

**Joint Regional Planning Panel Meeting 25 January 2017
496-498 AND 500-520 PACIFIC HIGHWAY, ST LEONARDS**

Subject: 496-498 and 500-520 Pacific Highway, St Leonards
Record No: DA15/212-01 - 11724/16
Division: Environmental Services Division
Author(s): Rebecka Groth; Rajiv Shankar

Property:	496-498 and 500-520 Pacific Highway, St Leonards	
	496-498 Pacific Highway (Friedlander Place)	Lot 1 DP 1179636
	500 Pacific Highway	Lot 1 DP 1146146
	504-520 Pacific Highway	Lot 1 DP 1203289
DA No:	DA15/212 - 2016SYE036	
Date Lodged:	22/12/2015	
Cost of Work:	\$207,061,000	
Owner:	New Hope Ving Project Pty Ltd- Owners' consent provided. Lane Cove Council (Friedlander Place)- Owners' consent provided.	
Applicant:	Urbis Pty Ltd	

Description of the proposal to appear on determination	Construction of a mixed use development comprising a non-residential podium, 458 apartments and associated car parking and upgrade works to Friedlander Place.
Zone	B4 - Mixed Use
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	10b, 7a, 6, 5, 2
Stop the Clock used	Yes
Notification	Notification of the application was undertaken in accordance with Council's notification policy and the provisions of the Environmental Planning and Assessment Act 1979. The City of Willoughby and North Sydney Council's were notified. Additional notification was undertaken within the adjoining North Sydney LGA in accordance with the information received from North Sydney Council.

REASON FOR REFERRAL TO THE JOINT REGIONAL PLANNING PANEL:

This application has been referred to the Sydney East Joint Regional Planning 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. Part of the site (Friedlander Place) is also owned by Lane Cove Council.

EXECUTIVE SUMMARY:

- The subject site is irregular in shape with a total area of 3,752m² including Friedlander place. The site is located on the southern side of the Pacific Highway with a level change of approximately 9m from the Pacific Highway frontage south towards Nicholson Lane.
- The proposed mixed use development complies with the Lane Cove Local Environmental Plan 2009 with regard to maximum permissible floor space ratio and height.
- A Voluntary Planning Agreement (VPA) has been proposed by the applicant, exhibited and adopted by Council as part of the Planning Proposal (number 18) for the site. The VPA accompanying the development application requires provision of affordable housing along with being a social infrastructure benefits.
- The proposal generally meet the requirements of Council's site specific Development Control Plan. The minor variations sought are supported.
- Council's Consulting architect has advised that the proposed development meets the 10 design quality planning principles of State Environmental Planning Policy 65.
- Since the DA was lodged in 2015, twenty-one (21) submissions have been received. The primary issues raised in the submissions include the following:
 - Suitability of the development for the site
 - Bulk and scale of the proposal
 - View loss
 - Overshadowing
 - Opposition to and support for the Voluntary Planning Agreement
 - Traffic congestion
 - Amenity
 - Noise
 - Impacts during construction
 - Compliance with DCP
 - Compliance with the ADG
- The applicant has made a number of amendments to the proposal since lodgement in December 2015 to address concerns raised in the submissions and Council.
- The application is recommended for approval subject to draft conditions included in this report.

Background into Planning Proposal

The current DA responds to a site specific LEP amendment to Lane Cove Local Environmental Plan 2009, (Planning Proposal number 18) an accompanying site specific DCP amendment and a Voluntary Planning Agreement (VPA)(see attachment **ATT 9**).

The approved Planning Proposal amends the zoning of the site under the Lane Cove Local Environmental Plan 2009 from B3 Commercial Core to B4 Mixed Use. It also amends the Lane Cove Development Control Plan 2009 by increasing the site's height controls from 72m to RL 227.4 for the site, with the exception of Friedlander Place, which is 65m. The amendment introduces a site specific minimum non-residential floor space ratio control.

The rezoning process was the subject of a detailed assessment and approval by Council and the State Government summarised as follows:

- At its meeting on 15 December 2013 Council resolved to submit the Planning Proposal (number 18) to the NSW Department of Planning and Environment for Gateway determination.
- NSW Department of Planning and Environment issued Gateway approval for the Planning Proposal (number 18).
- At its meeting on 14 June 2014 Council resolved to approve the public exhibition of the Planning Proposal (number 18), site specific DCP and VPA.
- At its meeting on 14 October 2014 Council resolved to endorse the Planning Proposal (number 18) and refer such to the NSW Department of Planning and Environment for gazettal.
- The Planning Proposal (number 18) was endorsed by the Minister for Planning and Environment and gazetted on 15 May 2015. A mapping error was identified and subsequently corrected in a further amendment dated 17 September 2015.

Planning Proposal (number 18) was informed by an in-depth urban design analysis and schematic architectural designs prepared by the applicant, which supported the change in zoning and building height. The analysis was independently reviewed and endorsed on behalf of Council by the Principal of Architectus, Mr Harrison.

SITE:

The site is situated in the heart of St Leonards within convenient walking distance of St Leonards railway station and the proposed Crows Nest Metro Station. The area is in transition from a commercial precinct into an economic diverse mixed use (B4) precinct. The immediate surrounds include a range of built forms which are predominately medium and high rise commercial development and multi-storey residential buildings. The adjoining development to the immediate east of the site has recently been granted approval by the JRPP for demolition and construction of a similar mixed use development.

The site is bound by the Pacific Highway to the north-east, 486-494 Pacific Highway to the east, Nicholson Lane to the south and a commercial development to the north-west. Friedlander Place at the site's north western boundary below ground level, owned by the applicant, is a steeply sloping public thoroughfare linking Nicholson Street to the Pacific Highway. North Sydney LGA is situated further north-east of the site on the opposite side of the Pacific Highway. (Site plan at Attachment **ATT 1**.)

The site located on the southern side of the Pacific Highway is irregular in shape with an area of approximately 3,752m². There is a level change of approximately 9m from the Pacific Highway frontage down towards the Nicholson Lane southern boundary (see site map).

The site comprises three lots commonly known as 496-498 Pacific Highway (Friedlander Place) Lot 1 DP 1179636, 500 Pacific Highway Lot 1 DP 1146146 and 504-520 Pacific Highway Lot 1 DP 1203289 the two commercial office buildings.

Mature trees exist along the Pacific Highway frontage and within Friedlander Place. The applicant seeks to remove all trees from the site during construction and create a new landscaped area in keeping with intended B4 mixed use landuse while maintaining public access and open space area.

PROPOSAL:

Proposed Development:

- Construction of four levels of car parking to accommodate 519 car spaces, motorcycle and bike spaces, storage and plant equipment.
- Construction of commercial and retail tenancies fronting Nicholson Lane.
- Construction of a podium building comprising specialty retail and resident pool/gym facilities at the ground floor with three levels of commercial floor space above.
- Construction of a residential tower (maximum building height including roof features of RL 227.4) above the commercial podium accommodating 458 residential apartments
- Public domain including the creation of a public plaza at the Friedlander Place level.
- One vehicular access driveway from Nicholson Lane below Friedlander Place, providing access to both the commercial and residential car parking and loading dock.
- Pedestrian access to the development is provided from the Pacific Highway and Friedlander Place.
- Landscaping at the Friedlander Public Plaza Level.
- Subdivision - Consolidation of allotments and strata subdivision
- Termination of Strata Plan SP73071
- The proposed development is accompanied by a Voluntary Planning Agreement (VPA)

Dwellings:

The proposal would comprise 458 dwellings:

- 122 x studio units
- 51 x 1 bedroom dwellings
- 199 x 2 bedroom dwellings
- 80 x 3 bedroom dwellings
- 5 x 4 bedroom dwellings
- 1 x 5 bedroom dwelling

458 dwellings in Total

Of these dwellings, 100 (21.83%) dwellings are adaptable dwellings.

The architectural plans are provided in **ATT 1**.

PREVIOUS APPROVALS/HISTORY:

DA16/36 – Demolition and preparation works of the site including Friedlander Place. Council granted consent to this development subject to conditions on 8 July 2016.

**THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT
(Section 79 (C) (1) (a)(i))**

Lane Cove Local Environmental Plan 2009

The following LEP controls are relevant to the site.

Controls	Standard	Proposed	Complies
Clause 2.2- Zoning	B4 – Mixed Use zone	Mixed use development comprising retail/commercial spaces and residential units	Yes
Clause 4.3 - Height of Buildings (maximum)	65m – Friedlander Place RL 227.4 - Remainder of site (refer to Figure 1 below)	RL 227.4 to the top of the residential roof	Yes
Clause 4.4 - Floor Space Ratio	Site Area: 500-520 Pacific Highway 2,277m² Friedlander Place area: 1,475m² Total site area = 3,752m² FSR The site 500 -520 Pacific Highway 17.0:1 Friedlander Place 12.0:1 Residential FSR 13.53:1 Non-Residential FSR 1.5:1 Total FSR 15.03:1 GFA 500-520 Pacific Highway 38,709m² Friedlander Place GFA: 17,700m² Residential GFA 50,781m² Non-Residential GFA 5,628m² Total GFA 56,409m²	FSR Residential amenities 0.424:1 Residential FSR 11.165:1 Non-Residential FSR 1.5:1 Total FSR 13.089:1 GFA Residential amenities GFA 1,592m² Residential GFA 41,891m² Non-Residential GFA 5,628m² Total GFA 49,111m²	Complies Complies

Controls	Standard	Proposed	Complies
	(refer to Figure 2 below)		

Figure 1 – LEP Height of Buildings Map

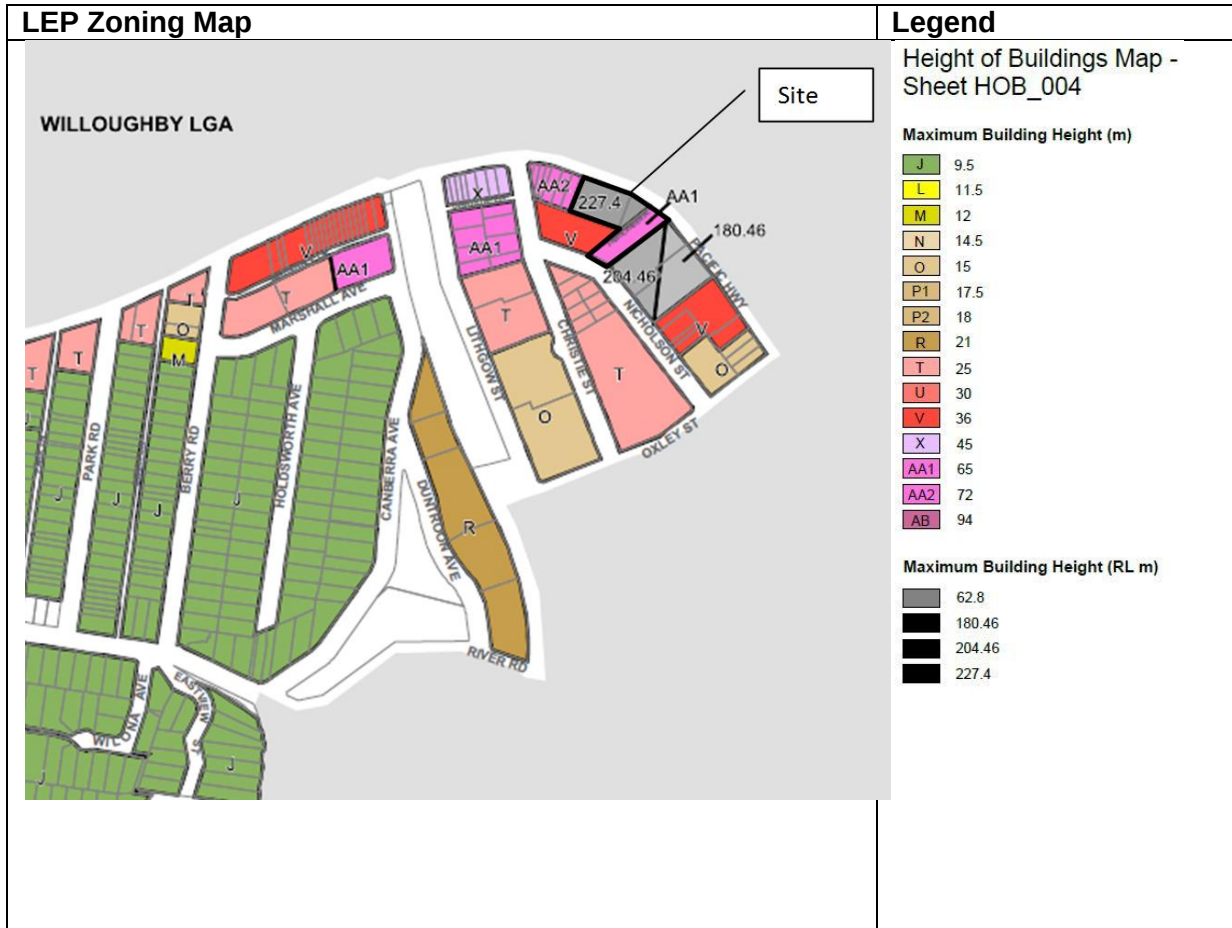
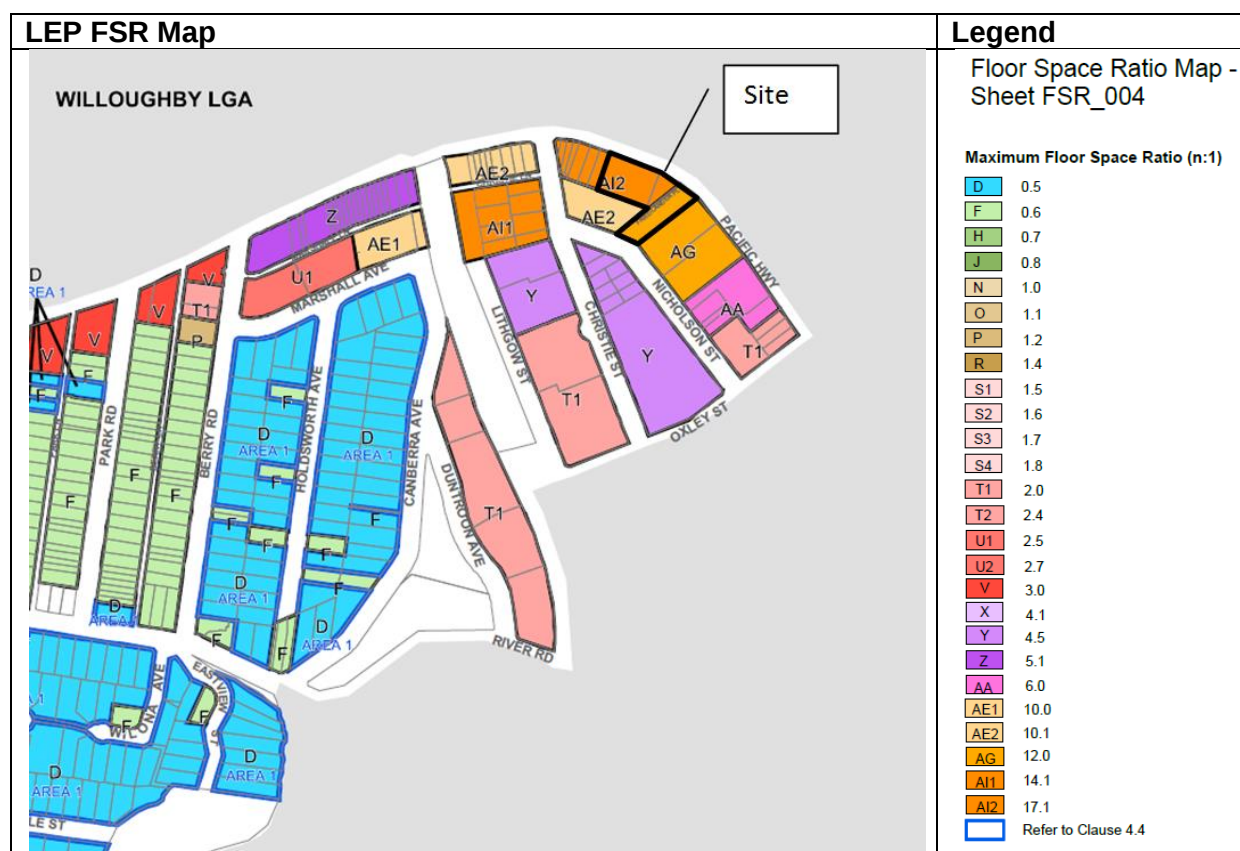


Figure 2 – LEP FSR Map



THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN (Section 79 (C) (1) (a)(iii))

Lane Cove Development Control Plan 2010

To avoid duplication, where sections of the DCP require consideration of a similar matter, the control is not repeated.

Clause	DCP	Proposed	Complies/ Comment
Part B – General Controls B2 Public Domain	b) Provide seating in public spaces that is not allocated to a specific use (e.g. a café) for people to 'hang out', take refuge and rest.	The proposed landscape works in Friedlander Place encourages people to rest and spend time in the open space.	Complies
	e) Keep public areas free from clutter and	The proposed landscape design meets AS1428 with	Complies

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Clause	DCP	Proposed	Complies/ Comment
	level changes, having particular regard for accessibility.	regards to accessibility	
	f) Maintain a high quality of lighting for security and amenity.	Lighting would be provided as per standards.	Complies
	g) Provide formal and informal spaces for public entertainment including multi-functional street furniture, e.g. a flat bench may become an informal plinth for performance artists.	Informal space for public entertainment achieved	Complies
	i) Provide public notice boards and kiosks in locations where people will be gathering.	Detailed landscape plan has been prepared which responds to the intent of the requirement.	Complies
	j) Integrate artworks into the design of public spaces. Consider artworks that serve a dual role, e.g. as play equipment for children, informal seating or a marker for a meeting place.	Detailed landscape plan has been prepared which responds to the intent of the requirement.	Complies
	l) Except where negotiated with the Council, provide all footpath paving along property frontages in accordance with Council's specifications including requirements for disabled. The extent, nature and type of paving materials includes tactile surfaces in appropriate locations to assist the visually impaired	Footpaths addressed as a condition of consent	Achieved by condition
	m) Include water features in public spaces, building entrances, foyers, facades and rooftops	A water feature is proposed in the adjoining plaza development. Both plazas are designed to flow into one another	Complies

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Clause	DCP	Proposed	Complies/ Comment
	n) Provide roof top gardens where practicable and permissible in commercial buildings and residential flat buildings.	A roof top garden is not proposed in this instance	NA
	o) Plant trees where appropriate for shade, shelter and fauna and use native species and planting methods which minimise potable water consumption	The proposed landscape plan depicts tree species to be used within Friedlander Place which are considered appropriate	Complies
	p) Where possible, make provision for bicycle parking spaces.	Bicycle parking spaces provided within the basement of the proposed development.	Complies
2.2 Public Domain Projects in St Leonards	d) Redefinition of Friedlander Place i. Incorporate Friedlander Place within a major development. Such development is to maintain a 24 hour, 7 day a week public access from Pacific Highway to Nicholson Street. This public link shall comply with AS 1428 for disability access and mobility. ii. The design of this area is to improve the pedestrian amenity and way finding through this link including the existing car park accesses.	The proposed development incorporates the development of Friedlander Place as a publicly accessible area and complies with AS1428. Refer landscape plans prepared by Arcadia (See attachment ATT1)	Complies
B3 – Site Amalgamation and Development of Isolated Sites	a) Development for the purpose of residential flat buildings and high density housing should not result in the	The proposed development seeks consent to consolidate several allotments and would not result in isolated	Complies

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Clause	DCP	Proposed	Complies/ Comment
	isolation of sites such that they cannot be developed in compliance with the relevant planning controls, including Lane Cove LEP 2009 and this DCP.	sites.	
B4 – View sharing	Views are to be shared. Views from commercial development will not carry the same weight as views from dwellings. Views will be tested against the extent of view available. Where appropriate the views will also be tested against the view sharing principles stated by the Land and Environment Court.	The existing views for residents of the Abode building located in a northern direction of the site would be impacted to some extent by this development. A number of Abode residents would retain views towards the city. The building setback from the podium level and above both provides and denies views for Abode residents as anticipated by the Planning Proposal. Due to the positioning of the Forum development, being north-west of the subject site, the proposal would not impact upon any iconic views currently available.	Acceptable
B6 – Environmental Management 6.1 <i>Sunlight to public spaces</i>	a) New development must allow for a minimum of 2 hours of solar access to at least 50% of new and existing public open areas or plazas between the hours of 11am and 2pm on 21st June. b) The location of the sunlight during these hours for urban plazas is to be adjacent to building frontages to	The final amendment proposed a development including the awning that does not encroach Freedlander Place. The shadow diagrams indicate solar access from 9.30am up till 11.30am in Freedlander Place after which shadow is cast by existing buildings.	Achieved.

Clause	DCP	Proposed	Complies/ Comment
6.2 Wind Standards for St Leonards	allow for outdoor seating during the lunchtime period. The following maximum wind criteria are to be met by new buildings in St Leonards Centre: a) 13m/second along major streets and public places and 16m /second in all other streets. b) Design buildings to minimise the adverse wind effects on recreation facilities on podium terraces within developments. c) A Wind Effects Report is to be submitted for all buildings within the St Leonards precinct taller than 40m above street level.	Following a revised proposal which included a reduction in the awning encroaching into Friedlander Place and an increased setback to Friedlander Place for the retail tenancies adjacent to Friedlander Place, a revised Pedestrian Wind Report was submitted. The study concluded that general wind conditions along Friedlander Place being suitable for pedestrian standing type activities , with some locations slightly exceeding the distress criterion. For abundant caution post construction, a separate wind analysis is to be carried out identifying any amelioration measures required to ensure Friedlander place and surrounds meet the predetermined wind comfort levels as a condition. Wind report submitted.	Achieved by Condition Complies
B7 – Development near busy Roads and Rail Corridors	LAeq levels: (i) In any bed room 35dB(A) 10.00pm to 7.00am. (ii) anywhere else 40dB(A)	An acoustic report has been provided which indicates that the proposed development would meet the requirement	Complies
B8 – Safety & security	A safe and secure environment encourages activity,	Considered in the assessment of safer by design in the referrals	Complies

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Clause	DCP	Proposed	Complies/ Comment
	vitality and viability, enabling a greater level of security	section of this report. No major concerns were raised by Council's Consultant Architectus (See attachment ATT 5)	
Part D – Commercial Development & Mixed Use Localities			
<i>Locality 5 - 472-504 Pacific Highway, St Leonards</i>			
<i>Numbers 504 & 500 Pacific Highway regardless of amalgamation</i>			
1. FSR Site area 3,752m ²	1.5:1 min. (non- residential)	Commercial GFA: 5,628m ² Commercial FSR = 1.5:1	Complies
	13.53:1 max (residential)	Residential GFA: 43,843m ² Residential FSR = 11.58: 1	Complies
	15.03:1 max (total)	FSR 13.089:1	Complies
2. Setbacks – Ground Level Retail	4m Colonnade form to Pacific Highway & Friedlander Place	The revised proposal incorporates a 4.0m setback to Friedlander Place and the Pacific Highway	Complies
3. Setbacks – Non- Residential Podium	0m from all boundaries All commercial, except where retail colonnade provided	Setbacks to 570 Pacific Highway & to Nicholson Lane/laneway are 0.0m or more.	Complies
4. Setbacks – Residential Tower	4.0m min from Pacific Highway	4.0m Levels 4 – 43 are setback 6.0m Balconies are generally within the 2.0m articulation zone with minor intrusion within the 4.0m setback which is supported.	Complies
5. Setbacks – All levels	0.0m Along common	Sites are amalgamated.	Complies

Clause	DCP	Proposed	Complies/ Comment
	boundary between 500 & 504 Pacific Highway		
6. Levels – Non-Residential (including retail) (GL – L3)	Full 4 storeys of non-residential floor space are to be provided – horizontal from Pacific Highway to the rear of the site above Pacific Highway existing ground level. The floorplate above Pacific Highway extending across the entire site area for buildings fronting Pacific Highway	Achieved Residential amenities are located on L1 fronting Nicholson Lane	Complies
7. Floor to Floor Height Non-Residential – Ground Level GL – L3 Above ground level Pacific Highway	Min 4.8m	Achieved	Complies
Non-Residential – Each Level, Other than Retail Above ground level Pacific Highway	Min 3.6m	L1 RL 92.8 = 3.10m being mezzanine L2 RL 96.1 = 3.6m L3 RL 99.7 = 4.3m	Complies
8. Balcony Area	Min 10m ²	A range of balcony sizes proposed however the minimum area for a balcony proposed is 7m ² . The ADG allows for a reduced areas of 4 m ² for studio apartments and 8 m ² for 1 bedroom apartments. The area provided is consistent with the requirement so the guide.	Considered acceptable
9. Balcony Articulation Zone	2m min.	Balconies forward of 2.0m articulation zone. The extensions into the articulation zone help to	Considered acceptable given useability

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Clause	DCP	Proposed	Complies/ Comment
		achieve an adequate and useable balcony depth	of the balconies.
10. Building Separation	Min 24m to residential towers east of Friedlander Place	A minimum of 22m with non-trafficable balconies is proposed	Achieved by the 2m wide balconies being non trafficable.
11. Vehicle Access	From Nicholson St/ rear lane/Friedlander Place Via rights of way as necessary	Vehicular access is provided via Nicholson Street and the existing right of way is maintained.	Complies
12. Pedestrian Link	Within private property at rear of site. Rear lane to be redesigned to provide clear line of sight. From rear lane to Friedlander Place	The proposal includes amalgamation of the three lots. Pedestrian link provided from Nicholson Lane level to Pacific Highway	Complies
<i>Numbers 504 and 500 Pacific Highway – if amalgamated</i>			
1. Site Area Approx	2,2688m ²	3752m ² including Friedlander Place	Complies
2. Height	Max 138m Above ground level Pacific Highway	Refer to LEP height controls - RL 227.4	Complies
3. Building Floor Plate	1,075m ² Excluding balconies	Maximum 1075m ²	Complies
4. Setbacks – All levels	Min 0m from rear lane	Greater than nil setback proposed	Complies
5. Setbacks – Residential	Min 4m from Pacific Highway Min 7m from western boundary with Number 530 Pacific Highway	L4 – L43 setback 6m L4 – L43 setback 9m to building. Balconies encroach 2m. Balconies setback 7m	Complies Complies
6. Building Length	Max 51m measured along the central east-	Commercial levels:	

Clause	DCP	Proposed	Complies/ Comment
	west axis of the amalgamated site. The podium to have zero setback to all boundaries. To a max 10m east of the eastern boundary of 504 Pacific Highway. Rounded or stepped building form required.	Ground Level & Level 1 = 60m Level 2 = 69m Level 3 = 63m Residential level: Level 4 to 43 = 51m	N/A N/A Complies
All developments			
1. Uses	Encourage uses which operate during evening and early morning hours, such as local retail convenience stores, cafes and restaurants, community facilities, gymnasiums and other facilities, to encourage activity and safety outside of office hours. Provide active uses at street level and flanking public spaces. In the tower form, provide a range of housing options, including more affordable housing with less required parking. Serviced apartments are not to be developed.	Hours of operation do not form part of this DA. The use of the tenancies is not provided in the DA and would require separate approval. Active spaces able to accommodate retail have been provided which adjoins Friedlander Place open space. The proposal comprises a range of unit mix types. Affordable housing, has been included within the VPA. Serviced apartments are not proposed	NA Complies Complies Complies
2. Podium Form	Podium height to be expressed through external façade material changes to reinforce commercial land use character	Podium is clearly expressed through strong vertical facade elements including the balcony design and openings into the ground level facade	Complies

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Clause	DCP	Proposed	Complies/ Comment
3. Car Parking	Parking rates to comply with applicable rates in Table 2 of Part R, Draft DCP amendment, as at 31 August 2014.	The amended proposal meets the RMS car parking requirement.	Complies
4. Landscaping/Open Space	New street trees, paving and verge upgrades to be incorporated into the site development. Tree species and paving design upgrades and specifications to be agreed on with Council.	A detailed landscape plan which includes Friedlander Place prepared by Arcadia has been prepared to the satisfaction of Council's Landscape architect. See attachment ATT1	Complies
5. Pedestrian Network/Mid-Block Connections	Future development to satisfy the precinct plan to provide new and enhanced connections in the precinct	A pedestrian link is provided from the Nicholson Lane level to the Pacific Highway via the staircase and lift. Improving the existing pedestrian link at the rear of the site, east-west does not form part of this DA due to this area being within separate private ownership	Complies
6. Public Domain	A public domain plan is required to be submitted ensuring that development contribute positively to the overall precinct wide public domain outcome. The lane to the rear of 504 Pacific Hwy and on-site pedestrian link are to be redesigned to provide a clear line of sight to promote visual connectivity and safety. The plan is to include details of materials and the like in consultation with Council.	A landscape master plan prepared by Arcadia accompanies the development application. This plan has been endorsed by Council's Open Space Team. The masterplan provides connectivity to the recently approved public plaza (mirvac site) adjoining the subject site and provides a space of respite for those within the St Leonards area. However in light of final amendments to Friedlander place, the landscape master plan would also need amendment to reflect	Complies

Clause	DCP	Proposed	Complies/ Comment
		changes.	
7. Facade Colours & Materials	A mixture of non-reflective façade materials and colours are required to emphasise the podium level non-residential form and residential towers as separate elements. External materials to be durable with a high quality finish. Façade detailing to also address shading, wind protection and solar access considerations.	A mixture of facade materials and colours are employed in the treatment of the proposed development. The podium is emphasised through strong vertical elements. The Pacific Highway and Friedlander Place facades provide for shade and wind protection. The awnings do not encroach Friedlander Place to provide adequate wind protection and still provide acceptable solar access.	Complies
8. Facade Articulation	Articulation of façades is to be designed to express a base and top, with layering of levels of the building complemented by the composition of rhythm, texture, and materials. Roof form should be integrated with the overall design of the building. The elements comprise balconies, sun-shading devices, bay windows and other similar elements, depending on internal programme and orientation The intent of the building wall articulation control is to incorporate sufficient modulation in the architectural façade to reduce the scale and massing of the building form, adding visual interest and diversity to the overall design.	The facades of the building are articulated by utilising a series of wrapped around wavy balconies and have been designed to express a base and top. The levels are expressed as layers in the facade and a variety of materials have been employed. The rooftop is integrated into the design. The proposed building is well articulated, would have a unique design which would be aesthetically pleasing	Complies

Clause	DCP	Proposed	Complies/ Comment
9. Solar Access	The guideline that new developments should achieve 2 hours direct sunlight for at least 70% of apartments, under the NSW Residential Flat Design Code, should be applied as a rule of thumb with discretion in Major Centres/ specialised Centres where densities are high.	The proposed development achieves 2 hours of solar access to 63.1% of the dwellings. This is considered acceptable by Council's SEPP65 consulting Architect given the context and site constraints. Increased compliance, not desirable, can be achieved by concentrating one bedroom north facing units which would compromise amenity given the views towards the south.	Considered acceptable.
10. Amalgamation	Development is to be committed to for each site in full as a prerequisite to approval.	Site amalgamation is proposed	Complies
11. Airspace	Federal legislation requirements relating to Sydney Airport are to be investigated and complied with by the applicant for any development.	The Department of Infrastructure and Regional Development has endorsed the proposed development with regards to building height	Complies
Part D – Commercial Development and Mixed Use D.1 – General provisions			
Street frontage activities	All street frontage windows at ground floor level are to have clear glazing. Provide multiple entrances for large developments including an entrance on each street frontage	The details provided in the elevations indicate predominantly clear glazing materials used Multiple entries provided where practical at street frontages	Complies Complies
Building depth & bulk For Mixed Use Developments:	I. The maximum horizontal dimension of the residential component parallel to	NA	NA

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	the street frontage is to be 40m.		
Excavation	a) All development is to relate to the existing topography of the land at the time of the adoption of this DCP	The proposal relates to the varied topography of the land.	Complies
Design & location of on-site parking	c) All on-site parking, loading facilities and vehicle access points must be: I. accessed from a rear lane wherever available II. fully concealed from view from any public street or arcade III. accessible from only one opening in the rear lane facade for both on-site parking and loading.	The proposed basement and loading facilities are accessed via Nicholson Street	Complies
Design & location of on-site parking	Access openings are to be fitted with a garage door or roller shutter. f) Vehicle entry should be: I. easily accessible and recognisable to motorists II. located to minimise traffic hazards and queuing of vehicles on public roads III. located to minimise the loss of on street car parking, and to minimise the number of access points.	The proposed vehicular entry point into the basement is clearly identifiable via Nicholson Street. There is adequate length available to avoid queuing on public street. No on street car parking would be lost.	Complies
Design & location of on-site parking	IV. Located away from main pedestrian entries and on secondary frontages.	The proposed driveway is located separately from the main pedestrian entries into the development	Complies
Design & location of on-site parking	g) Avoid black holes in the facade for major development by	Black holes are avoided in the facade of the proposed development	Complies

Clause	DCP	Proposed	Complies/ Comment
Design & location of on-site parking	providing security doors to car park entries i) Parking and service/delivery areas are to be located underground within building footprint or screened from adjacent residential uses or the public domain by sleeving with active uses.	Parking and service/delivery areas are proposed within the basement.	Complies
Design & location of on-site parking	j) Parking and service/delivery areas are to be located to minimise conflict between pedestrians/ cyclists and vehicles and to minimise impact on residential amenity.	The basement is separated into residential and commercial/retail uses so as to reduce potential conflict with commercial/retail deliveries and residents	Complies
Design & location of on-site parking	q) Basement car parking is to be: I. adequately ventilated II. predominantly located within the building footprint III. located fully below natural ground level. Where slope conditions mean that this is unachievable, the maximum basement projection above natural ground level is to be 1.2m but not to the street front.	The proposed basement is below the respective ground levels. The building extends beyond the footprint of the building due to the inclusion of Friedlander Place into the consolidated site. This is considered acceptable as Friedlander Place is proposed be retained as public plaza at ground level.	Complies
Number of car parking spaces	Residential 450 Non residential 63 Total 513	Total 513	Complies
Traffic & accessibility report	A Transport and Accessibility Report required	Provided and Council's traffic team endorsed development as proposed .	Complies
Reflectivity	Visible light reflectivity from building materials used on the facades of	The selection of building materials and articulation of the building shown in	Complies

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Clause	DCP	Proposed	Complies/ Comment
	new buildings should not exceed 20%	the photomontages indicate that reflectivity from buildings would be acceptable.	
External lighting to buildings	a) Any external lighting of buildings is to be considered with regard to: I. the integration of external light fixtures with the architecture of the building (for example, highlighting external features of the building) II. the contribution of the visual effects of external lighting to the character of the building, surrounds and skyline III. the energy efficiency of the external lighting system IV. the amenity of residents in the locality. b) Floodlights for buildings are prohibited	External lighting has given consideration to the requirement.	Comply
Landscaping	a) Locate basement car parking predominately under the building footprint to maximize opportunities for landscaped area b) Deep soil zones in atria, courtyards and boundary setbacks are encouraged	On-site landscaping is proposed and the basement has been planned in consideration to the context and site constraints. Limited deep soil is provided on-site given the dense development nature of the site which is considered acceptable within the site context.	Complies
Planting on structures - controls apply for planting on roof tops or over car park structures.	a) Areas with planting on structures should be irrigated with recycled water and appropriate drainage provided.	Council's Landscape Architect has endorsed the proposed landscape plan and master plan	Complies

Clause	DCP	Proposed	Complies/ Comment
	b) Provide sufficient soil depth and area to allow for plant establishment and growth.		
Solar access	a) Mixed use developments are not to reduce sunlight to dwellings in the adjacent or same zone below a minimum of 3 hours of sunlight on a portion of the windows of the habitable rooms between 9am & 3pm on 21 June (mid winter). c) Habitable rooms in at least 70% (319 units) of dwellings in high density residential developments should receive a min of 3 hours direct sunlight between 9am & 3pm on 21st June, in total between any portions of those rooms. In dense urban areas a minimum of two hours may be acceptable. A reasonable proportion of both the common & private open space in those sites is also to receive sunlight during that period, according to the circumstances of the sites	The DCP requires of 3 hours as against the ADG which prevails and requires 2 hours of solar access. Proposal provides solar access to 63.1% of the dwellings. This is considered acceptable by Council's SEPP65 consulting Architect given the context and site constraints and a high level of internal amenity is achieved. The amended proposal now provides the required setback of 4m from Friedlander Place. No part of the awning now encroaches Friedlander Place which would provide the maximum solar access possible to the open area designed on Friedlander Place	Considered acceptable given the context and orientation
	d) The number of single-aspect dwellings with a southerly aspect (SW-SE) should be limited to a maximum of 10% of the total dwellings within a high	43 (9.4%) units with a single southerly aspect are proposed	Complies

**Joint Regional Planning Panel Meeting 25 January 2017
496-498 AND 500-520 PACIFIC HIGHWAY, ST LEONARDS**

Clause	DCP	Proposed	Complies/ Comment
	density residential development (46 dwellings).		
Access & mobility	a) Any new development must comply with Australian Standards AS 1428 Design for Access and Mobility, AS 4299 Adaptable Housing, AS 2890 Parking Facilities and AS 1735 Lifts, Escalators and Moving Walks and with the Part F of this DCP – Access and Mobility	The proposed development complies with the relevant standards.	Complies
Signage	a) All signage shall comply with the Part N of this DCP – Signage and Advertising	Details of signage have not been included in this DA. Where required, a separate development application would be required. (Draft condition 3).	NA
Part D.5 – Development in B4 Mixed Use Zone			
5.4 Noise	Noise generated by residents, visitors, retail or commercial part and mechanical plant and equipment should not exceed the following repeatable maximum L Aeq (1 hour) level, on weekdays: Day 7am-6pm: 55dB(A) Evening 6pm- 10pm: 45dB(A) Night 10pm-7am: 40dB(A) and on weekends: Day 8am-7pm: 50dB(A) Evening 7pm-10pm:	The Noise Impact Assessment prepared by Acoustic Logic dated 5.11.2015 advises the noise impacts within apartments can be made to comply the relevant criteria with the use of suitable glazing and seals where required. With respect to plant and equipment servicing the development, the Noise Impact Assessment advises nothing which would preclude the development from meeting the required standards. The submitted Noise Impact Assessment is endorsed by Council's Manager Environmental	Complies

Clause	DCP	Proposed	Complies/ Comment
	45dB(A) Night 10pm-8am: 40dB(A) or in any case not more than 5 dB(A) above the background level during the day and evening and not exceeding the background level at night when measured at the boundary of the property. b) Incorporate noise reduction measures on plant and machinery. c) Use design features or planning that will reduce noise. d) Incorporate adequate measures for tonal, low frequency, impulsive, or intermittent noise	Services and forms a recommended draft condition. The Noise Impact Assessment can be viewed in ATT 4	
5.6 Access, entries and servicing	a) Separate commercial service requirements, such as loading docks, from residential access, servicing needs and primary outlook c) Clearly separate and distinguish commercial and residential entries and vertical circulation.	Achieved Achieved	Complies Complies
Part C3 – Residential Flat Buildings The provisions for Residential Flat Buildings in Part C Residential Development section of this DCP and the Residential Flat Design Code (now the Apartment Design Code) associated with SEPP 65, and the additional		Council's consulting architect has indicated that the proposed development meets the objectives of SEPP 65 and design principles.	Complies

**Joint Regional Planning Panel Meeting 25 January 2017
496-498 AND 500-520 PACIFIC HIGHWAY, ST LEONARDS**

Clause	DCP	Proposed	Complies/ Comment
following provisions shall apply to the residential component within mixed use developments.			
3.10 Size & mix of dwellings	At least 10% of 1, 2 & 3 bedroom dwellings to be provided	Total development proposal 456 units: 122 x studio 51 x 1 bedroom (11%) 199 x 2 bedroom(43%) 80 x 3 bedroom(17%)	Complies
3.14 Storage	b) In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: I. studio dwellings 6m³ II. one-bedroom dwellings 6m³ III. two-bedroom dwellings 8m³ IV. three plus bedroom dwellings 10m³ A minimum of 50% of this storage volume is to be provided within the dwelling accessible from the hall or living area as hall cupboards.	Achieved	Complies
3.16 Natural Ventilation	Sixty percent (60%) (274 units) of dwellings should be naturally cross ventilated. Ventilation provided to one end of a dwelling via windows onto an open access corridor does not satisfy this requirement due to privacy and acoustics' impacts. Twenty five percent (25%) (114 units) of	Council's consultant Architect, Architectus agrees that 62.5% of the dwellings would be cross ventilated which meet the requirement.	Complies

Clause	DCP	Proposed	Complies/ Comment
	kitchens within a development should have access to natural ventilation.		
Part F - Access and Mobility			
3.3 Public spaces and link to private properties	Development on public and private properties must provide and maintain accessible links and paths of travel between Class 2 to Class 10 buildings and to adjacent public spaces or pedestrian networks Provide 1 accessible parking space (dimensions in accordance with relevant Australian Standards) for each adaptable housing unit within the total calculation of spaces required for that dwelling = 92 spaces	Compliance with the BCA forms a draft condition of consent Some spaces are as per AS2890.1 The applicant was been advised AS2890.6 was required to be used for all accessible car spaces. Draft condition of consent is recommended to ensure AS2890.6 is used for all accessible car spaces.	Complies Achieved via draft condition 25
3.6 Adaptable and Visitable housing	Adaptable housing to be provided at the rate of 1 dwelling per 5 dwellings = 92 dwellings Adaptable housing to be equitably distributed throughout all types and sizes of dwellings 80% of the dwellings are to be visitable = 367 dwellings	The required adaptable dwelling shave been provided. The adaptable dwellings are fairly distributed throughout the proposed development. 394 dwellings (86.03%) are visitable.	Complies Complies Complies
3.7 Mobility impaired access to and within buildings	Mobility impaired access is required to common areas and all dwellings.	The proposal would comply with BCA.	Complies

Variations to Council's Development Control Plan/Policies

As indicated in the preceding policy compliance table, the proposal seeks the following variations to the Development Control Plan.

Clause	DCP	Proposed	Comment
Balcony Articulation Zone	Articulation zone for balconies – 2m	Balconies forward of 2m articulation zone and some areas have a Nil setback along Pacific Highway. The extensions into the articulation zone help to achieve an adequate and useable balcony depth	Variation supported

REFERRALS:

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

Council's consulting architect, Architectus has reviewed the proposed development in detail and have advised that the proposed development meets the objectives of SEPP 65. The proposed louvre system is considered to be provide for adequate privacy to the west facing apartments. The draft by-laws provided in relation to the non trafficable balcony areas are considered acceptable.

Safer by Environmental Design

Safer by Environmental Design

The proposal was accompanied with an assessment in accordance with the Safer by Design Principles of which Council's Consultant Architect has undertaken an independent review.

Council's Consultant Architect advises the proposed development is considered acceptable from a crime prevention, safety and security perspective and is not considered to have a detrimental impact on the safety and security of the surrounding area subject to draft conditions which have been included in the recommendations.

Senior Building Surveyor

Concerns raised by the Council's Senior Building Surveyor have been addressed. A draft condition has been included in the recommendation requiring the development comply with the BCA.

Traffic and Transport Team

The traffic team has reviewed the proposed development and accepted the RMS parking standard applicable in this CBD context rather than the DCP. The applicant has relied upon RMS parking standards which require a total of 513 car parking spaces. The amended plans have provided the required car parking spaces. Draft conditions recommended have been included in the recommendations of the report.

Open Spaces

Council's Landscape architect has reviewed the proposed landscape design and has endorsed the plan subject to draft conditions which have been included in the recommendations.

Urban Design and Assets

Council's Development Engineer has reviewed the proposed development and has provided draft conditions which have been included in the recommendations.

Environmental Services

Council's Manager environmental services has reviewed the proposed development and has provided draft conditions which have been included in the recommendations.

THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT (Section 79 (C) (1) (a)(i))

Lane Cove Local Environmental Plan 2009

Clause 2.2 - Zoning

The subject site is zoned B4 – Mixed Use under the provisions of Lane Cove Local Environmental Plan 2009 and amending Planning Proposal (number 18). The proposed development meets the zone objectives and is permitted with development consent.

Clause 4.3 - Height of Buildings

The maximum permissible height limit for the site, with the exception of Friedlander Place, is RL 227.4. The proposed development comprises a maximum height, inclusive of roof features, of RL 227.4. Friedlander Place has a maximum height of 65m however the proposed works within this portion of the site are well below this height limitation.

Clause 4.4 - Floor Space Ratio

The maximum permissible floor space ratio is 12.0:1 for Friedlander Place and 17.0:1 for the remainder of the site.

The maximum permissible Residential FSR 13.53:1
The maximum permissible Non-Residential FSR 1.5:1
The maximum permissible Total FSR **15.03:1**

The proposed Residential Amenities FSR 0.424:1
The proposed Residential FSR 11.165:1
The proposed Non-Residential FSR 1.5:1
The proposed Total FSR **13.089:1**

The proposed development complies with the maximum permissible GFA for the subject site.

Section 94 Contribution Plan

Lane Cove Section 94 Contribution Plan applies to the proposal for the increase of population in the area as a consequence of the development.

The Section 94 Contribution is calculated in the following manner:

Residential Contributions

Dwelling Type	Total Number of persons per dwelling	Contribution payable @ \$10,000/person 2016/2017 fees and charges
122 x Studio	122 x 1.2 = 146.40	\$1,464,000.00
51 x 1 bedroom	51 x 1.2 = 61.2	\$612,000.00
199 x 2 bedroom	199 x 1.9 = 378.10	\$3,781,000.00
80 x 3 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 80 x \$20,000 = \$160,000.00	\$1,600,000.00
5 x 4 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 5 x \$20,000 = \$100,000.00	\$100,000.00
1 x 5 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 1 x \$20,000 = \$20,000.00	\$20,000
Total 456 units		\$7,577,000.00

Commercial/retail contributions

Proposed Use	Area	Contribution payable @ \$110 per m ² 2016/2017 fees and charges
Retail/ Commercial	5,628m ²	\$619,080.00

Credit for existing commercial buildings

Use	Area	Contribution payable @ \$110 per m ² 2016/2017 fees and charges
Commercial Buildings	14,129m ²	\$1,554,190

Total Section 94 Contributions Payable

Contribution Type	Amount 2016/2017 fees and charges
Residential:	\$7,577,000.00
Commercial/Retail:	\$619,080.00
Total	\$8,196,080.00
Credit for existing commercial buildings:	\$619,080.00 (minus)

Total Contribution:	\$7,577,000.00
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The total Section 94 contribution for the proposal is **\$7,577,000.00**

State Environmental Planning Policy (Building Sustainability Index) 2004

A Basix report has been submitted along with the application. No issues are raised with regard to water, thermal comfort and energy targets. An updated compliant BASIX calculation would be completed and certified prior to issue of construction certificate as required by condition.

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

NSW Roads and Maritime Services (RMS)

Pursuant to Schedule 3 of the Infrastructure SEPP the application was referred to the RMS who raised no objection to the proposal subject to the inclusion of conditions. The recommended conditions/comments relate to an intersection upgrade, a construction traffic management plan, ingress and egress of vehicles, the layout of parking spaces (draft conditions 60-65). A copy of the advice from RMS is provided in **ATT 7**.

Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996

The application was referred to Sydney Airport pursuant to *s.186 of the Airports Act 1996 and Reg 8 Airports (Protection of Airspace) Regulations 1996* as the proposal would intrude into the airspace which, under the Regulations. Approval has been received and is provided in **ATT 8**. The proposal cannot exceed a height of 232.8m AHD as per the Airport Act approval. The height of the building is up to RL 227.4m which is less than the maximum indicated in the approval.

THE PROVISIONS OF ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F (Section 79 (C) (1) (a)(iia))

The previous landowner made an offer to Lane Cove Council to enter into a Voluntary Planning Agreement (VPA) in connection with Planning Proposal (number 18) relating to the subject site.

The Planning Proposal (number 18) sought amended zoning of the site under the Lane Cove Local Environmental Plan 2009 from B3 Commercial Core to B4 Mixed Use. It also amended Lane Cove Development Control Plan 2009 including increasing the site's height controls from 72m to 65m for Friedlander Place and RL 227.4 for the remainder of site.

Planning Proposal (number 18) and the granting of development consent of the development application, provides for a monetary contribution which would be used for public purposes such as the public domain upgrade works surrounding the site.

The Planning Proposal (number 18) was approved by the Department of Planning and Environment and gazetted on 15 May 2015. A mapping error was identified and subsequently corrected in a further amendment dated 17 September 2015.

A copy of the draft VPA is provided in **ATT 9**.

THE PROVISIONS OF THE REGULATIONS (Section 79 (C) (1) (a)(iv))

Demolition

It is noted consent has been granted for the demolition of structures on site as part of a separate development application. Regardless, compliance with Australian Standard 2601 - The Demolition of Structures is required.

THE LIKELY IMPACTS OF DEVELOPMENT (Section 79C (1) (b))

Wind

A detailed wind study has been carried out which has concluded that general wind conditions along Friedlander Place would be suitable for pedestrian standing type activities after amelioration measures are completed, with some locations slightly exceeding the distress criterion. For abundant caution, it is considered that post construction a separate wind analysis be carried out identifying any further amelioration measures required to ensure Friedlander place and surrounds meet the predetermined wind comfort levels as a condition. If works are necessary, such will be undertaken at the expense of the applicant satisfaction of Council prior to the issue of occupation certificate.

Overshadowing

Planning Proposal (number 18) considered the siting and building envelope for the subject site to minimise any prolonged overshadowing impacts on surrounding properties and open space areas.

The proposed development including the awning does not encroach Friedlander Place. The shadow diagrams indicate solar access from 9.30am up till 11.30am in Friedlander Place after which shadow is cast by existing buildings. This would provide adequate solar access within the public domain.

Views

Existing views for many residents of the Abode building, located in a northern direction of the site, would be impacted by this development. Planning Proposal 18 endorsed a building form which would maintain views for some residents of the Abode than would have been available if a complying commercial scheme was developed under the provisions of the previous local environmental plan.

The proposed development seeks to increase the commercial podium footprint beyond the DCP maximum however these levels are similar to the height of the lower levels of the Abode. It is considered that due to the topography and the existing commercial development on the subject site that iconic views towards the city would be unlikely from the lower levels of the Abode. The variation in the building form would not have an impact upon the extent of view and view lines enjoyed from the Abode. Due to the positioning of the Forum development, being north-west of the subject site, the proposal would not impact upon any iconic views currently available.

A number of Abode residents would retain views towards the city. It is noted that the JRPP has approved development adjoining the subject site at 472-474 Pacific Highway, St Leonards which also impacted views enjoyed by the Abode residents from some levels. This impact was considered at the strategic planning stage in the Planning Proposal and the resultant DA. This view

loss is an unavoidable consequence of redevelopment of the site within this regionally significant urban centre.

A view impact study has been undertaken by A+ Design Group specifically in relation to the proposed building form and is included within the View Impact Assessment in **ATT 10** of this report. This study addresses view loss from the nearby Abode residential building. Due to the positioning of the Forum development, being north-west of the subject site, the proposal would not impact upon any iconic views currently available.

The Abode is a residential building located on the opposite side of the Pacific Highway, in a northern direction of the subject site. Significant Harbour and City views are located to the south and east for the upper levels of Abode, these views from Abode would not be affected by the proposed development. The views which would be impacted are those of the vista to the western Harbour towards Woolwich and Hunters Hill. It is noted that the approved development on the adjoining Mirvac site, 472 and 486 Pacific Highway, was also found to impact upon views enjoyed from the Abode.

The applicant's view study demonstrates:

- Iconic views to the city and main Harbour from Abode are to the south and east of the subject building. These iconic views would not be affected by the proposal.
- Views to the western Harbour and Parramatta River are presently achieved above the roof of the existing commercial buildings constructed on 500 & 504 Pacific Highway.
- More extensive views would be achieved from residents of the Abode to the west than would be achieved by a commercial building constructed to the building envelope allowable on the site prior to LEP Amendment 18.

Proposed Development – View Impact Assessment

The assessment of view sharing impact is guided by the Planning Principles outlined in the NSW Land and Environment Court Cases *Tenacity Consulting v Warringah Council* and *Veloshin v Randwick Council* [2007] NSWLEC 428. These Court Principles have been addressed in turn in respect to the potential impact on views from the Abode residential building north of the subject site.

Case law utilising the *Tenacity* judgement has established that whilst the principles should be used as a guide to decision makers in respect to the proper assessment of view impact, the law is clear that property owners do not own a view.

The following is a summary of the applicant's view impact assessment.

Tenacity v Warringah Council

In the *Tenacity* judgment, Roseth SC outlined the following four step consideration of whether or not view sharing is reasonable. This judgement was made for a development within a residential context. Whilst the subject proposal is located in a commercial core context where residential is not a primary use, an assessment of the proposal is undertaken here against those principles. This assessment demonstrates that the extent of view sharing proposed is substantial notwithstanding the commercial core context.

“The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g.

a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.”

Significant water views to Sydney Harbour and iconic views of the Opera House, Harbour Bridge and City CBD from nearby residential apartment buildings will not be affected by the proposed mixed use development. The available view corridors from Abode fall to the east of the subject site.

A reduction would occur to the current view enjoyed by residents of the upper levels of Abode to the south west, across to Hunters Hill and Woolwich. The view affectation would occur to a view currently enjoyed by residents of the upper floors of Abode that falls to the south west of Abode. Some view loss would result to the western harbour in that case.

Similarly, views to iconic landmarks from the Forum would be retained following redevelopment of the subject site as view corridors to the City from the Forum fall to the south of the subject site. Any loss of view from the Forum resulting from the proposed development falls within the same view line as the adjacent approved Mirvac building.

“The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.”

Views from the Abode building that are potentially affected could be considered to be views from the ‘front’ of the building, given its corner location. Depending on the height of the apartment, the views could be sitting or standing views. The View Study assessed view impact from various levels of the Abode apartment building aligned generally with Levels 4, Level 9, Level 14 and Level 19 of Abode. The study demonstrates that views to iconic elements would not be affected. Some view loss to landscape and possible water interface elements would occur. Slot views across the precinct above Friedlander Place would be retained. The resulting views would be more extensive than those which would have been available should a commercial development of the site have been undertaken in compliance with the previous planning framework (prior to LEP Amendment 18). In that instance, a commercial building could have been constructed to the site boundaries to a height of 72m, being higher than the Abode building itself.

Similarly, the views from the Forum building that are potentially affected could be considered from the ‘front’ of the building given its location and the orientation of apartments within the Forum. Again, views affected could be sitting or standing views. The potential view loss resulting from the proposed development could be considered a ‘peripheral’ view as it sits well to the east of the view corridor from the Forum to the main Sydney CBD and Harbour. When viewed from the Forum, the proposed building aligns generally with the position of the approved Mirvac building at 472 and 486 Pacific Highway and as such there is only marginal view loss that would result to the Forum as a result of the proposed development.

“The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.”

The existing views would be obtained from both living and sleeping areas within various residential apartments, and both from sitting and standing positions within both the Abode and Forum buildings depending on the elevation of the respective apartment. Whilst the extent of view loss from some apartments may be greater than from others, the significance of view loss extent is considered to be negligible in terms of 'iconic view loss' and potentially up to moderate when considering the loss of views from Abode to the south west. It is noted that slot views would still be achievable to the western Harbour across Friedlander Place.

"The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable."

The view loss from the Abode and Forum apartments would result from a building form that complies with the allowable building envelope as per the LEP 2009 with regards to height and floor space ratio. The building envelope adopted for the site by Lane Cove LEP Amendment 18 resulted from the significant testing of different envelope options by the former landowner Council and Council's independent urban designer during the Planning Proposal process and was considered to be the most appropriate for the site. In this regard, the extent of view sharing that could be realised from the resultant building form has been assessed by Council and the NSW Department of Planning and Environment and has been considered acceptable in principle. The DCP variation to balcony articulation to Pacific Highway is not likely to have any additional view impact.

The consideration of "reasonableness of the proposal" is further considered with reference to the judgement in ***Veloshin v Randwick Council [2007] NSWLEC 428*** which is relevant when considering the impacts of height, bulk and scale in the context of existing planning controls. These Planning Principles are addressed in turn below.

Are the impacts consistent with the impacts that might be reasonably expected under the controls? It is noted that for a non-complying development the question cannot be answered unless the difference between the impacts of a complying and non-complying development is quantified.

The current built form controls were subject to thorough analysis by Lane Cove Council and the NSW Department of Planning and Environment during the Planning Proposal, including view impact analysis. The impacts generated by the proposed building envelope controls were considered acceptable and those building envelope controls are now adopted into Lane Cove LEP and DCP. The proposed building form is generally consistent with the adopted building envelope controls for the site, with the exception of:

- Balcony encroachment into the 4m setback requirement to the Pacific Highway.

The view impact generated by the proposed balcony encroachment to the Pacific Highway would be almost unperceivable when viewed from The Abode. The building has been designed to be cut back at its north eastern corner, minimising the appearance of building bulk when viewed down the Pacific Highway corridor. The balcony incursion will fall within the building mass itself and would not impact on views from The Abode.

It is considered that the view impacts generated by the proposal are consistent with those that are to be expected under the controls.

How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?

The height and floor space ratio of the proposal is consistent with the height and bulk anticipated under LEP 2009. The building generally sits within the building envelope intended for the site and reinforced by the site specific planning controls.

Does the area have a predominant existing character and are the planning controls likely to maintain it? Does the proposal fit into the existing character of the area?

St Leonards is a precinct undergoing significant change in purpose, scale and character. It is evolving from a commercial centre to a high-rise mixed use centre of regional significance and development is taking advantage of the precinct's proximity to employment and transport and its state designation as a Specialised Centre. There have in recent times been a number of development approvals granted for tall mixed use buildings.

The planning controls applicable to the subject site and its wider precinct including 472 and 486 Pacific Highway will change the character of development on the southern side of the Pacific Highway in a manner that is not inconsistent with building forms contemplated elsewhere in St Leonards CBD, especially the precinct to the north of the Pacific Highway across from the subject site. It would therefore be unreasonable to accept any proposition that all existing views must be preserved as this Specialised Centre will continue to accommodate increased density and height commensurate with its metropolitan status.

Despite the changing character, the St Leonards precinct is currently characterised by high rise mixed use buildings on the northern side of the Pacific Highway, including the Forum and numerous residential apartment buildings. High rise buildings are particularly characteristic of that section of St Leonards that falls within North Sydney LGA. On the southern side of the Pacific Highway, St Leonards is currently characterised by older-stock commercial buildings. It is noted that the adjacent Mirvac mixed use development was recently approved by the Sydney East JRPP, establishing and endorsing a new building height and scale for the southern side of the Pacific Highway.

Does the proposal look appropriate in its context?

The proposal would look appropriate in the broader context of St Leonards, which is evolving in character from a mainly commercial precinct to a mixed use, transit oriented centre comprising tall tower forms. It will achieve a compatible height relationship with the recently approved Mirvac development to the south on the opposite side of Friedlander Place as well as future proposals on the opposite side of Pacific Highway.

Is the proposal consistent with the bulk and character intended by the planning controls?

The proposal is consistent with the bulk and character intended by the planning controls. The proposal complies with the height, FSR and land use mix allowed on the site by Lane Cove LEP and DCP. It is consistent with the architectural scheme from which the planning controls were derived. The minor balcony encroachment into the 4m setback requirement to the Pacific Highway will have no material impact on views from nearby residential dwellings, as discussed above.

Conclusion

The proposed development is the result of Council and State Government recognition that St Leonards should accommodate greater density and taller building forms where sites are close to public transport nodes and employment. The views and outlook available to residents in apartments in a northern direction of the site are the result of sites on the southern side of the Highway not being developed to their full capacity. It is unreasonable to anticipate these views would be retained, given the plans for St Leonards to further develop into a Specialised Centre. Views would not be completely interrupted by the proposed development, and sight lines to iconic landscape and built elements by the proposed development would not be affected by this proposed building. The proposal is considered to present an appropriate design response for the site, despite the minor variation discussed to the DCP, and achieves a reasonable view sharing outcome.

The applicant's View Impact Study is provided in **ATT 10**

Traffic Generation

It is acknowledged additional vehicles trips would be generated in the vicinity of the site during the demolition, construction and upon occupation of the development.

The NSW Roads and Maritime Services (RMS) raised no objection to the proposal subject to the inclusion of conditions including the upgrade of the intersection of Pacific Highway and Oxley Street as previously advised by letter dated 8 December 2014. In particular, it was recommended that intersection of Oxley Street and Pacific Highway be upgraded to a critical site in SCATS from the existing minor site to improve traffic congestions at this location. The cumulative impacts of the proposal and neighbouring developments were considered in the response from the RMS.

Council's Traffic and Transport Team found that the additional vehicular movements generated by this development would be within the range forecast by the traffic model developed for Lane Cove Council by TEF Consultant. Provided the intersection upgrade is undertaken, the proposal is endorsed by Council's Traffic and Transport Team. (Refer to Draft conditions 75-92)

Noise

Demolition and Construction

It is acknowledged the demolition and construction phases of the development would be disruptive to surrounding properties. The Construction Noise Management Plan (CNMP) submitted with development application is required to be submitted to the Private Certifying Authority prior to the commencement of works. The Private Certifying Authority shall ensure the CNMP is complied with throughout the demolition and construction phases of the development.

Mechanical Plant

Mechanical plant items are generally not selected at DA stage as detailed design and selection of plant and equipment has not been conducted at this time. A detailed assessment of all mechanical plant would need to be conducted as part of the detailed design at the construction certificate stage. Draft conditions are also recommended relating to air conditioning units as a precaution.

Further the recommendations of the Acoustic Logic report for both the CNMP and Noise Impact Assessment shall be adopted. (Refer to Draft condition 103)

THE SUITABILITY OF THE SITE (Section 79C (1) (c))

The Strategic planning documents relating to the site, including Planning Proposal (number 18) and the Lane Cove LEP have determined the suitability of the site for mixed use development and more intensive forms of residential development. Further the proposal would result in increased

housing and retail while commercial floor space would be reduced near established transport nodes.

The site has been considered by experts in relation to contamination and geotechnical investigations, vibration and acoustic investigations, urban design, solar access, view loss, wind and accessibility and found to be suitable for the proposed development.

Given the strategic planning direction for St Leonards, consideration of the relevant planning instruments and policies and the assessment of likely environmental impacts, the site is considered suitable for the proposed development.

RESPONSE TO NOTIFICATION (Section 79C (1) (d))

A number of submissions received raised issues which were relevant and considered at the planning proposal stage such as the suitability of the development for the site, built form, scale, siting, view loss, overshadowing and opposition to the Voluntary Planning Proposal. These issues were considered and resolved at the planning proposal stage resulting in the proposed building envelope. Specific building heights and footprints were adopted and deemed to satisfactorily address overshadowing, building separation, and solar access of which the current application would not alter.

The current application incorporates additional articulation of the facade of the building to reduce the scale and massing of the development. As such it is considered that the issues raised in the submissions in relation to building height, overshadowing and bulk and scale have been satisfactorily addressed through the further progression of the design process exhibited in the current application.

The remaining issues raised in submissions received to date have been considered under Section 79C of the EP&A Act 1979, are summarised generally and the responses to these issues are provided below.

Following the initial notification period in February 2016, twenty-one (21) submissions were received in response to the development from local residents within St Leonards and surrounding areas.

A further submission was received in October 2016 prepared on behalf of an adjoining commercial landowner.

All submissions have been forwarded to the JRPP for its consideration. The main issues raised in the submissions, relevant to the DA, are summarised below.

- *Variations to the proposal in terms of setbacks should not be supported*

Officers comment:

The proposed development has been amended to comply with the setbacks from Friedlander place and Pacific Highway. The minor balcony encroachment into the 4m setback requirement to the Pacific Highway is considered acceptable as discussed earlier.

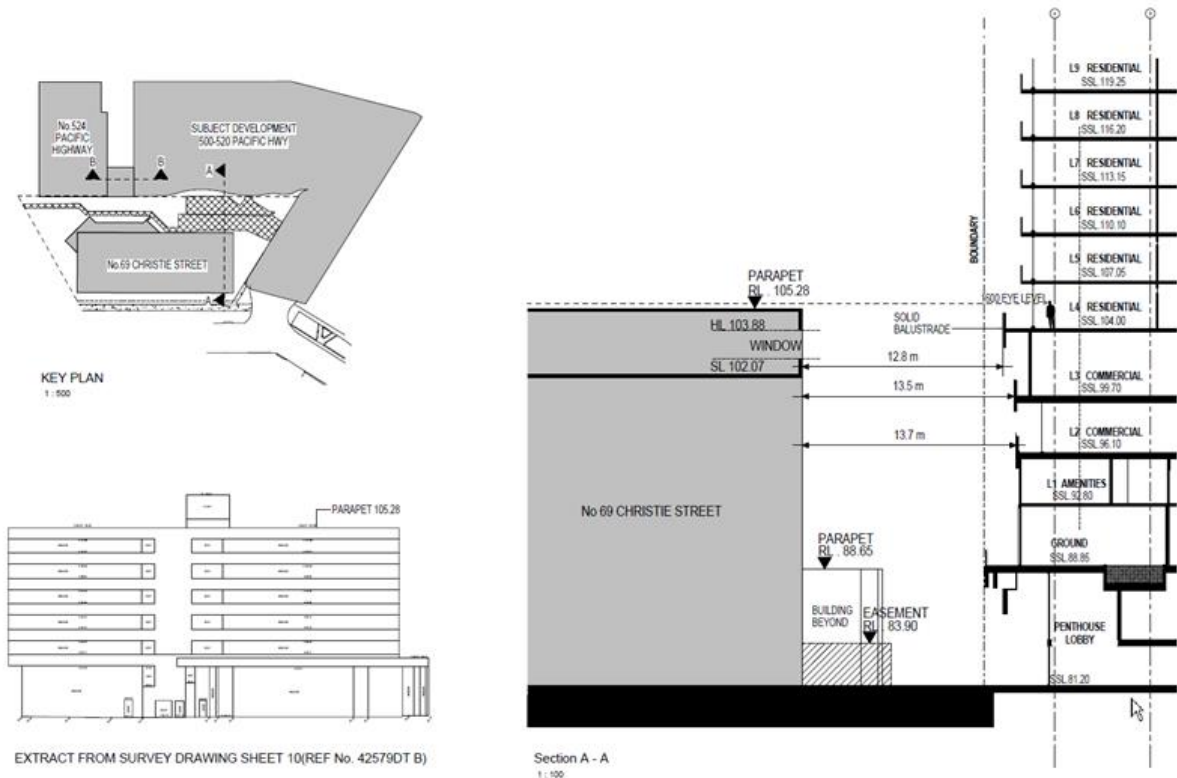
- *Variations to SEPP 65 such as the ADG building separation*

Officers comment:

The applicant has provided a response to the submission from Atlas Urban in this regard and this is provided in **ATT 11**. With regards to the building separation matter discussed in the applicant's response, Council officers are of the view the ADG should prevail. The site specific DCP was adopted on 22 May 2015, prior to the ADG being in force in July 2015. The plans were amended in response to concerns by Council's consulting architect in relation to building separation and cross ventilation. The amended plans could provide the required cross ventilated apartments.

The minimum building separation between the proposed development and the approved Mirvac building at 472 and 486 Pacific Highway is achieved by the balcony being non accessible. Council's consulting architect indicated that the proposed louvre system was acceptable in relation to privacy.

A relative section through the proposed development and the existing building commercial building indicates that a person's eye level at the first residential level (Level 4) would be above the level of existing commercial building which would meet the minimum separation requirement. Refer Attachment **ATT11**.



- *Impact on traffic congestion is not acceptable.*

Officers comment:

It is acknowledged additional vehicles and trips would be created in the vicinity of the site during the demolition, construction and upon occupation of the development.

The NSW Roads and Maritime Services (RMS) endorsed the proposal subject to the upgrade of the intersection of Pacific Highway and Oxley Street to improve traffic congestions at this location. The cumulative impacts of the proposal and neighbouring developments were considered in the response from the RMS.

Council's Traffic and Transport Team advise the additional vehicular movements generated by this development would be within the range forecast by the traffic model developed for Lane Cove Council by TEF Consultant. Provided the intersection upgrade is undertaken, the proposal is endorsed by Council's Traffic and Transport Team. (Refer to Draft conditions 69-74)

- *Impact on on-street parking availability*

Officers comment:

The proposed development provides the required on-site parking for residents, visitors and those using the commercial/retail tenancies. The parking proposed complies with the requirements as per SEPP 65 and the ADG. Further given the proximity of the site to present and future public transport opportunities, it is envisaged public transport would also be used and meet increase demand.

- *Increased demand on infrastructure including public transport and schools*

Officers comment:

The proposed development would place additional demand on existing infrastructure. The Department of Planning endorsed Planning Proposal 18 which resulted in an increased density for the site. It is considered demand on existing infrastructure was considered at this Planning Proposal stage. Further the Sydney Metro, once complete will comprise a station in Crows Nest. The proposed station is located on the western fringe of the Crows Nest village, between the Pacific Highway and Clarke Lane (eastern side of the Pacific Highway) and Oxley Street, south of Hume Street, approximately 400m east of the subject site.

- *Impact on views*

Officers comment:

The proposed development is the result of Council and State Government recognition that St Leonards should accommodate greater density and taller building forms where sites are close to public transport nodes and employment. The views and outlook available to residents in apartments in a northern direction of the site, such as those from the Abode building are the result of sites on the southern side of the Highway not being developed to their full capacity.

It is unreasonable to anticipate these views would be retained, given the plans for St Leonards to further develop into a Specialised Centre. Views would not be completely interrupted by the proposed development for some apartments within the Abode. Sight lines to iconic landscape and built elements by the proposed development would not be affected by this proposed building. Due to the positioning of the Forum development, being north-east of the subject site, the proposal would not impact upon any iconic views currently available.

The proposal is considered to present an appropriate design response for the site, despite the minor DCP variation to balconies discussed, and achieves a reasonable view sharing outcome.

- *Impact on solar access*

Officers comment:

The planning proposal considered the siting and building envelope for the subject site to minimise any prolonged overshadowing impacts on surrounding properties and open space areas.

The submitted shadowing plans prepared by the applicant shows Friedlander Place being partially in shadow from 8.30am and being almost wholly in shadow by 11am on 22 June. The same shadowing plans show the adjoining plaza on the Mirvac development site being free of shadow until 11.30am when it is partially in shadow. By 1pm, the adjoining plaza is in shadow. It is likely that this shadow is the result of the Mirvac development itself.

Steve King's overshadowing report confirms the over shadowing impact is acceptable and in line with the impact anticipated in the recent JRPP approval of the adjoining Mirvac development (DA14/222).

- *Reduced privacy*

Officers comment:

The current proposal complies with SEPP 65 and the ADG with regards to privacy. The minimum building separation between the proposed development and the approved Mirvac building at 472 and 486 Pacific Highway is achieved by the balcony being non accessible. A person's eye level at the first residential level (Level 4) would be above the level of existing commercial building (69 Christie Street) which would meet the minimum separation requirement.

- *Impacts on local wind environment*

Officers comment:

A detailed wind study has been carried out which has concluded that general wind conditions along Friedlander Place being suitable for pedestrian standing type activities , with some locations slightly exceeding the distress criterion. For abundant caution, post construction a separate wind analysis should be carried out identifying any amelioration measures required to ensure Friedlander place and surrounds meet the predetermined wind comfort levels as a condition.

- *Insufficient green space to accommodate this development*

Officers comment:

The proposed landscape master plan is endorsed by Council's Landscape Architect. It is noted appropriate landscaping (Friedlander Place) has been upgraded as a functioning urban open space site proposed in the context of a dense urban area. (Refer landscape plan attachment ATT 1)

- *Impacts on surrounding properties during construction such as construction noise, dust and traffic congestion*

Officers comment:

It is acknowledged additional noise and vehicles would be in the vicinity of the site during the demolition and construction phases and that this period would be disruptive to surrounding properties. Draft conditions are recommended to assist in the reasonable protection of residents

and visitors amenity which include the Private Certifying Authority enforcing the Construction Noise Management Plan (CNMP) throughout the demolition and construction phases of the development. In relation to impacts of dust, vibration and the like the developer is required to undertake the development so as not to interfere unreasonably with the amenity of the neighbourhood. These impacts as a result of the demolition and construction would be anticipated to be experienced in the short to medium term period.

- *Opposition to the Voluntary Planning Agreement (VPA)*

Officers comment:

The VPA was publicly notified and submissions considered prior to being endorsed by full Council and formed part of Planning Proposal (number 18). The VPA provides a public benefit to the Lane Cove LGA residents and visitors.

- *Friedlander Place should remain within Council's ownership*

Officers comment:

The ownership of Friedlander Place does not form a relevant consideration under Part 79(c) of the EP&A Act 1979. Friedlander Place at ground level is expanded and is retained as public space.

- *Cumulative impact of developments within St Leonards, across LGAs needs to occur before individual DAs are approved*

Officers comment:

The site is subject to Planning Proposal (number 18) endorsed by the Department of Planning and Lane Cove Council. Cumulative impacts on traffic, view sharing, wind and overshadowing have been considered and discussed in this assessment report and were found to be within the current planning context at both the Regional and Local levels.

THE PUBLIC INTEREST (Section 79C (1) (e))

The proposed development meets the objectives of Lane Cove Council's Local Environmental Plan 2009 and generally meets the provisions of Development Control Plan.

The proposed development would not result in unacceptable environmental impacts namely, the proposal would not unreasonably reduce iconic views enjoyed from surrounding residential and commercial developments and solar access would not be unreasonably reduced to residential dwellings situated north of the site.

The proposal is consistent with the desired future character of St Leonards. The proposal seeks to revitalise the commercial core of the St Leonards CBD by upgrading Friedlander Place and providing landuses which would activate economic diversity, provide greater housing choice and employment opportunities.

Accordingly it is considered the proposal is in the public interest and can be approved subject to appropriate draft conditions.

CONCLUSION

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 FSR and building height.

The proposed development generally complies with the provisions of the Lane Cove Development Control Plan.

The issues raised by neighbours, landowners and residents within Lane Cove Council LGA and North Sydney Council's LGA are considered in the assessment report and where reasonable these concerns are addressed in the recommended draft conditions of consent.

The proposal generally meets the objectives of the 9 planning principles of SEPP 65 and responds well to the surrounding commercial and residential developments. This proposal maintains adequate solar access to residential properties surrounding the site, despite some iconic views being impacted. In particular, from some residential dwellings, the proposal maintains reasonable access to existing iconic views. Given the intended character of St Leonards CBD this level of view sharing is considered acceptable and appropriate.

The DA is accompanied with a VPA which would include a monetary contribution in addition to any contribution payable under Council's Section 94 Plan for the development.

The development proposal would make a positive contribution to the desired future character of St Leonards and assist to revitalise the commercial core, by upgrading Friedlander Place, providing landuses which would activate economic diversity, greater housing choice and employment opportunities.

The proposal is recommended for approval subject to conditions.

RECOMMENDATION

That:-

1. That the development be strictly in accordance with the following drawings:

Drawing Number	Title	Date and Revision	Prepared By
A001	External View	14.10.16 Rev C	Aplus
A004	Development Summary	9.11.16 Rev C	Aplus
A011	Basement 6	9.11.2016, Rev E	Aplus
A012	Basement 5	9.11.2016, Rev D	Aplus
A013	Basement 4 & 3	14.10.16 rev D	Aplus
A014	Basement 2	14.10.16 rev D	Aplus
A015	Basement 1	9.11.2016, Rev G	Aplus
A016	Nicholson Street	9.11.2016, Rev G	Aplus
A016-1	Nicholson Street Car	14.10.16, Rev C	Aplus

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	Parking Entry		
A016-2	Nicholson Street	14.10.16, Rev C	Aplus
A016-3	Perspective Views	9.11.16, Rev A	Aplus
A017	Lower Ground	10.10.16, Rev D	Aplus
A018	Ground Level	9.11.2016, Rev E	Aplus
A018-1	View from Pacific Highway	14.10.16, Rev C	Aplus
A018-2	Ground Lobby Entry	10.10.16, Rev B	Aplus
A021	Basement 6	14.10.16, Rev D	Aplus
A022	Basement 5	14.10.16, Rev C	Aplus
A023	Basement 3 to 4	14.10.16, Rev D	Aplus
A024	Basement 2	14.10.16, Rev D	Aplus
A025	Basement 1	14.10.16, Rev D	Aplus
A026	Nicholson Street	10.10.16 Rev C	Aplus
A027	Lower Ground	10.10.16 Rev C	Aplus
A028	Ground Level	9.11.2016, Rev E	Aplus
A028-1	Ground Level Lobby	10.10.2016, Rev B	Aplus
A101	Level 1	9.11.2016, Rev D	Aplus
A101-1	Level 1 Dining	10.10.2016, Rev B	Aplus
A101-2	Level 1 Lounge	10.10.2016, Rev B	Aplus
A101-3	Kids Area	10.10.2016, Rev B	Aplus
A102	Level 2	9.11.2016, Rev E	Aplus
A103	Level 3	9.11.2016, Rev D	Aplus
A104	Level 4	9.11.2016, Rev D	Aplus
A104-1	Perspective	9.11.2016, Rev A	Aplus
A105	Level 5	9.11.2016, Rev D	Aplus
A106	Level 6	9.11.2016, Rev D	Aplus
A107	Level 7	9.11.2016, Rev D	Aplus
A108	Level 8	9.11.2016, Rev D	Aplus
A109	Level 9	9.11.2016, Rev D	Aplus
A110	Level 10	10.10.16 Rev C	Aplus
A111	Level 11	10.10.16 Rev C	Aplus
A112	Level 12	10.10.16 Rev C	Aplus
A113	Level 13	10.10.16 Rev C	Aplus
A114	Level 14	10.10.16 Rev C	Aplus
A115	Level 15	10.10.16 Rev C	Aplus
A116	Level 16	10.10.16 Rev C	Aplus
A117	Level 17	10.10.16 Rev C	Aplus
A118	Level 18	10.10.16 Rev C	Aplus
A119	Level 19	10.10.16 Rev C	Aplus
A120	Level 20	10.10.16 Rev C	Aplus
A121	Level 21	10.10.16 Rev C	Aplus
A122	Level 22	10.10.16 Rev C	Aplus
A123	Level 23	14.10.16 Rev D	Aplus
A124	Level 24	10.10.16 Rev C	Aplus
A125	Level 25	10.10.16 Rev C	Aplus
A126	Level 26	10.10.16 Rev C	Aplus
A127	Level 27	10.10.16 Rev C	Aplus
A128	Level 28	10.10.16 Rev C	Aplus

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A129	Level 29	10.10.16 Rev C	Aplus
A130	Level 30	10.10.16 Rev C	Aplus
A131	Level 31	10.10.16 Rev C	Aplus
A132	Level 32	10.10.16 Rev C	Aplus
A133	Level 33	10.10.16 Rev C	Aplus
A134	Level 34	10.10.16 Rev C	Aplus
A135	Level 35	10.10.16 Rev C	Aplus
A136	Level 36	10.10.16 Rev C	Aplus
A137	Level 37	10.10.16 Rev C	Aplus
A138	Level 38	10.10.16 Rev C	Aplus
A139	Level 39	10.10.16 Rev C	Aplus
A140	Level 40	10.10.16 Rev C	Aplus
A141	Level 41	10.10.16 Rev C	Aplus
A142	Level 42	10.10.16 Rev C	Aplus
A143	Level 43	10.10.16 Rev C	Aplus
A144	Roof plan	10.10.16 Rev C	Aplus
A201	Pre & post Adaptable Layout	10.10.16 Rev C	Aplus
A202	Pre & post Adaptable Layout	10.10.16 Rev C	Aplus
A203	Pre & post Adaptable Layout	10.10.16 Rev B	Aplus
A301	North & East Elevation	10.10.16 Rev C	Aplus
A302	South & West Elevation	10.10.16 Rev C	Aplus
A303	North Roof & Podium Elevation	10.10.16 Rev B	Aplus
A304	South Roof & Podium Elevation	10.10.16 Rev B	Aplus
A305	East Roof & Podium Elevation	10.10.16 Rev B	Aplus
A306	West Roof & Podium Elevation	10.10.16 Rev B	Aplus
A401	External Finishes	14.10.16 Rev D	Aplus
A402	Roof Feature	09.11.16 Rev C	Aplus
A403	Roof Feature	09.11.16 Rev C	Aplus
A404	Balustrade Design	10.10.16 Rev B	Aplus
A405	Signage Zones	09.11.16 Rev C	Aplus
A406	Signage Zones	09.11.16 Rev C	Aplus
A407	Feature Stair	10.10.16 Rev B	Aplus
A501	Building Sections	9.11.2016, Rev E	Aplus
A502	Ramp Section	14.10.16 Rev F	Aplus
A503	Podium Retail Sections	05.12.16 Rev A	Aplus
105	Landscape Masterplan	August 2016, Issue H	Arcadia Landscape Architecture
106	Detail Plan – plaza	August 2016, Issue H	Arcadia Landscape Architecture

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107	Detail Plan – terrace	August 2016, Issue H	Arcadia Landscape Architecture
108	Landscape Sections – Sections A & B	August 2016, Issue H	Arcadia Landscape Architecture
109	Landscape Sections – Sections C & D	August 2016, Issue H	Arcadia Landscape Architecture
110	Landscape Sections – Sections E & F	August 2016, Issue H	Arcadia Landscape Architecture
111	Public Domain Furniture	August 2016, Issue H	Arcadia Landscape Architecture
112	Planting Palette	August 2016, Issue H	Arcadia Landscape Architecture
113	Materials Palette & Schedule	August 2016, Issue H	Arcadia Landscape Architecture
201	Landscape Masterplan – Ground	August 2016, Issue H	Arcadia Landscape Architecture
202	Landscape Plan – Nicholson Lane	August 2016, Issue H	Arcadia Landscape Architecture
203	Landscape Plan – Ground	August 2016, Issue H	Arcadia Landscape Architecture
204	Landscape Plan – Ground	August 2016, Issue H	Arcadia Landscape Architecture
205	Landscape Plan – Ground	August 2016, Issue H	Arcadia Landscape Architecture
206	Landscape Plan – Level 2	August 2016, Issue H	Arcadia Landscape Architecture
207	Landscape Plan – Level 3	August 2016, Issue H	Arcadia Landscape Architecture
208	Landscape Plan – Level 4	August 2016, Issue H	Arcadia Landscape Architecture
209	Landscape Plan – Level 5	August 2016, Issue H	Arcadia Landscape Architecture
210	Landscape Details – Paving	August 2016, Issue H	Arcadia Landscape Architecture
211	Landscape Details –	August 2016, Issue H	Arcadia

	Walls & Steps		Landscape Architecture
212	Landscape Details – Planting	August 2016, Issue H	Arcadia Landscape Architecture
213	Landscape Specification	August 2016, Issue H	Arcadia Landscape Architecture

except as amended by the following conditions.

2. The landscape plans by Arcadia shall be revised as per with the architectural plans which provide for setbacks from Freidlander Place to Council's satisfaction **Prior to the issue of construction certificate.**
3. Post construction a separate wind analysis be carried out by Council at the applicant's expense identifying any further amelioration measures required to ensure Friedlander place and surrounds meet the predetermined wind comfort levels. The recommended measures being implemented prior to the issue of Final Occupation Certificate and at the applicant's expense.
4. All advertising signs/structures being the subject of a separate development application.
5. The adaptable units shall be clearly indicated on the strata subdivision plans and accompanying documentation and submitted to the Private Certifying Authority at the relevant occupation certificate stage.
6.
 - 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 and agreed at the Council.
7. Prior to the issue of any occupation certificate, the Private Certifying Authority must be satisfied that the allotments are consolidated as per the proposed design.
8. The applicant shall obtain development consent for the use and fitout of all commercial, retail, spaces.
9. **Community Liaison Committee**

The developer is to establish a community liaison committee, consisting of Developer representatives as necessary, three community representatives, and an appointed Council staff representative, to facilitate information flow to the community regarding the development progress, issues and complaint that arise and solutions and remedies initiated. A newsletter should be produced and circulated to adjoining residents and occupants on a monthly basis. Meetings are to be chaired by Developer representatives.

10. Adaptable Housing

All adaptable dwellings shall be prominently marked and highlighted on the plans, a list of adaptable units prepared and provided to Council **prior to the issue of Construction Certificate**. The Section 149 planning certificate and any promotional material shall mention whether the unit is adaptable.

11. A Voluntary Planning Agreement (VPA) has been entered into between Lane Cove Council and the applicant for the subject site which forms part of the consent the requirements of which shall be complied with as per the agreement.

General Conditions

12. The submission of a Construction Certificate and its issue by Council or Private Certifier **PRIOR TO CONSTRUCTION WORK** commencing.
13. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
14. **(14) THE PAYMENT OF A CONTRIBUTION FOR ADDITIONAL PERSONS IN ACCORDANCE WITH COUNCIL'S SECTION 94 CONTRIBUTIONS PLAN. THIS PAYMENT BEING MADE PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE AND IS TO BE AT THE CURRENT RATE AT TIME OF PAYMENT. THE AMOUNT IS \$7,577,000.00 AT THE CURRENT RATE OF \$10,000 PER PERSON and \$110 PER SQUARE METER for RETAIL/COMMERCIAL BASED ON THE 2016/2017 FEES AND CHARGES. NOTE: PAYMENT MUST BE IN BANK CHEQUE. PERSONAL CHEQUES WILL NOT BE ACCEPTED.**

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

The Section 94 Contribution is calculated in the following manner:

Residential Contributions

Dwelling Type	Total Number of persons per dwelling	Contribution payable @\$10,000/person 2016/2017 fees and charges
122 x Studio	122 x 1.2 = 146.40	\$1,464,000.00
51 x 1 bedroom	51 x 1.2 = 61.2	\$612,000.00
199 x 2 bedroom	199 x 1.9 = 378.10	\$3,781,000.00
80 x 3 bedroom	A cap of \$20,000 per dwelling has been	\$1,600,000.00

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	imposed under the <i>Reforms of Local Development Contribution</i> 80 x \$20,000 = \$160,000.00	
5 x 4 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 5 x \$20,000 = \$100,000.00	\$100,000.00
1 x 5 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 1 x \$20,000 = \$20,000.00	\$20,000
Total 456 units		\$7,577,000.00

Commercial/retail contributions

Proposed Use	Area	Contribution payable @ \$110 per m² 2016/2017 fees and charges
Retail/ Commercial	5,628m ²	\$619,080.00

Credit for existing commercial buildings

Use	Area	Contribution payable @ \$110 per m² 2016/2017 fees and charges
Commercial Buildings	14,129m ²	\$1,554,190

Total Section 94 Contributions Payable

Contribution Type	Amount 2016/2017 fees and charges
Residential:	\$7,577,000.00
Commercial/Retail:	\$619,080.00
Total	\$8,196,080.00
Credit for existing commercial buildings:	\$619,080.00 (minus)
Total Contribution:	\$7,577,000.00

The total Section 94 contribution for the proposal is **\$7,577,000.00**

15. An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the building.
16. 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.

17. The approved plans must be submitted to Sydney Water online approval portal "Sydney Water Tap In", please refer to web site www.sydneywater.com.au. This is to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. An approval receipt with conditions shall be issued by Sydney Water (if determined to be satisfactory) and is to be submitted to the accredited certifier prior to the issue of a Construction Certificate.

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

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

Saturday 8am to 12 noon **with NO excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken. Failure to fully comply will result in the issue of a breach of consent P.I.N.**

Sunday No work Sunday or any Public Holiday.

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

19. The development shall be conducted in such a manner so as not to interfere unreasonably with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.
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. The swimming pool being surrounded by a barrier:-

a) That forms a barrier between the swimming pool; and

- i) any residential building or movable dwelling situated on the premises; and
- ii) any place (whether public or private) adjacent to or adjoining the premises; and

b) That is designed, constructed and installed in accordance with the standards as prescribed by the Regulations under the Swimming Pool Act, 1992, and the Australian Standard AS1926 – 2012, "Swimming Pool Safety".

SUCH BARRIER IS TO BE COMPLETED BEFORE THE FILLING OF THE SWIMMING POOL

ADVICE: In accordance with the Swimming Pools Amendment Act 2012, the swimming pool or spa is required to be registered on the NSW Government State wide Swimming Pool Register when completed.

The register can be found at www.swimmingpoolregister.nsw.gov.au.

23. The filter and pump being located in a position where it will create no noise nuisance at any time or, alternatively, being enclosed in an approved soundproof enclosure. If noise generated as a result of the development results in an offensive noise Council, may prohibit the use of the unit, under the provisions of the Protection of the Environment Operations Act 1997.

24. In accordance with the requirements of the Swimming Pools Act 1992 and Regulations thereunder a warning notice is to be displayed in a prominent position in the immediate vicinity of the swimming pool at all times.

The notice must be in accordance with the standards of the Australian Resuscitation Council for instructional posters and resuscitation techniques and must contain a warning "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL".

25. Fibrecrete Swimming Pool Shell being constructed in accordance with AS.2783-1985 "Concrete Swimming Pool Code, AS 3600-1988 - "Concrete Structure" and "AW1 Fibresteel Technical Manual, November 1981".

26. Where Lane Cove Council is appointed as the Principal Certifying Authority, it will be necessary to book an inspection for each of the following stages during the construction process. Forty eight (48) hours notice must be given prior to the inspection being required:-

- a) The pier holes/pads before filling with concrete.
- b) All reinforcement prior to filling with concrete.
- c) The dampcourse level, ant capping, anchorage and floor framing before the floor material is laid.
- d) Framework including roof and floor members when completed and prior to covering.
- e) Installation of steel beams and columns prior to covering
- f) Waterproofing of wet areas
- g) Pool reinforcement prior to placement of concrete.
- h) The swimming pool safety fence and the provision of the resuscitation poster prior to filling of the pool with water.

- i) Stormwater drainage lines prior to backfilling
- j) Completion.

27. A temporary connection to be made to the sewers of Sydney Water (where available) with an approved toilet structure and toilet fixtures being provided on the site BEFORE WORK IS COMMENCED. Where the Sydney Water sewer is not available a "Chemical Closet" type toilet shall be permitted.

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

- a The establishment of each floor level;
- b The completion of works.

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

29. 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.

30. The removal, handling and disposal of asbestos from building sites being carried out in accordance with the requirements of the Occupational Health and Safety Act and the Regulations. Details of the method of removal to be submitted prior to the issue of construction certificate.

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

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

- (1) A Geotechnical Engineer's Report that indicates that the rock pick machine can be used without causing damage to the adjoining properties.
- (2) The report details the procedure to be followed in the use of the rock pick machine and all precautions to be taken to ensure damage does not occur to adjoining properties.
- (3) With the permission of the adjoining owners and occupiers comprehensive internal and external photographs are to be taken of the adjoining premises for evidence of any cracking and the general state of the premises PRIOR TO ANY WORK COMMENCING. Where approval of the owners/occupiers is refused they be advised of their possible diminished ability to seek damages (if any) from the developers and where such permission is still refused Council may exercise its discretion to grant approval.
- (4) The Geotechnical Engineer supervises the work and the work has been carried out in terms of the procedure laid down.

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

32. The demolition works being confined within and along the boundaries of the site and on adjacent property where permission has been obtained.
33. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
34. Compliance with Australian Standard 2601 - The Demolition of Structures.
35. Compliance with the Waste Management Plan with this application (DA15/212).
36. **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.

37. **BASIX** – An updated compliant BASIX calculation will be completed and certified prior to issue of construction certificate.
38. **Critical concrete pours**

The applicant may apply to undertake critical concrete pours outside of approved 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 approved working hours without prior written approval from Council.**
- **Council reserves the right to refuse the application with or without reason.**

39. This consent does not permit signage on the building or ancillary structure, construction equipment or fencing.
40. This consent does not permit plantings of street trees except for those in accordance with the approved landscape plan.
41. The Construction Noise Management Plan (CNMP) submitted with development application DA15/212 shall be submitted to the Private Certifying Authority prior to the commencement of works. The Private Certifying Authority shall ensure the CNMP is complied with throughout the demolition and construction phases of the development.
42. The maintenance of private land is the responsibility of the applicant and shall be undertaken applicant's cost.
43. The applicant shall obtain development consent for the use and fitout of the commercial, retail, restaurant and supermarket spaces.
44. The applicant shall submit a demolition management plan to the private certifying authority for their approval prior to demolition works commencing.

General conditions to be satisfied prior to the issue of construction certificate

45. The Private Certifying Authority shall ensure the development provide a minimum of 20% of the total units as adaptable units and 80% of the total units as visitable units as per the *Lane Cove Development Control Plan Part F – Access and Mobility*.
46. The Private Certifying Authority shall ensure the development complies with AS 4299 Adaptable Housing for adaptable units and visitable units.
47. The Private Certifying Authority shall ensure all disabled car spaces comply with AS 2890.6.
48. The Private Certifying Authority shall ensure the external lighting is appropriate and would not result in a nuisance for surrounding properties or motorists. Flood lights are not permitted.
49. The private certifying authority shall ensure the construction certificate plans are endorsed by a suitably qualified Accessibility Consultant.
50. The private certifying authority shall ensure the recommendations within the Noise Impact Assessment (Ref: 20151500.1/0511A/R0/BW) prepared by Acoustic Logic dated 5/11/2015, are implemented at the relevant construction certificate stage.
51. Prior to the issue of the construction certificate, the Private Certifying Authority shall

approve plans which illustrate a boom gate system or similar situated within the basement which caters for on-site queuing.

52. Prior to issue of the relevant Construction Certificate, the proponent shall provide to the Private Certifying Authority for its approval a revised basement plan demonstrating a design that complies with Council's *Development Control Plan - Part Q Waste Management and Minimisation* in respect to travel paths and collection areas for on-site waste collection.

General conditions to be satisfied prior to the issue of occupation certificate

53. Prior to the issue of the final occupation certificate, the Private Certifying Authority must be satisfied that the allotments are consolidated into one allotment.

Safer by Design Conditions

Prior to issue of Relevant Occupation Certificate

54. CCTV cameras shall be installed in the parking area, basement entry point, terrace rooftop, pedestrian entry points, and communal open space areas.
55. Basement lux levels required by AS1680.2.1 shall be achieved.
56. Lighting should be provided at entry points (vehicular and pedestrian) and to all communal open space and public areas. This lighting should be automatically controlled by time clocks and/or sensors where appropriate, and to provide an energy efficient and controlled lighting environment. Lighting should be provided in accordance with the relevant Australian Standards.
57. Clear signage at all entry points to the building to ensure clear demarcation between different building functions is required.

Operational phase

58. The applicant shall ensure graffiti and vandalism is removed/ repaired as soon as practicable following such incidents.
59. Damage to land or buildings within site boundary should be replaced as soon as practicable.
60. Landscaping shall be maintained to a high standard on a regular basis. Vegetation shall be maintained to a density and height that allows clear sight lines from the street. Large trees should provide adequate shade, whilst low shrubs maintain the necessary sight lines.
61. The applicant shall undertake regular cleaning of public space and collection of rubbish.

The Department of Infrastructure and Regional Development

62. The building must not exceed a maximum height of 232.8m AHD, inclusive of all lift overruns, vents, chimneys, aerials, antennas, lightning rods, any roof top garden plantings,

exhaust flues etc.

63. The building must be obstacle lit with a medium intensity steady red obstacle lighting during the hours of darkness at the highest point of the building. The obstacle lights are to be arranged so that the building can be observed in a 360 degree radius as per subsection 9.4.3 of the Manual of Standards Part 139 – Aerodromes (MOS Part 139).
64. The proponent must ensure obstacle lighting arrangements have a remote monitoring capability, in lieu of observation every 24 hours, to alert SACL reporting staff of any outage. For detailed requirements for obstacle monitoring within the OLS of an aerodrome, refer to subsection 9.4.10 of the MOS Part 139.
65. The obstacle lighting must be maintained in serviceable condition.
66. The proponent must advise Airservices at least 3 business days prior to the controlled activity commencing by emailing pds.obs@airservicesaustralia.com and quoting SY-CA-307.
67. Separate approval must be sought under the Regulations for any cranes required to construct the building. Construction cranes may be required to operate at a height significantly higher than that of the proposed controlled activity and consequently, may not be approved under the Regulations. Therefore, it is advisable that approval to operate construction equipment (i.e. cranes) should be obtained prior to any commitment to construct.
68. At the completion of the construction of the building, a certified surveyor is to notify (in writing) the airfield design manager of the finished height of the building.

The NSW Roads and Maritime Services

69. All buildings and structures, together with any improvements integral to the future use of the site should be wholly within the freehold property (unlimited in height or depth), along the Pacific Highway boundary.
70. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway

is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

71. The proposed development should be designed such that road traffic noise from Pacific Highway is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007.
72. Prior to the issue of a construction certificate, a Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval.
73. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on the Pacific Highway.
74. A Road Occupancy License should be obtained from the Transport Management Centre for any works that may impact on traffic flows on the Pacific Highway during construction activities.

Traffic and Transport conditions

75. Due to additional vehicular traffic resulting from this development, the intersection of Pacific Highway and Oxley Street is to be upgraded to a Critical Site in the Sydney Coordinated Adaptive Traffic System (SCATS). This involves the installation of pavement loop detectors in the Pacific Highway and associated intersection upgrade works. The developer is required to:
 - i. Undertake the necessary upgrade works to the intersection of the Pacific Highway and Oxley Street in consultation with the NSW Roads and Maritime Services (NSW RMS). The works must be completed to the satisfaction of the NSW RMS and be endorsed by the NSW RMS prior to the issue of any occupation certificate; **or**
 - ii. Fund fifty percent (50%) of the cost (estimated \$250,000) for the intersection upgrade of Pacific Highway and Oxley Street. Payment is to be made to Council and shall be paid prior to the issue of the first construction certificate.
76. The car park design shall comply with AS 2890.1-2004. This includes all parking spaces, ramps, aisles, disabled parking and loading areas. All other aspects of the Car Parking areas are required to comply with AS 2890.2-2002 for Loading Facilities and Services Vehicles.
77. The access to the public car park shall comply with Australian Standards. AS 2890.1-2004.
78. 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.
79. The garbage collection and holding area is to be clearly signposted and linemarked, and provided in accordance with AS2890.2: 2002. On site garbage collection must be provided for with sufficient headroom and to allow the vehicle to enter and exit in a forward direction.
80. 9 on-site car share spaces are to be provided as part of the development. These car share spaces are to be dedicated to commercial car share use and must be accessible to both

residents and commercial tenants / occupants.

81. Pedestrian access on Nicholson Street, Pacific Highway and Freidlander Place, including for people with disabilities 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'. Following construction, Nicholson Lane is to be constructed to be accessible and safe for pedestrians.
82. All cycling racks and secure bike parking provided on-site must meet the minimum standards in accordance with AS 2890.3:2015. Alternative designs that exceed the Australian Standards will also be considered appropriate.
83. 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 designed in accordance with AS 2890.3:2015.
84. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.
85. 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.
86. A Sustainable Transport Action Plan (STrAP) showing the proposed mode shares, relevant bike routes, pedestrian access to the development, 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 final Occupation Certificate.

Construction Traffic Management Plan

87. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.
88. Heavy vehicles are only permitted to travel on the local roads as identified in the Construction Traffic Management Plan.
89. Any construction related machinery or trucks, (other than in an approved loading Zone), that are required to stand on the road or footway, (including unloading and loading of trucks and standing of any demolition or construction related machinery or plant), must be covered by an approved Stand Plant permit. Application for the permit is to be made 10 working days before the day of the related works.
90. Parking for workers must be provided on site or alternatives suggested including encouraging workers to car pool to the site. Construction workers will not be permitted to park on public roads.
91. Any changes to the Construction Traffic Management Plan must be submitted to Lane Cove Council for further approval.

Works Zones

92. 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 Zone. The proposed Works Zone along Nicholson Street must be approved by the Council and have a minimum length of 60 metres, unless restricted by site constraint (to accommodate a large truck). Works Zone signs are only to be erected by Council staff. The Works Zone application is to be submitted to and approved by Council prior to the earlier of the following two situations occurring; either (a) issue of the relevant Construction Certificate or (b) any work commencing, in the case where work is to occur on a Public Road during demolition.

The developer must give the Council written notice of at least 14 days prior to the date upon which use of the Work Zone will commence and the duration of the Works Zone approval shall be taken to commence from that date. All vehicle unloading/loading activities on a public roadway/footway are to be undertaken within an approved Work Zone.

Open Space Conditions

93. The landscape master plan Issue H as submitted by Arcadia Landscape Architects shall form part of this consent, however the use of *Eucalyptus haemastoma* is not considered appropriate. Prior to the commencement of any landscape works, Council's landscape architect shall endorse a suitable species to replace the *Eucalyptus haemastoma*.
94. Prior to the issue of the relevant Construction Certificate the private certifier shall be submitted with detailed landscape working drawings for construction providing sections, elevations and landscape profiles and specifications, consistent with Councils Landscape Checklist. The plans shall be consistent with the conditions of the development consent. Each plan/ sheet shall be certified by a qualified landscape architect / environmental designer or horticulturist. The detailed landscape working drawings shall show the treatment of common open space areas, the public plaza area and full construction detail of balconies or on-structure plantings including sections illustrating all raised planting areas with soil profiles, volumes and specified media in keeping with Lane Cove Councils DCP.
95. All landscape works shall be completed to a professional standard, free of any hazards or unnecessary maintenance problems and that all plants are consistent with NATSPEC specifications.

Matters to be satisfied prior to issue of occupation certificate

96. A qualified practicing landscape architect, landscape / environmental designer or horticulturist, shall certify prior to commencement 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.
97. A landscape practical completion report is to be prepared by a consultant landscape architect, landscape / environmental designer or horticulturist and submitted to Council or the accredited certifier within 7 working days of the date of practical completion of all landscape works. This report is to certify that all landscape works have been completed in accordance with the approved landscape working drawings. A copy of this report is to accompany a request for the issue of the relevant Occupation Certificate

98. Prior to the issue of the relevant Occupation Certificate, the applicant / developer is to submit evidence of an agreement for the maintenance of all site landscaping by a qualified horticulturist, landscape contractor for a period of 12 months from date of issue.
99. At the completion of the landscape maintenance period, the consultant landscape architect/ environmental designer or horticulturist to submit a report to Council or the accredited certifier, certifying that all plant material has been successfully established and that all of the outstanding maintenance works or defects have been rectified prior to preparation of the report and that a copy of the 12 month landscape maintenance strategy has been provided to the Strata Managers /Owners/ Occupiers.

BOND ON STREET AND COUNCIL TREES

100. Pursuant to Section 80A(6)(a) and (7) of the Environmental Planning and Assessment Act 1979, the applicant must, **prior to the commencement of works**, provide security in the amount of **\$40,000** (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 organise the bond refund.

101. 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.

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.

Environmental Services Conditions

- 102. A stage 2 detailed investigation and Remediation Action Plan (RAP) pursuant to the provisions of SEPP 55 and the Contaminated Land Management Act 1997, are to be prepared and submitted to Council prior to the excavation works commencing on site. The stage 2 investigation and RAP are to be reviewed by a NSW EPA accredited site auditor and the report from the site auditor shall be submitted to Council prior to works commencing.
- 103. The submitted Construction Noise Vibration Management Plan prepared by Acoustic Logic and dated 21.1.2016 shall be complied with.
- 104. A check height survey shall be undertaken at the relevant construction phase for the ramp and floor to ceiling height to confirm that the 4.3 m is constructed for the waste truck for its collection and travel path within the ramp/basement.

General Engineering Conditions

- 105. **(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.
- 106. **(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.
- 107. **(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, pumping of water to Council's roadway, installation of temporary rock anchors under the roadway, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**
- 108. **(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.
- 109. **(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.
- 110. **(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.
- 111. **(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.

112. **(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.
113. **(B1) Council infrastructure damage bond:** The applicant shall lodge with Council a \$100,000 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 issue of Construction Certificate**
114. **(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.
115. **(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.
116. **(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.
117. **(O1) Positive Covenant Bond:** The applicant shall lodge with Council a \$2000.00 cash bond to cover the registration of a Positive Covenant over the on-site detention system. Lodgement of this bond is required **prior to the issue of the Construction Certificate**

118. **(O2) Positive Covenant OSD:** Documents giving effect to the creation of a positive covenant over the on-site detention system shall be registered on the title of the property **prior to the issue of the Occupation Certificate**. The wording of the terms of the positive covenant shall be in accordance with Council's *Development Control Plan - Part O Stormwater Management*.
119. **(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 *Development Control Plan - Part O Stormwater Management*. An approved plate may be purchased from Council's customer service desk.
120. **(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.
121. **(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 *Development Control Plan - Part O Stormwater Management*.
122. **(F1) Overland Flow around below ground structures:** To prevent stormwater from entering the basement carpark, a driveway crest or equivalent is required above 1 in 100 year flood level or 150mm above the top of the kerb (a crest up before descent on an access driveway) is required in order to prevent basement car park areas from flooding.
123. **(R1) Rainwater Reuse Tanks:** The proposed rainwater tank is to be installed in accordance with Council's rainwater tank policy and relevant Australian standards.
124. **(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**.
125. **(X1) 88B Instrument:** An instrument under 88B of the conveyancing Act 1919 plus two copies is to be submitted to Council prior to the release of subdivision certificate. The 88B instrument shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies.

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

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

126. **(X2) Linen Plan of Subdivision:** A Linen Plan of Subdivision plus 5 copies are to be submitted to Council prior to the release of subdivision certificate.

The linen plan of subdivision shall be suitable for endorsement by the general manager pursuant to Section 327 of the local government act and shall properly reflect the requirements of the conditions of the development consent, plans forming part of the consent and Council's policies

127. **(S1) Stormwater Requirement:** The stormwater design plans need to be amended to incorporate an adequate gross pollutant trap.

The design and construction of the drainage system is to fully comply with, AS-3500 and *Development Control Plan - Part O 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

128. **(D2) Drainage Plans Amendments:** The stormwater drainage stormwater drainage Weber design Structural engineers numbered 15096 Rev P1 dated November 2015 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 *Development Control Plan - Part O 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.

129. (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.
130. (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.

131. **(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 the relevant 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.

132. **(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**.

133. **(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 Pacific Highway and Nicholson Street adjacent the site. The survey and report need to be submitted to the Council prior to the issue of the first **Construction Certificate**. Following completion of construction of the development and prior to the issue of the first Occupation Certificate, the applicant is to prepare a second dilapidation survey and a dilapidation report that includes details of all changes and damage caused to the surface of the said public roads as a consequence truck movements associated with the construction of the development. The Council may apply funds realised from the security referred to in applicable condition to meet the cost of making good any damage caused to the surface of the said public road as a consequence truck movements associated with the construction of the development to which the consent relates. The dilapidation surveys and reports must be prepared by an engineer registered with the Institute of Engineers.
134. **(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 Geotechnical Report, prepared by Aargus, Ref No. GS5600-2B, dated 28th October 2014 and Structural Engineering Design Brief, 15096, prepared by Weber Design Pty Ltd, dated August 2016.
 - 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.**

135. **(V4) Car Parking and layout 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.**

136. **(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.**

137. **(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 if required.

138. **(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 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.**

139. **(K1) Council Construction Requirements:** The applicant shall construct / reconstruct the following:

1. New footpath adjacent the entire site frontage of Pacific Highway and Nicholson Street to Council's satisfaction
2. New Kerb and Gutter along the entire site frontage of Pacific Highway to Council's satisfaction
3. Reinstate all adjustments to the road surfaces to Council's satisfaction.
4. Reinstate all existing nature-strips with turf and soil to Council's satisfaction.

A \$20,000 cash bond or bank guarantee shall be lodged with Council to cover the satisfactory construction of the above requirements. Lodgement of this bond is required **prior to the issue of the Construction Certificate.** The Bond will be held for a period of six months after satisfactory completion of the works. All works shall be carried out **prior to the issue of the Occupation Certificate.** All costs associated with the construction of the above works are to be borne by the applicant.

140. **(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.**

141. **(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

142. **(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 150 '(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

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

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

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

144. **(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.**

145. **(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.**

146. **(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.

Michael Mason
Executive Manager
Environmental Services Division

ATTACHMENTS:

There are no supporting documents for this report.