue and Finlayson 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 relevant 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.

67. **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 relevant Construction Certificate.**

68. **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 relevant Construction Certificate**

Engineering condition to be complied with prior to commencement of construction

69. **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 Condition to be complied with prior to Occupation Certificate

70. **Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system and overland flow conditions have been constructed in accordance with the approved plans, Part O Council's DCP- Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:

- (a) be signed by a registered surveyor, &
- (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.**

71. **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.**

72. **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**.

73. **Creation of drainage easement:** A drainage easement is to be created in favour of Council over the new Council pipe line burdening the site. Documents demonstrating that the proposed easement has been created are to be submitted to the principle certifying authority **prior to the issue of the Occupation Certificate**. All costs associated with piping, relocation and creation of the easement shall be borne by the applicant.
74. **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.
75. **Road Widening:** A Linen Plan of Subdivision shall reflect the applicant dedicating the 3.0m wide affected land in favour of Council for road reserve, for the boundary adjustments or road widening of Cox's Lane **prior to the issue of the Occupation Certificate**.

Conditions Relating To Pedestrian Bridge Land Dedication

76. Prior to the issue of the first construction certificate for works within Building C shown on Bates Smart DA drawing DA 13 02 (A) dated 11/8/2015, the Applicant shall enter into an agreement with Council to facilitate the construction of a pedestrian footbridge, inclusive of a lift and stairs.

The agreement is to:

- a. include the dedication of land to Council 7.1m wide and at least 6.3m long measured westward from the south east corner of Lot 91 DP 10155 and having an area of not less than 57.1 m² ("Bridge Lift Land") at no cost to Council in lieu of the Applicant being required by condition 16 (indicated below) of the Stage 1 consent to design and fund at its cost necessary infrastructure such as footpath and street lighting improvements or new crossing facilities that will encourage residents of the new development to walk to local amenities such as shops or transport nodes;

As part of the TIA, the applicant shall prepare a detailed plan showing future pedestrian desire lines to and from the site. The plan shall also identify any necessary infrastructure such as footpath and street lighting improvements or new crossing facilities that will encourage residents of the new development to walk to local amenities such as shops or transport nodes. Any infrastructure improvements on identified pedestrian desire lines must be designed, funded and built by the applicant, subject to Council and Local Traffic Committee approval, prior to each Occupation Certificate being issued.

- b. Allow unconditional access to the Bridge/Lift Land for Council and its contractor to undertake construction of a bridge, lift, stairs and associated works within the Bridge Lift Land prior to dedication; and

- c. Require proof of the dedication of the Bridge/Lift Land as public road prior to the first Occupation Certificate being issued.
77. Prior to the issue of the first occupation certificate a brick or concrete footpath minimum width 2m shall be constructed within the publicly accessible links. This footpath is to link to and integrate with the Bridge Lift /Land paving.
78. Prior to the issue of the first occupation certificate evidence of an unrestricted right of footway in favour of the public being created and registered on title over the publicly accessible links and S88 B Instrument listing Council as the Benefitting Authority. The S 88B Instrument shall be satisfactory to Council and will include the obligations on the owner of the land to control litter, graffiti and the like, maintain the footway including lighting and other related landscaping, street furniture and infrastructure in a condition suitable for pedestrian access at all times.

TRAFFIC AND TRANSPORT CONDITIONS

Intersection operations

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

- All new road carriageway on Council Property
- 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.**

Parking and servicing

80. The proposed Car Park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. The loading area is to cater for service vehicles with a height of 2.7m. All other aspects of the Car Parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles. On-site hard stand area for a removalist truck in close proximity to the buildings shall be provided.
81. The access to the car park shall comply with Australian Standards. AS 2890.1-2004.
82. Any tandem parking bays must be allocated to the same unit.
83. All disabled car spaces in the public car park are to be adequately signposted and linemarked, and provided in accordance with AS2890.6 including the adjacent shared space and the height clearance.
84. The garbage collection area is to be clearly signposted and linemarked, and provided in accordance with AS2890.2.

85. All vehicles shall enter and exit the site in a forward direction.
86. While a permit parking scheme currently does not exist in the area, this development will not be eligible for any residential parking permits including visitor permits in the future if a new scheme is developed in the area.

Pedestrians / Cycling

87. Pedestrian access on Rosenthal Avenue, Birdwood Avenue, Finlayson Street and Coxs Lane, 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'.
88. The landscaping design at the eastern end of the development should be flexible enough to allow for the footing for the pedestrian bridge which is included in the proposed Rosenthal Car Park Design which is currently being further developed.
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 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 1.5m and this should be clear of any obstructions including tree branches.
90. 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.
91. 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.
92. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.

Public Transport

93. 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 submitted and approved by the Traffic and Transport Manager in Lane Cove Council prior to Occupation Certificate.

Construction Traffic Management Plan

94. A Construction Traffic 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.

95. Vehicles, particularly trucks will not be permitted to queue on public roads within the site vicinity. Trucks will therefore need to be appropriately coordinated and timed to minimise disruption to general traffic.
96. Lane Cove Council will not be liable for any traffic or pedestrian safety matters
97. 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.
98. 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.
99. 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.
100. 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.
101. The number of construction workers during each construction stage must be outlined in the Construction Management Plan. Parking for workers must be provided on site or alternatives suggested including encouraging workers to car pool to the site. Construction workers will not be permitted to park on public roads or in Council public parking areas.
102. All complaints and concerns from the community must be dealt with by the applicant in the first instance. Council will not take responsibility for the complaints arising from the development.
103. The applicant will be liable to reinstate any road infrastructure if damage is caused by construction trucks or any construction related activities.
104. Any changes to the Construction Traffic Management Plan must be submitted to Lane Cove Council prior to commencement.
105. Council reserves the right to revoke the Construction Traffic Management Plan approval at any time without further explanation.

Work Zones

106. 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.

Roads and Maritime Conditions:

107. The layout of the proposed car parking areas and accesses associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) shall be in accordance with AS2890.1-2004.
108. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of the relevant Construction Certificate.
 - a. A construction vehicle route is to be provided within the CTMP taking into consideration school zones and AM and PM times.
 - b. The CTMP is to include turn paths, truck routes, any bus zone relocation proposals, traffic control plans (for pedestrians, construction activities on site and any kerb and footpath rectification) and location of tradesmen and contractor parking.
 - c. Due to the high volume of vehicles using Pacific Highway, Epping Road and Longueville Road during peak periods, permitting the movement of construction vehicles during peak times along these state roads is considered unacceptable. Such an arrangement would exacerbate existing congestion during peak times.

TREE PROTECTION CONDITIONS

109. 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.
110. The applicant must obtain a Tree Preservation Order Work Authority prior to the pruning or removal of the three (3) trees numbered 30 – 81 and 94 or trees located on the nature strip area adjacent to the site, including the cutting of any tree roots greater than 25 mm in diameter.
111. 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.

112. All street trees directly adjacent to the site must be retained and protected. A 1.8 m high chain mesh fence shall be erected encompassing the entire grass nature strip including existing driveway crossings adjacent to the site. The tree protection zones may be temporarily reduced in size to the edge of the grass areas to remove driveways but the fencing must be reinstated back to the original position immediately after driveway crossing removal. The tree protection area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed.
113. Trees numbered 30 (Grey Ironbark) and 94 must be retained and protected in accordance with all parts of the Tree protection Plan (Section 10) of Andrew Morton's Arborist Report. The recommended tree protection areas shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection areas shall remain undisturbed.
114. A waterproof sign must be placed on all tree protection zones stating 'NO ENTRY TREE PROTECTION ZONE – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A3 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
115. All tree protection measures and signage must be erected PRIOR TO COMMENCEMENT OF WORK. This includes demolition or site preparation works, and tree protection measures must remain in place for the duration of the development. Demolition of houses and other infrastructure may be undertaken in close proximity to trees on site designated for retention to make way for the tree protection zones.
116. All tree protection measures must be in place and certified by the level 5 project arborist prior to commencement of work. A copy of the tree protection certification must be obtained by the authorised private certifier and Lane Cove Council prior to commencement of work.
117. Strip excavation is not permitted at the boundary line in Birdwood Avenue for fencing or any other type of construction. Strip and bulk excavation must have a setback of at least 6 metres distance of all street trees.

Bond On Street & Council Trees

118. 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 \$50,000 (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 tree 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.

119. The trees designated for retention in the Tree Protection Plan provided as Appendix 6 of the *Arboricultural Impact Assessment Report* prepared by *Earthscape Horticultural Services* 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.
120. Tree protection zones must be installed by the project arborist and in accordance with the Tree Protection Plan provided as Appendix 6 of the *Arboricultural Impact Assessment Report* prepared by *Earthscape Horticultural Services*.
121. The recommended Tree Protection Measures identified in Section 10 of the *Arboricultural Impact Assessment Report* prepared by *Earthscape Horticultural Services* shall be adopted as part of the development consent. All recommendations and specifications must be followed at all stages of the development. Certification of installed tree protection measures including tagging of trees must be obtained by the Principle Certifying Authority.

Environmental Health Conditions:

122. The submission of the Remediation Action Plan and Validation Report prior to commencement of construction.
123. Internal waste management cupboards for waste recycling are to be shown on the plan submitted for Construction Certificate. The PCA is to be satisfied that the plans are in accordance with Part Q of the DCP.
124. The applicant shall submit Construction Noise Management Plan to Council for review and endorsement, prior to the issue of the relevant construction certificate.
125. (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.

126. (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.

127. (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)

128. (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.

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

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

130. (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.

131. (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.

132. (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.

- Recommendations in Parts 8-13 in 20151039.1/1808A/R0/GC *Construction Noise and Vibration Management Plan*, prepared by Acoustic Logic (18/08/2015) are to be implemented.
- Limit rock breaking activities to the hours of 8AM-11:30AM, and 1:30PM to 5PM Monday to Friday (maximum of 3 hours operation and a minimum of 1 hour interval between each continuous 3 hour operation).
- Utilise a silencing shroud while operating the hydraulic hammer.

133. (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.

134. (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.

135. (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.

Landscape Conditions:

136. 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 the relevant 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.

137. 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 Landscape Plans prepared by 360 Degrees Landscape Architects dated 14/08/15
138. 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
139. 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.
140. 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 100 litres in accordance with Landscape Plans prepared by 360 Degrees Landscape Architects dated 14/08/15

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

141. A suitably qualified professional 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.
142. 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
143. 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.
144. A suitably qualified professional 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
145. The payment of a contribution for an additional 336.9 persons in accordance with council's section 94 contributions plan. This payment being made **prior to the issue of the first occupation certificate or before the 1st October 2017** whichever is the earlier and is to be at the current rate at time of payment. **The amount is \$3,334,950.00** at the current rate of \$9,900 per person (as per 2015/16 fees and charged). 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.

The development as proposed requires the following Section 94 Contribution.

No. of bedrooms	S.94's per dwelling	Number of persons	Required Contribution
119 x studio/1 bedroom	\$9,900 /person x 1.2 person/dwelling = \$11,880.00	142.8	\$1,413,720.00
83 x 2 bedroom	\$9,900 /person x 1.9 person/dwelling = \$18,810.00	157.7	\$1,561,230.00
35 x 3 bedroom	\$9,900/person x 2.4 person/dwelling = \$23,760.00 reduced to \$20,000.00 (cap)	84	\$700,000.00
Total		384.5 persons	\$3,674,950.00

Increase in population: 384.5 – 47.6 = 336.9 persons.

The required S.94 contribution for the proposed development is **\$3,334,950.00** (i.e. **\$3,674,950.00** less a credit of \$340,000.00 for the existing properties).

146. **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 **as determined by the geotechnical engineer.**

The dilapidation report must be **prepared** 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 **Council prior to issue of a Construction Certificate. A copy of the initial dilapidation report must also be made available to the owners or occupiers of properties within the zone of influence of the proposed development as determined by the geotechnical engineer upon submission to the principal certifying authority.**

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. Any damage identified in the second dilapidation report not shown in the initial report will be assumed to have been caused as a result of the construction works authorised under this consent and must be rectified to the satisfaction of Council at the applicants/developers expense prior to the release of any Occupation Certificate.**

Site Consolidation:

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

Bulk Waste Storage Rooms

148. A bulk waste storage room with a minimum area of 30m² is to be provided within the basement of each building in accordance with the requirements of Lane Cove DCP 2010. Details are to be provided to Council for approval prior to the issue of the construction certificate for the relevant building.

Public Pathway

149. The public pathways through the site are to be available for public use 24 hours a day 7 days a week and accordingly. In this regard, the pathways are to be designed and signposted to the satisfaction of Council and in accordance with the principles of Crime Prevention Thorough Environmental Design (CPTED), with design plans to be submitted to and approved by Council prior to the issue of the first construction certificate issued for the development. The pathways are to be completed to the satisfaction of Council and create a ROW in favour of Council/Public prior to issue of the first occupation certificate for the development.

Public Art

150. The provision and maintenance of public art within the subject site generally in accordance with the Public Art Strategy prepared by Mika Utzon Popov submitted with the application. Design plans and documentation of the public art component of the project are to be submitted to and approved by Council prior to the issue of the any construction certificate for landscape works.

Access and Mobility

151. The provision of a network of public pathways through the site that comply with the Disabled Discrimination Act (DDA) in accordance with the design approved by the consent authority in satisfaction of the deferred commencement consent. Should any works be required to footpaths within the public roads surrounding the site to ensure compliance with the DDA in combination with or in lieu of the publicly dedicated pathways through the site, any such works are to be at the applicant's expense, with the design to be submitted to and approved by Council prior to the issue of the first construction certificate.

Substation

152. The proposed substation on Cox's lane is to be setback a minimum of 3.0m from the site boundary to allow for future road widening. Plans are to be submitted to and approved by the Principle Certifying Authority prior to the issue of the relevant construction certificate.