

COUNCIL ASSESSMENT REPORT

Panel Reference	2016SYE036
DA Number	DA212/15
LGA	Lane Cove Council
Proposed Development	Construction of a mixed use development comprising a non-residential podium, 429 apartments and associated car parking and upgrade works to Friedlander Place.
Street Address	496-498 and 500-520 Pacific Highway, St Leonards
Applicant/Owner	New Hope Ving Project Pty Ltd Lane Cove Council (Friedlander Place)
Date of DA lodgement	December 2015 (Original proposal) November 2017 (Amended proposal)
Number of Submissions	10
Recommendation	Approval subject to draft conditions.
Regional Development Criteria (Schedule 4A of the EP&A Act)	General development over \$20 million Development that has a capital investment value of more than \$20 million.
List of all relevant s79C(1)(a) matters	Lane Cove Local Environmental Plan 2009 Lane Cove Development Control Plan 2010 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development State Environmental Planning Policy (Building Sustainability Index) 2004 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy 55 Remediation of Land Airports Act 1996 and Airports (Protection of Airspace) Regulations 1996 Draft planning agreement that the developer has offered to enter into under section 93F
List all documents submitted with this report for the Panel's consideration	Attachment 1 –Architectural plans Attachment 2 – Statement of Environmental effects Attachment 3 – SLR solar analyses Attachment 4 –Legal Advise Attachment 5 – Archtectus' SEPP65 Report Attachment 6 – Independent SEPP 65 peer review by StudioGL
Report prepared by	Lane Cove Council
Report date	30 /11/2017

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?

This supplementary report addresses matters raised by the Panel in the original report.

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

All relevant legislative clauses have been considered in the original and supplementary report

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not Applicable

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)?

Not Applicable

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment?

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Majority of conditions remain unchanged.
New SEPP65 conditions have been included.

Supplementary Report

Sydney North Planning Panel Meeting 13 December 2017

REVISION: 30/11/2017

Subject: 496-498 and 500-520 Pacific Highway, St Leonards
Division: Environmental Services Division
Author: 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:	December 2015 (Original proposal) November 2017 (Amended proposal)	
Cost of Work:	\$207,061,000 (original cost)	
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 amended proposal to appear on determination	Construction of a mixed use development comprising a non-residential podium, 429 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	The amended application was notified to all residents previously notified which is consistent with Council's notification policy. The City of Willoughby and North Sydney Councils were notified.

EXECUTIVE SUMMARY:

- The proposed development was considered by the Sydney North Planning Panel at its public meeting held on 25 January 2017.
- The Panel deferred its determination with a request that Council provide a supplementary report that addresses matters raised by the Panel.
- The applicant has made amendments to the proposal to address concerns raised. The amendments include conversion of the Level 4-7 southern apartments to commercial space and the internal reconfiguration of apartments to improve the amenity for future residents and achieve design quality principles of State Environmental Planning Policy 65.

- The amended proposal application was renotified and (10) submissions were received. The concerns raised have been addressed in the report.
- The amended proposal complies with the Lane Cove Local Environmental Plan 2009 with regard to maximum permissible floor space ratio and height.
- The amended proposal generally meet the requirements of Council's site specific Development Control Plan. The minor variations sought are supported.
- Council's Consulting architect (Architectus) has reviewed the amended proposal and advised that the amended proposal generally meets the design quality planning principles of State Environmental Planning Policy 65 and is supportable in its current form, subject to conditions which have been included as draft conditions in the report.
- The consulting architect's (Architectus) assessment has been reviewed by an independent consultant, Studio GL who has reviewed the SEPP 65 report. Studio GL is in agreement with the Architectus' assessment that the solar access and overshadowing impacts of the proposed development are generally acceptable.
- The amended application is recommended for approval subject to draft conditions included in this report.

BACKGROUND:

The proposed development was considered by the Sydney North Planning Panel (The Panel) at its public meeting held on 25 January 2017. The Panel deferred its determination with a request as follows:

"Council to provide a supplementary report which addresses the following:

- *Solar access between the hours of 9am and 3pm mid-winter*
- *Clarification of the need for land owners consent from owners of 69 Christie Street St Leonards in relation to the trees that are proposed to be removed*
- *Potential impacts of 69 Christie Street St Leonards should it be developed under present planning controls*
- *Status of the right of carriageway and public access over 69 Christie Street St Leonards*
- *Clarification of the restriction on hours of construction and high noise generating activities that have been conditioned and agreed informally with the neighbouring Mirvac Project*

In addition to the above, Council is to provide an independent review of the current SEPP65 Report in relation to solar access, overshadowing and privacy.

Council to submit a new set of revised conditions with the supplementary report.

AMENDED PROPOSAL:

The applicant has now amended the proposal to respond to the issues raised by the Panel. The amended proposal is as follows:

- Construction of eight levels of car parking to accommodate 492 car spaces, motorcycle and bike spaces, storage and plant equipment.
- Construction of a podium containing:
 - Retail/commercial tenancies and residential/commercial lobbies fronting Pacific Highway, the southern building frontage accessed from Nicholson Street, and Friedlander Place;
 - Communal resident amenities at the ground and first floor level;
 - Retail and commercial tenancy space fronting the Pacific Highway for ground and first floors, and whole floor plate for Level 2 and Level 3; and
 - Commercial tenancies on the southern portion of Levels 4-7.
- Construction of a residential tower (maximum building height including roof features of RL 227.4) above the commercial podium accommodating 429 residential apartments.
- Public domain including the creation of a public plaza at the Pacific Highway street level (Friedlander Place)
- Pedestrian access from Pacific Highway to the tower (residential) and podium (retail and commercial) area with pedestrian access also from Friedlander Place and Nicholson Street.
- A combined vehicle access driveway from Nicholson Street below Friedlander Place, providing separate access to both the commercial and residential car parking areas and loading dock.
- Dwellings:

The proposal would comprise 429 apartments (a reduction from 458 apartments):

- Studio – 44 (10.2%)
- 1 bedroom – 108 (25.2%)
- 2 bedroom – 221 (51.5%)
- 3 bedroom – 53 (12.3%)
- 4 bedroom – 2 (0.5%)
- 5 bedroom – 1 (0.3%)

Link to the amended architectural plans are provided in **ATT 1**.

Link to the amended statement of environmental effects is provided at **ATT 2**

PREVIOUS APPROVALS/HISTORY:

DA36/16 – 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 as applicable to the amended proposal.

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)	Level of Pacific Highway RL 227.4 to the top of the residential roof	Yes 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 500-520 Pacific Highway 17.0:1 Friedlander Place 12.0:1 Residential FSR 13.53:1 Min 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 Min Non-Residential GFA 5,628m² Total GFA 56,409m² (refer to Figure 2 below)	FSR Residential and Residential amenities FSR 11.06:1 Non-Residential FSR 1.694:1 Total FSR 12.75:1 GFA Residential and residential amenities GFA 41,511m² Non-Residential GFA 6,357m² Total GFA 47,868m²	Yes Yes Yes Yes Yes Yes

Figure 1 – LEP Height of Buildings Map

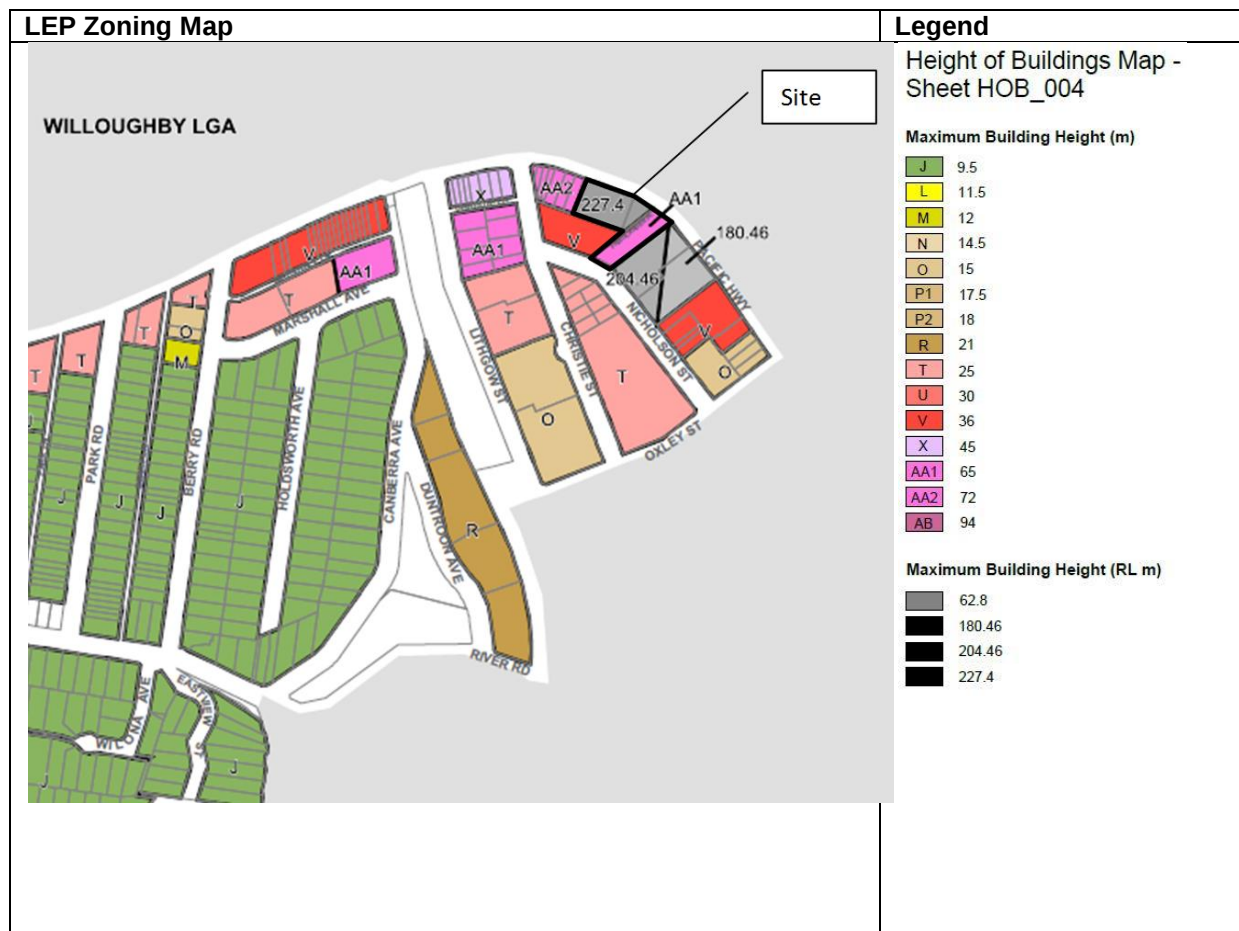
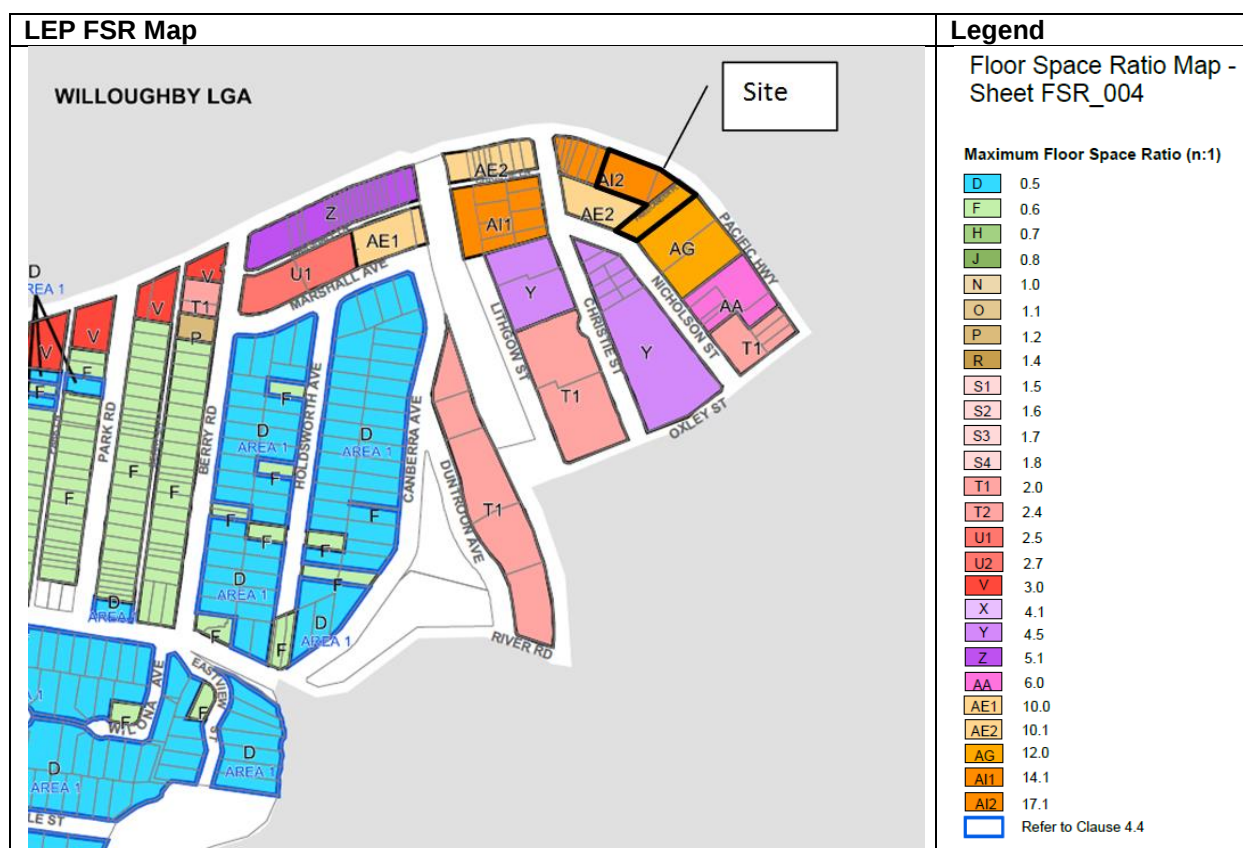


Figure 2 – LEP FSR Map



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

Lane Cove Development Control Plan 2010

The amended proposal meets the provisions of the DCP with the exception of the following

Clause	DCP	Proposed	Comment
Balcony Articulation Zone	Articulation zone for balconies – 2m	Balconies forward of 2m articulation zone within the setback along Pacific Highway. The extension into the front setback helps to achieve the wave like architectural building form concept.	Variation supported

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 @ \$10,100/person 2017/2018 fees and charges
44 x Studio	44 x 1.2 = 52.8	\$533,280
108 x 1 bedroom	108 x 1.2 = 129.6	\$1,308,960
221 x 2 bedroom	221 x 1.9 = 419.9	\$4,240,990
53 x 3 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 53 x \$20,000 = \$1,060,000.00	\$1,060,000
2 x 4 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 2 x \$20,000 = \$40,000.00	\$40,000
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 429 units		\$7,203,230

Commercial/retail contributions

Proposed Use	Area	Contribution payable @ \$120 per m ² 2017/2018 fees and charges
Retail/ Commercial	6,357m ²	\$762,840

Credit for existing commercial buildings

Use	Area	Contribution payable @ \$120 per m ² 2017/2018 fees and charges
Commercial Buildings	14,129m ²	\$1,695,480

Total Section 94 Contributions Payable

Contribution Type	Amount 2017/2018 fees and charges
Residential:	\$7,203,230
Commercial/Retail:	\$762,840
Total	\$7,966,070
Credit for existing commercial buildings:	\$762,840 (minus)
Total Contribution:	\$7,203,230

The total Section 94 contribution for the proposal is **\$7,203,230**

RESPONSE TO NOTIFICATION

The amended application was notified to all residents previously notified which is consistent with Council's notification policy. The issues raised have been considered and addressed as follows:

- Concern has been expressed in relation the hours of construction, duration of high (intensity) noise generating activities and amenity of the surrounding residents. It is suggested that high noise generating activities be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday. Saturday hours of 8am to 12 noon with no high noise generating activities is supported.

Comment: It is acknowledged that respite periods for high noise generating activities need to be provided. In consultation with the community the Mirvac adopted respite periods which are discussed later in the report. Condition 17 has been amended to provide appropriate respite periods

- The proposed amendments would impact the design of the apartments already sold.

Comment: This is a commercial matter for the applicants.

- Impact on future redevelopment of AMA building

Comment: South facing residential apartments on levels 4-7 have been removed and are now proposed as commercial floor space. This removes the residential interface for the extent of the current allowable building height on 69 Christie Street. The amended design would not restrict the redevelopment potential of 69 Christie Street under the current planning framework.

- Wind impacts and wind sensor warning lights

Comment: Condition 2 requires separate wind analysis be carried out identifying any further amelioration measures required to ensure Friedlander place and surrounds meet the predetermined wind comfort levels. The amenity of surrounding residents would be taken into consideration at that stage.

- Concern in relation to Friedlander Place not being a public open space and pedestrian access from Pacific Highway to 69 Christie Street.

Comment: Friedlander place would continue to be public open space. It would be accessible to pedestrians from Pacific Highway, and 69 Christie Street and Nicholson Street

- Loss of access to 69 Christie Street

Comment: Access to 69 Christie Street from Nicholson Street would remain. The easement would remain publicly accessible.

- Reduced setback to the southern boundary

Comment: The proposed development complies with the southern setback requirements of the DCP.

- Open space is private land and its use as pedestrian right of way.

The subject property has right of access over the land towards the rear of 69 Christie street. The easements permit visitors and invitees to traverse 69 Christie Street to access the proposed development.

PANEL INFORMATION REQUEST:

The design has been amended to address the issues raised by the Panel. The additional information requested by the Panel is as follows.

- **Solar access between the hours of 9am and 3pm mid-winter**

In the amended proposal 64.34% of apartments would receive 2 hours' solar access between 9am and 3pm at midwinter, being an improvement on the previous scheme at 63.1%. This increase is a result of internal reconfiguration and the deletion of south facing Levels 4-7 apartments. 24% of the apartments would receive no direct solar access. Solar access is considered acceptable in the context of residential amenity of units.

An updated report prepared by SLR which has been provided in **ATT 3** (SEE Appendix F)

- **Clarification of the need for land owners consent from owners of 69 Christie Street St Leonards in relation to the trees that are proposed to be removed**

The original Arboricultural Impact Assessment recommended that six trees (T47, T48, T49, T52, T53 and T55) be removed because basement excavations on the subject site would involve root incursions and compromise the long-term survival and growth of those trees or undermine their structural stability.

Physical exploration of the trees' rootzones has now been undertaken to verify the actual location of tree roots in relation to the proposed development. A revised Arboricultural Impact Assessment has been provided as Appendix H of the amended Statement of Environmental Effects.

This trenching reveals that, for the majority of the trees, very few roots would be impacted by the proposed development with the exception of T47 where major roots were found to cross the boundary.

Accordingly, five of the six trees originally recommended for removal would not be impacted by the development and would not be removed. To protect Tree 47, the alignment of Basement Level 1 has been re-designed to step around the tree root zone and would not prejudice the health of the tree.

The following Figure shows a sketch section through the basement design to accommodate the root zone of Tree 47.

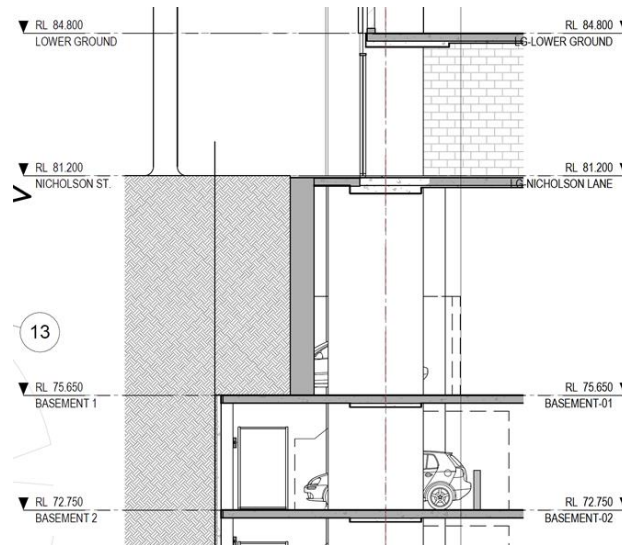


Figure 1: Section of basement cut out to accommodate tree T47 root zone. (Source: Urbis)

The proposed development would require pruning of the canopies of T53 and T55 that overhang the subject site. Both trees would be able to survive the pruning.

In order to permit the pruning of trees T53 and T55 and to address concerns regarding the retention and protection of trees on 69 Christie Street, the following condition is recommended to be included in the draft conditions of consent.

(a) *The applicant shall:*

- (i) *Remove the trees on Lot 1 DP 1179636 (subject site), and*
- (ii) *Prune the trees that intrude into the airspace of Lot 1 DP 1179636(subject site) but only to the extent that such pruning takes place within the boundary of Lot 1 DP 1179636(subject site), in accordance with the Tree Protection and Removal Plan (TPRP) included in the Arboricultural Impact Assessment date 25 February 2017.*

(b) *Prior to carrying out construction within 5 metres of any tree that is identified in the TPRP to be retained, the applicant shall implement and maintain during the period that construction takes place within that distance, the tree protection measures set out in the TPRP for the particular tree, or such other appropriate tree protection measures as may be approved by Council.*

The above suggested condition is included in draft conditions in the report.

In view of the above, and that all trees on 69 Christie Street would be retained, owners consent from owners of 69 Christie Street, St Leonards would not be required for the proposed development.

- **Potential impacts of 69 Christie Street St Leonards should it be developed under present planning controls**

The maximum height of building standard for 69 Christie Street, applicable under LEP 2009, is 36m and the building setback under Part D Commercial and Mixed-Use Localities (Locality 1, B3) is 6m. The current building height is 25.85m and has a setback of 11.69m to its

northern boundary. The easements in favour of the subject property and burden 96 Christie Street are to be preserved.

The site at 69 Christie Street is zoned B3 Commercial Core. Residential development is not permitted on that site and as such SEPP 65 and the accompanying ADG is only a matter for consideration in so far as an assessment of a future commercial building on 69 Christie Street.

The amended proposal removes the residential interface for the extent of the current allowable building height limit on 69 Christie Street.

The diagram below indicates that the amended proposal, where the residential apartments from levels 5-7 have been deleted, would not restrict the development potential of 69 Christie Street under the present controls.

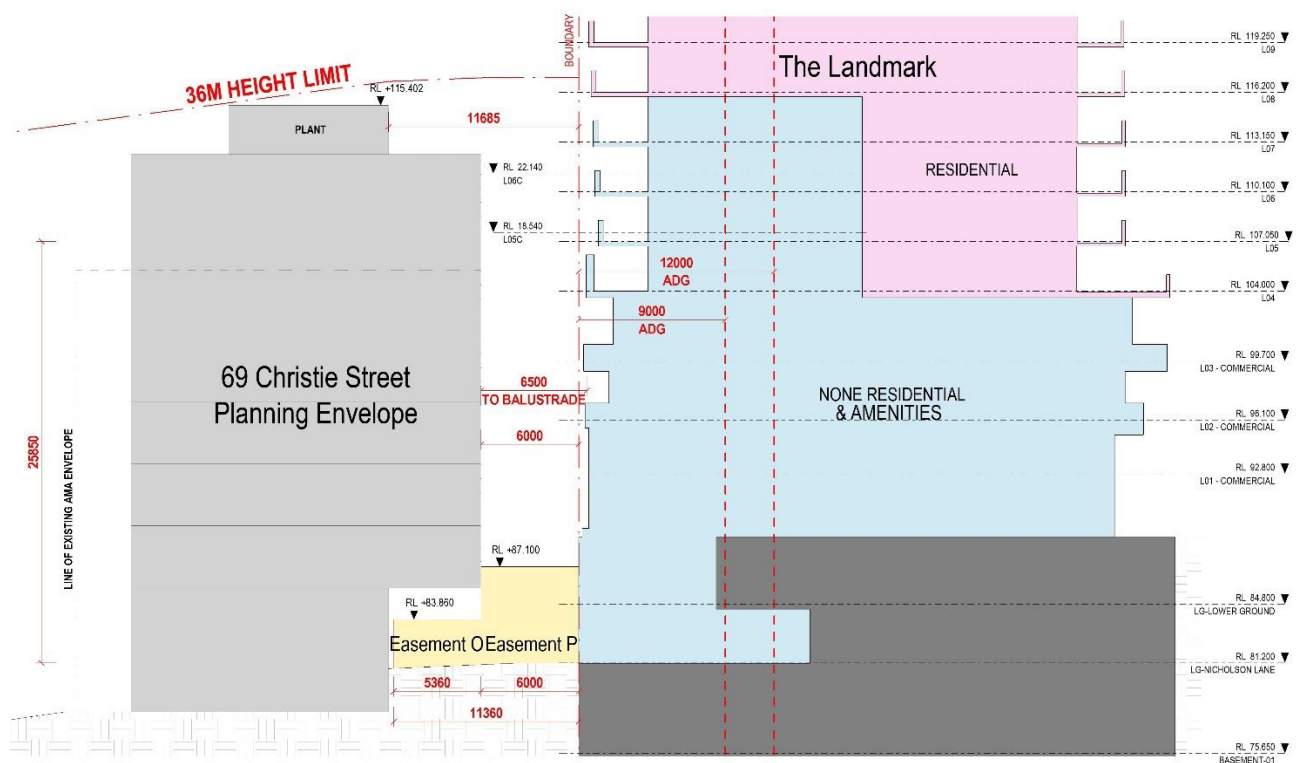


Figure 2: Future setback relationship between and the subject property and 69 Christie Street redevelopment in accordance with the current controls.

In view of the above, the amended proposal would not impact upon the development potential of 69 Christie Street St Leonards under the present planning controls. (Source: Urbis)

- **Status of the right of carriageway and public access over 69 Christie Street St Leonards**

The applicant has provided legal advice which sets out the terms of the following five easements burdening 69 Christie Street. The legal advice has been provided as **ATT 4 (SEE Appendix J)**

- Right of footway 1.3m wide and variable width limited in stratum DP 1053017 (Easement O);
- Right of way carriable width DP 638396 (Easement P);
- Right of way and easement for support variable width DP 638396 (Easement Q);
- Right of footway 2m wide DP 638396 (Easement R); and
- Right of footway 1.39m wide DP 638396 (Easement S).

The advice indicates that:

- the terms of the easements permit visitors and invitees to traverse 69 Christie Street to access the proposed development, including the retail and commercial spaces on the lower ground floor; and
- the owners of 69 Christie Street cannot lawfully erect a fence within the areas of the easements in order to prevent access across 69 Christie Street to the proposed development.

Based on this advice, the location of retail or commercial premises at the lower ground floor is considered appropriate.

- **Clarification of the restriction on hours of construction and high noise generating activities that have been conditioned and agreed informally with the neighbouring Mirvac Project**

The hours of construction indicated in condition 17 are as per Council policy which originally applied to residential flat buildings within the Mowbray Road Prescient. The policy was subsequently applied to all residential flat building within Lane Cove Council area.

The hours of construction approved in the adjoining Mirvac development are as follows:

<i>Monday to Friday (inclusive)</i>	<i>7am to 5.30pm. A one hour respite period must be provided at midday for <u>high noise generating activities, including rock breaking and saw cutting</u></i>
<i>Saturday</i>	<i>7am to 4.00pm. A one hour respite period must be provided at midday for <u>high noise generating activities, including excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving.</u></i>
<i>Sunday</i>	<i>No work Sunday or any Public Holiday.</i>

In consultation with the local community Mirvac negotiated a voluntary **temporary no jack-hammering period** (see below) for the duration of the demolition and excavation works only.

- 7am to 8am no jackhammering Mon – Sat

- 1:00pm to 1:30pm daily no jack-hammering Mon – Sat.

It is noted that the demolition and excavation works have now been completed and the hours of construction have reverted to the above DA Approved hours.

In view of the above it considered that a respite period of 1 hour in the morning and 1 hour in the afternoon would provide relief to the surrounding residents and that taking into consideration the amenity concerns of the surrounding residents it is considered that the respite period be provided as follows:

- high noise generating activities be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday. Saturday hours of 8am to 12 noon with no high noise generating activities.

Condition 17 has been amended to reflect the above suggested respite period.

In essence it would be appropriate to provide a respite period with no jack-hammering during the demolition and excavation works in order to mitigate impact on the local community. In addition it is considered that with the demolition and excavation nearing completion, the noise output from the post excavation works would be less onerous than demolition and excavation.

Council acknowledges that reduced working hours would increase construction time. Also the hours of construction and respite periods should be the same to provide improved noise amenity to the neighbouring residents.

Lane Cove Council is in the process of discussions and negotiation with the neighbouring North Sydney Council and Willoughby Council to seek agreement on hours which would apply to all development sites within the St Leonards area and its close proximity.

- **Council is to provide an independent review of the current SEPP65 Report in relation to solar access, overshadowing and privacy.**

The amended application has been reviewed by Council's consulting architect, Architectus' who has advised that the amended proposal generally meets the design quality planning principles of State Environmental Planning Policy 65 and is supportable in its current form, subject to conditions which have been included in the draft conditions in the report (See condition 147-154). One of the conditions requires the sharp corner created by the meeting of the northern and eastern façade balconies be amended so that there is a clear continuation of the curved façade when the project is viewed from the Pacific Highway.

The Architectus' SEPP 65 report is provided as **ATT 5**.

The Architectus' SEPP 65 assessment has been reviewed by independent consultant Studio GL.

The studio GL critique is largely in support of the proposal and the Architectus SEPP65 review. Aspects of the critique are detailed below:

Studio GL indicates the scale of the proposed development is generally in line with the desired future scale of the development envisaged.

Studio GL agrees that in dense urban environments, full compliance with the ADG solar access requirements is difficult to achieve and accepts that the majority of apartments not achieving a minimum 2 hours of solar access generally face south, which have highly desirable views.

Studio GL agrees that adequate building separation has been provided, the setbacks comply with the site specific controls under the DCP and the separation between the existing development on 69 Christie Street and the proposed development is acceptable.

Studio GL agrees that SEPP65 and the accompanying ADG would not be a consideration in the assessment of future commercial building on 69 Christie Street.

Studio GL suggests removing balconies on the commercial levels towards the south. It is considered that such would detract from the design aesthetics of the proposed development. However consideration can be given to make these balconies inaccessible or a landscape feature.

Studio GL agrees that incorporating commercial uses between levels 2-7 along the southern boundary has removed the conflict between commercial and residential uses to the south.

Studio GL suggests removal of the lower level commercial facade at Pacific Highway to permit greater solar access to Friedlander Place. While such would be marginally beneficial, it is considered that such would detract from the design aesthetics of the proposed development.

Studio GL is in agreement with the Architectus' assessment that the solar access and overshadowing impacts of the proposed development are generally acceptable.

The independent consultant's (Studio GL) review is provided as **ATT 6**.

CONCLUSION

The proposed amendments significantly improve the internal layout and efficiency of the apartments. The amended design removes any snorkel bedrooms. Kitchens are removed from circulation spaces to improve space functionality. The layout provides improved amenity to the residents. The number of apartments has been reduced to 429 apartments from 458 apartments.

South facing residential apartments on levels 4-7 have been removed and converted into commercial floor space. This removes the residential interface for the extent of the LEP standard building height on 69 Christie Street. The amended design would not restrict the redevelopment potential of 69 Christie Street under the current planning framework and adequately addresses the concerns raised by the landowners of 69 Christie Street.

The commercial floors proposed on levels 4-7 would be accessed by a separate lift and lobby. This would maintain the residential amenity and be a better liveability response for residents.

To maintain the amenity of the surrounding residents, Condition 17 has been amended to restrict high noise generating activities between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday.

The original curvilinear design concept feature is maintained. Same landscape treatment which includes trees to be planted along the Pacific Highway would extend along the site and the development towards the east. Draft condition 5 requires the design architect to be involved throughout the life of the project to ensure that the high quality of the project is retained. The concerns in relation to building separation requirement have been resolved by removing the residential interface for the extent of the current planning framework.

The proposed development meets the B4 Mixed use zone objectives. The proposed development meets the design quality planning principles of State Environmental Planning Policy 65 and is supportable in its current form.

The proposal meets the provisions of Lane Cove Council's Local Environmental Plan 2009 with regard to the FSR and Building Height. The proposed development generally complies with the provisions of the Lane Cove Development Control Plan.

RECOMMENDATION

The matters raised by Sydney North Planning Panel at its public meeting held on 25 January 2017 have been addressed and the amended proposal is recommended for approval subject to draft conditions included in the report.

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

Drawing Number	Title	Date and Revision	Prepared By
A.DA001	External View	18.10.17 Rev A	Warren & Mahoney
A.DA004	Development Summary	18.10.17 Rev A	Warren & Mahoney
A.DA012	Basement 6	18.10.17 Rev A	Warren & Mahoney
A.DA013	Basement 5	18.10.17 Rev A	Warren & Mahoney
A.DA014	Basement 4	18.10.17 Rev A	Warren & Mahoney
A.DA015	Basement 3	18.10.17 Rev A	Warren & Mahoney
A.DA016	Basement 2	18.10.17 Rev A	Warren & Mahoney
A.DA017	Basement 1	18.10.17 Rev A	Warren & Mahoney
A.DA018	Nicholson Street	18.10.17 Rev A	Warren & Mahoney
A.DA019	Lower Ground	18.10.17 Rev A	Warren & Mahoney
A.DA020	Ground Level	18.10.17 Rev A	Warren & Mahoney
A.DA022	Basement 6	18.10.17 Rev A	Warren & Mahoney
A.DA023	Basement 5	18.10.17 Rev A	Warren & Mahoney
A.DA024	Basement 4	18.10.17 Rev A	Warren & Mahoney
A.DA025	Basement 3	18.10.17 Rev A	Warren & Mahoney
A.DA026	Basement 2	18.10.17 Rev A	Warren & Mahoney
A.DA027	Basement 1	18.10.17 Rev A	Warren & Mahoney
A.DA028	Nicholson Street	18.10.17 Rev A	Warren & Mahoney
A.DA029	Lower Ground	18.10.17 Rev A	Warren & Mahoney
A.DA030	Ground Level	18.10.17 Rev A	Warren & Mahoney
A.DA101	Level 1	18.10.17 Rev A	Warren & Mahoney
A.DA102	Level 2	18.10.17 Rev A	Warren & Mahoney
A.DA103	Level 3	18.10.17 Rev A	Warren & Mahoney
A.DA104	Level 4	18.10.17 Rev A	Warren & Mahoney
A.DA105	Level 5	18.10.17 Rev A	Warren & Mahoney
A.DA106	Level 6	18.10.17 Rev A	Warren & Mahoney
A.DA107	Level 7	18.10.17 Rev A	Warren & Mahoney
A.DA108	Level 8	18.10.17 Rev A	Warren & Mahoney
A.DA109	Level 9	18.10.17 Rev A	Warren & Mahoney
A.DA110	Level 10	18.10.17 Rev A	Warren & Mahoney
A.DA111	Level 11	18.10.17 Rev A	Warren & Mahoney
A.DA112	Level 12	18.10.17 Rev A	Warren & Mahoney
A.DA113	Level 13	18.10.17 Rev A	Warren & Mahoney
A.DA114	Level 14	18.10.17 Rev A	Warren & Mahoney
A.DA115	Level 15	18.10.17 Rev A	Warren & Mahoney
A.DA116	Level 16	18.10.17 Rev A	Warren & Mahoney
A.DA117	Level 17	18.10.17 Rev A	Warren & Mahoney
A.DA118	Level 18	18.10.17 Rev A	Warren & Mahoney

A.DA119	Level 19	18.10.17 Rev A	Warren & Mahoney
A.DA120	Level 20	18.10.17 Rev A	Warren & Mahoney
A.DA121	Level 21	18.10.17 Rev A	Warren & Mahoney
A.DA122	Level 22	18.10.17 Rev A	Warren & Mahoney
A.DA123	Level 23	18.10.17 Rev A	Warren & Mahoney
A.DA124	Level 24	18.10.17 Rev A	Warren & Mahoney
A.DA125	Level 25	18.10.17 Rev A	Warren & Mahoney
A.DA126	Level 26	18.10.17 Rev A	Warren & Mahoney
A.DA127	Level 27	18.10.17 Rev A	Warren & Mahoney
A.DA128	Level 28	18.10.17 Rev A	Warren & Mahoney
A.DA129	Level 29	18.10.17 Rev A	Warren & Mahoney
A.DA130	Level 30	18.10.17 Rev A	Warren & Mahoney
A.DA131	Level 31	18.10.17 Rev A	Warren & Mahoney
A.DA132	Level 32	18.10.17 Rev A	Warren & Mahoney
A.DA133	Level 33	18.10.17 Rev A	Warren & Mahoney
A.DA134	Level 34	18.10.17 Rev A	Warren & Mahoney
A.DA135	Level 35	18.10.17 Rev A	Warren & Mahoney
A.DA136	Level 36	18.10.17 Rev A	Warren & Mahoney
A.DA137	Level 37	18.10.17 Rev A	Warren & Mahoney
A.DA138	Level 38	18.10.17 Rev A	Warren & Mahoney
A.DA139	Level 39	18.10.17 Rev A	Warren & Mahoney
A.DA140	Level 40	18.10.17 Rev A	Warren & Mahoney
A.DA141	Level 41	18.10.17 Rev A	Warren & Mahoney
A.DA142	Level 42	18.10.17 Rev A	Warren & Mahoney
A.DA143	Level 43	18.10.17 Rev A	Warren & Mahoney
A.DA144	Roof plan	18.10.17 Rev A	Warren & Mahoney
A.DA201	Pre & post Adaptable Layout	18.10.17 Rev A	Warren & Mahoney
A.DA202	Pre & post Adaptable Layout	18.10.17 Rev A	Warren & Mahoney
A.DA203	Pre & post Adaptable Layout	18.10.17 Rev A	Warren & Mahoney
A.DA204	Pre & post Adaptable Layout	18.10.17 Rev A	Warren & Mahoney
A.DA205	Pre & post Adaptable Layout	18.10.17 Rev A	Warren & Mahoney
A.DA206	Pre & post Adaptable Layout	18.10.17 Rev A	Warren & Mahoney
A.DA207	Pre & post Adaptable Layout	18.10.17 Rev A	Warren & Mahoney
A.DA301	North & East Elevation	18.10.17 Rev A	Warren & Mahoney
A.DA302	South & West Elevation	18.10.17 Rev A	Warren & Mahoney
A.DA303	North Roof & Podium Elevation	18.10.17 Rev A	Warren & Mahoney
A.DA304	South Roof & Podium Elevation	18.10.17 Rev A	Warren & Mahoney
A.DA305	East Roof & Podium Elevation	18.10.17 Rev A	Warren & Mahoney
A.DA306	West Roof & Podium Elevation	18.10.17 Rev A	Warren & Mahoney
A.DA401	External Finishes	18.10.17 Rev A	Warren & Mahoney

A.DA402	Roof Feature	18.10.17 Rev A	Warren & Mahoney
A.DA403	Roof Feature	18.10.17 Rev A	Warren & Mahoney
A.DA404	Balustrade Design	18.10.17 Rev A	Warren & Mahoney
A.DA405	Signage Zones	18.10.17 Rev A	Warren & Mahoney
A.DA406	Signage Zones	18.10.17 Rev A	Warren & Mahoney
A.DA407	Feature Stair	18.10.17 Rev A	Warren & Mahoney
A.DA408	Sky Garden	18.10.17 Rev A	Warren & Mahoney
A.DA501	Building Sections	18.10.17 Rev A	Warren & Mahoney
A.DA502	Ramp Section	18.10.17 Rev A	Warren & Mahoney
A.DA503	Podium Retail Sections	18.10.17 Rev A	Warren & Mahoney
A.DA504	Commercial Level Section	18.10.17 Rev A	Warren & Mahoney
105	Landscape Masterplan	October 2017, Issue O	Arcadia Landscape Architecture
106	Detail Plan – plaza	October 2017, Issue O	Arcadia Landscape Architecture
107	Detail Plan – terrace	October 2017, Issue O	Arcadia Landscape Architecture
108	Landscape Sections – Sections A & B	October 2017, Issue O	Arcadia Landscape Architecture
109	Landscape Sections – Sections C & D	October 2017, Issue O	Arcadia Landscape Architecture
110	Landscape Sections – Sections E & F	October 2017, Issue O	Arcadia Landscape Architecture
111	Public Domain Furniture	October 2017, Issue O	Arcadia Landscape Architecture
112	Planting Palette	October 2017, Issue O	Arcadia Landscape Architecture
113	Materials Palette & Schedule	October 2017, Issue O	Arcadia Landscape Architecture
201	Landscape Masterplan – Ground	October 2017, Issue O	Arcadia Landscape Architecture
202	Landscape Plan – Nicholson Lane	October 2017, Issue O	Arcadia Landscape Architecture
203	Landscape Plan – Ground	October 2017, Issue O	Arcadia Landscape Architecture
204	Landscape Plan – Ground	October 2017, Issue O	Arcadia Landscape Architecture
205	Landscape Plan – Ground	October 2017, Issue O	Arcadia Landscape Architecture
206	Landscape Plan – Level 2	October 2017, Issue O	Arcadia Landscape Architecture
207	Landscape Plan – Level 3	October 2017, Issue O	Arcadia Landscape Architecture
208	Landscape Plan – Level 4	October 2017, Issue O	Arcadia Landscape Architecture
210	Landscape Details – Paving	October 2017, Issue O	Arcadia Landscape Architecture
211	Landscape Details – Walls & Steps	October 2017, Issue O	Arcadia Landscape Architecture
212	Landscape Details –	October 2017, Issue	Arcadia Landscape

	Planting	O	Architecture
213	Landscape Specification	October 2017, Issue O	Arcadia Landscape Architecture

except as amended by the following conditions.

2. Post construction, a separate wind analysis is to 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.
3. All advertising signs/structures being the subject of a separate development application.
4. 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.
5.
 - a) In order to ensure the design quality of the development is retained:
 - i. The design architect (A+ Design) is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect (A+ Design) 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 (A+ Design) commission shall be provided to Council prior to the release of the Construction Certificate.
 - b) The design architect (A+ Design) of the project shall not be changed without notice to and agreement by the Council.
6. 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.
7. The applicant shall obtain development consent for the use and fitout of all commercial, retail, spaces.
8. **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 or as agreed basis. Meetings are to be chaired by Developer representatives.
9. **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 Section149 planning certificate and any promotional material shall mention

whether the unit is adaptable.

10. 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 (trim 63981/16)

General Conditions

11. The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
12. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
13. **(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 \$6,270,590 AT THE CURRENT RATE OF \$10,100 PER PERSON and \$120 PER SQUARE METER for RETAIL/COMMERCIAL BASED ON THE 2017/2018 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 @\$10,100/person 2017/2018 fees and charges
44 x Studio	44 x 1.2 = 52.8	\$533,280
108 x 1 bedroom	108 x 1.2 = 129.6	\$1,308,960
221 x 2 bedroom	221 x 1.9 = 419.9	\$4,240,990
53 x 3 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 53 x \$20,000 = \$1,060,000.00	\$1,060,000
2 x 4 bedroom	A cap of \$20,000 per dwelling has been imposed under the <i>Reforms of Local Development Contribution</i> 2 x \$20,000 = \$40,000.00	\$40,000
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 429 units		\$7,203,230

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Total 429 units		\$7,203,230

Commercial/retail contributions

Proposed Use	Area	Contribution payable @ \$120 per m ² 2017/2018 fees and charges
Retail/ Commercial	6,357m ²	\$762,840

Credit for existing commercial buildings

Use	Area	Contribution payable @ \$120 per m ² 2017/2018 fees and charges
Commercial Buildings	14,129m ²	\$1,695,480

Total Section 94 Contributions Payable

Contribution Type	Amount 2017/2018 fees and charges
Residential:	\$7,203,230
Commercial/Retail:	\$762,840
Total	\$7,966,070
Credit for existing commercial buildings:	\$762,840 (minus)
Total Contribution:	\$7,203,230

The total Section 94 contribution for the proposal is **\$7,203,230**

14. An Occupation Certificate being obtained from the Principal Certifying Authority before the

occupation of the building.

15. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the "Your Business" section of the web site www.sydneywater.com.au then follow the "e-Developer" icon or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

16. 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.
17. 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 be restricted between 8am to 5.00pm with a respite period between 12.00 noon to 1.30pm Monday to Friday.**

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.

18. 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.
19. 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.

20. 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 all the site boundaries 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

- c) which that person may be contacted outside working hours; and
a statement that unauthorised entry to the construction site is prohibited.

The signs shall be maintained for the duration of construction works.

21. 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.

22. 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.

23. 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".

24. 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".

25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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.
- 30. (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.

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

36. **BASIX** – An updated compliant BASIX calculation will be completed and certified prior to issue of construction certificate.
37. **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.**
38. This consent does not permit signage on the building or ancillary structure, construction equipment or fencing.
 39. This consent does not permit plantings of street trees except for those in accordance with the approved landscape plan.
 40. 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.
 41. The maintenance of private land is the responsibility of the applicant and shall be undertaken applicant's cost.
 42. The applicant shall obtain development consent for the use and fitout of the commercial, retail, restaurant and supermarket spaces.

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

43. The Principal Certifying Authority shall ensure the development complies with AS 4299 Adaptable Housing for adaptable units and visitable units.
44. The Principal Certifying Authority shall ensure all disabled car spaces comply with AS 2890.6.
45. The Principal 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.
46. The Principal Certifying Authority shall ensure the construction certificate plans are endorsed by a suitably qualified Accessibility Consultant.
47. The Principal 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.
48. Prior to the issue of the construction certificate, the Principal Certifying Authority shall approve plans which illustrate a boom gate system or similar situated within the basement which caters for on-site queuing.
49. Prior to issue of the relevant Construction Certificate, the proponent shall provide to the Principal 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

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

Safer by Design Conditions

Prior to issue of Relevant Occupation Certificate

51. CCTV cameras shall be installed in the parking area, basement entry point, terrace rooftop, pedestrian entry points, and communal open space areas.
52. Basement lux levels required by AS1680.2.1 shall be achieved.
53. 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.
54. Clear signage at all entry points to the building to ensure clear demarcation between different building functions is required.

Operational phase

55. The applicant shall ensure graffiti and vandalism is removed/ repaired as soon as practicable following such incidents.
56. Damage to land or buildings within site boundary should be replaced as soon as practicable.
57. 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.
58. The applicant shall undertake regular cleaning of public space and collection of rubbish.

The Department of Infrastructure and Regional Development

59. 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.
60. 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).
61. 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.
62. The obstacle lighting must be maintained in serviceable condition.
63. 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.

64. 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.
65. 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

66. 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.
67. 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.

68. 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.
69. 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.
70. 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.
71. 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

72. 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.
73. 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.
74. The access to the public car park shall comply with Australian Standards. AS 2890.1-2004.
75. 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.
76. 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.
77. 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.
78. 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.
79. 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.
80. 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.
81. The bicycle facilities are to be clearly labelled, and advisory/directional signage is to be provided at appropriate locations.
82. 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.

83. 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

84. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan.
85. Heavy vehicles are only permitted to travel on the local roads as identified in the Construction Traffic Management Plan.
86. 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.
87. 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.
88. Any changes to the Construction Traffic Management Plan must be submitted to Lane Cove Council for further approval.

Works Zones

89. 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

90. 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*.

91. 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.
92. 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

93. 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.
94. 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
95. 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.
96. 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

97. 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.

98. 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

99. 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.
100. The submitted Construction Noise Vibration Management Plan prepared by Acoustic Logic and dated 21.1.2016 shall be complied with.
101. 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

102. **(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.
103. **(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.

104. **(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.**
105. **(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.
106. **(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.
107. **(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.
108. **(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.
109. **(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.
110. **(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**
111. **(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.

112. **(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.
113. **(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.
114. **(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**
115. **(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*.
116. **(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.
117. **(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.
118. **(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*.
119. **(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.
120. **(R1) Rainwater Reuse Tanks:** The proposed rainwater tank is to be installed in accordance with Council's rainwater tank policy and relevant Australian standards.

121. **(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.**
122. **(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.

123. **(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
124. **(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

125. **(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.

126. **(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.

127. (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.

128. (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.

129. **(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**.

130. **(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.

131. **(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.**

132. **(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.**

133. **(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.**

134. **(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.

135. **(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.**

136. **(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.

137. **(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**.

138. **(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

139. **(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

140. **(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.**

141. **(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.**
142. **(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 Practice.

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.**

143. **(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.

SEPP 65 conditions:

Design modifications Conditions

144. At the north-eastern corner, the sharp corner created by the meeting of the northern and eastern façade balconies should be amended so that there is a clear continuation of the curved façade when the project is viewed from the Pacific Highway.

Prior to issue of a Construction Certificate

145. A signage and wayfinding strategy is to be prepared, clearly distinguishing between residential and non-residential building entry points.
146. An appropriate means of access control is to be provided between residential and non-residential car parking areas.
147. Landscape plans are to demonstrate a soil depth of at least 1.2 metres where large trees are proposed.
148. The use of rainwater tanks to capture some of the site's water runoff and reuse water for irrigation should be appropriate incorporated into the plans.

Prior to issue of Occupation Certificate

149. A site maintenance and cleaning strategy is to be prepared, outlining the frequency of cleaning and processes for maintenance and general repairs, including with respect to non-habitable balconies and the boundary landscaping and garden areas at the ground floor.

Operational Conditions

150. Non-habitable balcony areas are to be landscaped planter boxes or be subject of an appropriate strata by-law requiring access only for the purposes of cleaning and maintenance. Other use of balcony areas marked 'non-habitable' is prohibited.
151. A marked path of travel to be integrated into the design, coupled with adequate signage to provide safe bicycle access into and between basement levels.
152. **Additional tree condition**
- (a) *The applicant shall:*
- (i) *Remove the trees on Lot 1 DP 1179636 (subject site), and*
 - (ii) *Prune the trees that intrude into the airspace of Lot 1 DP 1179636(subject site) but only to the extent that such pruning takes place within the boundary of Lot 1 DP 1179636(subject site), in accordance with the Tree Protection and Removal Plan (TPRP) included in the Arboricultural Impact Assessment date 25 February 2017.*
- (b) *Prior to carrying out construction within 5 metres of any tree that is identified in the TPRP to be retained, the applicant shall implement and maintain during the period that construction takes place within that distance, the tree protection measures set out in the TPRP for the particular tree, or such other appropriate tree protection measures as may be approved by Council.*