

DRAFT CONDITIONS

Rev B – 2/11/2017

Proposed Development:	Redevelopment of Rosenthal Car Park involving construction of a six (6) storey mixed use building comprising basement car park, two (2) supermarkets and ground level public open space and retail tenancies
Properties:	Nos. 2 – 20 Rosenthal Avenue, Lane Cove
DA No:	46/2017
SNPP Reference No:	2017SNH055

General Conditions

1. Evidence is to be provided to the Principal Certifying Authority that all conditions of stage 1 consent DA198/2015 as modified under S96(2) have been complied with.
2. That the development be strictly in accordance with the following drawings dated 20.04.2017, prepared by Scott Carver
 - AR-DA1097 LEVEL B3 - CARPARK PLAN
 - AR-DA1098 LEVEL B2 - CARPARK PLAN
 - AR-DA1099 LEVEL B1 - CARPARK PLAN
 - AR-DA1100 LEVEL B0 - CARPARK / DOCK PLAN
 - AR-DA1101 LEVEL 01 - RETAIL PLAN
 - AR-DA1102 LEVEL 02 - PARK PLAN
 - AR-DA1103 ROOF PLAN
 - AR-DA1201 ELEVATIONS
 - AR-DA1211 SECTIONS
 - AR-DA1951 SHADOW DIAGRAM

Landscape drawings dated 21.4. 2017:

- LA-DA100 LANDSCAPE CONCEPT PLAN Rev 3
- LA-DA120 OUTLINE PLANTING PLAN Rev 2
- LA-DA130 DEEP SOIL ZONE PLAN Rev 2
- LA-DA200 SECTION GRID LINE DD Rev 2
- LA-DA201 SECTION GRID LINE GG Rev 2
- LA-DA202 SECTION GRID LINE JJ Rev 2
- LA-DA203 SECTION GRID LINE MM Rev 2
- LA-DA204 SECTION GRID LINE SS Rev 2
- LA-DA205 SECTION GRID LINE 3 Rev 2
- LA-DA206 SECTION GRID LINE 3 Rev 2

except as amended by the following conditions.

3. (38) All advertising signs/structures being the subject of a separate development application.

Certificates/BCA Conditions

4. (1) The submission of a Construction Certificate and its issue by Council or Private Certifier PRIOR TO CONSTRUCTION WORK commencing.
5. All building works are required to be carried out in accordance with the provisions of the Building Code of Australia. A completion certificate is to be issued by either the Principal Certifying Authority or a qualified accredited fire safety engineer, confirming that all identified Performance solutions have been completed for the building prior to the issue of Final Occupation Certificate.
6. (17) An Occupation Certificate being obtained from the Principal Certifying Authority before the occupation of the works.

Sydney Water Conditions

7. (11) 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 Principal Certifying Authority prior to the issue of a Construction Certificate.
8. (24) 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.

Section 94 Contributions

9. (15) The payment of a contribution of \$780,000 towards traffic management and streetscape improvements, open space and recreation facilities, drainage and community facilities. The contribution is to be paid prior to issue of a construction certificate and to be at the current rate at time of payment. note: payment must be in bank cheque. Personal cheques will not be accepted.

The contribution is based on 6,500m² at the current contribution rate of \$120 per m² of additional retail/commercial floor space.

This contribution is under Lane Cove Council Section 94 Contributions Plan which is available for inspection at the customer service counter, Lane Cove Council, 48 Longueville Road, Lane Cove.

Building Conditions

10. Construction Work Hours

(35) 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
Saturday	7am to 4pm

Sunday No work Sunday or any Public Holiday.

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

11. (36) Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

12. (37) The development shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood in respect of noise, vibration, smell, dust, waste water, waste products or otherwise.

13. Critical concrete pours

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

- the submission, at least seven (7) working days prior to the critical concrete pour, to Council of an application along with the prescribed fee, in the prescribed Council form, that includes a written statement of intention to undertake a critical concrete pour and that also contains details of the critical concrete pour, the number of such pours required, their likely time duration, impact statement and how foreseeable impacts will be addressed (ie light spill/ noise/ traffic etc);
- adjoining and nearby affected residents being notified in writing at least two (2) working days prior to the pour, and a copy of this notice to be provided to Council for review prior to issue;
- no work and deliveries to be carried out before 7.00am and after 10pm; and
- no work occurring on a Sunday or any Public Holiday.

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

Following any critical concrete pour, the applicant must advise Council in writing no later than seven (7) working days after the completion of the pour,

what measures were actually undertaken by the applicant with a view to minimising any potential adverse impacts as a result of the pour, including but not limited to impacts with respect to noise, light spillage, and the positioning of the required vehicle(s), so that all related matters can be reviewed and any potential adverse events and/or impacts addressed in future critical concrete pours.

NOTE:

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

14. (45) A "Fire Safety Schedule" specifying the fire safety measures that are proposed or required to be implemented in the building premises as required by Clause 168 – Environmental Planning & Assessment Regulation 2000 are to be submitted and approved **PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE.**

15. (46) Continuous balustrading is to be provided to all balconies, decks, terraces, landings and the like where more than 1 metre above the ground or floor surface beneath. Such balustrading is to have a minimum height of 1 metre. Openings in the balustrade must not allow a 125mm sphere to pass through and where the floor is more than 4 metres above the ground or floor surface below, any horizontal or near horizontal elements within the balustrade between 150mm and 760mm above the floor must not facilitate climbing.

16. (48) 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.

17. (49) Prior to the commencement of any construction work associated with the development, the Applicant shall erect a sign(s) at the construction site and in a prominent position at the site boundary where the sign can be viewed from the nearest public place. The sign(s) shall indicate:
- a) the name, address and telephone number of the Principal Certifying Authority;
 - b) the name of the person in charge of the construction site and telephone number at which that person may be contacted outside working hours; and
 - c) a statement that unauthorised entry to the construction site is prohibited.

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

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

- a) All reinforcement prior to filling with concrete.
 - b) Framework including roof and floor members when completed and prior to covering.
 - c) Installation of steel beams and columns prior to covering
 - d) Waterproofing of wet areas
 - e) Stormwater drainage lines prior to backfilling
 - f) Completion.
19. (57) Structural Engineer's details being submitted PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE for the following:-
- a) retaining walls;
 - b) footings;
 - c) reinforced concrete work;
 - d) structural steelwork;
20. (60) 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.
21. (63) All metal deck roofs being of a ribbed metal profile, in a mid to dark colour range with an anti-glare finish. The intent of the condition is to reduce sun reflection and glare to protect the amenity of surrounding residents.
22. Standard Condition (64) A check survey certificate is to be submitted at 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.
23. (66) 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.
24. (78) The site being properly fenced to prevent access of unauthorised persons.
25. (79) Compliance with Australian Standard 2601 - The Demolition of Structures.
26. (86) An approved type of hoarding being erected along the street frontage.
27. (141) **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.**

Environmental Health Conditions

28. 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 an effective 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.

29. Erosion and Sedimentation Controls – Major Works

Erosion and sediment control devices are to be provided. All devices are to be established prior to the commencement of engineering works and maintained until the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

All trucks leaving the site are to drive through a shaker and wheel wash. All roads that form the path of travel (traffic management plan) are to be maintained free of debris and dust at all times. Debris is to be swept or vacuumed from the road. Under no circumstances are affected roads to be washed down.

30. (406) Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (blue Book)

31. (407) Site Water Management Plan

A site water management plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with “Managing Urban Stormwater – Soils and Construction” (the blue book) produced by the NSW Department of Housing.

32. (408) Stockpiles

Stockpiles of topsoil, sand, aggregate, spoil or other material capable of being moved by water are to be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

33. **Waste Management**

Compliance with the requirements and recommendations of the Waste Management Plan prepared by Acadis Report No ID1076240-R01-04 Dated 20/04/2017 and submitted with the application except where as modified by any other conditions of this consent.

34. (432) **Garbage storage area – Commercial/Industrial**

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

35. (433) **Garbage collection – Commercial/Industrial**

Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environmental operations Act 1997. Records shall be kept of all waste disposal from the site. Waste and recycling material, generated by the premises, must not be collected between the hours of 10pm and 6am on any day.

36. (434) **Litter Control**

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

37. (435) **Garbage Room Location & Access**

Garbage rooms shall:

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

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

38. **(437) Construction Requirements – Garbage Room**
Garbage rooms used for the storage of garbage, and rooms used for the washing and storage of garbage receptacles, remain subject to the following requirements:
- Floors of garbage rooms shall be constructed of concrete at least 75mm thick or other approved solid impervious material, graded and drained to an approved drainage outlet connected to the sewer, and shall be finished to a smooth even surface coved at the intersection with walls and plinths
 - Walls of garbage rooms shall be constructed of approved solid impervious material and shall be finished to a smooth even surface coved at all intersections
 - Ceilings of garbage rooms shall be finished with a rigid smooth faced non-absorbent material capable of being easily cleaned.
39. **(438) Drainage**
Garbage room floors shall be graded to a floor waste, which shall be connected to the sewer. No drainage from garbage rooms shall be connected directly or indirectly to the stormwater drainage system, Council's street gutter or Council's drainage system.
40. **(441) Operation of Plant or Equipment**
To minimise the impact of noise from the development, all sound producing plant, equipment, machinery, mechanical ventilation systems and or refrigeration systems, shall be designed and or located so that the noise emitted does not exceed 5db(A) above the ambient background level when measured from the boundary of any affected premises between the hours of 8am to 10pm. Between the hours of 10pm and 8am, noise shall not exceed the ambient background level when measured at the boundary of an affected premises.
- All sound producing equipment shall comply with the Protection of the Environmental Operations Act 1997.
41. **Construction Noise Management**
The applicant/developer is to comply with all recommendations detailed in Chapter 6 of the Construction Noise Management Plan Report No ACO-NW-002 – 21981B prepared by Pacific Environment Limited dated 20/4/2017 except where modified by or inconsistent with any other conditions of this consent.
42. **(454) Car Park Ventilation**
The covered car park must be provided with an adequate system of permanent natural ventilation or an approved system of mechanical ventilation.
43. **(457) Fresh air intake vents**
All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.
44. **(459) Exhaust air discharges**
The composition, direction and velocity of the exhaust air discharged from the exhaust vents must be such that no nuisance or danger to health will be created.

45. (466) **Storage of Potentially Contaminated Soils**
All stockpiles of potentially contaminated soil must be stored in an environmentally acceptable manner in a secure area on the site.
46. (467) **Assessment of Potentially Contaminated Soils**
All stockpiles of potentially contaminated soil must be assessed in accordance with relevant NSW Environment Protection Authority guidelines, such as the publication titled *Environmental Guidelines: Assessment, Classification and Management of Liquid and Non – Liquid Wastes* (EPA, 1999).
47. (468) **Offsite Disposal of Contaminated Soil**
All contaminated soil removed from the site must be disposed at a waste facility that can lawfully receive that waste.

Copies of all test results and disposal dockets must be retained for at least 3 years and be made available to authorised Council officers on request.
48. (483) **Regulated Systems**
All air handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
The premise is to be registered with Council together with payment of the approved fee, **prior to occupancy of the building**.
49. (484) **Access for maintenance purposes**
Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by *Australian Standard AS3666.2:2002 Air handling and water systems of buildings – Microbial control – Operation and maintenance*.
50. (485) **Registration of water cooling and warm water systems**
All water cooling and warm water systems regulated under the *Public Health Act 1991* must be registered with Council's Environmental Services Unit within one month of installation.
51. **Complaint Management System**

To ensure that enquiries from the community are effectively and appropriately managed, the applicant is to provide a council with a written complaint management system to ensure that enquiries are managed, investigated and responded to in a timely manner. The complaint management system is to operate 24 hours a day for the duration of the project. A copy of the complaint management system is to identify key staff/positions that will be responsible for the management of the project and are to be clearly defined in this document. A copy of the Complaint Management System is to be submitted to Council, prior to the issue of the Construction Certificate.
52. **Nuisance Bird Management Plan**

To ensure that nuisance birds are managed and do not interfere with the safety or amenity of persons using the public space, a nuisance bird strategy is to be developed using non harmful, passive devices to ensure nuisance birds don't roost or foul the public space. The Nuisance Bird Management Plan is to be submitted prior to the Occupation Certificate being issued. Note:

The Nuisance Bird Management Plan is to be prepared by an appropriately qualified consultant or pest controller.

Roads and Maritime Services conditions

53. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a Construction Certificate.

Landscape Conditions

54. Amended plans of the embellishment and treatment of the open space component of the development are to be submitted to Council for approval prior to the issue of a Construction Certificate. These plans and any associated documentation are to address issues raised by Council in relation to the landscape design submitted with the application to the satisfaction of Council's Landscape Architect.

Traffic Conditions

55. A roundabout (and any associated works deemed necessary by Council) is to be constructed at the intersection of Rosenthal Avenue and Finlayson Avenue as generally indicated on the plans submitted with the application as the Roads Authority. The roundabout and associated works will be subject to a separate approval from Council as the Roads Authority under the Roads Act, which is to be obtained prior to the issue of the construction certificate. Construction of the roundabout and all associated works must be completed to the satisfaction of Council prior to the issue of the final occupation certificate for the development.
56. Evidence demonstrating that all road closure applications pertaining to the subject site and proposed development have been finalised to the satisfaction of Council is to be submitted to the Principle Certifying Authority prior to the issue of the final Occupation Certificate.
57. A separate application under the Roads Act must be submitted to and approved by Council's Traffic and Transport team for any proposed road works outside the subject property prior to the issue of the Construction Certificate. All such works, including signage and line marking plans, require approval of the Local Traffic Committee.
58. A pedestrian bridge shall be constructed across Rosenthal Avenue generally in the location indicated on the approved plans. Approval of an application under the Roads Act is to be obtained for the bridge prior to its construction. The bridge is to be completed to the satisfaction of Council and the Roads Authority prior to the issue of the final occupation certificate for the development.
59. A pedestrian refuge is to be provided in Birdwood Avenue at the intersection with Rosenthal Avenue. The existing footpath along Rosenthal Avenue is to be realigned with the proposed pedestrian refuge on both approaches in line with the pedestrian desire line.
60. The applicant shall construct/reconstruct the following:

- Replace or reinstate kerb and gutter along the entire frontage of the site to Council's satisfaction; and
 - Reinstall all adjustments to the road surfaces and Council utility services to Council's satisfaction.
61. 15 senior parking spaces (of equivalent size to standard spaces but otherwise signposted and marked) shall be provided adjacent to the lifts and distributed equally as far as possible on each level.
 62. 3 electric car charging points shall be provided.
 63. The car park shall be designed in accordance with AS2890.1. The loading areas shall be designed in accordance with AS2890.2.
 64. Cycling racks and secure bike parking intended for use by workers in the development shall be provided in accordance with AS2890.3.
 65. The bicycle facilities will be provided with clear identification and with direction signage in accordance with the required standards and site way finding strategy. This can be addressed as a condition of consent.
 66. All vehicles shall enter and exit the development in a forward manner.
 67. A Construction Traffic Management Plan (CTMP) for construction work shall be prepared and submitted to Council for approval prior to any construction works. Consultation with NSW Police, RMS and Transport for NSW / Sydney Buses will be required as part of preparation of the Construction Traffic Management Plan. The CTMP is to detail construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control.
 68. 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 an approved Works Zone.

If the Works Zone is required, the developer must give the Council written notice of at least six (6) weeks prior to the date upon which use of the Works 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 Works Zone.

General Engineering Conditions

69. **(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.
70. **(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.
71. **(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 proposed rock anchors, vehicular crossings, footpaths, drainage works, kerb and guttering, brick paving, restorations and any miscellaneous works. Applications shall be submitted **prior to the start of any works on Council property.**

72. **(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.
73. **(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.
74. **(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.
75. **(A7) Pedestrian Access Maintained:** Pedestrian access, including disabled and pram access, is to be maintained throughout the course of the construction as per AS-1742.3, ‘*Part 3 - Traffic control devices for works on roads*’.
76. **(A8) Council Drainage Infrastructure:** The site is affected by an existing Council stormwater pipeline. This pipe line will require decommissioning prior to the commencement of any excavation within the zone of influence from the existing pipeline. Prior to decommissioning of the pipeline the new pipeline needs to be completed in accordance with the approved plans. All costs associated with the relocation of the stormwater line are to be borne by the applicant or builder not Council.
77. **(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.
78. **(A10) Civil Works on Council Property:** An application under section 138 of the Roads Act 1993 shall be made to Council's Urban Services Division for approval to complete all proposed infrastructure works associated with the development **prior to the start of any works on Council property.**
79. **(B1) Council infrastructure damage bond:** The applicant shall lodge with Council a \$300,000 cash bond or bank guarantee if the previous bond held in favour of DA 47/17 has been released by Council. The bond is to cover the repair of damage or outstanding works to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. The bond will be released upon issuing of the Occupation Certificate. If Council determines that damage has occurred as a result of the development, the applicant will be required to repair the damage. Repairs are to be carried out within 14 days from the notice. All repairs are to be carried in accordance with Council's requirements. The full bond will be retained if Council's requirements are not satisfied. Lodgement of this bond is required **prior to the commencement of any construction works.**

80. **(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 repeatedly 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.

81. **(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.
82. **(O3) On-Site Stormwater Detention System - Marker Plate:** The on-site detention system shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in part O Council's DCP-Stormwater Management. An approved plate may be purchased from Council's customer service desk.
83. **(K2) Cast in Situ Drainage Pits:** Any drainage pit within a road reserve, a Council easement, or that may be placed under Council's control in the future, shall be constructed of cast in situ concrete and in accordance with Part O Council's DCP- Stormwater Management.
84. **(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.
85. **(S1) Stormwater Requirement:** The following details need to be added to the amended stormwater design plans:
- The minimum pipe grade shall be 1.0% for all pipes
 - Pits shall be provided at bends, changes in grades and every 30m along the pipeline.
 - All stormwater lines 450mm or larger are to have a maximum allowable change in direction of 45 degrees.

The design and construction of the drainage system is to fully comply with, AS-3500 and part O Council's DCP-Stormwater Management. The design

shall ensure that the development, either during construction or upon completion, does not impede or divert natural surface water so as to have an adverse impact upon adjoining properties.

Engineering conditions to be complied with prior to Construction Certificate

86. **(D2) Drainage Plans Amendments:** The stormwater drainage plan numbered 161260 Rev C sheets C05 prepared by Taylor Thomson Whitting dated 2-3-17 is to be amended to reflect the above condition titled 'Stormwater requirement'. The amended design is to be certified that it fully complies with, AS-3500 and part O Council's DCP-Stormwater Management; certification is to be by a suitably qualified engineer. The amended plan and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

The Principal Certifying Authority is to be satisfied that the amendments have been made in accordance with the conditional requirements and the amended plans are adequate for the purposes of construction. They are to determine what details, if any, are to be added to the construction certificate plans, in order for the issue of the Construction Certificate.

87. **(O1) Positive Covenant Bond:** The applicant shall lodge with Council a \$2000.00 cash bond to cover the registration of the required positive covenants. Lodgement of this bond is required **prior to the issue of the Construction Certificate.**
88. **(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.**
89. **(V1) Proposed Vehicular Crossing:** The proposed vehicular crossing shall be constructed to the specifications and levels issued by Council. A 'Construction of a Commercial 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 final Occupation Certificate.**
90. **(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.
91. **(V4) Car Parking Certification:** The plans and supporting calculations of the internal driveway, turning areas, ramps, garage opening widths, parking space dimensions and any associated vehicular manoeuvring facilities shall be submitted to the Principal Certifying Authority. The plans shall be prepared and certified by a suitably qualified engineer. The design is to be certified that it fully complies with AS 2890 Series and Council's standards and specifications. The design and certification shall be submitted to the Principal Certifying Authority **prior to the issue of the Construction Certificate.**

92. **(A11) Work Zone:** A Traffic Construction Management Plan and an application for a Work Zone adjacent the development shall be submitted to Lane Cove Council for determination, prior to the commencement of the demolition and prior to any works that require construction vehicle and machinery movements to and from the site. If the development has access to a State Road, the Construction Management Plan and Work Zone need to be referred to RMS for approval. The approval of the Traffic Construction Management Plan and application for a Work Zone by Council's Traffic Section must be submitted to and approved by the Principal Certifying Authority **prior to the issue of the Construction Certificate.**
93. **(K4) Council Inspection Requirements:** The following items shall require Council inspections.
- All the approved stormwater drainage works on Council property
 - All the approved Civil 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 \$1500.00 is to be paid **prior to the issue of the Construction Certificate.**

Engineering Condition to be complied with prior to Occupation Certificate

94. **(M1) Stormwater System Engineering Certification:** On completion of the drainage system on Council property, a suitably qualified engineer shall certify that the drainage system has been constructed in accordance with the approved plans, Part O Council's DCP-Stormwater Management and AS-3500. The certification is to include a work as executed plan. The work as executed plan shall:
- (a) be signed by a registered surveyor, &
 - (b) clearly show the surveyor's name and the date of signature.
- All documentation is to be submitted to the Principle Certifying Authority **prior to the issue of the Occupation Certificate.**
95. **(D6) Certification of Retaining Structures and Excavations:** A suitably qualified engineer shall provide certification to the principal certifying authority that all retaining structures and excavations have been carried out in accordance with the relevant Australian Standards and Codes of Practise. The certification and a complete record of inspections, testing and monitoring (with certifications) must be submitted to the principal certifying authority **prior to the issue of the Occupation Certificate.**
96. **(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.**
97. **(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 final Occupation Certificate.** The wordings of the terms of the positive covenants shall be in accordance with part O Council's DCP-Stormwater Management.

Lot Amalgamation

98. Prior to the issue of the final occupation certificate, evidence is to be provided to the Principal Certifying Authority that the allotments the subject of this application have been consolidated into one (1) allotment (and any public roads and public reserves as necessary).

Stratum Subdivision

99. Any future stratum subdivision of the land or development is to be the subject of a separate development application. As part of any future stratum subdivision, the ground level open space area (with the exception of the retail tenancies) is to be identified as public reserve and dedicated to Council at no cost.

Separate Approvals

100. The initial fit out and use of the of top level retail tenancies is to be the subject of a separate approval process.
101. The construction of the stage and play areas on the top level of the development as identified on the approved plans are to be the subject of a separate approval process.

Shopping Trolley Management Plan

102. A Shopping Trolley management plan shall be submitted to and approved by Council prior to the issue of the final Occupation Certificate for both supermarkets and the liquor store. The Plan is to detail the methods of operation, storage, use and collection of trolleys associated with the supermarkets and liquor store. The Plan shall use all practicable measures to ensure trolleys do not leave the site, including physical or mechanical constraints, coin operation, signage and enforcement methods by the operator of the supermarkets and liquor store. The Plan shall also identify that it is the responsibility of the operators of the supermarkets and liquor store to collect any trolleys abandoned around and outside of the subject site.