

Supplementary Report IV
Sydney North Planning Panel Meeting 13 December 2017
DATED: 18/12/2017

Subject: 496-498 and 500-520 Pacific Highway, St Leonards
Division: Environmental Services Division
Author: Rajiv Shankar

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| 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 |

The proposed development was considered by the Sydney North Planning Panel at its public meeting held on 13 December 2017. The Panel deferred its determination to consider the Clause 4.6 variation request by the applicant and its assessment by Council.

The Panel has requested Council to submit the amended conditions as per the Record of Deferral.

The amended conditions are as follows:

Deferred Commencement Condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

1. The Applicant shall prepare and provide to TfNSW for approval/certification the following final version items in compliance with the Sydney Metro Underground Corridor Protection Guidelines (available from www.sydneymetro.info):
 - a. Geotechnical and Structural report/drawings that meet TfNSW requirements.
 - b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that TfNSW will not permit any ground anchors/bolts, temporary or permanent, within its land or easements.
 - c. Cross sectional drawings showing the Sydney Metro City and Southwest corridor, sub soil profile, proposed basement and footing excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
 - d. Detailed Survey Plan showing the relationship of the proposed development with respect to the Sydney Metro City and Southwest corridor.
 - e. If required by TfNSW, a Geotechnical or Structural engineer is to verify that movements and stresses of the ground/structure interaction are within expected limitations for the proposed foundations, the rail corridor rock mass and the future excavation of the rail tunnels. The ground/structure interaction modelling and analysis should be completed using appropriate empirical and/or numerical methods (e.g. finite element analysis).

Operational Conditions

- 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 |

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|---------|-------------------------------|----------------|------------------|
| 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 |

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| 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 – Planting | October 2017, Issue O | Arcadia Landscape 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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| 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**

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

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

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 **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 appropriately 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.

153. Transport Sydney Trains conditions

1. Prior to the issue of a Construction Certificate the Applicant is to submit an acoustic assessment to TfNSW demonstrating how the proposed development will comply with the noise and vibration criteria outlined in *Sydney Metro Underground Corridor Protection Technical Guidelines* including the Department of Planning's document title "Development Near Rail Corridors and Busy Roads – Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the future rail corridor construction and rail operations to the proposed development. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
2. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to submit a report to TfNSW on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk.
3. Prior to the issuing of an Occupation Certificate the Applicant is to submit as-built drawings to TfNSW and Council. The Principal Certifying Authority is not to issue the final Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.
4. TfNSW, and persons authorised by it for this purpose, are entitled to inspect the site of the development and all structures to enable it to consider whether those structures have been or are being constructed and maintained in accordance with the approved plans and these conditions of consent, on giving reasonable notice to the principal contractor for the development or the owner or occupier of the part of the site to which access is sought.
5. Copies of any certificates, drawings or approvals given to or issued by TfNSW must be delivered to Council for its records prior to the issuing of a Construction Certificate.
6. Unless advised by Sydney Trains in writing, all excavation, shoring and piling works

within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

7. No rock anchors/bolts are to be installed into Sydney Trains property or easements.

Dust condition

154. (402) **Dust Control**

The following measures must be taken to control the emission of dust:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the work
- b) Any existing accumulations of dust (e.g. in ceiling voids and wall cavities) must be removed using an industrial vacuum cleaner fitted with a high efficiency particulate air (HEPA) filter
- c) All dusty surfaces must be wet down and any dust created must be suppressed by means of a fine water spray. Water used for dust suppression must not be allowed to enter the street or stormwater system
- d) All stockpiles of materials that are likely to generate dust must be kept damp or covered
- e) Demolition work must not be carried out during high winds, which may cause dust to spread beyond the boundaries of the site.