

11 April 2013  
Our ref: RG:nb DA196/12

Diana Brajuha  
Meinhardt Infrastructure & Environment Pty Ltd  
Level 4, 66 Clarence Street  
SYDNEY NSW 2000

Dear Madam,

**Re: Application Under Section 96 of the Environmental Planning and Assessment Act 1979 to Modify Consent - DA196/12**  
**Property: 150 Epping Road, Lane Cove West**

I refer to your application under Section 96 of the Environmental Planning and Assessment Act to modify consent No. DA196/12 granted by Council on 26 March 2013.

You are advised that the abovementioned application has been approved by Council subject to the amendment to Condition No 5.

Please find attached a copy of development consent No. DA196/12 as modified.

Please also note that this approval replaces consent No. DA196/12 granted by Council on 26 March 2013 and does not extend the period of consent.

This notice is given pursuant to Section 96 of the Environmental Planning and Assessment Act 1979.

If you are dissatisfied with this determination you may appeal to the Land and Environment Court against the determination under Section 96(6) of the Environmental Planning and Assessment Act 1979.

Council recommends that you discuss this option with the relevant Council officer before acting.

If you have appointed a **Private** Principal Certifying Authority (PCA) to issue a Construction Certificate (CC) for this development, you will need to obtain a modified CC from them in relation to the work approved by this modified development consent **before** commencing that work.

Should you require any further information or assistance please do not hesitate to contact Council's Senior Town Planner, Rebecka Groth, by

telephoning 9911 3607 Monday to Friday.

Yours faithfully

Rajiv Shankar

**MANAGER, DEVELOPMENT ASSESSMENT**

11 April 2013  
Our Ref: RG:nb DA 196/12

Diana Brajuha (nee Banjanin)  
Level 4  
66 Clarence Street  
SYDNEY NSW 2000

Dear Madam,

**Notice of Determination of Development Application issued under the  
Environmental Planning and Assessment Act 1979, Section 81(1)(a)**

Development Application No. DA196/12  
Address: 150 Epping Road, Lane Cove  
Proposed Development: Decommissioning and demolition of Shell/Coles  
Express Service Station

You are advised that the abovementioned development application has been approved by Council subject to the following conditions:

1. That the development be strictly in accordance with drawing number MIE01, MIE02 and MIE03 dated 11.10.2012 prepared by Meinhardt except as amended by the following conditions.
2. No demolition, remediation or other work is to occur on site until such time as RMS and Council's Traffic Manager have been provided with, and approved, a Demolition Traffic Management Plan detailing vehicle routes, number of truck, hours of operation, access arrangements and traffic control arrangements associated with the demolition and/or remediation of the site.
3. Heavy vehicles shall not access the site during the peak traffic peak periods of 6.00am to 9.00am and 4.00pm to 7.00pm.
4. Despite Condition No. 2, all demolition, 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 <b>with no excavation, haulage truck movement, rock picking, sawing, jack hammering or pile driving to be undertaken.</b>
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**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.

**5. Amended Condition:**

All ingress is to be from the eastern access point and all egress is to be from the western exit portal for the duration of demolition and decommissioning of the service station. All vehicular movements are to be left in/left out only from/to Epping Road. Heavy vehicles associated with the demolition and decommissioning of the service station shall not use the u-turn facility (located to the east of the site), to access the site.

All other access points to/from the demolition and decommissioning site are to be closed and fenced to prohibit vehicular movements at these points.

6. All works/regulatory signposting associated with the proposed development are to be at no cost to the RMS.
7. Any proposed temporary or partial road closures will require the applicant to apply for a Road Occupancy Licence by contacting the Transport Centre's Planned Incidents Unit on (02) 8396 1513 during office hours (8am – 4pm) or 131 700 after hours.

The applicant will be required to submit the Road Occupancy Licence forms and traffic management plan at least 10 working days prior to the start of works. Plans should be forwarded to the Supervisor Planned Incidents Unit, Transport Operations, Transport Management Centre or on facsimile (02) 8396 1530.

In due course, the applicant will need to obtain a Road Opening Licence. Details can be obtained from RMS's Sydney Project Services on (02) 8849 2496.

8. The entry and exit driveway is to be clearly sign posted and delineated to allow for two way vehicular movements for demolition vehicles into and out of the site.
9. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
10. All demolition and decommissioning activities shall not impact on the stability of the Lane Cove Tunnel vents.
11. All activities associated with the demolition of the site must not cause elevated levels of pollutants that may affect the Lane Cove Tunnels. The release of pollutant materials, such as leaked fuels and their

vapours, must not cause air quality readings that exceed air quality limits in the Lane Cove Tunnels and associated structures.

12. All demolition vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.
13. The demolition of all buildings and structures not included in the scope of works for this application are to be subject to separate development applications.
14. 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.
15. 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.
16. Compliance with Australian Standard 2601 - The Demolition of Structures.
17. The site being properly fenced to prevent access of unauthorised persons outside of working hours.
18. The demolition of structures is to be carried out in accordance with *Australian Standards AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have the loads covered and are not to track any soil or waste materials into the road. Pursuant to Section 27A of the Occupational Health and Safety Act 1983 "notification to Commence Demolition Work" form is to be submitted to Workcover at least seven days prior to work commencing. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority and EPA guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.
19. 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.

20. Erosion and sediment control devices are to be installed. All devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six months after the completion of all works. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.
21. A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout demolition until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council/and or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (blue Book).
22. Noise from demolition works must comply with the following criteria:
  - a) For demolition periods of 4 weeks or less the noise level from demolition work must not exceed the background noise level by more than 20dB(A) when measured at the boundary of the worst affected premises in the vicinity.
  - b) For demolition periods greater than 4 weeks the noise level from demolition work must not exceed the background noise level by more than 10dB(A) when measured at the boundary of the worst affected premises in the vicinity.
23. Noise monitoring must be carried out by a qualified acoustical consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the demolition work
24. 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.
25. The removal of underground storage tanks must be carried out in accordance with:
  - a) The Australian Institute of Petroleum Code of Practice *CP22 – Removal and Disposal of Underground Petroleum Storage Tanks* (1994); and
  - b) The requirements of the WorkCover Authority of NSW.
26. All works are to be undertaken in accordance with the Remediation Action Plan prepared by URS dated 7 February 2013 (reference No. 43218338) and the Site Auditor's (Rebeka Hall of Zoic Environmental Pty Ltd - Site Auditor Accreditation No. 0802) Interim Audit Advice dated 21 February 2013 (reference No. 00032440/12072L04FinalRAP). Upon completion of all works a Site

Audit Statement is to be submitted to Council to confirm that all works have been completed in accordance with the RAP (reference No. 43218338).

27. A land survey prepared by a registered surveyor is to be submitted to Council that defines the area of works. A copy of the same is to be provided to the Site Auditor (Rebeka Hall of Zoic Environmental Pty Ltd - Site Auditor Accreditation No. 0802) for inclusion in the Site Audit Statement.
28. All works are to be completed in accordance with the provisions of SEPP55 - Contaminated Land and the NSW EPA's Guidelines for Consultants Reporting on Contaminated Sites.
29. 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.
30. Separate application shall be made to Council's Urban Services Division for approval to complete, any associated works on Council property. This shall include hoarding applications, 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**.
31. 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.
32. 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.
33. 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.
34. Pedestrian access, including disabled and pram access, is to be maintained throughout the course of works as per AS-1742.3, '*Part 3 - Traffic control devices for works on roads*'.
35. A truck shaker ramp must be provided at the exit point of the site. 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.

36. 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.
37. The applicant shall lodge with Council a \$5000.00 cash bond or bank guarantee. The bond is to cover the repair of damage to Council's roads, footpaths, kerb and gutter, drainage or other assets as a result of the development. 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. The bond will be refunded provided Council's requirements have been addressed to the satisfaction of Council's officers. Lodgement of this bond is required **prior to the commencement of works.**
38. Excavation works must be overseen and monitored by a suitably qualified engineer. A Geotechnical Monitoring Program shall be submitted to Council's officers prior to the commencement of works. The Geotechnical Monitoring Program must be produced by suitably qualified engineer ensuring that all geotechnical matters are regularly assessed during works.

The Geotechnical Monitoring Program for the 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 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 works must be undertaken in accordance with the Geotechnical and Monitoring Program.

39. 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 Council's officers prior to the commencement of works. 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 works are to be undertaken in accordance with the recommendations of the Construction Methodology report.

40. 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 Council's officers to **prior to the commencement of works.**
41. 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 plan satisfying condition Number 40. The devices shall be maintained during works and replaced when necessary.
42. A suitably qualified engineer shall provide certification to Council's officers that all 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 Council's officers **prior to the commencement of works.**

43. 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.
44. The applicant must obtain written authority prior to pruning or removal of any trees greater than 4m in height, located on the property or in neighbouring properties including the cutting of any tree roots greater

than 40mm in diameter. Trees shown on the approved Plans for removal are exempt from this condition.

45. There must 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.
46. Footing, trench or excavation that is within 3m of any tree greater than 4m in height; including neighbouring trees, must be carried out using hand held tools only with no tree roots greater than 40mm diameter to be severed or damaged.
47. The stand of trees consisting of one Cheese tree, five Casuarina, two Sydney blue gums and three Angophora must be retained and protected for the duration of the proposed works. A 1.8m high chain mesh fence shall be erected encompassing the garden bed containing all trees where the carwash area is located. The tree protection area shall not be used for the storage of building materials, machinery, site sheds, or for advertising and soil levels within the tree protection area shall remain undisturbed.
48. A waterproof sign must be placed on the tree protection zone stating 'NO ENTRY TREE PROTECTION ZONE – this fence and sign are not to be removed or relocated for the work duration.' Minimum size of the sign is to be A4 portrait with NO ENTRY TREE PROTECTION ZONE in capital Arial Font size 100, and the rest of the text in Arial font size 65.
49. All tree protection measures and signage must be erected **PRIOR TO THE COMMENCEMENT OF WORKS**. This includes demolition or site preparation works, and tree protection measures must remain in place for the duration of the development.

The reason for Council's consent being subject to the aforementioned conditions is to ensure that the proposal complies with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations thereunder and the Building Code of Australia and does not adversely affect the amenity of the area and/or the character of the neighbourhood.

This consent is to operate from 18 March 2013

This consent is to lapse unless activated prior to 18 March 2018.

If you are dissatisfied with this determination you may:

- (a) apply to Council to review its decision under Section 82A of the Environmental Planning and Assessment Act 1979. Such application must be made within six (6) months after the date on which you received this notice provided that an appeal under Section 97 of the Environmental Planning and Assessment Act, 1979 has not been made against this determination.

(b) appeal to the Land and Environment Court against the determination under Section 97 of the Environmental Planning and Assessment Act 1979, such appeal must be lodged within six (6) months after this notice.

Council recommends that you discuss these options with the relevant Council officer before acting.

Section 97 of the Environmental Planning and Assessment Act 1979 does not apply in the determination of a development application for State significant development or local designated development that has been the subject of a Commission of Inquiry.

Should you require any further information or assistance please do not hesitate to contact Council's Senior Town Planner, Rebecka Groth, by telephoning 9911 3607.

Yours faithfully,

Rajiv Shankar

**MANAGER, DEVELOPMENT ASSESSMENT**