

Joint Regional Planning Panel Meeting 1 July 2016
SUPPLEMENTARY REPORT - 1-13A MARSHALL AVENUE, ST LEONARDS

Subject: SUPPLEMENTARY REPORT - 1-13A Marshall Avenue, St Leonards
Record No: DA15/205-01 - 38352/16
Division: Environmental Services Division
Author(s): Rebecka Groth

Property:	1-13A Marshall Avenue, St Leonards
DA No:	DA15/205
Date Lodged:	16 December 2015
Cost of Work:	\$95,559,008 (excludes GST)
Owner:	Loftex Pty Ltd
Applicant:	Loftex Pty Ltd

DESCRIPTION OF PROPOSAL TO APPEAR ON DETERMINATION	Construction of a mixed use development comprising two buildings located over a common basement car park, 269 apartments, 291 parking spaces, commercial and retail space, stratum subdivision and voluntary planning agreement.
ZONE	B4 Mixed Use under the Lane Cove Local Environmental Plan 2009
IS THE PROPOSAL PERMISSIBLE WITHIN THE ZONE?	Yes
IS THE PROPERTY A HERITAGE ITEM?	No
IS THE PROPERTY WITHIN A CONSERVATION AREA?	No
IS THE PROPERTY ADJACENT TO BUSHLAND?	No
BCA CLASSIFICATION	2, 5/6 and 7a
STOP THE CLOCK USED	Yes
NOTIFICATION	<p>2, 4, 6, 8, 10, 12, 14, 15-25 and 16 Marshall Avenue, St Leonards</p> <p>All properties within Holdsworth Street, St Leonards</p> <p>All properties within Berry Road, St Leonards</p> <p>Properties on the eastern side of Park Road, St Leonards</p> <p>All properties within Canberra Avenue, St Leonards</p> <p>52, 54, 71-73, 75, 77 and 79 Lithgow Street, St Leonards</p> <p>2-4, 6-8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 32-42, 44, 46, 58-64, 66, 82-86, 94-96, 546, 550, 552, 558, 560, 562 and 564 Pacific Highway, St Leonards</p>

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	<p>East Ward Councillors</p> <p>Associations: St Leonards-Wollstonecraft Residents Association</p> <p>Others: Willoughby Council North Sydney Council and properties nominated by North Sydney Council</p> <p>Complete details of the notification are available on Council's file</p>
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REASON FOR REFERRAL:

This application has been referred to the Sydney East Joint Regional Planning Panel (the Panel) as per Schedule 4A of Environmental Planning and Assessment Act 1979 as the proposed development has a capital investment value of greater than \$20 million.

EXECUTIVE SUMMARY:

On the 23 June 2016 Council received a late submission from the Joint Regional Planning Panel in response to the subject development. To assist the Panel in determining the development application, Council officers have prepared a supplementary report. The Panel is advised this supplementary report should be read in conjunction with Council's primary report. Traffix has prepared a response to the submission on the applicant's behalf and Council's Manager Traffic and Transport has also prepared a response.

RESPONSE TO LATE SUBMISSION

A submission dated 22 June 2016 was received by the Panel. The submission raises concerns regarding the previous development application on the subject site and the process surrounding the subsequent LEP amendment. The concerns raised in the submission, where relevant to the considerations under Section 79C of the EP&A Act 1979, are summarised below.

- *The JRPP refused the same development on 19 March 2015. There has been no amendment to the development application. Acknowledgment is made that the LEP has been recently amended however the development application is not appropriate for the area.*

Comment:

The LEP was amended to permit an increased building height for the high rise/tower portion of the site. The strategic planning documents relating to the site, including the gazetted planning proposal and the recently amended Lane Cove LEP, have determined the suitability for the site for mixed use development and more intensive forms of residential development. The proposal would result in increased housing and retail/commercial floor space near established transport nodes.

The site has been considered by experts in relation to contamination, vibration and acoustic investigations, urban design and accessibility and is found to be suitable for the proposed development. The proposal is fully compliant with the LEP in relation to height and floor space.

- *The JRPP has the ability to refuse this development application on merit even if the LEP has been amended.*

Comment:

The Panel are required to assess the application based on the heads of consideration under Section 79C of the EP&A Act 1979.

- *The site is situated opposite single storey residential dwelling houses. The Council refers to a potential rezoning of the St Leonards South area, it is noted that this has not occurred.*

Comment:

It is acknowledged the site is opposite single storey dwelling houses and that no change in zoning has occurred for these houses. It is noted that St Leonards as a precinct is undergoing change.

- *The development application proposes variations to the DCP, SEPP 65 and offers no transitions*

Comment:

It is acknowledged the applicant seeks to vary from the Development Control Plan as detailed in Council's primary report. It is also acknowledged the site is situated opposite from low density residential properties, on the southern side of Marshall Avenue. The DCP variations have been considered in Council's assessment and are found to have no impact on view sharing or solar access levels. The proposal is considered to provide an acceptable level of amenity for surrounding residents given the nature of the proposed development, the site specific controls relating to the site and the changing character of the precinct.

Council's Consultant Architect advises the proposed development meets all the objectives of SEPP 65 and further advises the apartments are well designed and provide for adequate amenity for future occupants.

The proposed development does provide a transition in building height as is evident in the architectural plans.

- *Over 500 petitions and hundreds of objection letters have been submitted objecting to this development*

Comment:

Council's records indicate for this development application, a total of 58 submissions were received as a result of the notification period including a petition with 90 signatures. All submissions received were provided to the JRPP for its review.

The following concerns were raised with regards to the traffic impact assessment:

- *The traffic study submitted with the development application is out of date. The study does not take into account the developments in the adjoining area. Council often refers to a study it has undertaken but this is not publicly available*
- *The traffic study for the development application has multiple versions but is based on one street survey. Each version of the study shows lower background traffic levels even though*

only one survey was undertaken. The same intersection and roads had traffic numbers reduced with each version of the report

- *Genuine assessments have not been provided for adjoining high density developments in the locality. The traffic impacts for each report improve with each version of the traffic report and the applicant adopts different figures for the same intersections*
- *There is no legitimate pedestrian flow study*
- *The traffic assessment/study did not consider in aggregate the impact of traffic from other proposed high density residential developments including developments within adjoining LGAs*
- *The baseline for traffic generation was based on a day's sample during a holiday period. This is not good practice*
- *The traffic impact study does not take into account traffic or parking problems such as congestion, bottlenecks, pedestrian traffic, traffic flow, safety and on/off street parking*

Comment:

Council's Manager Traffic and Transport reviewed the late submission in detail and provides the following response:

'Council's traffic assessment concluded that the pm model did not experience any major network deterioration. There was a potential for an increase in queues, however, the model showed that the queues dissipate quickly and as such there had been no deterioration in intersection performance. The improvement of some approaches at the pm intersections could be accounted for as a result of optimisation (in line with what is possible within SCATS¹). This means if the SCATS is adjusted, it would result in an improvement in the performance of the intersection.

In the am peak, the performance of the Berry Street intersection with Pacific Highway was more sensitive due to the more directed nature of am flows. The increase in delay on the western approach was approximately 11 seconds but manageable. As such, the network is able to cope with the increase in demand associated with the proposed development.

....'The proposed development application would have an acceptable impact on intersections within the St Leonards Precinct.

....'The applicant's response is however factually correct and is endorsed'.

The response prepared by Traffix on behalf of the applicant provides a detailed response to each matter raised in the submission and is provided in **ATT 1**. Council's Manager Traffic and Transport advises the Traffix response is endorsed.

The NSW Roads and Maritime endorse the proposed development and their comments are provided in **ATT 2**.

CONCLUSION

¹ An adaptive urban traffic management system that synchronises traffic signals to optimise traffic flow across a whole city, region or corridor.

The matters under Section 79C of the Environmental Planning and Assessment Act 1979 Act have been considered.

The proposal complies with the provisions of Lane Cove Council's Local Environmental Plan 2009 with regards to the maximum FSR and building height. It is noted the architect has integrated the roof elements into the maximum permissible height limit for the site.

The proposed development generally complies with the provisions of the Lane Cove Development Control Plan as detailed in the primary Council report.

The issues raised in the late submission are considered and discussed in the body of the report. The cumulative traffic impact has been considered by Council's Traffic and Transport Team and has been endorsed.

The proposal meets the objectives of the 10 planning principles of SEPP 65 and is considered to represent a high quality development. The proposal is considered to be well designed and would provide for a high level of amenity for future residents.

This proposal maintains adequate solar access to residential properties surrounding the site, particularly those to the south of the site. Despite views of the distant Sydney Harbour Bridge and Sydney Harbour being impacted for properties located in a northerly direction of the site, in particular from residential dwellings, the proposal maintains reasonable access to existing iconic views of the CBD given the character of St Leonards.

The Planning Proposal was accompanied with a VPA which would become operative if the application is approved. The VPA would be made for the purposes of contributing towards the funding of the construction of a proposed St Leonards Rail Plaza and Bus/Rail Interchange over the railway line in St Leonards. In the event the St Leonards Rail Plaza and Bus/Rail Interchange does not proceed, funds may be used for the provision of public infrastructure generally within the St Leonards area.

The proposed development application is considered to be in the public interest. The development proposal would make a positive contribution to the St Leonards Precinct and Lane Cove Local Government Area generally. The proposal is recommended for approval subject to conditions.

RECOMMENDATION

That pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, as amended, the Sydney East Joint Regional Planning Panel grant development consent to Development Application DA15/205 for the construction of a mixed use development comprising of 269 residential units and retail/commercial, subdivision and Voluntary Planning Agreement at Lot 100 in DP 1200133, 1-13A Marshall Avenue, St Leonards subject to the following conditions:

General

1. That the development be strictly in accordance with the following drawings prepared by Nettleton Tribe Partnership Pty Ltd:

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Plan reference	Title
4264_DA002	Site Plan, Rev B, dated 3.12.2015
4264_DA003	Basement Level 3 Plan, Rev B, dated 3.12.2015
4264_DA004	Basement Level 2 Plan, Rev C, dated 14.4.2016
4264_DA005	Basement Level 1 Plan, Rev C, dated 3.12.2015
4264_DA006	Ground level – overall Plan, Rev C, dated 14.4.2016
4264_DA007	Level 1 – Overall Plan, Rev B, dated 3.12.2015
4264_DA008	Level 2 – Overall Plan, Rev B, dated 3.12.2015
4264_DA009	Level 3 – Overall Plan, Rev B, dated 3.12.2015
4264_DA010	Typical Overall Level Plan, Rev B, dated 3.12.2015
4264_DA011	Low Rise Building – Ground Level Plan, Rev B, dated 3.12.2015
4264_DA012	Low Rise Building – Level 1 Plan, Rev B, dated 3.12.2015
4264_DA013	Low Rise Building – Level 2 Plan, Rev B, dated 3.12.2015
4264_DA014	Low Rise Building – Level 3 Plan, Rev B, dated 3.12.2015
4264_DA015	Low Rise Building – Level 4 Plan, Rev B, dated 3.12.2015
4264_DA016	Low Rise Building – Level 5 Plan, Rev B, dated 3.12.2015
4262_DA17	Low Rise Building – Level 6 Plan, Rev B, dated 3.12.2015
4264_DA018	Low Rise Building – Roof Plan, Rev B, dated 3.12.2015
4264_DA019	High Rise Building – Ground Level Plan, Rev B, dated 3.12.2015
4264_DA020	High Rise Building – Level 1 Plan, Rev B, dated 3.12.2015
4264_DA021	High Rise Building – Level 2 Plan, Rev B, dated 3.12.2015
4264_DA022	High Rise Building – Level 3 Plan, Rev B, dated 3.12.2015
4264_DA023	High Rise Building – Midrise Level 4-8 Plan, Rev B, dated 3.12.2015
4264_DA024	High Rise Building – midrise level 9-10 Plan, Rev B, dated 3.12.2015
4264_DA025	High Rise Building - Level 11-15 Plan, Rev B, dated 3.12.2015
4264_DA026	High Rise Building – High Rise Level 16-27 Plan, Rev B, dated 3.12.2015
4264_DA028	High Rise Building – Penthouse Level 28 Plan, Rev B, dated 3.12.2015
4264_DA029	High Rise Building –Plant Level Plan, Rev B, dated 3.12.2015
4264_DA030	High Rise Building Roof Plan, Rev B, dated 3.12.2015
4264_DA031	Overall North Elevation, Rev B, dated 3.12.2015
4264_DA032	Overall South Elevation, Rev B, dated 3.12.2015
4264_DA033	High Rise Building East/West Elevation, Rev B, dated 3.12.2015
4264_DA034	Low Rise Building East/West Elevation, Rev B, dated 3.12.2015
4264_DA036	East-West Overall Section, Rev B, dated 3.12.2015
4264_DA037	Sections – Low Rise Building, Rev B, dated 3.12.2015
4264_DA038	Sections – High Rise Building, Rev B, dated 3.12.2015
4264_DA066	Adaptable Units – Sheet 1, Rev B, dated 3.12.2015
4264_DA067	Adaptable Units – Sheet 2, Rev B, dated 3.12.2015
4264_DA068	Adaptable Units – Sheet 3, Rev B, dated 3.12.2015
4264_DA069	Adaptable Units – Sheet 4, Rev B, dated 3.12.2015
4264_DA070	Adaptable Units – Sheet 5, Rev B, dated 3.12.2015

and Site Image, Landscape Architects:

SS14-2817 100	Landscape Masterplan, Rev D, dated 1.12.2015
SS14-2817 501	Landscape Details, Rev B, dated 24.7.2014

SS14-2817 502	Landscape Details, Specification Notes and Plant Schedule, Rev B, dated 24.7.2014
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except as amended by the following conditions.

2. Prior to the issue of the construction certificate, details of external lighting and the operation system shall be submitted to the Private Certifying Authority and shall be implemented prior to the issue of an occupation certificate.
3. Prior to the issue of the construction certificate the applicant shall implement the recommendations of the Acoustic Assessment Report prepared by Renzo Tonin and Associates and dated 27 June 2014 (Revision 1), Ref TG788-01F02(r1).
4. Prior to the issue of a construction certificate, the recommendations within the Accessibility Review, prepared by McKenzie Group Rev 3 and dated 30.11.2015, shall be implemented on the plans and submitted to the Certifying Authority for approval.
5. Prior to the issue of an occupation certificate the applicant shall submit to Council evidence of mitigation measures which create an acceptable wind environment for the site and surrounding areas. The mitigation measures must result in the site and surrounding areas being fit for the intended use of a public plaza and recreation area.

The applicant may partially or completely enclose the balconies on Level 12 and upwards if a suitable mitigation measure cannot be formulated for the locations specified within the CPP Wind Tunnel Tests submitted with this application.

6. The Developer is to pay the monetary contribution required by the Planning Agreement that applies to the site entered into on 16 December 2015 in accordance with the terms of the Planning Agreement and prior to the issue of a Construction Certificate for all of any part of the Development.
7.
 - a) In order to ensure the design quality of the development is retained:
 - i. The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect shall have full access to the site and shall be authorised by the applicant to respond directly to the consent authority or Council where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission shall be provided to Council prior to the release of the Construction Certificate.
 - b) The design architect of the project shall not be changed without notice to the Council.
8. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
9. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
10. 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.

11. Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home Building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council or the PCA that they have complied with the applicable requirements of Part 6. **Council as the PCA will not release the Construction Certificate until evidence of Home Owners Warranty Insurance or an owner builder permit is submitted.** THE ABOVE CONDITION DOES NOT APPLY TO COMMERCIAL/INDUSTRIAL CONSTRUCTION, OWNER BUILDER WORKS LESS THAN \$5000 OR CONSTRUCTION WORKS LESS THAN \$20,000.

12. THE PAYMENT OF A CONTRIBUTION FOR AN ADDITIONAL **446.3 PERSONS AND 290M² OF RETAIL/COMMERCIAL FLOOR SPACE** IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. **THE AMOUNT IS \$3,758,998.00 AT THE CURRENT RATE OF \$9900 PER PERSON AND \$100 PER M² RETAIL/COMMERCIAL FLOOR SPACE (CALCULATED AT 2015/2016 RATES).** THIS AMOUNT INCORPORATES THE CREDIT FOR PREVIOUS DEVELOPMENT.

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

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

Section 94 Contribution Plan

The Section 94 Contribution is calculated in the following manner:

Residential Contributions

Dwelling Type	Number of dwellings	Persons per dwelling	Total Number of persons	Contribution payable @\$9,900/person 2015/2016 fees and charges
Studio	21	1.2	25.2	\$249,480.00
1 bedroom	98	1.2	117.6	\$1,164,240.00

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2 bedroom	113	1.9	214.7	\$2,125,530.00
3 bedroom	37	2.4	88.8	*\$740,000.00
Total	269	N/A	446.30	\$4,279,250.00

***Note:** A cap of \$20,000 per dwelling has been imposed under the *Reforms of Local Development Contribution*. As such, the Section 94 Contributions for the proposed three-bedroom dwellings are capped at \$20,000 per dwelling, i.e. 37 dwellings x \$20,000 = \$740,000.00.

Retail/Commercial Development - Traffic Management and Streetscape improvement

290m² @ \$100 per m² (2015/2016) = \$29,000.00

Credit for dwelling houses demolished

Dwelling type	Number of persons
14 x Semi-detached dwelling houses at 1-13A Marshall Avenue	14 x 2 bedrooms @ 1.9 persons per dwelling = 53.2 persons
Half of the Semi-detached dwelling houses (x2) at 15&15A Marshall Avenue	0.5 x [2 x2 bedrooms] @1.9 persons per dwelling = 3.8 persons
Total Credit	57 persons @ \$9,900 per person = \$549,252

Total Section 94 Contributions Payable

Contribution Type	Amount
Commercial/Retail:	\$29,000.00
Residential:	\$4,279,250.00
- (Credit for dwellings):	\$549,252.00
Total Contribution:	\$3,758,998.00

The total Section 94 contribution for the proposal is **\$3,758,998.00**

13. Critical concrete pours

The applicant may apply to undertake critical concrete pours outside of normal working hours provided all of the following requirements are satisfied:

- the submission, at least seven (7) working days prior to the critical concrete pour, to Council of an application along with the prescribed fee, in the prescribed Council form, that includes a written statement of intention to undertake a critical concrete pour and that also contains details of the critical concrete pour, the number of such pours required, their likely time duration, impact statement and how foreseeable impacts will be addressed (i.e light spill/ noise/ traffic etc);
- adjoining and nearby affected residents being notified in writing at least two (2) working days prior to the pour, and a copy of this notice to be provided to Council for

- review prior to issue;
- no work and deliveries to be carried out before 7.00am and after 10pm; and
- no work occurring on a Sunday or any Public Holiday.

All other relevant requirements relating to critical concrete pours that are the subject of other conditions of this development consent remain relevant at all times.

Following any critical concrete pour, the applicant must advise Council in writing no later than seven (7) working days after the completion of the pour, what measures were actually undertaken by the applicant with a view to minimising any potential adverse impacts as a result of the pour, including but not limited to impacts with respect to noise, light spillage, and the positioning of the required vehicle(s), so that all related matters can be reviewed and any potential adverse events and/or impacts addressed in future critical concrete pours.

NOTE:

- **There is a critical concrete pour application fee**
- **A critical concrete pour application and prior approval is required**
- **No work shall be undertaken outside standard working hours without prior written approval from Council.**
- **Council reserves the right to refuse the application with or without reason.**

14. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
15. 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.

16. 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. A one hour respite period must be provided at midday for **high noise generating activities, including rock breaking and saw cutting**

Saturday 7am to 4.00pm. A one hour respite period must be provided at midday for **high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving.**

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.

17. 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.
18. 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.
19. Deleted.
20. 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.

21. 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.

22. 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;
23. Where Lane Cove Council is appointed as the Principal Certifying Authority, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-
 - a) All reinforcement prior to filling with concrete.
 - b) The dampcourse level, ant capping, anchorage and floor framing before the floor material is laid.
 - c) Framework including roof and floor members when completed and prior to covering.
 - d) Installation of steel beams and columns prior to covering
 - e) Waterproofing of wet areas
 - f) Stormwater drainage lines prior to backfilling

g) Completion.

24. A check survey certificate is to be submitted at the establishment of each floor level prior to pouring concrete and at completion of the development.

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

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

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

26. (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:-

- I. A Geotechnical Engineer's Report that indicates that the rock pick machine can be used without causing damage to the adjoining properties.
- II. 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.
- III. 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.
- IV. 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.

27. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
28. **BASIX** - Compliance with all the conditions of the BASIX Certificate lodged with Council as part of this application.
29. **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.

30. 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.

31. 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.

32. All spillage deposited on the footpaths or roadways to be removed at the completion of each days work.
33. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
34. Deleted.
35. A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority **PRIOR TO THE CONSTRUCTION CERTIFICATE BEING ISSUED.**

Sydney Trains (RailCorp)

36. A1. All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings and recommendations detailed in the following documents:
- Geotechnical Report prepared by JK Geotechnics (Ref:24766SB3rpt) dated 23 June 2014.
 - Geotechnical Comments prepared by JK Geotechnics (Ref:24766SB3let) dated 04/03/2016.
 - Construction Management Plan – Revision C, prepared by Hutchinson Builders, dated 18/02/2016.
 - Soldier Pile Shoring Wall Design Report - Issue 5, prepared by Pile Design Solutions (Ref: 137-005), dated 04/03/2016.
 - Site Retention Plan – Drawing No. S070 – Revision E, dated 29/07/2015 prepared by BG&E Engineering.
 - Site Retention Elevations Sheet 1 – Drawing No. S075 – Revision G, dated 26/02/2016 prepared by BG&E Engineering.
 - Site Retention Elevations Sheet 2 – Drawing No. S076 – Revision F, dated

26/02/2016 prepared by BG&E Engineering.

- Site Retention Elevations Sheet 3 – Drawing No. S077 – Revision E, dated 26/02/2016 prepared by BG&E Engineering.
- Site Retention Sections Sheet 3 – Drawing No. S082 – Revision F, dated 26/02/2016 prepared by BG&E Engineering.
- Site Retention Details – Drawing No. S085 – Revision D, dated 26/02/2016 prepared by BG&E Engineering.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that the documentation listed in this condition have not be superseded with the approval/certification of documentation in Condition A2. Should Sydney Trains advise that any of the documentation listed in this condition have not been superseded, then the measures detailed in those specific documents are to be incorporated into the construction drawings and specifications prior to the issuing of the Construction Certificate. Prior to the commencement of works the Principal Certifying Authority is to provide verification to Sydney Trains that this condition has been complied with.

37. A2. If required by Sydney Trains, prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.
38. A3. Unless advised otherwise the Applicant shall comply with the following items:
- All excavation works with 25m of the rail corridor are to be supervised by a geotechnical engineer experience with such excavation projects.
 - No rock anchors/bolts are to be installed into RailCorp's property or easements.
 - On completion of the basement slab works all temporary rock anchors/bolts along the rail corridor boundary are to be distressed.
 - The project engineer is to conduct vibration monitoring during the course of the excavation.

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

39. A4. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:
- Machinery to be used during excavation/construction.
 - If required by Sydney Trains, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.

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

40. A5. Sydney Trains and Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
41. A6. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.
42. A7. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains, Transport for NSW and Council. The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
43. A8. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.
44. A9. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.
45. A10. In exercising its functions in relation to any Sydney Trains conditions, Sydney Trains reserves the right to liaise with Transport for NSW and impose any requirements (as advised by those entities) on their behalf as if they were Sydney Trains requirements.
46. A11. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
47. A12. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
48. A13. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

- 49. A14. If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
- 50. A15. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.
- 51. A16. The Sydney Trains corridor access gates located opposite the development site shall be unobstructed at all times.
- 52. A17. No construction vehicles (including staff vehicles), equipment, bins or building material shall occupy the land used for car parking purposes located opposite the development site.

Department of Infrastructure and Regional Development

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

NSW Roads and Maritime Services

- 56. The layout of the proposed car parking areas associated with the subject development (including driveway, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS2890.1-2004 and AS2890.2-2002 for heavy vehicle usage.

Traffic and Transport

Intersection operations

- 57. There is currently no roundabout facility on Marshall Avenue crossing Holdsworth Avenue. The developer is required to fund, design and build an appropriate roundabout facility on Marshall Avenue crossing Holdsworth Avenue. The roundabout facility must be compliant with relevant Austroads Standards and allow appropriate pedestrian crossing facilities on both Marshall Avenue and Holdsworth Avenue. All pedestrian crossing facilities are to be provided with adequate street lighting, to ensure pedestrian safety. This new roundabout facility is required to improve the movement and safety of all road users. Construction of the roundabout facility and associated pedestrian facilities shall not commence until the design

and locations have been approved by the Council's Traffic Committee.

Parking and servicing

- 58. All accessible car spaces in the public car park are to be adequately signposted and linemarked, and provided in accordance with AS2890.6: 2009 including the adjacent shared space and the height clearance.
- 59. The garbage collection area is to be clearly signposted and linemarked, and provided in accordance with AS2890.2: 2002. The developer is required to fund, design and build any on-street layby facilities for garbage collection. Construction of the on-street layby facilities for garbage collection shall not commence until the design and locations have been approved by the Council's Traffic Committee. Any on site garbage collection must be provided for with sufficient headroom and to allow the vehicle to enter and exit in a forward direction.
- 60. At least one on-site car share spaces is to be provided as part of the development. The car share spaces is to be dedicated to commercial car share use and must be accessible to both residents and the general public (ie. on common property within the site boundary and not located behind security doors).

Pedestrians / Cycling

- 61. Deleted.
- 62. 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 2890.3:2015. Alternative designs that exceed the Australian Standards will also be considered appropriate.
- 63. 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.
- 64. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.
- 65. The design of the development, particularly access and egress arrangements to/from the property, must not restrict cycling activities on Nicholson Street. The development must complement and facilitate the implementation of this green infrastructure and should generally be designed with the needs of cyclists in mind.

Public Transport

- 66. 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

67. Construction Traffic Management Plan (CTMP) shall be submitted to Council prior to the commencement of works.
68. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of the Construction Traffic Management Plan.
69. Vehicles, particularly trucks will not be permitted to queue on public roads within the site vicinity. Trucks will therefore need to be appropriately timed.
70. 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.
71. All complaints and concerns from the community must be dealt with by the Private Certifying Authority in the first instance.
72. Any changes to the Construction Traffic Management Plan must be submitted to Lane Cove Council for further approval.
73. Council reserves the right to revoke the approval for the CTMP at any time.

Works Zones

74. 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 Works zones. The proposed works zones along Marshall Avenue must be approved by the Council and have a minimum length of 20 metres (to accommodate a large truck). Works zones signs are only to be erected by Council staff. The works zones 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 Works zones will commence and the duration of the Works zones 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 Works zones.

Tree Protection

75. The applicant shall obtain written authority from Council prior to the pruning of any street trees or trees in neighbouring properties. Tree 33 (the Forest Oak street tree) is exempt from this condition and may be removed by the developer.
76. There shall be no stockpiling of topsoil, sand, aggregate, spoil or any other construction material or building rubbish on any nature strip, footpath, road or public open space park or reserve.

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

BOND ON STREET AND COUNCIL TREES

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

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

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

Advice:

Lane Cove Council regulates the **Preservation of Trees and Vegetation** in the Lane Cove

local government area. Clause 5.9(3) of *Lane Cove Local Environmental Plan 2009* [the "LEP"], states that a person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by development consent or a permit granted by the Council. Removal of trees or vegetation protected by the regulation is an offence against the Environmental Planning and Assessment Act 1979 (NSW). The maximum penalty that may be imposed in respect to any such offence is \$1,100,000 or a penalty infringement notice can be issued in respect of the offence, the prescribed penalty being \$1,500.00 for an individual and \$3,000.00 for a corporation. The co-operation of all residents is sought in the preservation of trees in the urban environment and protection of the bushland character of the Municipality. All enquiries concerning the Preservation of Trees and Vegetation must be made at the Council Chambers, Lane Cove.

Landscaping

83. Prior to the issue of a Construction Certificate, the applicant shall submit detailed landscape working drawings to the private certifying authority. The plans shall comply with the conditions of development consent and be certified by a qualified landscape architect / environmental designer or horticulturist. The landscape plan for construction shall show the treatment of common open space areas, front, rear and side setbacks, balconies or on-structure plantings, any decking and raised screening or general landscaping treatment (including sections, elevations, landscape profiles and specifications, consistent with Councils Landscape Checklist and landscape policy).
84. Prior to the issue of the Construction Certificate the applicant shall submit detailed landscape working drawings for construction including sections, elevations and landscape profiles and specifications of the proposed public open space to the private certifying authority.

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

85. The applicant must make provision for adequate on- structure soil depth, volume and a suitable profile to support the thirteen (13) proposed canopy tree plantings illustrated on Landscape plan DWG No: SS14 – 2817 100 Rev D prepared by Site image dated 01.12.2015.

Such provision and detailed design must be consistent with Councils Landscape DCP provisions equal to: Medium trees (8m canopy diameter at maturity) will require a minimum soil volume 35m³ with minimum soil depth 1m providing an approximate soil area 6m x 6m or equivalent .In the case of proposed Small trees (4m canopy diameter at maturity) will require a minimum soil volume 9m³ with minimum soil depth 800mm providing an approximate soil area 3.5m x 3.5m or equivalent per tree.

86. Groundcovers and low shrubs, planted at appropriate distances and depths shall be planted within twelve (12) months of completion of all landscaping works. Where screen planting is

required throughout the development, plants must have a height of 2m at planting as per Landscape Documentation Package prepared by Site Image.

87. 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.
88. The proposed tree plantings shall have a mature height of no less than 6m at maturity, to be installed in pot sizes no smaller than 45 litres in accordance with the Landscape Documentation Package prepared by Site Image.

MATTERS TO BE SATISFIED PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

89. A qualified practising landscape architect, Landscape / environmental designer or horticulturist, shall certify that the proposed subsoil drainage and any associated waterproofing membrane, have been installed in accordance with the details shown on the landscape working drawings and specification. Works are not to progress until the principal certifying authority has confirmed that this condition has been satisfied.
90. A landscape practical completion report shall be prepared by a consultant landscape architect and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report shall certify that all landscape works have been completed in accordance with the approved landscape working drawings. A copy of this report is to accompany a request for the issue of an Occupation Certificate
91. Prior to the issue an Occupation Certificate, the applicant / developer shall submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor or landscape architect, for a period of 12 months from date of issue to the Private Certifying Authority.
92. At the completion of the landscape maintenance period, the consultant landscape architect/designer shall submit a report to the private certifying authority, certifying all plant material has been successfully established and that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Strata Managers /Owners/ Occupiers.

Engineering

General Engineering Conditions

93. **(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.
94. **(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.
95. **(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.**

96. **(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.
97. **(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.
98. **(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.
99. **(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'*.
100. **(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.
101. **(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.
102. **(B1) 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.**
103. **(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.

104. **(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.
105. **(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.
106. **(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.
107. **(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.
108. **(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.
109. **(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

110. **(D2) Drainage Plans Amendments:** The stormwater drainage plan **numbered 27459-SYD Rev 3 & 4** prepared by **Wood and Greeve Pty Ltds** dated **30-11-15** 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.

111. **(F1) Overland Flow through the podium /common space area:** Overland flows generated from a 1 in 100 year storm event must be accepted at the upstream boundary and conveyed through the site. A suitably qualified engineer needs to certify the depth velocity product and freeboard in this area strictly comply with Part O of Council's DCP – Stormwater Management. The certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
112. **(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.**
113. **(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.**
114. **(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.
115. **(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.

116. (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.

117. **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**.

118. **(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 Marshall Avenue, Marshall Lane and Canberra Avenue 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.
119. **(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.**

120. **(V1) Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A '*Construction of a Multi Unit Footpath Crossing*' application shall be submitted to Council **prior to the issue of the Construction Certificate.** All works associated with the construction of the crossing shall be completed **prior to the issue of the Occupation Certificate.**
121. **(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.
122. **(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.**
123. **(K1) Council Construction Requirements:** The applicant shall construct / reconstruct the following:
1. New 1.5m wide footpath adjacent the entire frontage of Marshall Avenue and Canberra Avenue
 2. New Kerb and Gutter along all frontages of the site
 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
 5. Construction or diversion of the existing Council stormwater pipe line in accordance with drawing numbered **D02 Rev C** by **Wood & Greeve Pty Ltd** and dated 13/01/16.

A \$10,000.00 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Construction Certificate.** The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Occupation Certificate.** All costs associated with the construction of the above works are to be borne by the applicant.

124. **(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.**

125. **(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

126. **(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 Condition to be complied with prior to Occupation Certificate

127. **(M1) Stormwater System Engineering Certification:** On completion of the drainage system a suitably qualified engineer shall certify that the drainage system and the Council stormwater pipeline diversion 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.**

128. **(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.**
129. **(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.**
130. **(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.

Environmental Health

General

131. 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.

132. 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.

133. 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.

134. 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).

135. Site Water Management Plan

A site water management plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater – Soils

and Construction” (the blue book) produced by the NSW Department of Housing.

136. Garbage storage area – Commercial/Industrial

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

137. Operation of Plant or Equipment

To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises.

All sound producing equipment shall comply with the Protection of the Environmental Operations Act 1997.

138. 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.

139. Noise Monitoring

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

140. Storage of Potentially Contaminated Soils

All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.

141. Assessment of Potentially Contaminated Soils

All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, such as the publication titled *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non – Liquid Wastes* (EPA, 1999).

142. Offsite Disposal of Contaminated Soil

All contaminated soil removed from the site must be disposed at a waste facility that can

lawfully receive that waste.

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.

143. Hazardous or intractable wastes arising from the demolition, excavation and remediation process being removed and disposed of in accordance with the requirements of WorkCover NSW and the Environment Protection Authority, and with the provisions of:

- *New South Wales Occupational Health and Safety Act, 2000;*
- *The Occupational Health and Safety (Hazardous Substances) Regulation 2001;*
- *The Occupational Health and Safety (Asbestos Removal Work) Regulation 2001;*
- *Protection Of the Environment Operations Act 1997 (NSW) and*
- *Environment Protection Authority's Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).*

144. **Clean water only to stormwater system**

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

145. **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.

146. **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.

147. **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.

Waste Management

148. **Prior to the issue of the Construction Certificate** The garbage receptacle area must comply with the following:

- I. To be drained to a floor waste and connected to the sewer
- II. To be installed with a ventilation system
- III. To have adequate lighting from outside & inside the room.

149. **Prior to the issue of an Occupation Certificate**, the applicant must make written application to Council for the provision of domestic waste services. As part of this application, a Deed of Indemnity will be required to be submitted by the applicant and endorsed by the Owners Corporation or representatives thereof, council and council's waste contractors. At the time of lodgement of the application for the provision of waste services, all fees and charges associated with the supply of waste and recycling bins and for the cost of the contractor services are to be paid at this time.

Readily accessible bulky waste storage areas must be provided for the use of all residents. Bulky waste storage rooms must be of sufficient size to accommodate a minimum of 30m³ of bulky waste at any given time. Doorways and travel paths must be of sufficient height and width, and be free of obstructions to permit easy transport from individual units to the storage area, and from the storage area to collection point.

All waste must be collected on-site. Dimensions and turning circles of Council's waste collection vehicles are found in Appendix E to Part Q of Council's DCP.

Operational

150. Litter Control

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

151. Garbage Room Location & Access

Garbage rooms shall:

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

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

152. Construction Requirements – Garbage Room

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

- Floors of garbage rooms shall be constructed of concrete at least 75mm thick or other approved solid impervious material, graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface covet at the intersection with walls and plinths

- Walls of garbage rooms shall be constructed of approved solid impervious material and shall be finished to a smooth even surface coved at all intersections
- Ceilings of garbage rooms shall be finished with a rigid smooth faced non-absorbent material capable of being easily cleaned.

Construction

153. Compliance with the Waste Management Plan approved under application 15/205.

Contamination

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

Noise

155. The PCA shall ensure all works onsite are consistent with the recommendations made within the Construction Noise and Vibration Management Plan (CNVMP) prepared by Renzo Tonin and Associates dated 20.6.2014, Rev 0, reference TG788-01F03 (r0) CNVMP. The hours of operation outlined in the CNVMP do not form part of this consent.
156. **Noise Control – Offensive Noise**
To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an offensive noise as defined under the provisions of the Protection of the Environmental Operations Act 1997.
157. **Noise Control – Residential Air Conditioning units**
To minimise the impact of noise from the air conditioning unit, it shall be located 3 meters from the boundary and/or attenuated so that noise generated does not exceed 5db(A) above the ambient background level between 7am and 10pm on weekdays and 8am and 10pm on Weekends and Public Holidays.

Any noise emitted by the air conditioning unit shall not be audible within a room of any residential dwelling or sole occupancy unit at any time within the hours of 10pm and 7am on weekdays and 10pm and 8am on weekends and public holidays.
158. **Noise Control**
Noise must be minimised as far as practicable, by the selection of appropriate methods and equipment, and by the use of silencing devices where practicable.
159. **Road Traffic Noise**
The residential flat building must be constructed so that road traffic noise levels comply with the satisfactory design sound level in *Australian/New Zealand AS/NZS 2107:2000 Acoustics – Recommended design sound level and reverberation times for building interior*, with windows and doors closed.

160. Mechanical Ventilation of Rooms

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

Compliance with NSW Industrial Noise Policy

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

Ventilation

162. To ensure that adequate provision is made for ventilation of the premises, mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provision of:

- a) The Building Code of Australia
- b) AS 1668 Part 1 and 2 – 1991
- c) Protection of the Environment Operations Act 1997

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

Indemnity

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

Provision of Waste Services

164. Prior to the issue of any Occupation Certificate, the applicant shall make written application to Council for the provision of domestic waste services.
165. Prior to the issue of a construction certificate the applicant shall submit plans to the Private Certifying Authority demonstrating 4 additional accessible car parking spaces designed to Australian Standard AS2890.6.
166. The adaptable units shall be identified by the applicant in marketing material and in the strata subdivision.

Michael Mason

Executive Manager
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.