

<b>Panel Reference</b>	PPSSNH-367
<b>DA Number</b>	DA0049/23
<b>LGA</b>	Ku-ring-gai
<b>Proposed Development</b>	Demolish existing structures (including Roseville RSL Club and retail tenancy) and construct a mixed-use building comprising new ground floor RSL Club, signage, shop-top housing of 37 residential dwellings, basement parking, associated works and subdivision.
<b>Street Address</b>	62-66 Pacific Highway, Roseville
<b>Applicant/Owner</b>	Applicant: Hyecorp  Owner's: Roseville Returned Servicemen's Memorial Club Limited & Ku-ring-gai Council.
<b>Date of DA lodgement</b>	13 February 2023
<b>Total number of Submissions Number of Unique Objections</b>	Four
<b>Recommendation</b>	Approval: Deferred Commencement
<b>Regional Development Criteria Schedule 7 of the SEPP (Planning Systems) 2021</b>	General development that has a capital investment value of more than \$30 million & Works on land to which Council has an interest in excess of \$5 million.
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• SEPP No. 65 Design Quality of Residential Apartment Development</li> <li>• Apartment Design Guide</li> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• SEPP (Transport and Infrastructure) 2021</li> <li>• SEPP (Sustainable Buildings) 2022</li> <li>• SEPP (Biodiversity and Conservation) 2021</li> <li>• Ku-ring-gai LEP 2015</li> <li>• Ku-ring-gai Local Centres DCP</li> <li>• Ku-ring-gai Development Contributions Plan 2010</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	Attachment A -Revised Architectural plans Attachment B - Revised Landscape plans Attachment C - Revised Engineering plans Attachment D - Revised Clause 4.6 statement, Attachment E - SEPP 65 Design verification statement and report Attachment F - Ecologically suitable design report Attachment G - Traffic and parking report Attachment H - Construction Traffic management plan Attachment I - Plan of management (RSL) Attachment J – Photomontages 01 Attachment K – Photomontage 04 Attachment L – Photomontage 03 Attachment M – Photomontage 02 Attachment N – Photomontage 01 Attachment O – Photomontage 04 Attachment P – Photomontage 03 Attachment Q – Photomontage 02

<b>Clause 4.6 requests</b>	Yes: Clause 4.3 Height of Buildings
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Side setback from the western boundary</li> <li>• Heritage impacts</li> <li>• Overshadowing</li> <li>• Privacy</li> <li>• Opposed to sale of Council land.</li> <li>• Start setback from western side at level 1</li> <li>• Parking and traffic issues with additional loading on intersection with Pacific Highway</li> <li>• Infrastructure at breaking point</li> <li>• Parking issues during construction</li> <li>• Noise during construction</li> <li>• Area over populated and no more units needed</li> <li>• Negative impacts on 1 Maclaurin Parade in terms of bulk and scale, heritage impacts, visual and acoustic impacts and shadows.</li> <li>• Not consistent with the KDCP objectives and controls</li> <li>• Undermining of properties due to depth of excavation for 4 basement levels</li> </ul>
<b>Report prepared by</b>	Andrew Martin
<b>Report date</b>	15/11/2023

**Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

**Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

**Clause 4.6 Exceptions to development standards**

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

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**  
*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

**Conditions**

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

## PURPOSE OF REPORT

To determine Development Application No. DA0049/23 to demolish existing structures (including Roseville RSL Club and retail tenancy) and construct a mixed-use building comprising new ground floor RSL Club, signage, shop-top housing of 37 residential dwellings (11 x 1, 15 x 2, 10 x 3, 1 x 4) basement parking for Club and residential users, associated works and subdivision.

Pursuant to Schedule 6 of the State Environmental Planning Policy (Planning and Systems) 2021, the application is considered to be regionally significant development as it is Council related development with a capital investment value (CIV) of greater than \$5 million. In this case, the CIV it is estimated at \$28,826,432.

The application has been independently assessed by Andrew Martin Planning Pty Ltd given that Council is a joint land owner.

The consent authority for this development is the Sydney District Planning Panel (SDPP), being the Sydney North Planning Panel (SNPP) for Ku-ring-gai (see S4.5(b) of the Environmental Planning and Assessment Act 1979; Clause 9(a) in Schedule 2 to the Environmental Planning and Assessment Act 1979).

## INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

<b>Community Strategic Plan Long Term Objective</b>	<b>Delivery Program Term Achievement</b>	<b>Operational Plan Task</b>
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans	Assessments are of a high quality, accurate and consider all relevant legislative requirements

## EXECUTIVE SUMMARY

This development application seeks consent to demolish existing structures (including Roseville RSL Club and retail tenancy) and construct a mixed-use building comprising new ground floor RSL Club, signage, shop-top housing comprising 37 residential dwellings (11 x one bedroom, 15 x 2 bedroom, 10 x three bedroom, 1 x four bedroom) basement parking for club and residential users, associated works and subdivision.

The proposed consolidation and subdivision of the site seeks approval for the initial amalgamation of the site and boundary realignment which will ultimately create three new lots including:

- Lot 4: 1,574m<sup>2</sup> containing Roseville Memorial Park
- Lot 100: 1,185m<sup>2</sup> above RL 107.18 and 1,375m<sup>2</sup> below RL 107.18) (part of the physical works footprint area); and
- Lot 101: 190m<sup>2</sup> above RL 107.18 (to be dedicated to Council as a public road, currently a portion of Council land and portion of the Roseville RSL Memorial Club land at rear of site, abutting Larkin Lane).

The subdivision is to be achieved in two stages: The first step is a land reconfiguration to accommodate the proposed future development and the second step is the Stratum subdivision of the new building that facilitates the creation of a strip of land limited in width and depth (i.e. RL 107.18) fronting Larkin Lane.

The proposed building is a seven storey, mixed use, shop-top housing development, comprising a club on the ground floor and thirty-seven residential dwellings located above on Levels 1 – 6, with associated roof top communal open space. Vehicular ingress and egress is provided via Larkin Lane and includes an on-site loading bay for services and waste management, located entirely in the basement. Basement car wash facilities are provided for residents plus one car share space for residential users.

The Club is to be located on the ground floor of the building. Trading hours are to be maintained as per the existing hours of operation of the Club; That is, Monday – Saturday 7am-12 midnight; Sunday 7am – 10pm. A Plan of Management (POM) is submitted with the DA package setting out the operational commitments. A consent condition requires the POM to be updated to include the approved development consent conditions.

The proposed thirty-seven apartments consist of 11 x one bedroom (30%), 15 x two bedroom (41%), 10 x 3 bedroom (27%), and 1 x 4 bedroom (3% units). Parking is provided in four basement levels, totalling 90 spaces, comprising 38 Club spaces, 1 carshare and 1 staff space), 52 residential spaces (includes 6 residential visitor spaces and 7 accessible spaces) plus associated bicycle parking and storage for residential and Club users.

The application includes 4 signs; being one building identification sign (at the Pacific Highway frontage adjoining the residential entrance), and three business identification signs (“Roseville Club”) including one under awning sign at Pacific Highway frontage and wall signs facing the Memorial Park and Larkin Lane.

A separate Voluntary Planning Agreement (VPA) has been submitted by the applicant for the divestment and dedication of the 6.095-metres-wide strip of Council-owned land fronting Larkin Lane (total area 192.1sqm). Roseville Returned Servicemen’s Memorial Club has offered the VPA via a letter of offer from Mills Oakley, Solicitors, to Council, dated 29 June 2023 (refer to Dwg DA010/B).

The previous development consent (DA0134/18) is to be superseded by this proposal. A condition of consent is proposed that will require the applicant to surrender the development consent.

The planning standards for the site were amended via a Planning Proposal gazetted in October 2021 which provided an uplift over the site to a Floor Space Ratio (FSR) of 3.0:1 and maximum building height of 26.5m. A specific Section of the Ku-ring-gai DCP (Section 14L) was adopted which includes development controls for building setbacks, built form and car parking requirements for the site.

The zoning of the land, at the time of lodgement of the application was B2 Local Centre zone pursuant to Kur-ring-gai LEP 2015 (KLEP 2015). While the site is now officially zoned B1 Local Centre zone, clause 1.8A Savings Provisions of the KLEP applies and the B2 Local Centre Land Use matrix and objectives apply to this application.

A number of matters have been raised by Council staff and external consultants in relation to the development application. The application was amended initially in response to a Request for Further Information (RFI) by Council. The first round of amended plans were not acceptable in that they failed to adequately deal with the concerns raised with the following matters:

- The residential entry design
- Interface issues with the Memorial Park
- Interface issues with Larkin Lane
- Materiality (i.e., requirement for brickwork) and the treatment of the podium level)

These issues were reconsidered by the applicant following a meeting with Council officers. A further and final set of plans adequately resolved the overall design and layout of the proposal. The latest plans, dated 22 September 2023, have redesigned the residential entry, and improved the permeability of the ground floor level with Memorial Park and Larkin Lane.

## **HISTORY**

### **Site history**

The development site comprises three allotments, namely No. 62, 64 and 66 Pacific Highway, Roseville. The site comprises a single storey building currently occupied by the Roseville Memorial Club. The building's entrance faces Pacific Highway, and to its rear (along Larkin Lane) is a loading dock, substation, unformed parking spaces, garbage, and storage areas. The site's southern boundary lies adjacent to the Roseville Memorial Park - a small generally level landscaped garden on the corner of the Pacific Highway and Maclaurin Street. There is one tree on the site adjacent to the loading bay.

### **Previous applications history:**

A Pre-DA consultation was held on 1 September 2022. The key issues identified were as follows:

1. Planning – setback, height variation, overshadowing, privacy issues, ADG. compliance, POM, landscaping, and subdivision plans.
2. Urban Design – detailed comments – setbacks, ADG and DCP control compliance.
3. Heritage Impacts – Overshadowing of the park and visual/contextual fit.
4. Landscaping – Memorial Park impacts, Arborist assessment, construction access, overshadowing of Memorial Park
5. Engineering – stormwater management, civil plans
6. Traffic and parking – swept path analysis, traffic impact assessment, construction traffic management plan, waste management – vehicle access, onsite parking
7. Reports to be submitted – geotechnical, acoustic, electromagnetic Assessment, Heritage Impact Statement.

Council's records show previous applications relating to the site as follows:

Type	Application	Description	Decision	Date
CC	05/01056/C2	Construction Certificate	APPROVED	07/12/2005
DA	1177/00/DO	Signage	APPROVED	25/10/2000
DA	1366/02/DB	Amalgamate 2 sites into one demolish structure and alterations and additions.	APPROVED	27/07/2004
DA	1366/02/DBA	Amend consent to two stage development.	APPROVED	11/11/2005
Sec. 96	266/94/TT	Alterations and additions.	APPROVED	20/09/1994
DA	3898/93	Alterations and additions.	APPROVED	30/03/1994
DA	4871/96	Installation of illuminated footway sign.	APPROVED	30/04/1996
BA	84/01568	Alteration	APPROVED	22/10/1984
BA	88/00899	Alterations	APPROVED	27/06/1988
BA	BL94/00616	Alterations	APPROVED	23/09/1994
BA	BZ96/00501	Installation of illuminated footway sign.	APPROVED	30/04/1996
CC	CCPCA0258/10	Construction Certificate	APPROVED	
DA	DA0134/18	Demolish existing structures (including Roseville RSL Club and retail tenancy) and construct mixed-use building comprising new ground floor RSL Club, shop-top housing of 33 residential dwellings, basement parking, associated works and subdivision.	NSW LEC APPROVED	26/11/2019
DA	DA0801/09	Alterations and additions.	APPROVED	18/02/2010
Sec. 96	MOD0318/07	Modification to DA1366/02 proposing to extend opening hours.	APPROVED	29/11/2007

### Current Development Application History

Date	Action
13 February 2023	Application lodged.
22 February 2023	The application was notified to neighbouring property owners for a period of 30 Days from 01/03/2023 to 31/03/2023.
8/03/2023	The original notification period was extended to allow for additional signage to be placed around the subject site from 01/03/2023 to 18/04/2023; 4 submissions were received.
14 June 2023	An online briefing was held with the Sydney North Planning Panel (SNPP). Several issues were discussed and the SNPP was informed that Council would be seeking additional information from the Applicant.
21 June 2023	A letter was sent to the applicant seeking additional information pertaining to: <ul style="list-style-type: none"> <li>1. Inadequate and conflicting information.</li> <li>2. Urban Design impacts.</li> <li>3. More detail required in relation to the Voluntary Planning Agreement.</li> </ul>

	<p>4. Private infrastructure encroachments.  5. Insufficient Street activation.  6. Heritage Impacts.  7. Landscape Impacts.  8. Traffic Impacts.  9. Public domain impacts.  10. Engineering impacts.  11. Health impacts.</p>
<p>15 August 2023</p>	<p>Architectural Plans (Issue C, dated 15/08/2023) and supporting information was received:</p> <p>In order to address comments, the proposal was amended as follows:</p> <ul style="list-style-type: none"> <li>• Updated external materials and finishes to the building facade.</li> <li>• Changes to south eastern corner form to provide a more rounded edge.</li> <li>• Reconfiguration of the ground floor residential lobby and associated services.</li> <li>• Changes to the ground floor Larkin Lane frontage including fire stair configuration.</li> <li>• Relocation to the vehicular entry boom gate.</li> <li>• Removal of the outdoor smoking terrace at the ground floor.</li> <li>• Changes to the rooftop communal open space.</li> <li>• Changes to the basement levels for additional bicycle parking.</li> <li>• ADG driven changes to improve overall compliance.</li> <li>• Additional information to address RFI matters.</li> <li>• Revised levels added to sections to identify to of slab within the future land dedication area on Larkin Lane</li> </ul> <p>The following updated documents were submitted with the revised package:</p> <ul style="list-style-type: none"> <li>• Updated Architectural Package prepared by PBD</li> <li>• Urban Design Response letter prepared by PBD dated 15<sup>th</sup> August 2023</li> <li>• Updated SEPP 65 Design Verification Statement</li> <li>• Updated Arborist report prepared by CPS dated 16<sup>th</sup> August 2023</li> <li>• Updated Civil and Stormwater plans with letter prepared by JN dated August 2023</li> <li>• Updated Heritage Impact Statement prepared by NBRS dated 15<sup>th</sup> August 2023</li> <li>• Updated Landscaping plans and letter prepared by Landscape plan dated 16<sup>th</sup> August 2023</li> <li>• Updated Roseville Memorial Club Plan of Management dated 16<sup>th</sup> August 2023</li> <li>• Updated Clause 4.6 variation to a development standard report prepared by Gyde dated 16<sup>th</sup> August 2023</li> <li>• Updated BASIX and NatHERS Reports dated 3<sup>rd</sup> and 4<sup>th</sup> August 2023</li> </ul>

	<ul style="list-style-type: none"> <li>• Updated Construction Traffic Management Plan dated 16<sup>th</sup> August 2023</li> </ul> <p>The applicant provided the following justification regarding the retention of the residential access to Pacific Highway</p> <p><i>In addition to the above, Council's verbal request to consider relocating the proposed lobby to Larkin Lane has been carefully considered and ultimately deemed inappropriate for the following reasons:</i></p> <ul style="list-style-type: none"> <li>○ <i>Figure 14L.2.1 of Council's DCP specifies the residential entry to be via Pacific Highway.</i></li> <li>○ <i>Larkin Lane is not a suitable fire booster location due to its narrow width, dead end nature and lack of water main. Provision of access via Larkin Lane would require the fighter booster to be separated from the lobby and associated fire control panel.</i></li> <li>○ <i>Pacific Highway offers a greater level of casual surveillance through regular activity.</i></li> <li>○ <i>Pacific Highway entry provides a safer walking route for pedestrians in the evening arriving from the train station rather than walking around/through the park and club.</i></li> <li>○ <i>During initial community consultation, local residents have previously opposed locating the lobby at Larkin Lane due to associated amenity impacts.</i></li> <li>○ <i>A lobby at Larkin Lane would result in dissecting the club floor plan limiting the useable Club floor area.</i></li> </ul>
17 August 2023	The amended plans Issue C and supporting information were notified to neighbouring property owners for a period of 14 days, from 24/08/2023 to 24/09/2023; 2 submissions were received.
30/08/2023	A second online briefing was held with the Sydney North Planning Panel (SNPP). Several issues were discussed and the SNPP was informed that Council would be seeking additional information from the Applicant.
12/10/2023	<p>Architectural Plans (Issue E, dated 22/09/2023) and supporting information was received. The primary changes with this revision included:</p> <ul style="list-style-type: none"> <li>• Redesigned residential entry to achieve an improved residential entry point to the northern (Pacific Highway) boundary.</li> <li>• Revised floor planning to the Club to suit the revised entry point.</li> </ul> <p>The plans dated 22.9.2023 (various revisions dates) and supporting information were not notified.</p>

## Land and Environment Court Appeal history

DA0134/18 was approved by the NSW L&E Court on 27 April 2021 for demolition of existing structures including Roseville RSL Club; construction of a mixed-use building, comprising new ground floor RSL Club and shop-top housing of thirty-three residential dwellings; basement parking; associated works; and subdivision.

The works approved in the consent to DA0134/18 have not been commenced and it is recommended via a condition of consent that the Applicant surrenders the consent to DA0134/18

## THE SITE

### Site description

The site comprises:

No. 64 Pacific Highway:	Lot 1 DP202148
No. 66 Pacific Highway:	Lot 2 DP 505371
No. 62 Pacific Highway:	Lot 2 DP 202148

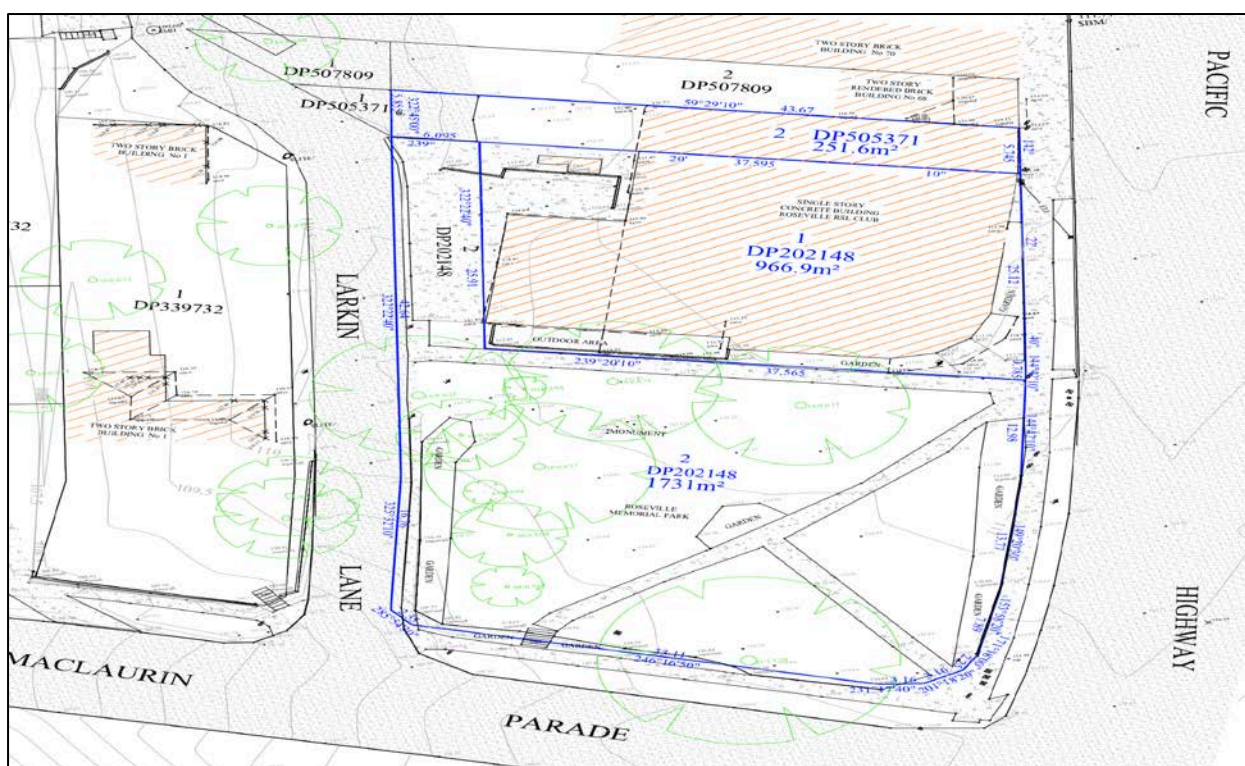
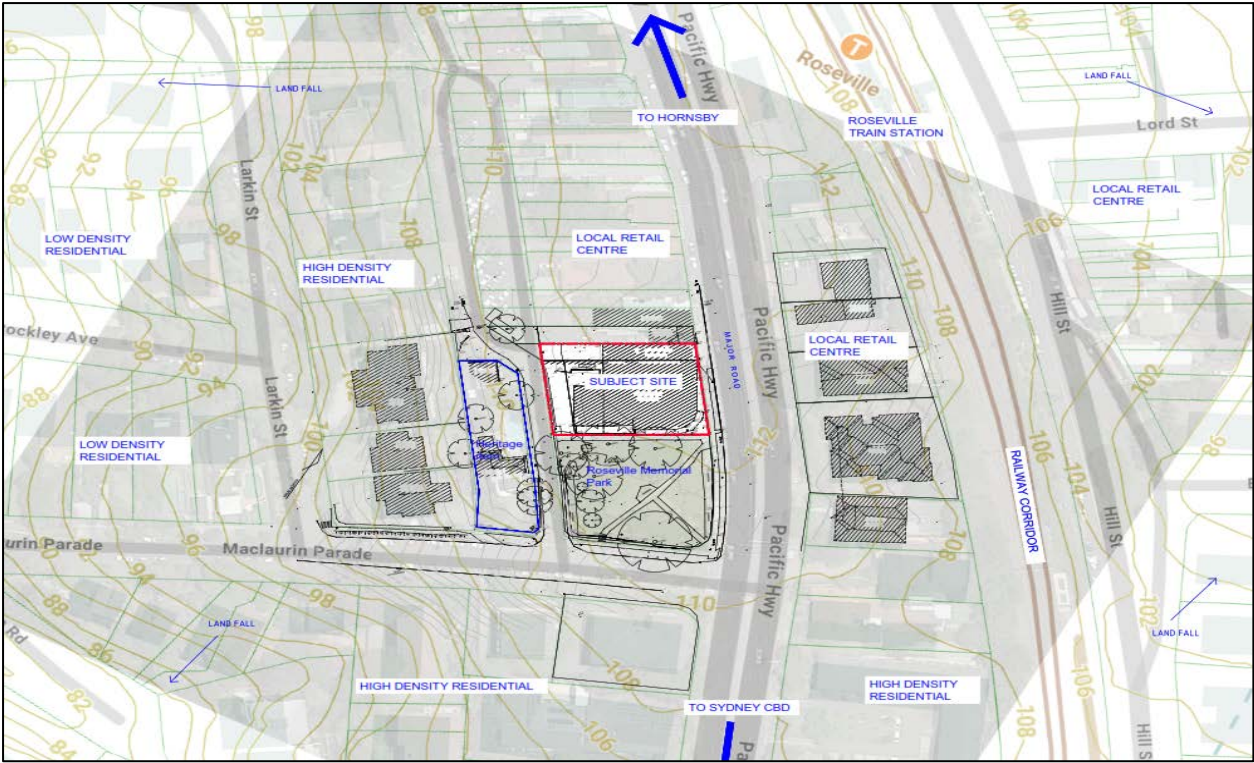
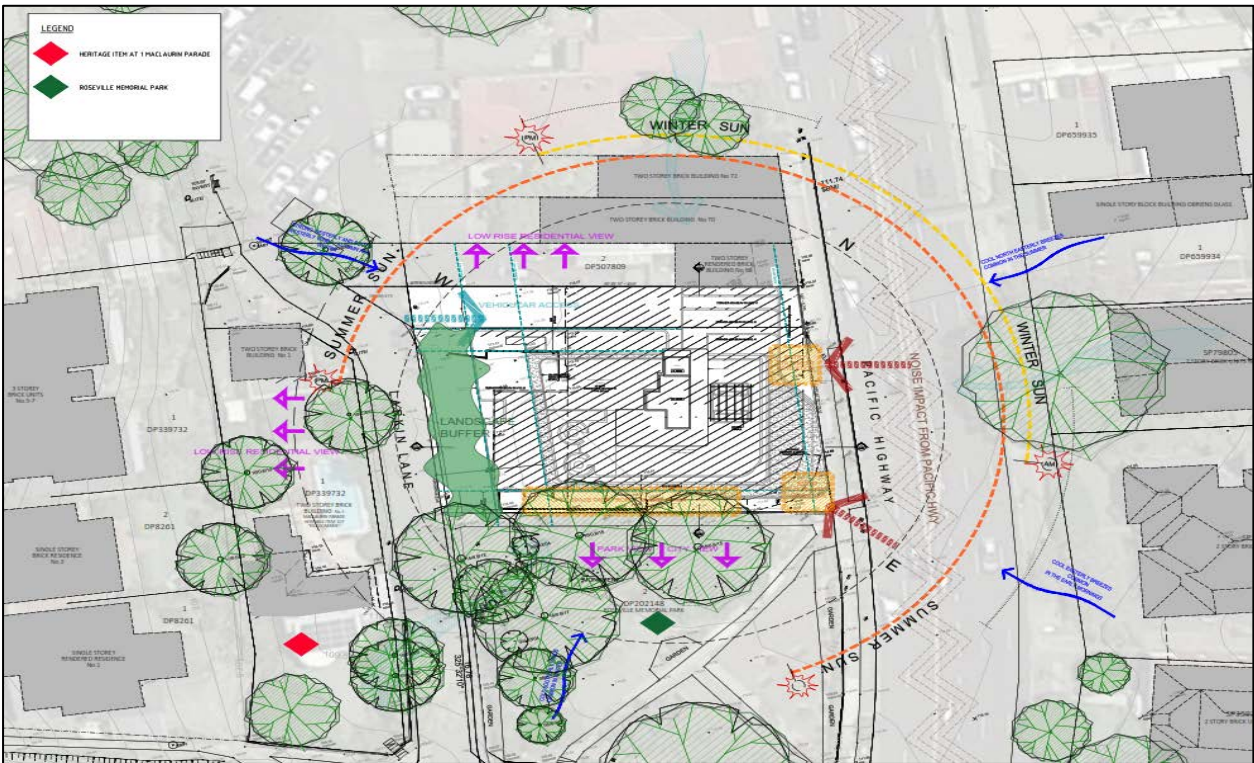


Figure 1: Site survey showing the 3 lots subject of the development application.



**Figure 2: Location of the site and surrounds**



**Figure 3: Site analysis**

<b>Constraint</b>	<b>Application</b>
Visual character study category	1920-1945.
Easements/rights of way	None identified.
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes: No 1 Maclauren Parade (Item No. 107). <i>Circa 1938 two storey inter-war functionalist style dwelling.</i>
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	No
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	Yes

### **Surrounding development**

#### North:

A range of commercial and retail uses with residential uses above, typically two-storeys in height typical of shop top style housing found in the Ku ring gai LGA. High adoption of brickwork as the material of choice with tile roof.

#### North-east:

Commercial and retail uses with the Roseville Railway Station approximately 150m to the north-east of the physical works footprint, across the Pacific Highway;

#### South-east:

Two storey residential dwellings and residential flat buildings;

#### South:

Residential flat buildings and dwellings typically two-three storeys in height;

#### West:

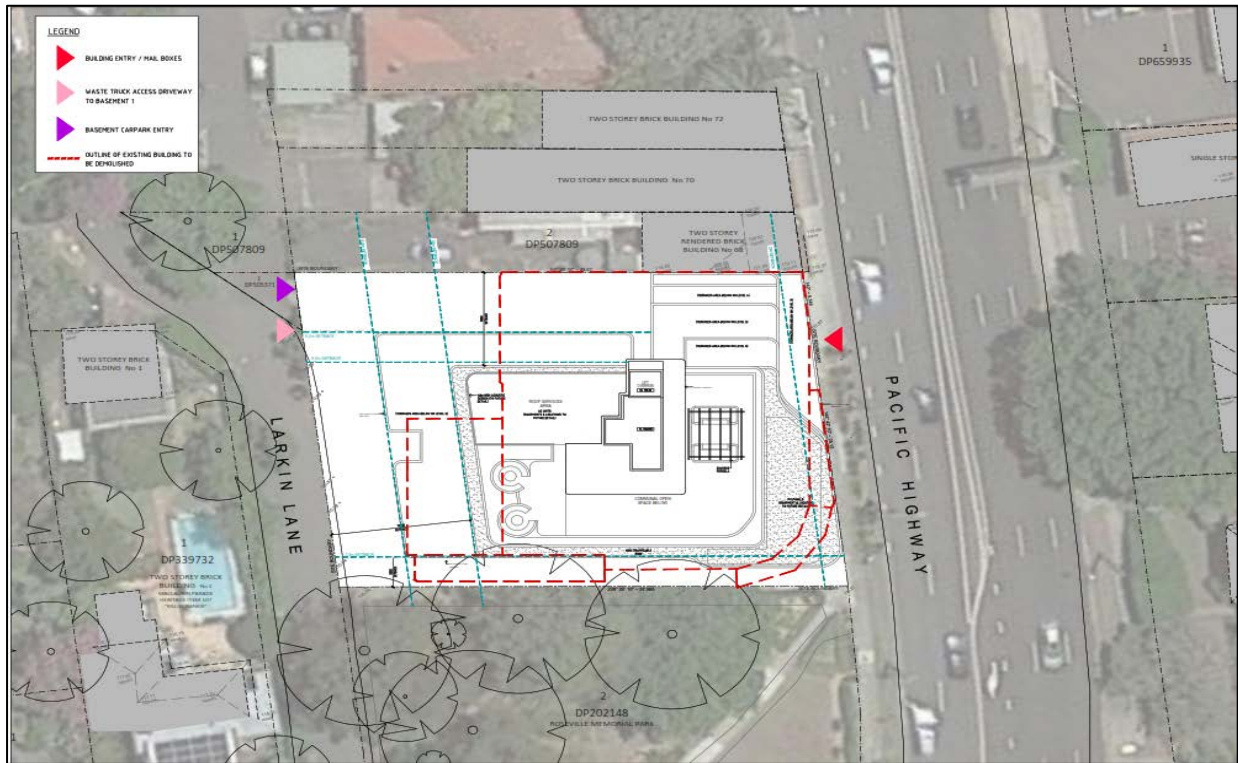
A number of detached dwelling houses, including the local heritage item "Killiecrankie" dwelling house.

### **THE PROPOSAL**

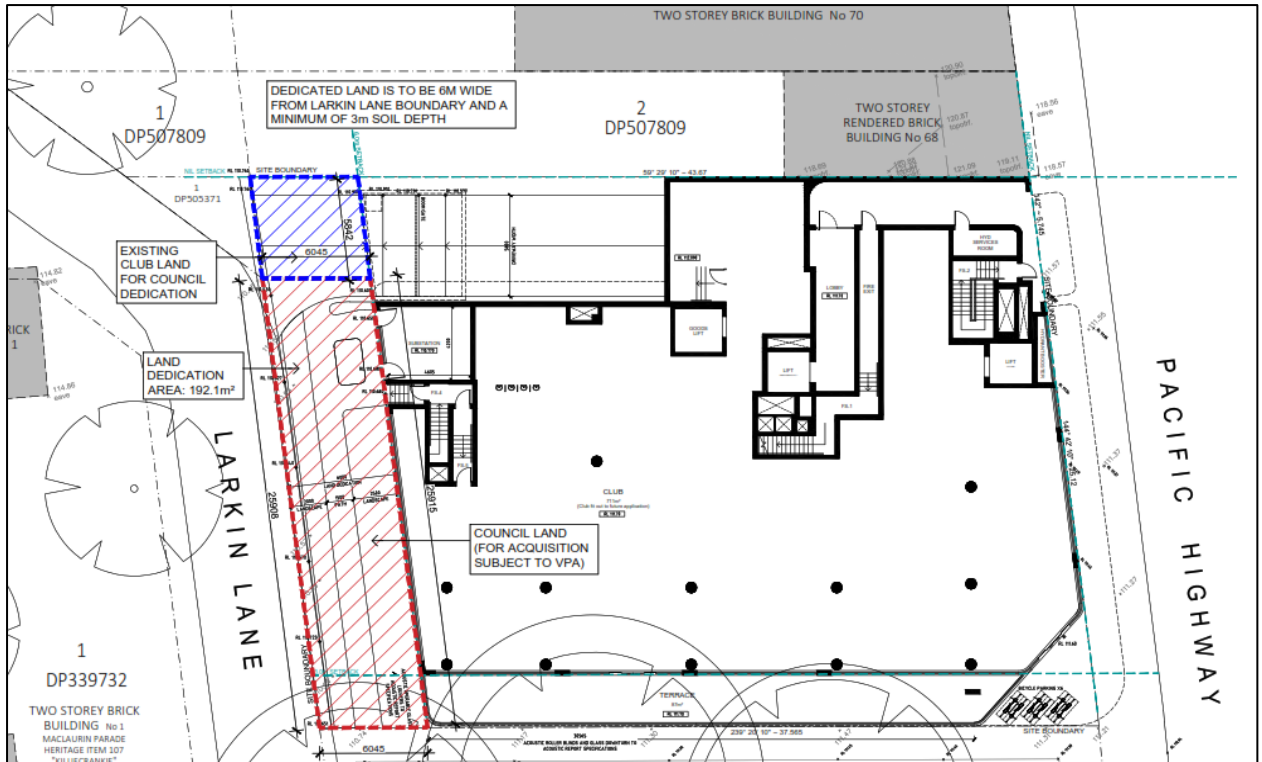
The application proposes:

- Demolition of the existing structures;
- Excavation for four basement parking levels with a total of 90 car parking spaces;
- The construction and of a seven storey shop-top housing development comprising;
  - Ground floor registered club;
  - Thirty-seven residential units on levels 1-6; and
  - Rooftop communal open space.
- Removal of one tree and associated landscaping works.
- 4 x signs, comprising 4 x business identification signs ("Roseville Club").
- Consolidation and subsequent subdivision of the site to which will ultimately create three new lots including:
  - Lot 4: 1,574m<sup>2</sup> containing Roseville Memorial Park;

- Lot 100: 1,185m<sup>2</sup> above RL 107.18 and 1,375m<sup>2</sup> below RL 107.18) (part of the physical works footprint area); and
- Lot 101: 190m<sup>2</sup> above RL 107.18 (to be dedicated to Council as a public road, currently a portion of Council land and portion of the Roseville RSL Memorial Club land at rear of site, abutting Larkin Lane).
- Voluntary Planning Agreement for divestment and dedication of the 6.095-metres-wide strip of Council-owned land fronting Larkin Lane has been submitted to Council as a separate item.



**Figure 4: Proposed Site Plan**



**Figure 5: Proposed VPA area for laneway**



**Figure 6: Photomontage of proposal – view from Pacific Highway frontage**

## CONSULTATION

### Community

In accordance with Appendix 1 of the Ku-ring-gai Community Participation Plan, owners of surrounding properties were given notice of the original application and the amended plans. In response, 4 submissions were received from the following:

1. Amy Zhang & Jian Sun - 9 Larkin Street, Roseville
2. Xiao Yi Xu - 11 Larkin Street, Roseville
3. David and Lily Qui – 1 Maclaurin Parade, Roseville
4. Lorraine McManus – 2/36 Pacific Highway, Roseville

The four public submissions raised the following issues:

Issue/Concern	Response:
<ul style="list-style-type: none"> <li>• <b>Westside boundary of the development site setback</b></li> <li>• <b>Heritage impacts</b></li> <li>• <b>Shadows</b></li> <li>• <b>Privacy</b></li> <li>• <b>Opposed to sale of Council land</b></li> <li>• <b>Start setback from western side at level 1</b></li> <li>• <b>Parking and traffic issues with additional loading on intersection with Pacific Highway</b></li> <li>• <b>Infrastructure at breaking point</b></li> <li>• <b>Parking issues during construction</b></li> <li>• <b>Noise during construction</b></li> <li>• <b>Area over populated and no more units needed.</b></li> <li>• <b>Negative impacts on 1 Maclaurin Parade in terms of bulk and scale, heritage impacts, visual and acoustic impacts and shadows.</b></li> <li>• <b>Not consistent with the KDCP objectives and controls.</b></li> <li>• <b>Undermining of properties due to depth of excavation for 4 basement levels</b></li> </ul>	<p>The potential impacts from a heritage perspective have been investigated and assessed by Councils' external Heritage Advisor who has no objection to the proposal.</p> <p>The revised scheme introduces a brickwork base or podium and, as such, the scheme is acceptable. The scale and form is that which is contemplated by the KLEP and KDCP controls.</p> <p>Shadowing does occur as a result of the proposal; however, the extent of the shadow is deemed to be acceptable. The solar impost of the rear 5<sup>th</sup> level setback departure has been assessed and is considered acceptable. A more detailed response to shadowing impacts to 1 Maclaurin Parade and adjoining properties is provided elsewhere in this report.</p> <p>The privacy issues are dealt with by the setbacks as well as a condition of consent requiring west facing balconies (Levels 2 - 4) to be provided with screening .</p> <p>In relation to the sale of the land, Council has considered it appropriate to allow for the use of the underground component within Larkin Lane for basement parking. The Larkin Lane setback area will be landscaped and used to access Memorial Park.</p> <p>Councils traffic and parking engineers have assessed the likely additional load upon the</p>

	<p>1 Maclaurin Parade and Pacific Highway intersection and deemed the proposal to be acceptable.</p> <p>Council's development engineers have assessed the local infrastructure and confirmed that the proposal will not overly burden existing infrastructure. Some of the public domain areas will be rebuilt and therefore improvements are likely as a result of the proposal fronting Larkin Lane when compared to the existing scenario.</p> <p>Construction noise impacts will be addressed via consent conditions which limit the time for construction noise.</p> <p>The increased residential population is in line with the strategic planning outcomes for the site.</p> <p>The proposal has been assessed against the KLEP FSR and height controls as well as the provisions of Sections 8 and site specific provisions of section 14L of the KDCP along with all relevant parts such as section B Part 19 relating to Heritage Conservation. The proposal has been found to be compliant with the majority of the numerical controls and consistent with the stated objectives. Where the proposal is outside the KDCP numerical controls, the assessment concludes that the consent authority can apply discretion because the urban form outcomes under Section 14L of the KDCP have been achieved and there are no significant adverse impacts directly associated with minor variations to the KDCP. In dealing with the KDCP provisions Council can apply a "flexible" approach pursuant to S4.15 (3)(A)(b) of the <i>EP and A Act 1979</i>. S4.15 (3A)(b) states inter alia:</p> <p><i>(3A) <b>Development control plans</b> If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—</i></p> <p><i>(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards— is not to require more onerous</i></p>
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	<p><i>standards with respect to that aspect of the development, and</i></p> <p>(b) <i>if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and</i></p> <p>(c) <i>may consider those provisions only in connection with the assessment of that development application.</i></p> <p><i>In this subsection, <b>standards</b> include performance criteria.(emphasis added)</i></p> <p>The specific shadowing impacts on 1 Maclaurin Parade have been assessed elsewhere in this report, with the impact deemed to be acceptable in the circumstances of the case. The applicant provided detailed 3D modelling with the revised submission enabling a more detailed assessment of the over shadowing impacts. The result is a proposal which balances the development potential of the subject site as well as the neighbour's rights to adequate levels of privacy and amenity. A condition of consent, requiring screening, deals with potential privacy impacts on 1 Maclaurin Parade.</p> <p>The application is supported by a geotechnical report and full structural design for the basement will be provided as part of the CC. A consent condition relating to dilapidation reports for the sites immediately to the north is recommended.</p>
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**Amended plans (Rev. C) dated 15/08/2023.**

The amended plans were also notified, and two submissions were received from the following:

1. Amy Zhang & Jian Sun - 9 Larkin Street, Roseville
2. Lorraine McManus – 2/36 Pacific Highway, Roseville

The submissions raised the following issues:

Issue/Concern	Response
<ul style="list-style-type: none"> <li>• Infrastructure cannot support 37 new apartments</li> <li>• Road system is already overloaded</li> <li>• There are homes and business that will be impacted adversely</li> <li>• Noise and pollution upheaval</li> <li>• Environmental impact will be immense</li> <li>• West side boundary of the development site setback</li> <li>• Heritage impacts</li> <li>• Shadows</li> <li>• Privacy</li> <li>• Opposed sale of Council land</li> <li>• Start setback from western side at level 1</li> <li>• Parking and traffic issues with loading on intersection</li> <li>• Infrastructure at breaking point</li> <li>• Parking issues during construction</li> <li>• Noise during construction</li> </ul>	<p>The number of apartments is considered to be reasonable, and the site is capable of supporting the increased population. The units provide suitable amenity, and all parking is provided on the site. The proposal satisfies the transport orientated development (TOD) criteria being in close proximity to a transport node.</p> <p>The level of impact on homes adjoining the site is deemed to be acceptable and, where there are likely privacy impacts, consent conditions have been recommended required privacy screening to south-facing apartments.</p> <p>Impacts on businesses will be short term and in the medium to long term the increased population will increase demand for local goods and services.</p> <p>Noise and pollution impacts are addressed by recommended consent conditions.</p> <p>The application is also supported by reports demonstrating the site is suitable for the intended use having regard to environmental criteria.</p> <p>Overall, the environmental impact is within expected parameters. Basement excavation is a necessary element to achieve the required parking on site for the Club and residences. Basement excavation protects existing vegetation to the extent necessary.</p>
	<p>The potential impacts from a heritage perspective have been investigated and assessed by Council's external Heritage Advisor.</p> <p>The proposal introduces a brickwork base or podium which is a positive heritage outcome. The scale and form is that which is contemplated by the KLEP and KDCP controls.</p> <p>Shadowing does occur as a result of the proposal; however the extent of the shadow is deemed to be acceptable. The solar impost of the 5<sup>th</sup> level rear setback departure has been assessed and is</p>

	<p>considered acceptable. A more detailed response to shadowing impacts to 1 Maclaurin Parade and adjoining properties is provided elsewhere in this report.</p> <p>The privacy issues are dealt with by the setbacks as well as a condition of consent requiring west-facing balconies (Levels 2-4) to be provided with screening.</p> <p>In relation to the sale of the land, Council has considered it appropriate to allow for the use of the underground component within Larkin Lane for basement parking. The Larkin Lane setback area will be landscaped and used to access Memorial Park.</p> <p>Council's Traffic and Parking Engineers have assessed the likely load upon the intersection and deemed the proposal to be acceptable.</p> <p>Councils' development engineers have assessed the local infrastructure and confirmed that the proposal will not overly burden existing infrastructure. Some of the public domain areas will be rebuilt and therefore some improvements are likely as a result of the proposal.</p> <p>Construction noise impacts are addressed via consent conditions which limit the duration of construction noise.</p> <p>The increased residential population is in line with the strategic planning outcomes for the site.</p>
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### **Amended plans (Revisions D and E) dated 22.09/2023**

In accordance with the criteria in Part 3 of the Community Participation Plan, Council's Development Assessment Team Leader determined that notification of the amended plans was not required as the amendments were unlikely to detrimentally affect the enjoyment of adjoining or neighbouring land.

### **Internal Referrals**

#### **Urban design**

Council's consultant Urban Designer commented on the proposal as follows:

## **History**

*The proposal as documented in the amended Development Application had been almost entirely unchanged from the Development Application which was almost entirely unchanged from the Pre-DA. Little of our urban design input had been incorporated into the design.*

*There were very minor changes in planning, mainly in the car park as well as significant improvements in elevation.*

*Since our last meeting with applicant, with the Design Director of PBD attending, there has been significant and positive design changes evident in the documents.*

### **Revised Assessment 23 October 2023 - Major Issues**

#### **1. Activation of Larkin Lane**

*It was suggested that the apartment entry be on Larkin Lane, solving many urban design problems.*

*Hyecorp acknowledge that this development will change the nature of Larkin Lane and make it safer, more surveyed and with more people movements. It won't be a "dark lane" anymore but they have numerous technical reasons why they can't enter the apartments from Larkin Lane, mainly including the fire hydrant booster location and water main location. Also, Hyecorp claimed that the DCPs encourage apartment entry from Pacific Highway.*

*Some extra glazing has been added in front of western fire stair which has a mildly beneficial effect on the design.*

*The activation of Larkin Lane remains sub-optimal.*

*Notwithstanding all of the above, the design of DA0049/23 - Part 62 and 64-66 Pacific Highway, Roseville shows general improvement.*

#### **2. Solar access**

*Subject to detailed analysis of the shadow diagrams, it appears that solar access is now compliant.*

#### **3. Facade and materials**

*The most noticeable design change from the DA onwards is the incorporation of polychromatic brickwork to the ground- second floor facades. This brick podium makes a big contribution to the overall design and urban design. I propose a DA Condition that the brick should be "Hawthorn RED" by Daniel Robertson from Brickworks (not "Hawthorn Black or similar" as shown in the Applicant's Finishes Schedule (DA 400.)*

#### **4. The apartment entry lobby**

*The apartment entry lobby to Pacific Highway is now further south and adjacent to a row of shops i.e., as far away as possible from the RSL entrance. Although the lobby is narrow (2500 mm wide) and while it would be*

*a better design if this lobby had west facing glazing connecting it to Larkin Lane visually and the lobby remains small for an apartment block this size, nonetheless this is a much-improved design and to be commended.*

#### **5. Apartment 1.01**

*The apartment has been improved, with the living area now connected the large private open space.*

#### **6. Naturally ventilated lobbies**

*Energy consumption and building health has been improved by partly naturally ventilated lobbies on Levels 1-6.*

#### **7. Elevations and perspectives**

*Are generally more accurate, more descriptive and with more information.*

An updated ADG checklist has been prepared based on the revised plans. The assessment concludes that the overall scheme is acceptable noting some minor deviations to the ADG. There are no remaining elements that are of such a weight to warrant refusal or further restrictive conditions of consent.

### **Heritage**

Refer to Clause 5.10 of the KLEP 2015 assessment. Council's consultant Heritage Advisor concluded:

*The proposed amendments will result in some adverse impact on the heritage item within the vicinity of the subject site. However, it is recognised that the proposal will be located more than 12m away from the adjacent heritage item, is within a commercial precinct and on a site that has been identified for uplift with a site specific DCP. Overall and based on the previously approved development for the site, the proposal is supported, subject to the conditions.*

### **Landscaping**

Council's Landscape and Tree Assessment Officer comments are contained in the DCP assessment - Part 13 Tree and Vegetation Preservation, Part 14L Precinct and Part 21 General Site Design, concluding the proposal is satisfactory, subject to recommended conditions of consent.

### **Development Engineering**

Council's Development Engineer commented on the proposal as follows:

*Amended plans have been received in response to Council's preliminary assessment letter dated 21 June 2023 and following meeting with the applicant on 13 September 2023.*

*Council's engineer raised no objections to the architectural amendments required by Council's Independent Planner and Urban Designer.*

The development includes demolition of the existing RSL club building and construction of a seven storey building with new RSL clubhouse on the ground floor and six storeys of residential construction. The development also includes four basement parking levels.

The following documents were used for the assessment:

- Statement of Environmental Effects prepared by GYDE dated 14 December 2022
- Survey plans by Pro-Position dated 14 November 2017
- Amended Civil Plans C1400/2, C1450/2, C1500/2, C1510/1, C1600/2 and C1700/1 prepared by JN Engineers
- Amended Subdivision Plan DA010 issue 'B' prepared by PBD Architects
- Amended Stormwater Management C1001/3, C1050/3, C1051/3, C1052/3, C1075/1, C1100/4, C1110/4, C1120/4, C1130/4, C1200/4, C1205/2, prepared by JN Engineers
- Traffic & Parking Assessment Ref: 21433 dated December 2022 Issue 'E' prepared Transport & Traffic Planning Associates
- Site Investigation by Construction Sciences dated 03 November 2022
- Environmental Site Management Plan by JN dated 25.11.22.
- Geotechnical Investigation by Assetgeoenviro dated 7 December 2022
- Groundwater Take Assessment by EiAustralia dated 27 October 2022
- Construction Traffic Management Plan Dated Rev. '1' dated 16 August 2023 prepared by SBMG Planning
- Construction Management Plan prepared by North Shore Property Construction
- Amended Architectural Plans various revisions by PBD Architects
- BASIX Certificate No. 908539M\_08 prepare by Efficient Living Pty Ltd dated 18 August 2023

### **Water management**

According to Ku-ring-gai DCP Part 24 'Water Management', the proposal is identified as being a Type 6 – Business with Shop Top Housing in Location 'A'. The subject site is not identified as containing a watercourse or related riparian zone nor is it located within an overland flow path.

The amended stormwater design shows the collection and discharge of roof water directed to a combined belowground on-site detention tank (OSD) and retention tank (OSR) of 20.4m<sup>3</sup> and 10,000L, respectively, located under the driveway. The overflow from the detention tank is conveyed to an existing kerb inlet pit in Larkin Lane via a new 375mm diameter pipe and new sealed 900x900mm junction pit within the roadway.

On-site retention satisfies Part 24C.4 of the KDCP as well as satisfying Council's streamflow objectives under Part 24C.3 of the Ku-ring-gai DCP to meet the 50% reduction in run-off days. The Water Balance model is acceptable. Re-use will be for toilet flushing and irrigation purposes. No water commitments are proposed under the BASIX Certificate.

On-site detention for 'Type 6 Developments' is required as per section 24C.5 of KDCP. A Stormwater Design Report has been submitted. The submission provides on-site detention calculations based on sheet 24R.4, which is satisfactory. It is also noted that an emergency overflow pipe from the OSD tank for flows in excess of the 1% AEP is

not required in this instance as the overflow surcharge grate is provided, directing all surcharge to Larkin Lane.

The pollutant load standards set out in Part 24C.6 of the Ku-ring-gai DCP have been satisfied. The plans show a proprietary pollution device with OCEANPROTECT 5 x Stormfilter cartridges within the OSD tank that captures the runoff from the rainwater tank overflow, terrace areas and driveway as a stormwater quality measure to improve stormwater runoff quality from the subject site.

A pump-out pit of 15m<sup>3</sup> within the basement has been shown to capture only the driveway area of 125m<sup>2</sup> with the rising main discharge to the OSD tank, which is acceptable. The pump-out tank has been designed based on the 100 year 2 hour storm as required under Part 24B.5 of the KDCP.

The site falls within a regulated catchment. The proposal includes appropriate stormwater measures to minimise any adverse impacts on the regulated catchment. The proposal is satisfactory in regard to Chapter 6 'Water Catchments' of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Furthermore, consideration has been given to the proposed development in relation to the relevant provisions of Clause 6.5 Stormwater and water sensitive urban design of KLEP 2015 as the requirements of Part 24 Water Management of KDCP and the proposal is satisfactory in this regard.

The Stormwater Management C1001/3, C1050/3, C1051/3, C1052/3, C1075/1, C1100/4, C1110/4, C1120/4, C1130/4, C1200/4, C1205/2, prepared by JN Engineers are to be stamped for approval and listed in condition 1 of the consent.

### **Vehicular access and accommodation arrangements**

#### Car parking rates

The development proposes to construct the following number of units: 11 x 1-bed, 15 x 2-bed and 10 x 3+ bed and 1 x 4 bed.

Ku-ring-gai Council's DCP specifies that within 400m of a railway station the following number of car parking spaces per unit type are required:

- One-bed: 0.6 spaces – 1.0 spaces
- Two-bed: 0.9 spaces – 1.25 spaces
- Three/four-bed: 1.0 spaces – 2.0 spaces
- Visitors: 1.0 space per 6 dwellings

In addition, the DCP requires 1 accessible space, 1 wash bay/ removalist space and 1 car share space.

Based on these requirements a minimum 32 spaces and a maximum of 53 spaces are required for the residential component of development as well as 6 visitor spaces under the KDCP

The proposal seeks 45 residential car parking spaces and 6 visitor spaces; hence these requirements have been satisfied.

*The commercial component of the development is subject to provisions of Part 8 of KDCP which requires 1 space per 20sqm (700sqm) for club patrons and for club staff is 1 per 2 staff (2 staff proposed) which requires 37 spaces for the commercial component of the development. The proposal seeks to provide 38 car parking spaces and hence these requirements have been satisfied.*

*The development is approximately 150m from Roseville Railway Station. The site is subject to the provisions of SEPP 65 which provides lower rates of parking for apartment buildings. Based on "Apartment Design Guide" which is used in conjunction with the State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65). The Design Guide states that sites within 800m of a railway station or light rail stop can satisfy the minimum parking requirements specified in the RMS "Guide to Traffic Generating Developments" (October 2002) as follows:*

- *One-bed: 0.6 spaces*
- *Two-bed: 0.9 spaces*
- *Three-bed: 1.4 spaces*
- *Visitors: 1.0 space per 5 dwellings*

*Based on these requirements a minimum of 36 residential spaces and 8 visitor spaces are required under the SEPP.*

*The Guide to Traffic Generating Developments does provide prescriptive rules on the number of parking spaces required for the club/ commercial component of the development. The parking requirements will therefore be guided by Council's DCP.*

#### *Vehicular access*

*The proposed vehicle crossing width of 5.8m compiles with Category 1 of AS2890.1:2004. The submitted vehicle crossing longitudinal sections comply with AS2890.1:2004 and Council's Vehicular Crossing Profile.*

*The carpark provides a 5.8m circulating roadway which is compliant with the minimum required.*

*Nine accessible parking spaces have been provided within the basement levels. The car spaces have been designed in accordance with AS2890.6 (2009) in terms of space width and providing a shared area.*

*An accessible residential parking space is required by Control 9 of Part 6B.2 of the DCP that states that car parking is to be provided in accordance with the Liveable Housing Guidelines. The DCP stipulates that 15% of the units are to be Platinum level. As a result, the proposal seeks 6 platinum dwellings proposing car space dimensions measuring 3.8m x 6m, which are compliant.*

*The accessible residential parking spaces requirements comply with AS2890.6:2009.*

*The driveway gradients comply with Australian Standard 2890.1 (2004) "Off-Street car parking" as do the dimensions of the parking bay, blind aisle and aisle widths.*

#### **Strategic Traffic Engineering Comments**

##### *Traffic generation and associated impacts*

The Traffic and Parking Assessment (by Traffic and Transport Planning Associates) has calculated the traffic generation of the site (based on RMS Guidelines) which would result in the following additional peak hour vehicle movements:

- AM peak hour: 8 vehicle trips per hour
- PM peak hour: 6 vehicle trips per hour

At the intersection of Pacific Highway and Maclaurin Parade, these traffic movements represent an average of 1 additional vehicle movement every 7-10 minutes, or every 3-4 signal cycles. While an assessment of existing and future intersection performance formed part of the Planning Proposal for the site, no intersection modelling was provided in the Traffic and Parking Assessment accompanying the application on the basis that a traffic simulation model would not be sensitive to a modest increase of 6-8 vehicle in the peak hour. There is no objection to this premise, given that the assessment in the Planning Proposal found the intersection was operating at acceptable levels of service.

Observations of traffic queues in Maclaurin Parade at the intersection with Pacific Highway during the AM and PM peak hours show that, occasionally, some vehicles turning right from Maclaurin Parade into Pacific Highway are prevented from doing so, due queues on Pacific Highway from the Boundary Street traffic signals. Following repeated requests by Council, in October 2022 Transport for NSW installed “Do Not Queue Across Intersection” signs on Pacific Highway on both approaches to Maclaurin Parade to improve driver discipline, so that queued vehicles on Pacific Highway leave the intersection area clear to improve opportunities for vehicles from Maclaurin Parade to enter the intersection during the green phase.

#### Parking provision and design

Car parking provision has been assessed against the requirements of the Ku-ring-gai DCP:

<b>Use</b>	<b>Ku-ring-gai DCP requirement</b>	<b>Proposed</b>
<i>Residential</i>	32-53	45
<i>Visitor – Residential</i>	6	6
<i>Car Share - Residential</i>	1	1
<i>Wash Bay - Residential</i>	- (Shared with visitor space)	- (Shared with visitor space)
<i>Club</i>	37	38
<b>Total</b>	<b>77-98</b>	<b>90</b>

The proposed provision of 90 car parking spaces complies with the requirements of the DCP.

In the Plan of Management, Section 2.6 (Car Park Security) notes that during operating hours, carpark entry from the street level will be free and unsecured. Being located in proximity to Roseville station, there is the potential for commuters (or indeed residents of the proposal) to exploit this by parking in the club portion of the car park. Although the Plan of Management mentions installation of retractable bollards that are only able to be accessed via key (that will be issued only to the Club’s management team), this implies management of only the spaces allocated to the Club’s management team, however the ongoing management of the remaining spaces for

patrons needs to be considered if there is inappropriate use. The Plan of Management has since been amended by the applicant to include measures for the prevention of non-patron's use of car parking on Basement B1 and B2 by way of a booking system that will provide access to patrons for a certain amount of time, with time restrictions on parking to prevent non-patrons from parking for extended periods of time. The Club has stated it will undertake periodic inspections that will consider registration plate recognition, so that audits can be conducted for any non-patron use. There is no objection to this system as it would be in the Club's interest to monitor and manage parking facilities to benefit its patrons, provided that the Club makes the booking information and access arrangements accessible and clear to patrons and non-patrons.

In the Pre-DA minutes, it was specifically noted that parking areas are to be designed and constructed so that electric vehicle charging points can be installed (provision for conduits, switchboards, electrical capacity etc). In response to this, the Ecologically Sustainable Design Report accompanying the application notes that electricity supply capacity to the project has been confirmed to support electric vehicle charging capacity for at least one parking space per apartment (assuming EV electrical demand will be load managed and timed, to mitigate impacts on peak evening demand). While this is reassuring, a commitment is also needed that adequate provision for the relevant conduits, switchboards etc for EV readiness will be in place in order for residents and the club to be able to install EV charging equipment at a reasonable cost. This would include the following elements and can be dealt with by way of conditions:

- Provide EV distribution boards of sufficient size and quantity in each storey of the car park to allow connection for EVs, complete with a charging control system and connection to the main switchboard.
- Make provision for cable trays to support the future installation of 32A single-phase final subcircuits for each EV car parking space and allow space for this when designing for other services.
- Locate EV distribution boards so any future EV charger will require a cable of no more than 50 m from the parking bay to the EV-ready connection.
- Provide a shared EV connection for all car share spaces.
- Where EV-ready provision is made for visitor parking, a minimum of 7 kW AC EV chargers should be installed.

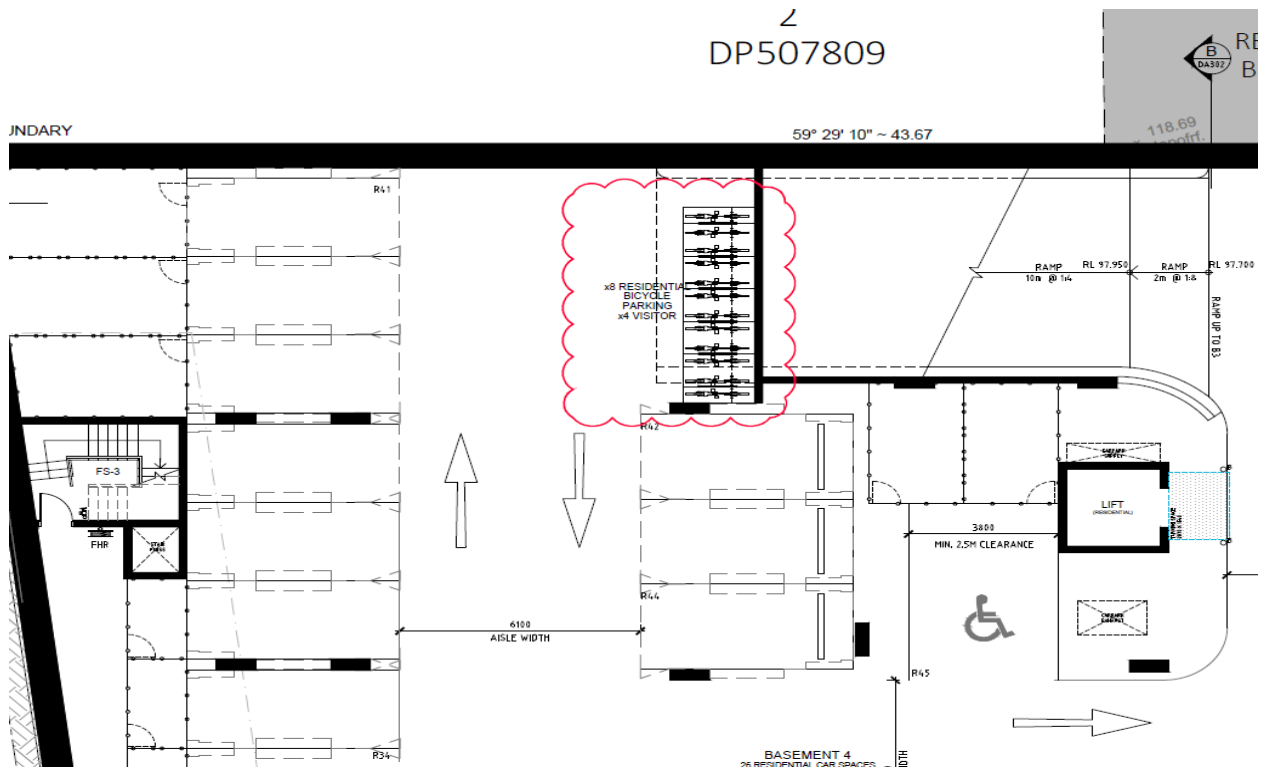
A car share space is provided at B2 (as originally proposed). In the previous referral response, it was requested that evidence of an agreement with a car share operator submitted to Council prior to issuing any Construction Certificate. The suggested timing of the agreement in the applicant's response is acceptable, and updated conditions could be imposed along the lines of:

1. 1 space on Basement Level 1 or Basement Level 2 is to be reserved for car share operation, with no charge to the car share operator to use it.
2. This space must be available to all members of the car share scheme (including members who are not residents of the development) during the operating hours of the car park and should be well-lit with safe pedestrian access.
3. These spaces must be contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Occupation Certificate.
4. Car share vehicles must be operational within 4 weeks of issue of the Occupation Certificate

5. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
6. Since car share spaces are located in the basement, sufficient cellular communications connectivity must be available at the location of the carshare spaces to ensure proper car share management/operation.

The proposal commits to ensuring EV readiness to all future car spaces as this is now a Hycorp standard in all developments. The detailed design for this is not yet available noting a contractor and design would be required to be developed. It is requested that the above comments be imposed as a condition of consent.

In the previous referral response, it was noted that bicycle parking for residents should be designed as a Security Level B facility (resident parking in multi-dwelling developments) as per AS2890.3 (Bicycle Parking). This would be a secure room or structure containing bicycle parking devices that allows users to lock the bicycle frame and both wheels. The response by the applicant indicates plans have been amended to comply, but the information on Sheet DA100 (Basement Level 4) of the Updated Architectural Package V2 does not appear to adequately address this, as there is no evidence of a secure room or structure:



It is recommended that the following condition be imposed, so that the bicycle parking complies with the requirements of AS2890.3:

- Bicycle parking for residents on Basement Level 4 are to be designed as a Security Level B facility (resident parking in multi-dwelling developments) as per AS2890.3 (Bicycle Parking), which would require the provision of a secure room or structure containing bicycle parking devices that allows users to lock the bicycle frame and both wheels.

The boom gate has been updated in architectural plans as requested. The amended location of the boom gate is acceptable.

## **Waste management**

*The development proposes 5 x 660L general waste bins and 9 x 240 L recycling bins for the residential component and 4 x 660L for the Club. The bin requirements have been met.*

*A swept path analysis for Council's 6.4m rigid waste collection vehicle has been provided within the Appendix of the Traffic Report demonstrating that Council's small rigid vehicle capable of entering in a forward direction into garbage collection bay area, reverse into the aisle bay and exiting the site in a forward motion, which is acceptable.*

*The turning manoeuvrability has been provided for waste collection vehicle access on the ground floor (commercial) and basement 1 (residential).*

*A driveway longitudinal section has been submitted to demonstrate the minimum head height of 2.6m to access the basement 1 area. A 20% driveway grade has been provided which satisfies the requirements of Part 23.7(35) of the KDCP. A higher headroom of 3.2m has been provided to the commercial waste collection/loading dock on the ground floor as depicted on Section Drawing No. DA310/C.*

## **Impacts on Council infrastructure**

*If the application is to be approved, the applicant will need to construct a new footpath, replacement of kerb and gutter along the Larkin Lane site frontage and new 375mm stormwater connection to existing Council gully pit.*

*The Civil Plans propose new 150mm high kerb only which ties into the existing pavement along edge of pavement restoration. The design includes new footpath of minimum 1% provided in line with Council's standards (noting maximum 2%-2.5%) and new concrete vehicle crossing which provides for a 450mm layback crossing with no gutter crossing.*

*In addition, cross sections every 5m intervals have been provided from the centreline of existing road boundary and as well providing 150mm level difference between kerb invert and site boundary allowing for a crest to prevent road water entering into the driveway ramp.*

*It is noted that there is a one-way crossfall along Larkin Lane to the kerb and gutter opposite the site. No existing gutter on site frontage.*

*Detailed design drawings for these works will be assessed by Council's Operations Department for approval under the Roads Act. No final certificate would be issued until the works are completed to the satisfaction of Council.*

## **Construction traffic management**

*A preliminary Construction Traffic Management Plan (CTMP) has been provided. The plan proposes entry onto the construction site from the Pacific Highway onto McLaurin Parade and then onto Larkin Lane. Egress from the site is proposed via the same route which allows construction vehicles to turn left or right onto Pacific Highway at the signalised intersection. It is anticipated that majority of loading and unloading will be performed on-site. Site access limited to the rear of the site for small vehicles, however larger vehicles will utilise the proposed 20m long Works Zone within Larkin Lane.*

*It should be conditioned that a detailed CTMP will need to be submitted prior to the issue of a Construction Certificate, showing the construction vehicle routes, largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.*

### **Geotechnical**

*The geotechnical report has been submitted to assess the subsurface conditions and provide preliminary recommendations for the excavation of the basement.*

*Section 7.1.2 of the Stage 2 Detailed Site Investigation by Construction Sciences indicates the presence of groundwater at 2.5m below the surface in one monitoring well (MW101). The other monitoring well (MW102) did not have any groundwater inflow. It is stated in the report that the groundwater present in well MW101 is due to perched water.*

*Construction Sciences assessment of the site is: "The site is suitable for the proposed development, from a contamination perspective, in general accordance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 and NEPM (2013)." Construction Sciences also recommend that: "a post demolition contamination assessment be conducted to assess the potential for isolated patches of contamination to be present in soil and pockets of perched water, prior to the commencement of bulk earthworks to excavate the basement. A supplementary contamination assessment report should be prepared and submitted to Council. In the unlikely event that there is contamination, it should be remediated in accordance with a remedial action plan prepared by the environmental consultant and approved by Council. Remediation works (if any) should be validated by the environmental consultant prior to commencing the basement excavation." This necessary report and further assessment should be conditioned.*

*A Groundwater Take Assessment has also been carried out to check compliance with Part 8 of Section 24C.3 of KDCP. The assessment suggests that the ongoing yearly dewatering is less than 3ML/year and hence the excavation does not need to be fully tanked. Part 8 of the KDCP requires that if no tanking is proposed, the development needs approval by the NSW DPI Office of Water and Council water quality requirements need to be met. The groundwater can be conditioned to be treated in the Stormfilter Chamber. Approval from the NSW DPI Office of Water will be required prior to construction commencing.*

*In the event that groundwater will be encountered, it should be conditioned that the basement excavations are to be fully tanked unless it can be demonstrated that ongoing dewatering will be less than 3ML/year AND the proposal is approved by NSW DPI Office of Water. If the basement is not tanked, then any groundwater and seepage shall be conveyed to Council's drainage pit by a suitable drainage pipe to the satisfaction of Council's Engineer. Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 Roads Act 1993 for any proposed works in the public road.*

*The geotechnical recommendations regarding excavation support, vibration monitoring, dilapidation reporting of adjoining buildings and foundation design shall be carried out during construction as specified within the report.*

## Strategic planning

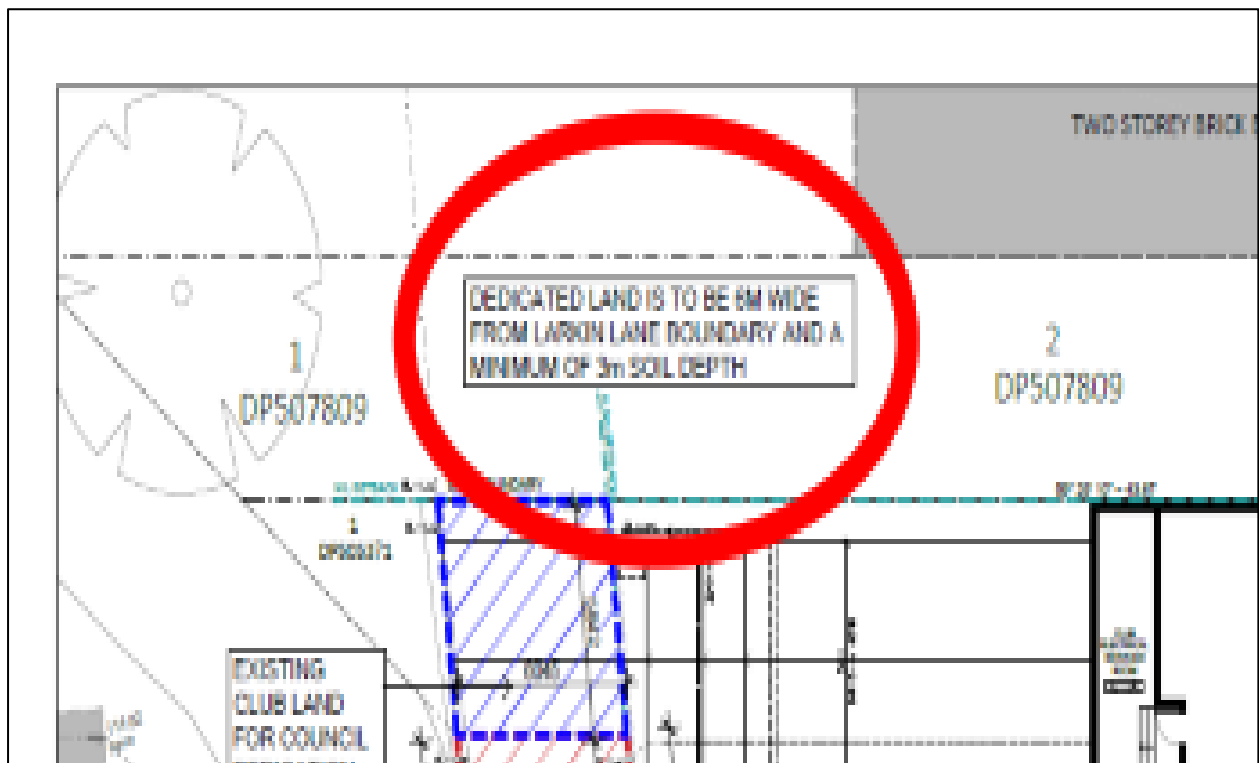
Council's Strategic Planning Officer commented on the proposal as follows:

*The proposal generally appears to have complied with the requirements regarding the land dedication subject of a separate Planning Agreement; however, **one further clarification annotation** is required to the floor plan below.*

*The following is recommended to ensure there is no ambiguity regarding the dedicated land:*

*Amend the circled annotation at the top of the drawing to add additional text shown in red below:*

- *from - dedicated land is to be 6m wide from larkin lane boundary and a minimum of 3m soil depth.*
- *to - dedicated land is to be 6m wide from larkin lane boundary and a minimum of 3m soil depth for the total length of the development site (64-66 pacific hwy) fronting larkin lane.*



**Figure 7: Notation to be amended**

The plans have been updated to reflect the notation requirements in the referral and, accordingly, no additional condition is required.

## Environmental Health

Council's Environmental Health Officer raised no objection to the proposal, subject to conditions of consent.

## Public Domain

Council's Public Domain Officer commented on the proposal as follows and an appropriate

condition has been recommended:

### **Landscaped areas**

*Minor clarifications of working for conditions of consent as per referral response.*

### **Paving**

*The paving shown on the landscape plans provided aligns with the Ku-ring-gai Public Domain Plan Volume 3 – Technical Manual. However, there is one small inconsistency on the plan. The garden bed along Pacific Highway is shown with (an assumed) concrete edge. The garden beds along Larkin Lane do not indicate any edging. The Larkin Lane garden beds should also have a concrete edge as the surround.*

### **Lighting**

*An amended landscape plan (Rev. C, dated 26/10/2023) was provided which details the required public domain lighting specification. A condition should be included in any consent specifying that public domain lighting must be in accordance with the Ku-ring-gai Public Domain Plan 2022 Volume 3 Technical Manual.*

## **External Referrals**

### **Transport for NSW (TfNSW)**

The application was referred to the Transport for NSW (TfNSW) for concurrence.

The TfNSW provided the following comments in relation to the proposal:

*TfNSW has reviewed the proposed development and recommends the following requirements be included in any determination issued by Council:*

- 1. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au).*

*A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.*

- 2. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the Pacific Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.*

These requirements have been included as recommended conditions of consent.

## **STATUTORY PROVISIONS**

### **State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4**

## Remediation of land

The provisions of Chapter 4 require Council to consider the potential for a site to be contaminated.

A Stage 2 Detailed Site Investigation, dated 3.11.2022, has been prepared by Construction Sciences and accompanies this application. The report confirms that the site is suitable for the proposed development from a contamination perspective. The report provides the following conclusion:

*“Based on CS’s assessment of desktop review information, fieldwork observations and laboratory analytical data, in the context of the proposed land use scenario, CS makes the following conclusions:*

- *> Based on the anecdotal evidence provided to CS on 18 May 2020, the site is not expected to have conducted dry cleaning works and thus is not expected to be contaminated with dry cleaning chemicals (VOCs);*
- *> Volatile organic compounds, deemed to be a contaminant of concern for dry cleaning facilities, were not identified above laboratory limit of reporting in the soil and groundwater samples collected and analysed. This supports the anecdotal evidence that dry cleaning activities were not undertaken at the site; and*
- *> The site is suitable for the proposed development, from a contamination perspective, in general accordance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 and NEPM (2013).*

*Whilst contamination attributable to dry cleaners have not been identified, out of abundant caution CS recommends that a post demolition contamination assessment be conducted to assess the potential for isolated patches of contamination to be present in soil and pockets of perched water, prior to the commencement of bulk earthworks to excavate the basement. A supplementary contamination assessment report should be prepared and submitted to Council. In the unlikely event that there is contamination, it should be remediated in accordance with a remedial action plan prepared by the environmental consultant and approved by Council. Remediation works (if any) should be validated by the environmental consultant prior to commencing the basement excavation.”*

Given the above, the proposal is acceptable in this regard, subject to conditions.

### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A valid BASIX Certificate has been submitted. The Certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

### **State Environmental Planning Policy (Transport and Infrastructure) 2021 – Division 17 Roads and traffic**

The property has a frontage to a classified road, being Pacific Highway and consideration is required pursuant to Division 17 Clause 101 and 102 of the SEPP.

The application has been referred to Transport for NSW for concurrence. Their response is provided above.

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

SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'.

Clause 30 of SEPP 65 contains three non-discretionary development standards for car parking, internal area of apartments and ceiling heights. The proposal complies with these non-discretionary development standards.

Section 29(1A) of the Environmental Planning and Assessment Regulation 2021 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted and is satisfactory.

The SEPP requires the assessment of any development application for residential flat development against the design quality principles contained in the SEPP, which has been undertaken by Council's Urban Design Consultant. The SEPP also requires consideration of the matters contained in the Apartment Design Guide. As such, the following consideration has been given to the requirements of the SEPP and ADG.

### Apartment Design Guide (ADG)


Pursuant to Clause 30(2) of SEPP 65 in determining a development application for a residential flat building the consent authority is to take into consideration the ADG. The following table is an assessment of the proposal against the ADG prepared by the external urban design consultant and the author of this report.

**Table 1 - Urban Design Comments**

<b>Part 1: Identifying the context.</b>	
<b>1A Apartment building types</b>	The proposed building is described by the Applicant as a shop-top type. As per the ADG shop-top apartment are typically 2- 6 storeys. This site is not suitable for tower apartments which are typically used in dense urban areas. The proposed building can be described as a shop-top type and is acceptable for this location given that the design achieves a podium type element with limited tower element above that cascades away from neighbouring development to the north which has a lower maximum height.
<b>1B Local character and context</b>	The latest design development of the proposal and the façade, in particular, has resulted in improved and more place-responsive elevations.  The built form is a product of the new planning controls for the site thus some change is expected and warranted for a corner site. The podium level responds to the likely future heights of the adjoining sites. In the event the

	<p>adjoining sites are not redeveloped the scale relationships remain acceptable given that upper levels gravitate away from the adjoining 2 storey buildings to the north. The minor variations to the KDCP as set out in this report and on the plans do not give rise to additional levels thus the overall scale and form is that generally contemplated by the area specific planning controls under the KLEP and KDCP.</p>
<b>1C Precincts and individual sites</b>	<p>The latest design development of the proposal and the façade, in particular, has resulted in improved and more place-responsive elevations.</p>
<b>Part 2 Developing the Controls</b>	
<b>2A Primary controls</b>	
<p><i>“The controls must be carefully tested to ensure they are co-ordinated, and the desired built outcome is achievable.”</i></p>	<p>The control has now been satisfied and the resultant-built form is that which is anticipated for the site. Proposal complies with FSR and for height (except the lift) and therefore reflects the anticipated bulk and scale under the relevant controls.</p>
<b>2C Building height</b>	
<p><i>“Set building heights by adding together the floor to ceiling heights for the desired number of storeys. Add 0.4 metre per floor for structure, services .... add 1 metre... for rooftop articulation.”</i></p> <p><i>“It may be appropriate to determine heights by relating them to site specific heights such as ...heritage items.”</i></p>	<p>Additional height for rooftop articulation should be allowed for.</p> <p>Proposed heights should be determined by relating them to site specific heights such as the heritage items and two -storey Inter-War style face brick shops.</p> <p>The latest design development of the roof has improved the roof design. The control has now been satisfied.</p>
<b>2E Building depth</b>	<p>The typical building depth of the proposal is 21.2 metres being outside the range of maximum apartments depths of 12-18 metres. This makes it difficult to achieve apartment designs that strictly meet the objectives of the ADG for occupants’ access to light and air. Given the number of corner apartments (four per floor) and that the cross vent satisfies the control the depth issue raised with the applicant initially is less important within the overall assessment of this development. Accordingly, the depth is acceptable as depicted in the latest plans.</p>

<p><b>2G Street setbacks</b></p> <p><i>“Secondary upper-level setbacks ...reinforce the scale of the buildings at the street frontage”.</i></p> <p>Refer Fig 2.34.....<i>Street setbacks should be consistent with .....setbacks that achieve the desired future character of the area”.</i></p>	<p>The control has not been satisfied. The setbacks allow for adequate façade articulation. There is a very minor departure to the KDCP, however the proposal achieves the desired future character. The upper levels achieve the objective which is to reinforce the street frontage without being overly dominant.</p>
<p><b>2H Side and rear setbacks</b></p> <p><i>“Test side and rear setbacks with height controls for overshadowing of the site, adjoining properties and open spaces”.</i></p> <p><i>“Test side and rear setbacks with the requirements for deep soil zones”</i></p>	<p>The control has been satisfied as the documentation provides solar shading due to the height and setback variations. Modelling is provided of the slab encroachment at level 5. Adequate solar access provided to 1 Maclaurin Lane with proposed rear setback variation.</p> <p>The proposed side setback to Roseville Memorial Park does not result in significant overshadowing to the Roseville Memorial Park that would affect the health of existing vegetation. Front setback variations have no significant adverse impact on solar or views. Council’s Landscape &amp; Tree Assessment officers are generally supportive of the scheme.</p>
<p><b>Part 3 Siting the development.</b></p>	
<p><b>3A Site analysis</b></p>	<p>Revised photomontages have been submitted and Objective 3A-1 has now been achieved.</p>
<p><b>3B Orientation</b></p> <p><b>Objective 3B2</b></p> <p><i>Overshadowing of neighbouring properties is minimised during midwinter.</i></p> <p>Objective 3B2 states, <i>“overshadowing to the south or downhill should be avoided by increased upper-level setbacks.”</i></p>	<p>The detailed analysis and modelling confirms that this objective has now been achieved. The revised bundle of documents provides modelling to show the impact of the proposal on the heritage item. Whilst there is some shadowing the remaining solar access to the item is considered to be acceptable. The height variation does not cause additional shadow. The rear setback variation does cause some additional solar loss at 11 -12 to 1 Maclaurin Parade however we note that at 12 midday there is 50% of the pool and the rear yard area with solar access. From 12 – 3pm there is 3 hours of solar access available to 1 Maclaurin Parade which is acceptable (area of the dwelling with solar access includes POS open space as well as glazing and part of the</p>

	<p>pool). As shown on DA 630 the approved DA affected a similar area of the rear yard as the subject proposal.</p> <p>The primary shadow impact results from a height compliant parapet as the lift overrun does not add to the shadow from the leading edge of the building. The additional shadow from the KDCP variations (see DA 610 and DA 611) to the planter on Level 5 fall within the approved DA shadows or on the roof of 1 Maclaurin Parade and have no additional impact). Between 9 – 11am the proposed shadow to the rear yard of 1 Maclaurin Parade is essentially the same as the approved DA apart from a minor increase as shown in red below:</p>  <p>Additional shadow cast upon 1 Maclaurin Parade is essentially confined to 11 – 12 pm. Plans demonstrate that from 12 – 4pm adequate sunlight is available to 1 Maclaurin Parade, and this includes the shadow cast by lift overrun.</p> <p>All shadow is removed from properties further to the south from 10.30am onwards.</p> <p>Based on the above, adequate solar access is provided to surrounding properties.</p>
<p><b>3C Public domain interface</b></p> <p><b>Objective 3C1</b></p> <p><i>“Opportunities for casual interaction should be provided such as seating at the building entries, near the letterboxes or at the entrance to the communal area”.</i></p>	<p>Due to the new location and re-design of the apartment entry this is improved.</p> <p>Objective 3C-2 has now been achieved.</p>
<p><b>3D Communal and public open space</b></p> <p><b>Objective 3D-3</b></p>	

<p>Communal open space is designed to maximise safety.</p> <p><i>“Communal open space ... should be readily visible from habitable rooms and private open space areas ....”</i></p> <p><i>“Where communal open space/ facilities are provided for children and young people they are safe and contained.”</i></p>	<p>Because the COS is on the roof Objective 3D-3 has not been achieved. Roof top COS is acceptable in this circumstance and is permitted under the ADG as a means to provide COS.</p>
<p><b>3E Deep soil zones</b></p> <p><b>Objective 3E-1</b></p> <p><i>“Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality”.</i></p>	<p>Objective 3E-1 has not been achieved. We note that the second part of the objective is achieved in that healthy plant and tree life is maintained in Memorial Park and all proposed tree planting likely to prosper.</p>
<p><b>3G Pedestrian access and entries</b></p> <p><b>Objective 3G-1</b></p> <p><i>“Building entries should be clearly identifiable and communal entries should be distinguished from private entries.”</i></p>	<p>Due to the new location and re-design of the apartment entry this is improved.</p> <p>Objective 3G-1 has now been achieved.</p>
<p><b>3G Pedestrian access and entries</b></p> <p><b>Objective 3G-2</b></p> <p><i>“Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal areas.”</i></p>	<p>Due to the new location and re-design of the apartment entry, this is much improved.</p>
<p><b>3J Bicycle and carparking; Car parking</b></p> <p><b>Objective 3J-6</b></p> <p><i>“Positive street address and active frontages should be provided at ground level.”</i></p>	<p>The latest design development includes additional and re-designed landscaping to</p>

	Larkin Lane resulting in an improved landscape outcome.
<p><b>3J Bicycle and carparking; Bicycle parking</b></p> <p><b>Objective 3J-2</b></p> <p><i>“Parking and facilities are provided for other modes of transport”</i></p>	<p>Mobility scooter parking for the Roseville Club has not been noted or provided at ground level in a convenient or appropriate location. Ad hoc placement shown on plans at present and, as such, a condition of consent is required to rectify this issue.</p> <p>Objective 3J-2 has not been achieved but may be achieved via conditions.</p>
<b>PART 4 – DESIGNING THE BUILDING</b>	
<b>AMENITY</b>	
<p><b>4A Solar and daylight access</b></p> <p><b>Objective 4A-1</b></p> <p><i>“To optimise the number apartments receiving sunlight to habitable rooms, primary windows and private open space.” (a minimum of 2 hours direct sunlight between 9 AM and 3 PM)</i></p>	The proposed building achieves compliance.
<p><b>4A Solar and daylight access</b></p> <p><b>Objective 4A-3</b></p> <p><i>“Design incorporates shading and glare control, particularly for the warmer months.” ... vertical shading to east and particularly west facing windows.</i></p>	Objective 4A-3 has been achieved.
<p><b>4B Natural ventilation</b></p> <p><b>Objective 4B-1</b></p> <p><i>“All habitable rooms are naturally ventilated”</i></p> <p><b>Objective 4B-2</b></p>	The proposed building achieves compliance. A consent condition is recommended to provide a window to all bathrooms with an external wall. Plans to be amended prior to the CC.

<p><i>“The layout and design of single aspect apartments maximises natural ventilation”</i></p> <p><b>Objective 4B-3</b></p> <p><i>“The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents”</i></p>	
<p><b>4D Apartment size and layout</b></p> <p><b>Objective 4D-1</b></p> <p><i>“The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity”.</i></p> <p><b>Objective 4D-2</b></p> <p><i>“Environmental performance of the apartment is maximised”</i></p>	<p>Based on an assessment of Level 1:</p> <p>Only one of the twenty one bathrooms and laundries on this floor has a window and is naturally lit and ventilated.</p> <p>A typical floor shows only two of eight kitchens are adjacent to a window and are able to be naturally lit and ventilated.</p> <p>Objective 4D-2 has been achieved based on attempts to improve the layouts. The design is not exemplar in this regard however is acceptable. Initial criticism of the design was compounded by other shortfalls which have now been rectified thus enabling support for the revised proposal.</p>
<p><b>4E Private open space and balconies</b></p> <p><b>Objective 4E-1</b></p> <p><i>“Balcony use may be limited in some proposals by... close proximity to road, rail or other noise sources . in these situations, Juliet balconies, operable walls, enclosed wintergardens or bay windows may be appropriate and other amenity benefits for occupants should also be provided in the apartments or the development or both. Natural ventilation also needs to be demonstrated.”</i></p>	<p>The Applicant and architect have considered employing wintergardens and rejected them. However, the re-designed facade design includes more solid elements which will reduce acoustic impacts to apartments as well as providing more visual privacy. The design has been improved.</p> <p>Objective 4E-1 has not been achieved in totality however is acceptable in the circumstances.</p>
<p><b>4E Private open space and balconies</b></p> <p><b>Objective 4E-2</b></p> <p><i>“Primary private open space and balconies are appropriately located to</i></p>	<p>In Unit 101 the primary open space is accessed from the bedrooms rather than the living spaces.</p>

<p><i>enhance livability for residents.”</i></p> <p><i>Primary open space and balconies should be located adjacent to the living room, dining room or kitchen to extend the living space</i></p>	<p>Objective 4E-2 has not been achieved. In Unit 101 has been re-designed. Objective 4E-2 has been achieved.</p>
<p><b>4F Common circulation and spaces</b></p> <p><b>Objective 4F-2</b></p> <p><i>“Common circulation spaces promote safety and provide for social interaction between residents.”</i></p> <p><i>“Tight corners and spaces are avoided.”</i></p> <p><i>“Incidental spaces, for example space for seating in a corridor, at a stair landing, or near a window are provided.”</i></p> <p><i>“In larger developments, community rooms for activities such as owners’ corporation meetings or resident use should be provided and are ideally co-located with communal open space.”</i></p>	<p>Ground floor lobby has a tight corner and poor sight lines.</p> <p>Incidental spaces have not been provided.</p> <p>Objective 4F-2 has not been achieved, however due to the new location and re-design of the apartment entry this is much improved and overall, the scheme is considered to be acceptable.</p> <p>A separate community room is not required for this scale of development and is only required for developments with a much greater number of units.</p>
<p><b>4G Storage</b></p> <p><b>Objective 4G-1</b></p> <p><i>“Adequate, well designed storage is provided in each apartment”</i></p>	<p>Objective 4G-1 has been achieved see DA 550 Issue E.</p>
<p><b>4J Noise pollution</b></p> <p><b>Objective 4J-2</b></p> <p><i>“In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings”</i></p>	<p>The Pacific Highway at Roseville is a major road and rail corridor. Reducing the number of single aspect apartments facing this corridor should be considered. Other design measures such as increased setbacks and wintergardens should be considered.</p>

	Objective 4J-2 has not been strictly achieved; however, the re-designed facade design includes more solid elements which will reduce acoustic impacts to apartments as well as providing more visual privacy. The design has been improved and is acceptable.
<b>CONFIGURATION</b>	
<b>4M Facades</b>  <b>Objective 4M-1</b>  <i>“Building facades provide visual interest while respecting the character of the local area.”</i> <i>“Building facades relate to key datum lines of adjacent buildings....”</i>	The design development of the facade has resulted in an improved facade with a character that respects the local area. The revised and much improved photomontages show some relationships between the proposed facade and key elements of adjacent Pacific Highway facades. Building massing diagrams (see plan DA560) demonstrates how the proposal relates to the current and future built form.
<b>4N Roof design</b>  <b>Objective 4N-1</b>  <i>“Roof treatments should be integrated with the building design.”</i>	Objective 4N-1 has been achieved even though some elements remain as separate structures. The cover over part of the communal space is a simple structure within the height control. The design has been improved and is acceptable.
<b>4O Landscape design</b>	The proposal does not entirely respond to objectives in 4O, however the design has been improved. The site subject of the new building relies on the park for the majority of its landscape setting.
<b>4P Planting on structures</b>	The proposal should respond to the objectives in 4P. This objective has now been achieved.
<b>4S Mixed use</b>  <b>Objective 4DS-2</b>  <i>“Residential car parking has not been separated from commercial car parking as per Objective 4S-2.”</i>	Objective 4DS-2 has been achieved given that residential is provided on B3 and B4 and Club spaces are located on B1 and B2.
<b>PERFORMANCE</b>	


<p><b>4U Energy efficiency</b></p> <p><b>Objective 4U-1</b></p> <p><i>“Development incorporates passive environmental design”</i></p>	<p>Based on an assessment of Level 1; Only one of the 21 bathrooms and laundries on this floor has a window and is naturally lit and ventilated. This will result in increased energy consumption. A condition is recommended to provide all bathrooms with external wall with a window.</p> <p>No outdoor areas are provided for clothes drying.</p> <p>Objective 4U-1 has been achieved with a condition. Whilst internal bathrooms are not encouraged, they nevertheless achieve an acceptable level of performance for non-habitable spaces. All bathrooms and laundered will be ventilated as per the BCA.</p>
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<b>Ku-ring-gai Local Centres DCP 2023</b>	
<b>Part 8 Mixed Use</b>	
<p><b>8A.1 Local Character and Streetscape</b></p> <p><b>Visually Prominent Sites</b></p>	<p>This control has now been satisfied.</p>
<p><b>8A.2 Site Layout</b></p> <p>O3 <i>“to ensure that site planning for mixed use buildings responds to site attributes such as streetscape, character, existing vegetation and topography”</i></p> <p>O 6 <i>“To minimise impacts upon the amenity of neighbouring sites”</i></p> <p>O 7 <i>“To reduce the appearance of mass and scale”</i></p> <p>O 12 <i>“To ensure mixed use developments contribute to</i></p>	<p>The proposal responds sufficiently to streetscape and topography. This objective has now been achieved.</p> <p>This objective has now been achieved. Additional information provided such as plan DA637 showing viewing angles. The planter provides a barrier (setback) to limit the viewing position. Vegetation in the planter will also play a secondary role. The angle is such that acceptable privacy will be retained to dwellings to the south from the upper levels. Privacy screening to be provided to Units 205, 206, 305, 306, 405 and 406 fronting Larkin Lane (consent condition).</p> <p>This objective has now been achieved with the brickwork treatment.</p> <p>The proposal does not attempt to vary its elevations in relation to the very different conditions of Pacific Highway (main street),</p>

<p><i>the streetscapes through high quality and varied elevations”</i></p>	<p>Roseville Memorial Park and Larkin Lane elevations. This objective has now been achieved.</p>
<p><b>8A.3 Building Setbacks</b></p> <p><b>Objectives</b></p> <p>O5 “<i>To ensure building setbacks at all levels respond to site conditions, the local topography and views through the site.</i>”</p> <p><b>8A.7 Deep Soil Landscaping</b></p> <p><b>Objectives</b></p> <p>O1 “<i>To ensure landscape areas contribute to the garden character and canopy of Ku-ring-gai Locality.</i>”</p>	<p>The objectives have been achieved in that the proposed setbacks strike the necessary balance between providing separation and amenity but also fulfilling the strategic urban design objectives and the zone objectives. Overall, the proposal complies with the main provisions and setback variations are providing an ability for balconies to wrap the corner elements and increase the area of open space for certain units.</p> <p>The objectives have not been achieved in that minimal deep soil landscaping is provided however based on the sites urban design role (i.e., bookend development) there is no specific need for this site to provide landscaping to the park or to the Pacific Highway. The intent is to have an active permeable edge to the building at the ground floor which has been achieved. The landscape edge to Larkin Lane forms part of the overall landscape outcome that will be viewed as a green extension to the park. The landscape treatment is deemed to be acceptable as assessed by Councils Landscape &amp; Tree Assessment Officer.</p>
<p><b>8A.3 Building Setbacks</b></p> <p><b>Objectives</b></p> <p>O5 “<i>To ensure building setbacks at all levels respond to site conditions, the local topography and views through the site.</i>”</p>	<p>The objectives have not been achieved.</p>
<p><b>8B.3 Bicycle Parking Provision</b></p>	<p>1 bicycle locker is required for the Club, none has been provided.</p> <p>1 bicycle parking space is required for the Club.</p> <p>8 bicycle parking spaces are required for apartments.</p> <p>4 visitor bicycle parking spaces are required for apartments.</p>

	<p>This objective has now been achieved as detailed on the revised plans.</p> <p>Mobility scooter parking for the Roseville Club has not been provided appropriately at ground level (consent conditions imposed).</p>
<b>8C.1 Solar Access and Daylight</b>	<p>Objective 3 and Controls 4,5,6 have been satisfied. 70% of all units achieve the 2 hours under the ADG.</p>
<p><b>8C.2 Natural ventilation</b></p> <p>O3 <i>“To provide workspaces with opportunities for natural ventilation”.</i></p>	<p>This objective has not been achieved in the Club component of the proposal.</p> <p>Controls 1-2 have not been satisfied; however this is not an issue which warrants refusal.</p> <p>Subject to detailed analysis of the shadow diagrams, it appears that this solar access is now compliant. Controls 3-5 have been satisfied.</p>
<p><b>8C.5 Building Entries</b></p> <p>C3 <i>“Building entries from principal active street frontages are to provide a flush transition with adjoining frontages”.</i></p> <p>C6 <i>“The building entry is to be legible and integrated with horizontal and vertical building elements...(including) awnings, porticos, recesses or projecting bays for clear identification”.</i></p> <p>C8 <i>“Entries and lobbies to apartments are to be separated from commercial entries....”.</i></p> <p>C9 <i>“Fire egress must not face the principal active street frontage ....”.</i></p>	<p>Controls 3, 6, 8, have now been satisfied.</p> <p>Control 9 has not been satisfied.</p> <p>The design has been improved.</p>
<p><b>8C.7 Roof Forms and Podiums</b></p> <p>O1 <i>“To provide well designed and articulated upper floor forms.”</i></p> <p>C1 <i>“The upper storeys of mixed use buildings are to be</i></p>	<p>The design has been improved to the extent that the proposal is deemed to be acceptable.</p>

<p><i>articulated with differentiated roof forms....”.</i>  C2 <i>“Service elements are to be integrated....so as not to be visible....”.</i></p>	
<p><b>8C.8 Communal open space</b></p> <p>O8 <i>“To provide safe, useable attractive and accessible communal open space for residents.”</i>  C8 <i>“A minimum of 10m<sup>2</sup> of communal open space per dwelling is to be provided...”.</i>  C9(ii) <i>“Communal open space should have a minimum dimension of 8m.”</i></p>	<p>Required: Min of 370 m<sup>2</sup>.</p> <p>Proposed: 321m<sup>2</sup>.</p> <p>The proposal showed a minimum dimension of 7m and now shows a minimum dimension of 7.7 m which is satisfactory.</p> <p>Objectives 1-8 have now been achieved.</p> <p>Controls 1-5 have now been satisfied.  Control 6 have not been satisfied.</p> <p>The design has been improved and is acceptable. Larger than required balconies provided to a number of units.</p>
<p><b>8C.17 External air Clothes Drying</b></p>	<p>Objectives 1 and 2 have not been achieved.</p> <p>Controls 1 and 2 have not been satisfied.</p>
<p><b>DCP SECTION B PART 14</b></p>	
<p><b>14F.1 ROSEVILLE LOCAL CENTRE CONTEXT</b></p> <p>O 2 <i>“To create a vibrant local centre with distinctive and memorable character.”</i></p>	<p>This objective has now been achieved.  This control has now been satisfied.</p>
<p><b>14F.2 – Public Domain and Pedestrian Access</b></p> <p>O3 <i>“To provide a consistently high quality and visually pleasing streetscape environment.”</i></p> <p>O6 <i>“To facilitate opportunities for outdoor dining in quiet locations away from the highway.”</i></p> <p>O9 <i>“To improve the overall pedestrian experience in the local centre, there by promoting active living.”</i></p>	<p>The objectives have now been achieved.</p> <p>This control has now been satisfied.</p>

<p><b>14F.3 – Proposed Community Infrastructure</b></p> <p>C 8 <i>“Embellishment of Roseville Memorial Park to urban park standard.”</i></p>	<p>The latest design development includes additional and re-designed landscaping to Larkin Lane resulting in an improved landscape outcome for Roseville Memorial Park. The onus of the upgrade Roseville Memorial Park to an urban park standard is now on Ku-ring-gai Council.</p> <p>The control has been satisfied.</p>
<p><b>14F.4 – Setbacks</b></p> <p>O 1 <i>“To create cohesive streetscapes.”</i></p> <p>O 4 <i>“To allow for visual and acoustic privacy between the centres and adjoining residential zones.”</i></p>	<p>The objectives have now been achieved notwithstanding some minor departures to the setback controls for slab edges fronting the Pacific Highway and balcony to the rear lane at Level 5 only.</p>
<p><b>14F.5 – Built Form</b></p> <p>O1 <i>“To maintain a consistent street wall height with reference to existing buildings along the Pacific Highway.”</i></p> <p>O2 <i>“To encourage new infill development along the Pacific Highway which respects the existing characteristics of the street including the fine-grained character of the original subdivision, setback, height, and rhythm of facades, and is sympathetic to the materials and detailing of the earlier facades.”</i></p> <p>O2 <i>“To ensure building facades are well designed, articulated and address public streets, public spaces, footpaths, parks and reserves.”</i></p> <p>O5 <i>“To minimise the visual bulk and scale of new buildings when viewed from public areas.”</i></p> <p>O6 <i>“To enhance the quality and character of the public</i></p>	<p>Cumulatively, the objectives have now been achieved. The brick base course proposed under the revised scheme better integrates with the existing development. The upper levels are now differentiated from the base course. The scale of the podium level fits with the likely future built form as expressed in plan DA560 (see extract below). Brick type/colour to be modified as a condition of consent.</p>  <p>The proposal balances both future scenarios (i.e., with and without redevelopment of adjoining sites) by providing a leading edge height at Level 3 that is compatible with the existing height of adjoining properties to the north fronting the Pacific Highway.</p> <p>Like any infill proposal there will be some differentiation in scale where the site to be redeveloped is a bookend site. The bulk and scale proposed is reflective of the recently developed development standards namely height and FSR.</p>

<p><i>domain in the commercial precincts.”</i></p> <p>O7 <i>“To promote development that responds to the pedestrian scale of the street.”</i></p> <p>O8 <i>“To ensure that buildings are designed to interact and engage with pedestrians at the street level”</i></p> <p>O9 <i>“To encourage design excellence in all new development.”</i></p>	
<p><b>SECTION B</b> <b>PART 14L – PART 62 AND 64-66 PACIFIC HIGHWAY, ROSEVILLE</b></p>	
	<p>Subject sites fall within the coloured area and all applications are to be assessed against the Part 14L.</p>
<p><b>Planned Future Character</b></p>	
<p><b>14L.1 – Urban Precinct</b></p> <p><b>Objectives</b></p> <p>1. <i>To facilitate the redevelopment of the site to achieve a landmark building with high quality urban form and that fully engages with the relationship to Roseville Memorial Park and surrounding public domain</i></p> <p>2. <i>To ensure new development contributes to the creation of a vibrant local centre through the provision of active street frontages and public space engagement.</i></p> <p>3 <i>“To ensure new development is respectful to the surrounding context, with articulated height and massing providing an appropriate interface to the Roseville Memorial Park and adjoining properties.”</i></p>	<p>The listed objectives have been achieved due to the following attributes:</p> <ul style="list-style-type: none"> <li>• Landmark building proposed that defines the entry to Roseville that has high quality urban form.</li> <li>• Built form engages with the relationship to Roseville Memorial Park and surrounding public domain.</li> <li>• Permeable frontage to the park with active edge and causal surveillance opportunities</li> <li>• Public space surveillance from the Club as well as visual engagement</li> <li>• Built form podium in brickwork that has a positive relationship with the existing 2 storey buildings to the north.</li> <li>• Height and massing which provide an appropriate interface to the Roseville Memorial Park and adjoining properties.</li> <li>• Positive relationship to the additional height permitted under the KDCP.</li> <li>• Active edges to both the Pacific Highway and Larkin Lane</li> <li>• Landscape embellishment of the Larkin Lane setback which connects to Memorial Park.</li> </ul>

<p>4 <i>“To ensure that new development does not result in adverse impacts on the amenity and solar access of adjoining properties, including the Roseville Memorial Park.”</i></p> <p>O5 <i>“To contribute to the quality and appearance of the public domain.”</i></p> <p>O7 <i>“To retain and protect established trees in Roseville Memorial Park.”</i></p> <p>O8 <i>“To provide a visual extension of Roseville Memorial Park into Larkin Lane.”</i></p>	<ul style="list-style-type: none"> <li>• Landmark building that provides a defined bookend to signify the entry to Roseville.</li> <li>• Public domain areas of Memorial Park, Larkin Lane and Pacific Highway integrated with the design.</li> <li>• Materials and finishes that complement the existing face brickwork character established within the precinct (subject to conditions)</li> <li>• Maintains adequate solar access to the surrounding residential properties to the south/south-west.</li> <li>• Relates to the future development which will clip to the northern wall.</li> <li>• Does not result in unreasonable adverse impacts with regard to amenity and solar access of adjoining properties, including the Roseville Memorial Park</li> <li>• Upper levels which are set back from the northern boundary to ensure the built form is not overbearing.</li> <li>• Additional landscaping within the future dedicated lot that will serve as an extension of the public domain landscaped area.</li> </ul> <p>Cumulatively, the objectives have now been achieved and the proposal is in the public interest.</p> <p>The KDCP provides the following controls:</p> <ol style="list-style-type: none"> <li>1) <i>New development is to include the following key elements:</i> <ol style="list-style-type: none"> <li>i) <i>Provision of a landmark building of high quality form and design, which is responsive to the specific context of the site and its features including interface with Roseville Memorial Park.</i></li> </ol> <p>Complies</p> </li> <li>ii) <i>Protection and retention of existing trees with Roseville Memorial Park.</i></li> </ol> <p>Complies</p> <ol style="list-style-type: none"> <li>iii) <i>Commercial uses at the ground floor should create an active and vibrant interface along the Pacific Highway and Roseville Memorial Park frontages.</i></li> </ol> <p>Complies as the Club activates the majority of the ground floor façade facing the park, Larkin Lane and Pacific Highway. Some concessions are needed for substation and access.</p>
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	<p><i>iv) Provision of a 6m setback from Larkin Lane to facilitate:</i></p> <ul style="list-style-type: none"> <li>- <i>Pedestrian movement and activation of Larkin Lane.</i></li> <li>- <i>A consistent street alignment along Larkin Lane.</i></li> <li>- <i>To ensure no additional overshadowing of Roseville Memorial Park.</i></li> </ul> <p>Complies with 6m setback.</p> <p>Pedestrian movement and alignments to Larkin Lane.</p> <p>Does not achieve the control regarding no additional overshadowing to Memorial Park.</p> <p>Strict compliance with control is unreasonable based on the site's orientation and permissible height and FSR under the KLEP.</p> <p>Other objectives such as the need to create a landmark building cannot be readily achieved if the "no additional overshadowing of Roseville Memorial Park" control is to be strictly applied.</p> <p>As set out in this report, the KDCP variations are reasonable and justified and allow for acceptable levels of solar access to the park. Council is not compelled to strictly enforce DCP provisions and is to apply controls in a flexible manner in accordance with S4.15(3A)(b) of the EP and A Act 1979.</p> <p><i>v) Articulated height and massing through the provision of 3 storey street wall height and setbacks (refer to 14L.3) ensuring appropriate interface to Roseville Memorial Park, public domain and adjoining properties.</i></p> <p>Complies</p> <p><i>vi) Provision of new street trees along Larkin Lane.</i></p> <p>Complies</p>
	<p>Proposal satisfies the objectives 1 – 6 given that:</p> <ul style="list-style-type: none"> <li>• safe pedestrian access and permeability connecting the site to the public space is provided</li> </ul>

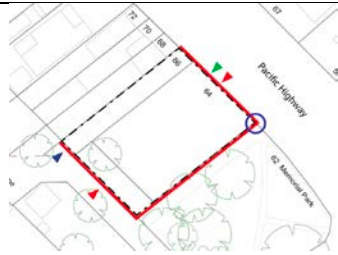


Figure 14L.2-1:  
Pedestrian and Vehicular Access Plan

Legend

- Pedestrian Access
- ▲ Indicative Residential Entry Point
- ▲ Indicative Secondary Entry Point to Ground Floor Commercial Use
- ▲ Indicative Vehicular Access Point
- Primary Entry to Ground Floor Commercial Uses
- Existing Trees

- pedestrian and vehicle conflicts have been minimised
- Vehicle access points have been minimised
- Adequate car parking for both commercial and residential components has been provided over 4 levels of basement. Accessible on-site service areas and loading facilities provided.
- electric vehicle charging provided in the basement and all parking areas are E ready (consent condition).

**Controls**

*1 Provision of pedestrian access linkages to Roseville Memorial Park, Larkin Lane and the rest of Roseville Local centre.*

Complies

*2 Primary entries to ground floor commercial uses must be provided on the corner of Pacific Highway and Roseville Memorial Park. Secondary entry points may be provided on Pacific Highway and Larkin Lane frontages.*

Complies

*3 On-site parking is to be provided for non-residential uses at the minimum rates set out below:*

*1 space per 20sqm of GFA for patrons plus 1 space per 2 employees*

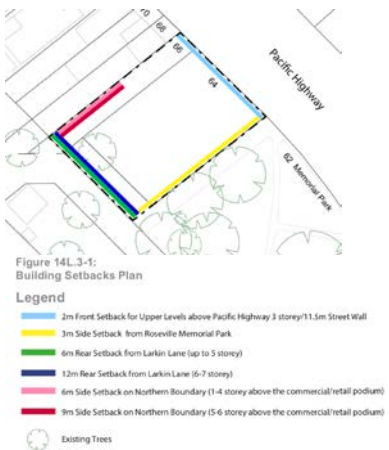
**Note:** *The car parking rate for any residential component is to be as per Part 8B.2 Car Parking Provisions for Mixed Use Development*

Complies


*4 All car parking is to be provided in the basement of the new development.*

Complies

*5 All service and loading areas are to be located in the basement to minimise conflict between pedestrians and vehicles and minimise amenity impacts.*

	<p>Complies</p> <p><i>6 Parking areas are to be designed and constructed so that electric vehicle charging points can be installed.</i></p> <p>Complies (via a condition of consent)</p>
<p><b>14.3 Building Setbacks</b></p>  <p>Figure 14L.3-1: Building Setbacks Plan</p> <p>Legend</p> <ul style="list-style-type: none"> <li>2m Front Setback for Upper Levels above Pacific Highway 3 storeys/1.5m Street Wall</li> <li>3m Side Setback from Roseville Memorial Park</li> <li>6m Rear Setback from Larkin Lane (up to 5 storeys)</li> <li>12m Rear Setback from Larkin Lane (6-7 storeys)</li> <li>6m Side Setback on Northern Boundary (1-4 storeys above the commercial/retail podium)</li> <li>9m Side Setback on Northern Boundary (5-6 storeys above the commercial/retail podium)</li> <li>Existing Trees</li> </ul>	<p>With reference to Figure 14L. 3-1: 2m Front Setback for upper levels to Pacific Highway has not been satisfied.</p> <p>3m setback from Roseville Memorial Park (partial encroachment) has not been satisfied. Projection of the balcony to create a corner element. Variation does not support GFA and is a design feature. Variation is supported and limited to the corner element and not the entire southern elevation. Levels 5 and 6 set in an additional 1.5m to achieve 4.5m in lieu of the 3m. Variation is essentially limited to 1m in order to provide wrap around balconies to units 104, 204, 303, 403, 502 and 602.</p> <p>2m setback from Levels 3 and above is non-compliant mainly due to the balconies. The variation allows the applicant to provide greater balcony areas for the apartments. Strict compliance with the setbacks would not lead to an improved built form outcome. The variations supported because there are other areas of each level where the setbacks have not been achieved and the variations maintain a cohesive design outcome. The setback variations enable larger wrap around balconies which assists with breaking down the perceived scale of the building (improves the effects of light and shade).</p> <p>6m rear setback from Larkin Lane (up to 5 storey) has been satisfied.</p> <p>12m rear setback from Larkin Lane (6-7 storey) has not been satisfied for level 5 due to the balcony projection into the 12m. The actual building setback complies with 12m and is more than 14m when measured to some elements of the rear wall of the building.</p> <p>6m side setback on Northern Boundary (1-4 storey above the commercial/ retail / podium) has been satisfied.</p> <p>9m side setback on Northern Boundary (5-6 storeys above the commercial/ retail / podium) has been satisfied.</p>

	<p>Basement and building setbacks are to ensure the protection and retention of trees in Roseville Memorial Park through meeting the requirements of Protection of Trees on Development Sites (AS 4970-2009) - Complies</p> <p>Objectives 1 and 2 have been achieved.</p>
<p><b>14L.4 – Built Form</b></p>	<p>Proposal achieves the objectives 1 - 8 based on the following:</p> <p>new development respects the surrounding context by providing a articulated interface to the Roseville Memorial Park and adjoining properties.</p> <p>Balconies create light and shade which reduces the perceived bulk and scale of the development.</p> <p>The KDCP setback variations assist with providing larger balconies which frame the corner of the Memorial Park and the Pacific Highway.</p> <p>Landmark building achieved with high quality urban form and architectural design. Revised scheme introduced a brickwork podium level which has assisted with the integration of the infill built form.</p> <p>Design provides a consistent street wall along the western side of the Pacific Highway.</p> <p>Provides a consistent urban form and human scale along all public interfaces with Larkin Lane, Pacific Highway and the Memorial Park.</p> <p>Apart from the necessary infrastructure like power supply and fire egress etc, the ground floor level is largely glazed. Small louvered area for gaming is part of the Clubs floor space. The area is confined to a small section of the façade along Pacific Highway. Based on the overall extent of glazing provided the external gaming area is acceptable.</p> <p>Bulk and scale of the building is minimised by use of contrasting materials, balconies and curved edges to provide a comfortable and vibrant design language. The design maintains sufficient solidity to respect the surrounding built form.</p>

	<p>All three building facades are well designed, articulated and address public streets, footpaths, public spaces and the Memorial Park.</p> <p>Service facilities are a necessary element of the design which have been efficiently designed in that the areas dedicated to access, power supply and the like have been minimised as far as practically possible.</p> <p>Cumulatively, the objectives have now been achieved.</p> <p>Cumulatively, the controls have been satisfied.</p>
<p><b>14L.5 – Heritage</b></p>	<p>Cumulatively, the controls have been satisfied. The initial concerns from Council external heritage consultant have been overcome by the revised plans and on balance the scheme is considered to be acceptable. Materials and finishes now complement the setting and the adjoining heritage item.</p>
<p><b>14L.6 – Public Domain</b></p>  <p><i>O4 “To respect the heritage significance of the memorials within Roseville Memorial Park.”</i></p> <p><i>O5 “To protect the existing vegetation within Roseville Memorial Park.”</i></p> <p><i>O7 “To minimise overshadowing of the park.”</i></p> <p><i>O8 “To facilitate the planned future activation of Larkin Lane through</i></p>	<p>Objectives 1-8 have been achieved given that the proposal has adopted a revised presentation and one which establishes a base course or podium of 3 levels that aligns with the existing development to the north. Overall, the design has been improved to ensure Memorial Park is retained and continues to provide usable open space.</p> <p>Minor variation to the landscape provision in that a 1.5m wide footpath provided in lieu of a 2m wide footpath as stated in the KDCP.</p> <p>A 2.5m wide landscape strip plus a 1.3 wide landscape strip achieves a combined 3.8m landscape strip in lieu of a 4m planting requirement under the KDCP.</p> <p>Proposal provides for 4 trees as opposed to 3 trees under the KDCP. Overall, the proposed landscaping elements are considered to be acceptable. Variations to the KDCP are acceptable.</p> <p>Overshadowing of Memorial Park is inevitable with a height limit and FSR as provided by the KLEP and KDCP. The additional shadow over the current approval is not significant. With the height provision and setbacks under the KDCP there will be shadows after midday on Memorial</p>

<p><i>pedestrianisation and landscaping.”</i></p>	<p>Park. An acceptable area of the park achieves solar access from 9am – 11.30pm in the winter solstice with about half of the park in shadow at midday. The equinox shadows also demonstrate less impact at other times of the year. The overshadowing impact on the shortest day of the year is shown on plan DA610 which is acceptable given that up to half of the parks area or more is provided with direct sunlight between 9 and 12 mid-day.</p> <p>Council’s Landscape and Tree Assessment Officer raises no specific objection to the proposed level of shading.</p>
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**State Environmental Planning Policy (Industry and Employment) 2021**

Chapter 3 of this SEPP is responsible for advertising and signage. The aim of this chapter is to improve the amenity of urban and natural settings by managing the impact of signage and advertising. This DA seeks consent for the erection of three new business identification signs and one building identification sign. The accompanying signage plans prepared by PBD Architects include details of each of the proposed signs.

Clause 3.6 of the SEPP outlines that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3.1 (1) (a), and
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The proposal seeks consent for 4 x signs, including:

- 1 x building identification sign at the Pacific Highway frontage adjoining the residential entrance.
- 3 x business identification signs (“Roseville Club”) including 1 under awning sign at Pacific Highway frontage and wall signs facing the Memorial Park and Larkin Lane.

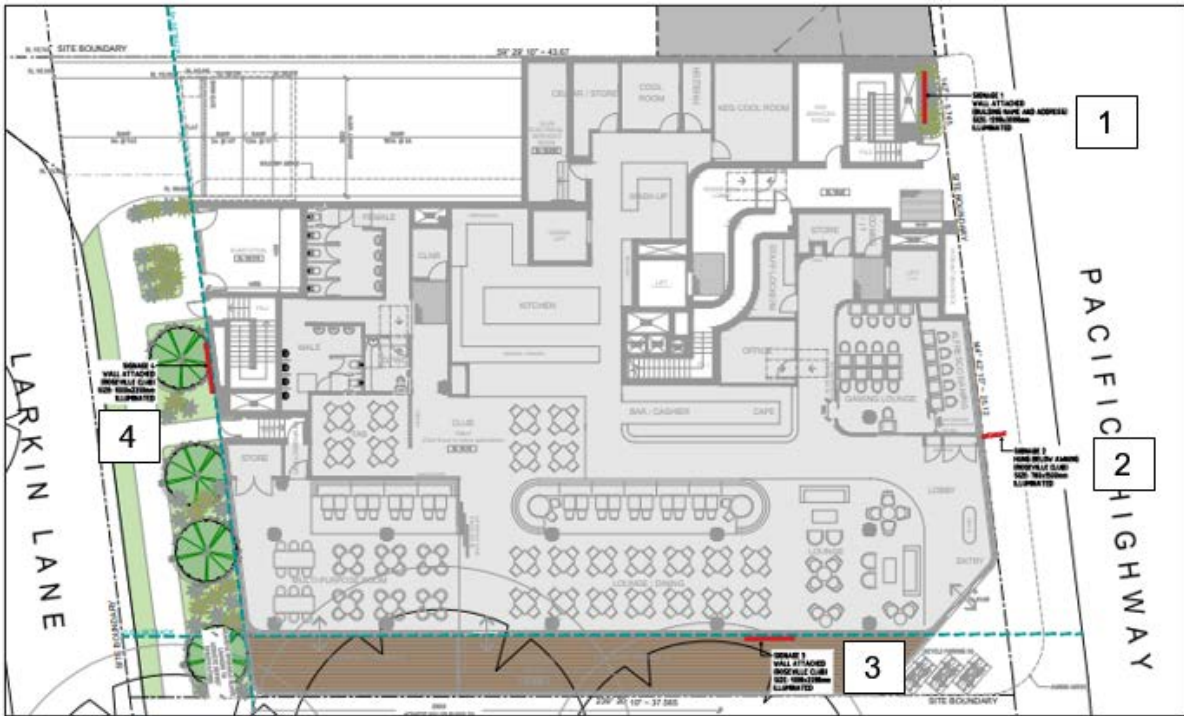


Figure 9: Location of signage

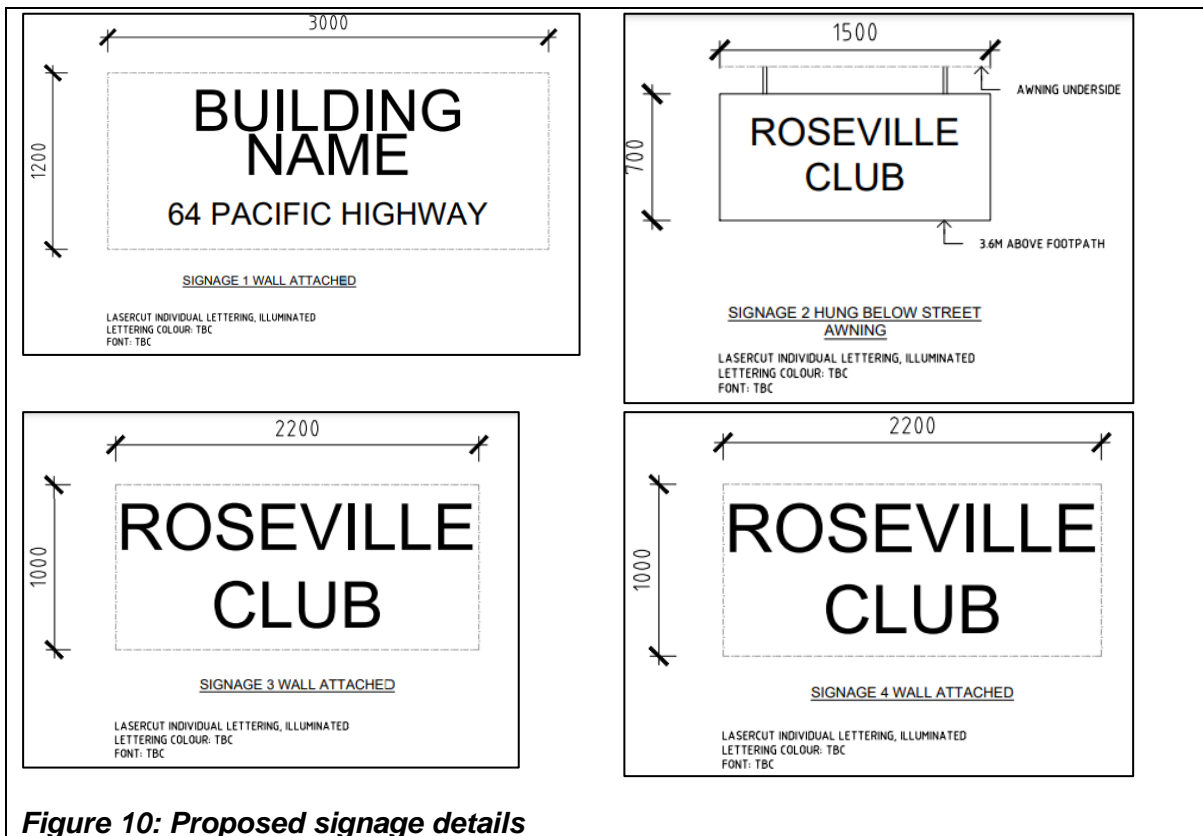


Figure 10: Proposed signage details

SEPP (Industry and Employment) 2021

Comment

Complies

Part 3.1 Preliminary

<p><b>3.1 Aims, objectives etc</b></p> <p>(1) <i>This Chapter aims—</i></p> <p>(a) <i>to ensure that signage (including advertising)—</i></p> <p>(i) <i>is compatible with the desired amenity and visual character of an area, and</i></p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>(iii) <i>is of high quality design and finish, and</i></p> <p>(b) <i>to regulate signage (but not content) under Part 4 of the Act, and</i></p> <p>(c) <i>to provide time-limited consents for the display of certain advertisements, and</i></p> <p>(d) <i>to regulate the display of advertisements in transport corridors, and</i></p> <p>(e) <i>to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.</i></p> <p>(2) <i>This Chapter does not regulate the content of signage and does not require consent for a change in the content of signage.</i></p>	<p>The proposal includes Business Identification Signage specifically related to the Roseville Memorial Club.</p> <p>There is no third party advertising proposed.</p> <p>All signage will be visible from the public domain – either from the Pacific Highway or Larkin at the rear.</p>	<p><b>YES</b></p>
<p><b>3.4 Signage to which this Chapter applies</b></p> <p>(1) <i>This Chapter applies to all signage that—</i></p> <p>(a) <i>can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and</i></p> <p>(b) <i>is visible from any public place or public reserve, except as provided by this Chapter.</i></p> <p><i>Note—Public place and public reserve are defined in section 4(1) of the Act to have the same meanings as in the <u>Local Government Act 1993</u>.</i></p> <p>(2) <i>This Chapter does not apply to signage that, or the display of which, is exempt development under an environmental planning instrument</i></p>	<p>Applies to the subject signage.</p>	<p><b>APPLIES</b></p>

<p><i>that applies to it, or that is exempt development under this Chapter.</i></p>		
<p><b>Part 3.2 Signage generally</b></p>		
<p><b>3.6 Granting of consent to signage</b></p> <p><i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</i></p> <p><i>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i></p> <p><i>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i></p>	<p>a) Consistent. Refer to 3.1 above.</p> <p>b) Satisfactory. Refer to Schedule 5 assessment below.</p>	<p><b>YES</b></p>
<p><b>3.7 Advertisements to which this Part applies</b></p> <p><i>(1) This Part applies to all signage to which this Chapter applies, other than the following—</i></p> <p><i>(a) business identification signs,</i></p> <p><i>(b) building identification signs,</i></p> <p><i>(c) signage that, or the display of which, is exempt development under an environmental planning instrument that applies to it,</i></p> <p><i>(d) signage on vehicles.</i></p> <p><i>(2) Despite subsection (1)(d), section 3.26 applies to signage on a trailer (within the meaning of the <u>Road Transport Act 2013</u>).</i></p>	<p>1) Subject signage is business identification signage only.</p> <p>2) NA</p>	<p><b>YES</b></p>
<p><b>3.8 Prohibited advertisements</b></p> <p><i>(1) Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions—</i></p> <p><i>environmentally sensitive area;</i></p> <p><i>heritage area (excluding railway stations);</i></p> <p><i>natural or other conservation area;</i></p> <p><i>open space;</i></p>	<p>1) The subject signage is not prohibited.</p>	<p><b>YES</b></p>

<p><i>waterway; residential (but not including a mixed residential and business zone, or similar zones), scenic protection area; national park, nature reserve.</i></p> <p><i>(2) This section does not apply to the following—</i></p> <p><i>(a) the Mount Panorama Precinct,</i></p> <p><i>(b) the display of an advertisement at a public sporting facility situated on land zoned public recreation under an environmental planning instrument, being an advertisement that provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors.</i></p>	<p>2) NA</p>	
<b>Division 2 Control of advertisements</b>		
<p><b>3.9 Requirement for consent</b></p> <p><i>A person must not display an advertisement, except with the consent of the consent authority or except as otherwise provided by this Chapter.</i></p>	<p>This DA seeks consent for the four proposed business identification signs for the Club premises.</p>	<b>YES</b>
<p><b>3.10 Consent authority</b></p> <p><i>For the purposes of this Chapter, the consent authority is—</i></p> <p><i>(a) the council of a local government area in the case of an advertisement displayed in the local government area (unless paragraph (c), (d) or (e) applies),</i></p>	<p>a) The consent authority for this development application is the Sydney North Planning Panel.</p>	<b>YES</b>
<p><b>3.11 Matters for consideration</b></p> <p><i>(1) A consent authority (other than in a case to which subsection (2) applies) must not grant consent to an application to display an advertisement to which this Chapter applies unless the advertisement or the advertising structure, as the case requires—</i></p>	<p>a) Consistent. Refer to 3.1 above.</p>	<b>YES</b>

<p><i>(a) is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i></p> <p><i>(b) has been assessed by the consent authority in accordance with the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i></p> <p><i>(c) satisfies any other relevant requirements of this Chapter.</i></p>	<p>b) The subject signage satisfies the provisions of Schedule 5. Refer to the assessment below.</p> <p>c) Satisfactory. Refer to assessment within this table.</p>	
<b>Division 3 Particular advertisements</b>		
<p><b>3.14 Transport corridor land</b></p> <p><i>3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground</i></p> <p><i>3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road</i></p> <p><i>3.17 Advertising display area greater than 45 square metres</i></p> <p><i>3.18 Location of certain names and logos</i></p> <p><i>3.19 Roof or sky advertisements</i></p>	<p>Not applicable to this application.</p>	<b>N/A</b>
<p><b>3.20 Wall advertisements</b></p> <p><i>(1) Only one wall advertisement may be displayed per building elevation.</i></p> <p><i>(2) The consent authority may grant consent to a wall advertisement only if—</i></p>	<p>1) 4 signs: 1 x wall sign on Pacific Highway frontage 1 x small below awning sign on Pacific Highway frontage 1 x wall sign facing Memorial Park 1 x wall sign facing Larkin Lane Complies.</p>	<b>YES</b>

<p><i>(a) the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and</i></p> <p><i>(b) for a building having—</i>  <i>(i) an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and</i>  <i>(ii) an above ground elevation of more than 100 square metres but less than 200 square metres—the advertisement does not exceed 20 square metres, and</i>  <i>(iii) an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and</i></p> <p><i>(c) the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and</i></p> <p><i>(d) the advertisement does not protrude above the parapet or eaves, and</i></p> <p><i>(e) the advertisement does not extend over a window or other opening, and</i></p> <p><i>(f) the advertisement does not obscure significant architectural elements of the building, and</i></p> <p><i>(g) a building identification sign or business identification sign is not displayed on the building elevation.</i></p> <p><i>(2A) In the case of the display of a wall advertisement on transport corridor land, subsection (2) does not apply and the consent authority may grant consent only if satisfied that the advertisement is consistent with the Guidelines.</i></p>	<p>a) Complies.</p> <p>b)(i) Complies.</p> <p>c) No wall sign projections. Connected flush to the wall.</p> <p>d) No protrusions.</p> <p>e) Clear of all openings.</p> <p>f) No.</p> <p>g) The signs are business identification signs, to be displayed on the building elevations as shown on Dwg DA570.</p> <p>2A) – n/a</p> <p>3) Noted.</p>	
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<i>(3) In this section, building elevation means an elevation of a building as commonly shown on building plans.</i>		
<b>3.21 Freestanding advertisements</b> <b>3.22 Advertisements on bridges</b> <b>3.23 Special promotional advertisements</b> <b>3.24 Building wrap advertisements</b> <b>3.25 Advertisements within navigable waters</b> <b>3.26 Advertisements on trailers parked on (or visible from) roads or road related areas</b> <b>3.27 Application of provisions of this Division</b>	Not applicable to this application.	<b>N/A</b>
<b>Part 3.4 Miscellaneous</b>		
<b>3.28 Advertising design analysis</b> <b>3.29 Consultation with TfNSW</b> <b>3.30 Exempt development</b> <b>3.31 Review of Policy</b> <b>3.32 Savings for draft local environmental plans not yet completed by 30 June 2023</b>	Not applicable to this application.	<b>N/A</b>
<b>Schedule 5 Assessment Criteria</b>		
<b>1.Character of the area</b>		
<ul style="list-style-type: none"> <li>• Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> </ul>	The site is in a local centre zone. The site is currently occupied by the Roseville Memorial Club. The proposal replaces the Club premises on the ground floor level. The proposed signage is considered reasonable for this development. The signage assists motorists and	<b>YES</b>

	pedestrians with way finding and therefore improves safety for road users. When driving through local centres it is desirable to be able to locate the destination with signage. The signage is not third party signage and relates to the proposed use on the ground floor.	
• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	No local theme. Satisfactory.	<b>YES</b>
<b>2.Special areas</b>		
• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No.	<b>YES</b>
<b>3.Views and vistas</b>		
• Does the proposal obscure or compromise important views?	No.	<b>YES</b>
• Does the proposal dominate the skyline and reduce the quality of vistas?	No. No roof signs or similar.	<b>YES</b>
• Does the proposal respect the viewing rights of other advertisers?	No other advertiser to have signage within the boundaries of the site.	<b>YES</b>
<b>4.Streetscape, setting or landscape</b>		
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. Refer to the DA plan set elevations – dwg DA570.	<b>YES</b>
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Neutral.	<b>YES</b>
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	<b>N/A</b>
• Does the proposal screen unsightliness?	N/A	<b>N/A</b>
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No.	<b>YES</b>
<b>5.Site and building</b>		

• Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes.	<b>YES</b>
• Does the proposal respect important features of the site or building, or both?	Yes. The signage is designed, sized and placed so as not to overburden the building and is not obtrusive in any way.	<b>YES</b>
• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Not required.	<b>YES</b>
<b>6. Associated devices and logos with advertisements and advertising structures</b>		
• Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Yes. The signage will complement the external appearance of the building when viewed from both public road frontages.	<b>YES</b>
<b>7. Illumination</b>		
• Would illumination result in unacceptable glare?	No.	<b>YES</b>
• Would illumination affect safety for pedestrians, vehicles or aircraft?	No.	<b>YES</b>
• Would illumination detract from the amenity of any residence or other form of accommodation?	No.	<b>YES</b>
• Can the intensity of the illumination be adjusted, if necessary?	No. Not necessary for the signage proposed.	<b>YES</b>
• Is the illumination subject to a curfew?	No. Not necessary for the signage proposed.	<b>YES</b>
<b>8. Safety</b>		
• Would the proposal reduce the safety for any public road?	No.	<b>YES</b>
• Would the proposal reduce the safety for pedestrians or bicyclists.	No.	<b>YES</b>
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	<b>YES</b>

## Ku-ring-gai Local Environmental Plan 2015

### Clause 1.2 Aims of the Plan

The proposal has been assessed against the relevant Aims of the Plan. The proposal is consistent with the Aims for the reasons given within the assessment report.

### Zoning and permissibility

At the time of lodgement of the DA with Council (February 2023) the site was zoned B2 Local Centre pursuant to Ku-ring-gai LEP 2015. The zone was changed to B1 Local Centre zone after the lodgement date. Therefore, Clause 1.8A – Savings Provision applies, and the zoning is retained as B2 Local Centre for the purposes of this application.

The proposed VPA applies to part of No. 62 Pacific Highway.

The proposed development is defined as a subdivision, demolition of structures and construction of a shop-top housing development containing a 7-storey building with ground floor registered club premises and 37 residential units over 4 levels of basement parking and roof top communal open space with associated business identification signage, landscaping and civil works.

The use of the premises for the purpose of a registered club and a residential flat building is permitted under Schedule 1 (87) of the KLEP as follows:

#### **87 Use of certain land at 62, 64 and 66 Pacific Highway, Roseville**

- (1) *This clause applies to the following land at Roseville—*
  - (a) *the part of Lot 2, DP 202148, 62 Pacific Highway identified as “Area 2” on the [Additional Permitted Uses Map](#),*
  - (b) *Lot 1, DP 202148, 64 Pacific Highway,*
  - (c) *Lot 2, DP 505371, 66 Pacific Highway.*
- (2) *Development for the purposes of residential flat buildings is permitted with development consent if the consent authority is satisfied that the ground floor of the building will be used for the purposes of a registered club only.*
- (3) *Subclause (2) does not apply to a part of a building that is used for 1 of the following purposes—*
  - (a) *a lobby for the residential component of the building,*
  - (b) *access for fire services,*
  - (c) *vehicular access.*

### B2 Local Centre Zone objectives

The objectives of this zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential housing close to public transport, services and employment opportunities.*
- *To encourage mixed use buildings that effectively integrate suitable commercial, permitted residential development and other development.*

A review of the B2 Local Centre objectives confirms the proposal satisfies or at the very least does not offend the objectives on the basis that the proposal:

- Provides a venue that services the social needs of people who live in, work in and visit the local area
- Provides part time and full time employment opportunities to all age groups. In particular, the club offers various shift work which can assist with people in the community studying or others re-entering the workforce.
- Is located on a transport link being the Pacific Highway which provides connections to rail hubs like Chatswood
- Provides much needed housing which is particularly important given the vacancy rate is nearing 1% in Sydney.
- Provides a mix of uses that are able to co-exist together. In this regard, the Club operations will be bound by consent conditions and POM plus a range of recommendations within consultant reports to limit the extent of the impacts on existing and future residents.

The Memorial Park forms part of the site and is zoned RE1 Public Recreation which has the following zone objectives:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*

A review of the RE1 zone objectives confirms the proposal satisfies or at the very least does not offend the objectives on the basis that the proposal:

- Enables the park to be used for public open space or recreational purposes
- Provides an open passive space area for use by the community
- Protects and enhances the natural environment for recreational purposes
- Maintains the cultural and aesthetic and natural values of the site.

The proposal does not involve any physical works on the RE1 zoned part of the site. The park will be maintained as public recreation space consistent with the zone objectives and is in the public interest.

The Pacific Highway frontage of the site is zoned SP2 Infrastructure which has the following zone objectives:

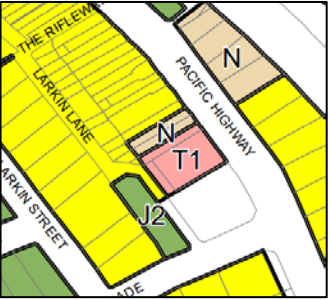
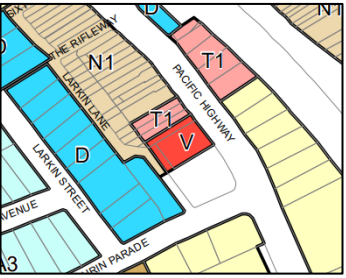

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*



The proposed development upholds the zone objectives.

#### **Development standards:**

#### **Ku-ring-gai Local Environmental Plan 2015**

<b>Development standard</b>	<b>Proposed</b>	<b>Complies</b>
<b>4.1 - Minimum subdivision lot size:</b>	NA	N/A

Development standard	Proposed	Complies
<p><b>4.3 - Height of buildings:</b></p>  <p>Maximum Building Height - 26.5m</p>	<p>27.935m (RL 139.480) to the top of the lift overrun.</p> <p>This equates to a maximum 1.435m (5.4%) variation of the development standard.</p> <p>The majority of the bulk and scale of the development is located under the 26.5m height of building.</p> <p>The lift allows for accessible access to the roof top communal space.</p> <p>There are no adverse impacts arising from the lift height variation which is supported in this instance.</p>	<p><b>NO, however variation is subject to clause 4.6 variation request is acceptable in the circumstances.</b></p>
<p><b>4.4 - Floor space ratio (FSR)</b></p>  <p>Maximum FSR - 3.0:1</p>	<p>Complies based on site area of 1,375sqm and GFA of 4,125sqm.</p>	<p><b>YES</b></p>
<p><b>4.6 Exceptions to development standards</b></p>	<p>A Clause 4.6 variation request was lodged with the DA package for height variation.</p>	<p><b>YES</b></p>
<p><b>5.1 Relevant acquisition authority</b></p> 	<p>A strip of land in front of Memorial Park is mapped for classified road acquisition by Transport for NSW. There are no physical works that impact on this land.</p>	<p><b>YES</b></p>
<p><b>5.10 Heritage Conservation</b></p>	<p>The development site does not involve a heritage item and is not located within a heritage conservation area. The site is however located</p>	<p><b>YES</b></p>

Development standard	Proposed	Complies
 <p>Item 107: Roseville - "Killiecrankie" - dwelling house - 1 Maclaurin Parade - Lot 1, DP 339732 – Local - I107</p>	<p>in proximity to locally listed heritage item No. 107. Known as 1 Maclaurin Parade.</p> <p>A Heritage Impact Statement was submitted with the DA package.</p> <p>The independent heritage assessment supports the proposal noting that there will be some additional shadowing impact. On balance and having regard to the objectives of the zone; general compliance with numerical controls; the physical separation to the item; the proposal is considered appropriate for the site. Refer to clause 5.10 below</p>	
<p><b>5.20 Standards that cannot be used to refuse consent – playing and performing music</b></p>	<p>The proposal includes the RSL licensed premises on the ground floor level.</p> <p>An acoustic report was submitted with the DA package. Recommendations to be adopted as consent conditions.</p>	<p><b>YES</b></p>
<p><b>6.1 Acid Sulfate Soils</b></p>  <p><b>Class 5</b></p>	<p>The site is not within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum. The watertable is unlikely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.</p> <p>No further requirements.</p>	<p><b>YES</b></p>
<p><b>6.2 Earthworks</b></p>	<p>Earthworks for the development are ancillary and incidental to the proposal. Any requirements are considered as part of the development works and do not require separate development consent as per this clause of the LEP. The</p>	<p><b>N/A</b></p>

<b>Development standard</b>	<b>Proposed</b>	<b>Complies</b>
	relevant geotechnical reports and Stage 2 site investigations assessment (SIA) reports have been completed by the applicant. Conditions of consent applied to comply with SIA assessment findings.	
<b>6.5 Stormwater and water sensitive urban design</b>	A stormwater management plan was submitted with the DA package.  Refer to the Council Engineering Referral Response comments.	<b>YES</b>
<b>6.7 - Active street frontages in certain business zones:</b>  Applies to the B2 Local Centre zone.	The proposal provides for pedestrian access to the Pacific Highway frontage.	<b>YES</b>
<b>6.8 - Minimum street frontages for lots in Zone B2</b>  At least 20m.	Pacific Highway frontage: 25.12m Complies.	<b>YES</b>

#### **Clause 4.6 Exceptions to development standards**

The proposed development breaches the Clause 4.3 Height of Buildings development standard contained within the LEP. The Applicant has submitted a request pursuant to Clause 4.6 seeking to vary that development standard. Clause 4.6 provides flexibility in applying certain development standards and an assessment of the request to vary the development standard is provided below:

*(1) The objectives of this clause are as follows:*

*(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*

*(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

*(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

*(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

*(a) the consent authority is satisfied that:*

*(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

*(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

*(b) the concurrence of the Director-General has been obtained.*

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

The applicant within their Clause 4.6 variation request, dated 2 November 2023, provides justification as to why strict application of the height standard is unreasonable and unnecessary. The justification is supported based on a detailed assessment against the objectives of the development standard. A copy of the Clause 4.6 variation request forms part of the documents available to the Panel to determine the application. The Panel has no limitation to the extent of variation that can be granted under Clause 4.6 of the KLEP and on this occasion should support the written height variation request.

### **Assessment**

The justification submitted by the applicant is supported. The only section of the building that is non-compliant is the lift overrun and stair related roof structures. These structures, of themselves, do not adversely impact on the surrounding area by way of overshadowing, views or privacy. Quantitatively and qualitatively the variation is minor and is supported in this instance to allow for lift and stair access to the communal area.

Consideration has been given as whether the proposal is consistent with the objectives for development within the zone in which the development is proposed to be carried out.

The objectives of the **B2 Local Centre** zone are:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide for residential housing close to public transport, services and employment opportunities.*

- *To encourage mixed use buildings that effectively integrate suitable commercial, permitted residential development and other development.*

Applicants justification is detailed below:

<b>OBJECTIVES OF THE B2 LOCAL CENTRE ZONE</b>	<b>APPLICANT'S JUSTIFICATION</b>	<b>ASSESSMENT</b>
To provide a range of retail, business, entertainment, and community uses that serve the needs of people who live in, work in and visit the local area.	<i>The proposal includes the re-development of the existing club that is currently operating on the site. Thus, the proposal will provide ground floor retail premises and a registered club that will provide for the needs of people who live and work in the area. The variation to the standard does not affect consistency with this objective.</i>	Agreed as the Club premises is currently occupying the site.
To encourage employment opportunities in accessible locations	<i>The proposed development includes ground floor retail premises, that will create/ maintain ongoing employment for the area. The variation to the standard does not affect consistency with this objective.</i>	The proposal maintains the employment generating land use on the ground floor level.
To maximise public transport patronage and encourage walking and cycling.	<i>The proposed building is located 150m from Roseville train station and provides bicycle parking on site. As such, the proposal will encourage public and active transport. The variation to the standard does not affect consistency with this objective.</i>	Agreed. The site is well located to encourage walking, cycling and use of public transport to the Club and residences.
To provide for residential housing close to public transport, services and employment opportunities	<i>The proposal provides for additional housing, in close proximity (i.e., 150m) of the Roseville train station. The variation to the standard does not affect consistency with this objective.</i>	Agreed
To encourage mixed use buildings that effectively integrate suitable business, office, residential, retail and other development	<i>The variation is a result of providing CoS on the roof of the building. The provision of CoS is desirable in residential developments, as recommended in the ADG. Given the site is located in the Roseville Local Centre, and Council's desire the ground floor to achieve activation through the provision of ground floor commercial/retail uses, locating CoS</i>	Agreed

	<p><i>at the ground level is not as desirable for this site. This achieves compliance with clause 87(2) of schedule 1 of the KLEP (extracted above).</i></p> <p><i>Thus, the variation directly achieves this objective by integrating a desirable residential amenity element into the building, whilst maintaining the ground level retail activity.</i></p> <p><i>The proposal is consistent with and achieves this objective.</i></p>	
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**Whether the proposed development will be in the public interest because it is consistent with the objectives of the development standard.**

The objectives of the development standard are:

- (a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,*
- (b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*
- (c) to enable development with a built form that is compatible with the size of the land to be developed.*

**Applicant's Justification**

***(a) to ensure that the height of buildings is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,***

*The subject site is located within the Roseville Local Centre.*

*The variation of the height standard is related to the provision of CoS on the roof of the building and providing equitable access to this space to all residents (including disabled persons).*

*Schedule 1 of the KLEP provides site specific requirements that are to be complied with. Relevantly, clause 87(2) of schedule 1 of the KLEP pertains to 'Use of certain land at 62, 64 and 66 Pacific Highway, Roseville', the subject site and is as follows:*

*Development for the purposes of residential flat buildings is permitted with development consent if the consent authority is satisfied that the ground floor of the building will be used for the purposes of a registered club only.*

*The proposed development is for a mixed-use development that includes both residential flat dwellings and a ground floor registered club. Accordingly, if there is to be CoS, the only appropriate location for the CoS is on the roof.*

*If the development was to be height-compliant, but retain a rooftop CoS, the building would be one storey lower. That is, it would be a 6-level building (with a parapet height of 20.45m), rather than the proposed 7-level building (with a parapet height of approximately 23.88m). If a storey were to be removed in this*

way, the floor space ratio would only be 2.71:1, instead of the proposed 3:1. The planned level of floor space ratio for the site is 3:1.

This means that complying with height control would result in one of two suboptimal scenarios.

On the first scenario, it would result in the maintenance of the current number of storeys and floor space ratio, but with no CoS. This is a viable option, as the design guidance for Objective 3D-1 of the Apartment Design Guide (ADG) anticipates that developments may not achieve design criteria for the provision of communal open space if:

- the site is in a business zone; or
- a 'dense urban area' (defined in the ADG glossary as being an area of where the permitted floor space ratio is 2.5:1) and can demonstrate proximity to public open space.

This design guidance is directly applicable to this site, given that:

- it is zoned B2.
- is subject to a maximum floor space ratio of 3:1; and
- is next to Roseville Memorial Park.

Nonetheless, despite the viability of this alternative approach, it is nonetheless a suboptimal outcome. It would be preferable to provide a communal open space within the development if it is practicable to do so.

On the second scenario, it would result in a building form that falls short of the height and density anticipated for the site under the planning controls (noting that the planning controls are specifically tailored for this site). The reduced height of the building would not be 'appropriate for the scale' of the Roseville Centre (given the key location of the site, as reflected in the KLEP).

Thus, the provision of the CoS on the roof, without any reduction in storeys, results in a better planning outcome than if compliance were to be achieved. The principal building form (including the parapet visible from the street and the adjacent park) is itself within the permissible maximum height and is appropriate for the scale of the Roseville Local Centre.

The part of the roof structure that exceeds the height standard is located centrally in the site and is well setback from the closest site boundary.

Therefore, these elements do not contribute to perceivable bulk as viewed from the surrounding area and public domain, and the proposal maintains a scale as anticipated for the Local Centre, despite the minor variation to height.

Objective (a) is achieved, despite the contravention of the building height standard.

**(b) to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,**

... there is a highly tailored set of height controls applying to the site and its immediate vicinity. These set out the type of 'transition in scale' that is anticipated

for the site. The controls anticipate a strong landmark building of 26.5 metres on the corner site, acting as gateway to the Roseville centre. This height graduates to 14.5 metres on the immediately adjacent site and 11.5 metres more generally in the Roseville centre. The proposed development responds to this transition in zone.

In this context, the proposal has been designed to provide an appropriate transition to the buildings to the north- west fronting Pacific Highway, which are also zoned B2 Local Centre. Similarly, the proposal has also stepped the building in height from the western boundary (i.e., Larkin Lane) to provide a transition in scale to both the R4 high density zone to the west, and to the adjoining Memorial Park to the south. The stepping of the building has been undertaken to ensure that both the park and the residential property of 1 Maclaurin Parade receive adequate amenity and sunlight throughout the day.

Further, the roof top CoS has been setback from the building edge and planting proposed to minimise the opportunity for overlooking. This ensures the design of the building protects the local amenity. The part of the building that contravenes the height standard does not have any impact on the transitions in scale achieved by the overall development. Indeed, if a storey were to be removed from the development to retain a rooftop CoS, but to comply with the height limit, the transition in scale anticipated by the LEP would be undermined.

The areas that vary the standard have been located centrally on the roof. In terms of amenity, the part of the building that exceeds the height standard is not habitable and as such there will be no material acoustic or visual privacy impacts as a result. Shadow diagrams have been prepared which illustrate that due to the positioning of the roof structure away from the southern boundary, any overshadowing from the height variation falls predominately on to the proposed roof area in mid- winter. Refer to extracts of the 9am and 3pm shadow diagrams below.





*Shadow diagrams have been prepared (see Figure 5 above) that illustrate the shadow cast by the proposed development. The shadow diagrams also depict the extent of overshadowing that results from the non-compliant height elements of the development (lift overrun) which is depicted in red. As a result of the north-south orientation of the site, the overshadowing from the development in midwinter (21 June) will be primarily cast upon the adjoining southwestern property at No 1 Maclaurin Parade.*

*However, the extent of additional overshadowing that results from the height non-compliance is minor and does not extend beyond the roof plate of the proposed building. Consequently, the shadow diagrams demonstrate that between 9.00am and 3.00pm the shadows from the non-compliant part of the lift overrun fall across the roof of the proposed development and has no adverse impact upon the private open space or living areas of No 1 Maclaurin Parade, Roseville. The non-compliant element also does not result in any loss of light to areas across the Memorial Park to the south.*

*Overall, the additional noncompliance does not result in any unreasonable loss of sunlight to window openings or private open spaces of adjoining development.*

*The views of neighbouring properties will not be impacted by the height variation as the height of building development standard for the neighbouring properties varies from 9.5 to 14.5 metres. Considerably lower than the height of the contravening roof elements.*

*Objective (b) is achieved, despite the contravention of the building height standard.*

**(c) to enable development with a built form that is compatible with the size of the land to be developed.**

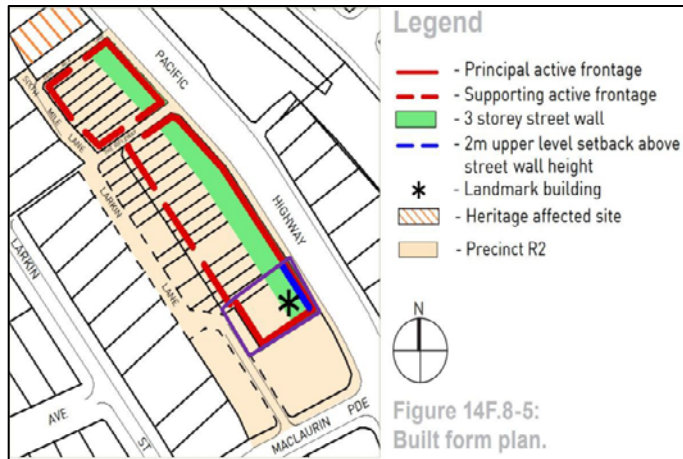
*The proposal has been designed to be compatible with the current planning controls and the size of the land to be developed, noting that the existing properties to the north-west fronting the highway have yet to be developed to the current planning controls.*

*As discussed under objective (b), the proposal has provided a stepped built form to the western and northern boundaries. The DCP requires a 2m upper-level setback along Pacific Highway above the three-storey street wall.*

*The below building compliance envelopes clearly demonstrate that any departure from the controls do not manifest in any material way in terms of resulting in adverse amenity or built form compatibility impacts.*



The proposal generally complies with the required 2m upper-level setback at the Pacific Highway frontage (as illustrated in the figure above). The bulk of the building has been oriented to the south-western corner with architectural features that “wrap around” the corner to emphasis this corner and provide a landmark building for the site, as envisaged in the DCP (refer to extract of DCP map below). The minor part of the upper levels that do not strictly comply with the 2m upper-level setback forms part of the façade and balcony elements which contribute to the high-quality architectural presentation of this landmark building design. These elements are integrated into the overall architectural design of the upper levels and are considered to result in a harmonious, contemporary, and compatible streetscape presentation.



The proposal’s three-storey street wall is consistent with that envisaged under the DCP. As demonstrated in the following figures, the proposed street wall is consistent with the permissible massing on sites located to the north.





*As noted above, the areas of the building that exceed the height standard are located centrally on the roof. These elements above the standard do not contribute to the bulk or scale to the building, as these are predominantly hidden from view from the surrounding area. The proposed height variation does not detract from the proposed built form which is compatible with the size of land to be developed. Adjoining properties in this commercial strip will also be revitalized and this building will fit uniformly into the anticipated height and massing controls for this area. The building has been skilfully designed so that it steps back to the upper levels, which reduces the overall bulk and scale as viewed from Memorial Park, surrounding residential and the adjoining lower residential/commercial properties.*

*Objective (c) is achieved, despite the contravention of the building height standard.*

## Assessment

The only section of the building that is non-compliant is the lift overrun and roof structures of the stair and services room. These structures, in of themselves, do not adversely impact on the surrounding area by way of overshadowing, view or privacy loss. The height variation does not facilitate additional habitable GFA. The applicant provides justification for the components of the building outside the height control as well as the cumulative impacts of the proposed DCP variations. The lift and stair provides BCA compliance access to the communal open space. Rooftop communal open space is supported by the ADG. On this basis, the applicant's justification is supported.

### **Whether there are sufficient environmental planning grounds to justify contravening the development standard.**

The applicant states that the following environmental planning grounds justify contravening the development standard which are supported:

- *The proposed variation is limited to a roof structure which predominantly contains a lift and stairs therefore does not result in any habitable floor space above the maximum building height standard.*
- *The proposed variation to the standard relates to the provision of CoS that is located on the roof of the development. The communal area is located above ground level, which is considered necessary in the context of the B2 Local Centre zoning, the ADG and clause 87(2) of schedule 1 of the KLEP) (which says that the ground level be used for the purposes of a registered club only). The provision of communal open space achieves high levels of amenity, and that is accessible to all residents of the building, is a better planning outcome (rather than relying on the Roseville Memorial Park, as is permitted by ADG design guidance)*
- *The proposed roof structure (which contravenes the height standard) better achieves important statutory planning objectives identified for residential apartments in the following respects:*

*The proposal will to 'better satisfy increasing demand, the changing social and demographic profile of the community, and the needs of the widest range of people from childhood to old age, including those with disabilities' (as per the aim set out in clause 2(3)(c) of State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development (SEPP 65)).*

- *The proposal will 'maximise amenity, safety ... for the benefit of its occupants and the wider community' (as per the aim set out in clause 2(3)(c) of SEPP 65). For example, the lift access to the communal open space would assist residents with mobility issues to be able to access and use the communal open space.*
- *The proposal will better achieve 'good design positively influences internal and external amenity for residents and neighbours' and 'good amenity contributes to positive living environments and resident wellbeing' (as per design quality principle 6 in Schedule 1 of SEPP 65).*
- *The proposal will better 'respond to social context by providing housing and facilities to suit the existing and future social mix' and 'involves practical and flexible features including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents' (as per design quality principle 8 in Schedule 1 of SEPP 65). Further*

*the following key objectives in the EP&A Act and KLEP are achieved by improving the amenity and functionality of the communal open space on the roof level by providing lift access (and by avoiding the reduction of the building by one storey):*

- *– in the EP&A Act – the objective in section 1.3(c) 'promote the orderly and economic use and development of land';*
  - *– in the EP&A Act - objective 1.3 (g) of the EP&A Act, “to promote good design and amenity in the built environment”;*
  - *– in the KLEP – the aim in clause 1.2(2)(a) to ‘guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai’; and*
  - *- in the KLEP - the aim in clause 1.2(l) ‘to facilitate development that complements and enhances amenity for residential uses and public spaces.*
- *Much of the area that exceeds the development standard is not discernible as viewed from the public domain as it has been located centrally on the roof. The proposed elements that vary the height standard do not contribute to distinguishable bulk, scale, or density of the building.*
  - *The roof structure (which contravenes the height standard) is appropriately positioned so as not impact the perception of bulk and scale of the development.*
  - *Strict compliance with the development standard would not deliver any meaningful benefits to the surrounding properties or the general public in the particular circumstance of this site and this proposal and would lead to a suboptimal outcome in accessibility and amenity.*
  - *The variation to the height of building development standard does not result in any unreasonable impacts to residential amenity, solar access, views, privacy, or any unreasonable impacts on the adjoining public park.*

*In summary, there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant’s justification in this instance is supported.

### **Concurrence of the Planning Secretary**

Planning Circular PS 20-002 issued on 5 May 2020 informed Council that it may assume concurrence for exceptions to development standards. The proposal has a variation of 5.4%. Concurrence can be assumed.

### **Any State or regional significant planning matters raised by contravening the standard**

None.

### **The public benefit of maintaining the standard**

The Clause 4.6 variation request satisfactorily demonstrates that the public interest is not adversely impacted by the minor nature, location and lack of impact of the lift/roof structures that breach the height limit for the site.

### **Development standards that cannot be varied.**

The variation to the development standard is not contrary to the requirements in subclauses (6) or (8) of clause 4.6.

## Part 5 Miscellaneous provisions

### Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item, is not within a heritage conservation area but is located within 100m of an Item. The proposed works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

The external heritage consultant provides the following assessment:

#### **Background**

*A proposal for the subject site was initially lodged in 2018, assessed and supported by one of Council's previous heritage advisors. Plans amending the already supported proposal were approved as part of DA0134/18 by the author of this referral. At that time, the proposed scheme was lower scale, and the following comments were provided on the original scheme from a heritage perspective:*

*The key issue is the impact of the proposal on the setting of the no. 1 McLaurin Parade, the heritage item.*

*The setting of no. 1 Maclauren Parade will be changed as the desired future character of the area is gradually established in response to the Council's planning controls that have upzoned the former low density residential area and two storey shopping strips. The proposal is acceptable with regard to its bulk and scale if it complies with Council's planning provisions for new development on the subject site as assessed by Council's planner.*

*The design of the proposed new building is not such that it would be a visually startling element in the visual setting of 1 Maclauren Parade.*

*No important views to 1 Maclauren Parade have been identified. Views to the front and side of the house will remain available from Maclauren Parade and across Roseville Memorial Park. This satisfies the requirements of KDCP control 19F.1.4.*

*The proposed new building is more than 12 metres from the house at 1 Maclauren Parade and therefore satisfies KDCP controls 19F.2.3.*

#### Conclusion

*The proposed development is acceptable with regard to its impact on the heritage values of 1 Maclauren Parade, subject to the façades having acceptable materials, finishes and colours.*

#### **Original Referral**

*The works are described as follows:*

- *Demolish existing structures (including Roseville RSL Club and retail tenancy) and construct mixed-use building comprising new ground floor RSL Club, signage, shop-top housing of 37 residential dwellings, basement parking, associated works and subdivision.*

Comments were provided on the original proposal on 20 April 2023. Since this time, the urban design and planning consultant have met on site with the proponent and other stakeholders and discussed the proposal at length. The heritage consultant has been aware of these discussions but not directly involved.

The following Conclusion and Recommendations were made on 20 April 2023:

Conclusion and Recommendations

The proposed alterations and additions will have some adverse impact on the adjacent heritage item and is not supported on heritage grounds.

The following modifications are recommended from a heritage perspective:

- From a heritage perspective, the development should be scaled down to at least comply with the development standards. As well as this, the development should seek to present a form that is transitional to the heritage item and development to the west in general. This may include stepping or staggering the form, as previously approved and pending the advice of the urban design consultant. Moreover, an additional setback large enough to accommodate a reasonable landscape buffer would result in a more desirable outcome than what is currently proposed from a heritage perspective.
- Instead of concrete, the proposal should involve a palette of polychromatic and earthy-toned face bricks. This could include recycled bricks or a palette from the 'Bowral Remastered' collection, for instance. The introduction of steel instead of aluminium detailing for the windows and balustrades would improve the overall quality of the building finishes and better relate to the heritage item.

**Proposed Amendments**

The primary amendments that affect heritage are outlined as follows:

- Change to the form of the building so that it is more staggered and with 'inter war' elements;
- Improvement to palette of brickwork, discussed at length with the urban design consultant; and
- Landscape buffer to the south and adjacent to the heritage item.

**Revised Control Table KDCP 2021**

The following relevant objectives and controls apply for KDCP2021:

<b>Development Control</b>	<b>Complies</b>
<b>DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS)</b>	
<b>19F.1 Local Character and Streetscape</b>	
General	<b>YES</b>
1 All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement.	
2 Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to: i) the form of the existing building or buildings including height, roofline, setbacks and building alignment;	<b>NO</b>

- ii) dominant architectural language such as horizontal lines and vertical segmentation;
- iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels;
- iv) materials and colours;
- v) siting and orientation;
- vi) setting and context;
- vii) streetscape patterns.

**19F.1 Local Character and Streetscape**

*Objectives*

*1. To consider the impact on the historic curtilage and setting of the Heritage Item or HCA and related heritage features such as views, streetscape context, historical subdivisions, garden settings, alienated trees and other landscape features.*

*2 To retain the significance of Heritage Items or HCAs in their settings*

*3 To ensure that the scale of new development does not dominate, detract from or compete with Heritage Items or HCAs in the vicinity.*

*4 To ensure that new development respects and conserves the significance of any nearby Heritage Items or HCA and their settings*

*'5. To ensure that new development does not visually dominate the adjoining or nearby Heritage Item or HCA.*

*6. To ensure that the scale of new development in the vicinity of the HCA is in harmony with the streetscape and does not dominate, detract from or compete with the Heritage Item or HCA*

*Despite the non-compliance, for the following reasons it is considered that the objectives and controls can be achieved, especially if some of the materials are improved, such as the replacement with the aluminium framed windows with steel.*

*The proposal will still visually dominate the adjacent heritage item despite being set behind however the changes have meant that the development has been scaled down and the form altered to better relate to what was previously approved.*

*The introduction of a palette of earthy-toned face bricks has assisted and the deletion of the concrete and replacement with an alternative material or possibly the use of an appropriate coloured tint may assist further. The introduction of steel instead of aluminium detailing for the windows and balustrades would improve the overall quality of the building finishes and better relate to the heritage item.*

Development Control	Complies
<b>Retail/Mixed Use Setting</b>	
3 New development adjacent to or in the vicinity of a Heritage Item or HCA within a retail/mixed use setting such as an existing row of two storey shops, are to: i) retain the existing characteristics of the street including the setback, height, and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades.	<b>NO</b>

ii) retain a pedestrian building scale at the street level and to set back any levels that are higher than the adjacent Heritage Item	
<b>Views</b>	
4 New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain.	<b>YES</b>

*Objective*

7. To protect significant views and vistas to and from the Heritage Item or HCA.

Despite the non-compliance, for the following reasons the objectives and controls are achieved:

- *The development relates very little to the adjacent heritage item. However, as noted previously, it is recognised that any development of the scale envisaged for the site will change the setting of the item. The reduction in bulk and scale and change in the form of the development as well as improved compliance with the site-specific development standards and controls has assisted in lessening impacts.*

<b>Development Control</b>	<b>Complies</b>
<b>19F.2 Building Setbacks</b>	
<b>Setbacks</b>	
1 The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply	<b>YES</b>
<b>Residential Context</b>	
2 All medium and high density development is to have a stepped facade to any common boundary with a Heritage Item or building within the HCA. The facade is to be stepped back above an 8m height from natural ground level as per Figure 19F.2-1. Facades greater than 8m high will not be permitted adjacent to a Heritage Item or building with an HCA.	<b>YES</b>
3 In addition to the side and rear setback controls in Section A of this DCP, new development adjacent to a Heritage Item or building within an HCA, is to comply with the following: i) adjacent development is to have a minimum 12m building separation to the Heritage Item (more if setback requirements are not met within the 12m) as per Figure 19E.3.1 ii) adjacent development is to not exceed a facade height of 8m from existing ground level, including balustrades. iii) adjacent development with a building mass above 8m high from existing ground level is to be stepped back an additional 6m from the Heritage Item as per Figure 19E.3.1 Where variations in setbacks exist, the larger setback will apply.	<b>YES</b>

*The proposal will still visually dominate the adjacent heritage item, despite being set behind, however the changes have meant that the development has been scaled down and the form altered to better relate to what was previously*

approved. The introduction of a landscape buffer along Larkin Lane has also improved the proposal.

### **Conclusion and recommendations**

*The proposed amendments will result in some adverse impact on the heritage item within the vicinity of the subject site. However, it is recognised that the proposal will be located more than 12m away from the adjacent heritage item, is within a commercial precinct and on a site that has been identified for uplift with a site specific DCP. Overall and based on the previously approved development for the site, the proposal is acceptable, subject to the following conditions:*

- 1) *The window and door framing, and balustrades shall be formed of steel rather than aluminium. Additional details must be provided to the satisfaction of Council's Heritage Advisor prior to the issue of a Construction Certificate.*
- 2) *The brick selection is to be agreed with Council's Heritage Advisor prior to issue of a Construction Certificate.*
- 3) *The concrete upstands are to be deleted or an appropriate earthy-toned tint proposed to these areas. This is to be agreed with Council's Heritage Advisor prior to the issue of a Construction Certificate.*

## **Part 6 Additional local provisions**

### **Clause 6.5 - Stormwater and water sensitive urban design**

Council's Development Engineer has given consideration to the objective of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. The stormwater design adequately manages water quality and control discharge volumes and frequency, subject to consent conditions.

## **Policy Provisions (DCPs, Council policies, strategies and management plans)**

### **Ku-ring-gai Development Control Plan**

#### **Part 1A.5 General aims of the DCP**

The proposed development has been assessed against the general aims of this DCP and is found to be acceptable in all relevant respects for the reasons given throughout this report.

#### **Part 2: Site analysis**

A site analysis which identifies the existing characteristics of the site and suitable details of the surrounding area has been provided as part of the development application. The site analysis is considered to satisfy the objectives of the DCP.

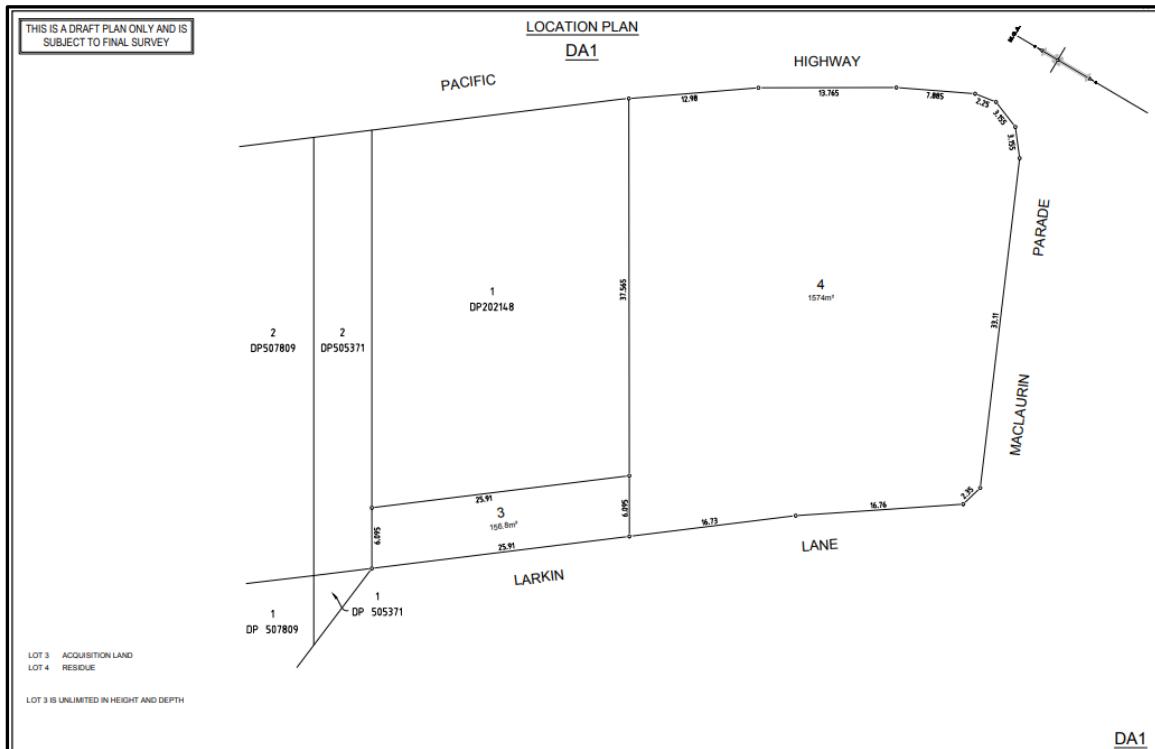
#### **Part 3: Land consolidation and subdivision**

The proposal seeks consent for the amalgamation of the site and boundary realignment (i.e., subdivision) which will ultimately create three new lots including:

- Lot 4: 1,574m<sup>2</sup> containing Roseville Memorial Park

- Lot 100: 1,185m<sup>2</sup> above RL 107.18 and 1,375m<sup>2</sup> below RL 107.18) (part of the physical works footprint area); and
- Lot 101: 190m<sup>2</sup> above RL 107.18 (to be dedicated to Council as a public road, currently a portion of Council land and portion of the Roseville RSL Memorial Club land at rear of site, abutting Larkin Lane).

The first step in the creation of the new lots is the subdivision of Council owned land at Lot 2 DP 202148 to form Lot 4 (1574sqm) and Lot 3 (156.8m<sup>2</sup>). The subdivision plan for this step is identified as DA1 (see **Figure 11**).



**Figure 11: Proposed DA1 Subdivision plan**

Consent is sought for the DA1 subdivision that will create:

- Lot 3 (to be part of future Lot 100 and Lot 101) which will be acquired by the Roseville RSL Memorial Club (by way of Deed of Put and Call Option which is Annexure A to the proposed planning agreement), and
- Lot 4 to be retained by the Council (as Roseville Memorial Park).

The second step in the creation of the new lots from the newly formed lots under the DA1 plan above. The subdivision plan for this step is identified as DA2. The new lots to be created by the new subdivision are Stratum lots as follows:

- Lot 101 (from RL107.18, which is generally 3 metres below ground level upwards). This lot is to be dedicated to the Council as a public road reserve on the registration of the DA2 plan of subdivision. Lot 101 will be the site of public domain works along the Larkin Lane frontage.
- Lot 100 constituting the remainder of the site, including the land below Lot 101 from RL107.18 downwards.

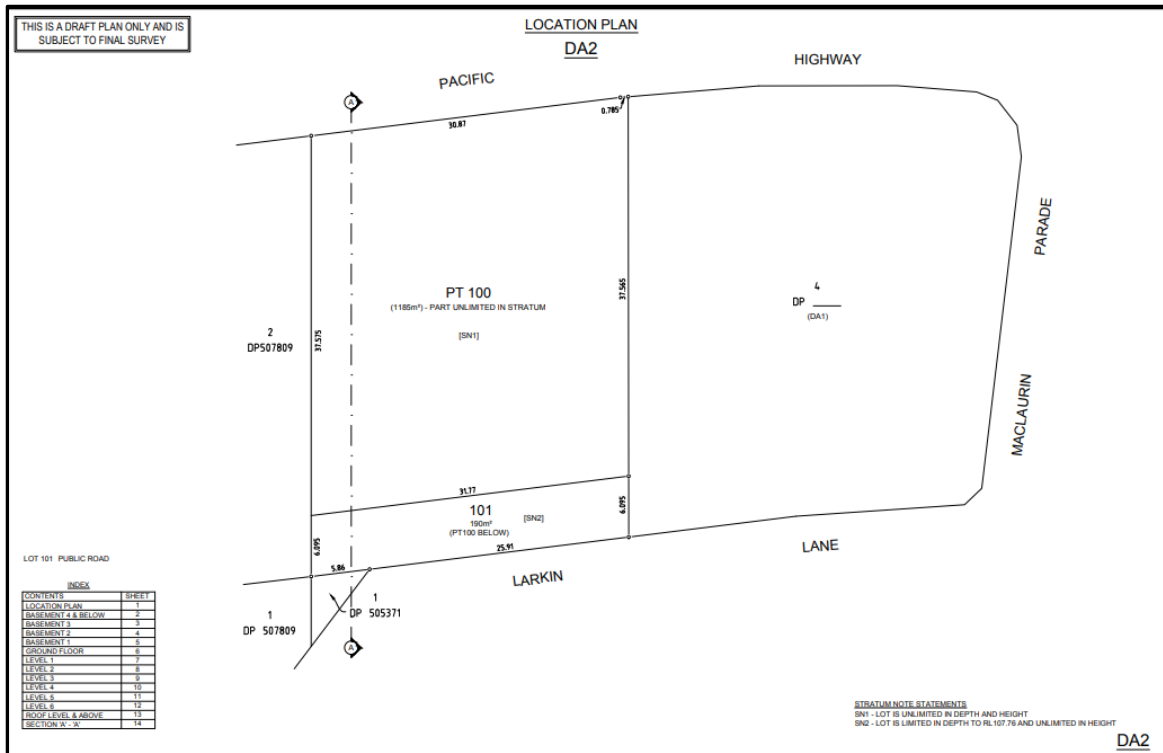


Figure 12: Proposed DA2 Subdivision Plan

Assessment pursuant to the DCP Part 3 Land Consolidation and Subdivision is not necessary as the successive subdivision is to suit the proposed building rather than the creation of additional lots for future yield. There is no adverse impact on flora or fauna, access to property or service utilities to the allotments. The Stratum subdivision relates to the retention of the existing land area within the setback zone in Larkin Lane thus for all intents and purposes the only change apart from ownership will be the landscape treatment and the ability of the public to legally use the space because of the ownership change.

### Part 8: Mixed use development

The proposed development has been assessed against the controls in this Part as follows:

Development Control	Proposed	Complies
<b>Part 8 Mixed use development controls</b>		
<b>8A – Site design</b>		
<b>8A.2 – Site Layout</b>		
Site layout responds to site analysis	Complies.	<b>YES</b>
Building with a frontage to the street must address the street	Entry from Pacific Highway is maintained.	
Buildings address and provide dwelling entry points to all site frontages	Complies.	
Hard surface areas minimised to maximise landscaping No long straight driveways and buildings and fences are staggered	Achieved where possible. None.	

Single pedestrian entry provided from street level	Complies.	
Building alignment parallel to the street, or in alignment with existing setback patterns	Satisfactory for this development.	
<b>8A.3 – Building setbacks</b>		
<b>Street setback</b> <i>Refer to Part 14 of DCP</i>	Refer to Part 14L – precinct assessment.	<b>Yes, with some minor variations that are justified in the circumstances</b>
<b>Side setback</b> <i>Planner to refer to Part 14 of DCP</i>	Refer to Part 14L – precinct assessment elsewhere in this report.	<b>YES</b>
<b>8A.4 – Building separation</b>		
The minimum separation between residential buildings on the development sites and the adjoining sites is:  Up to 4 <sup>th</sup> storey <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable rooms/balconies and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul> 5 to 8 storeys over the podium <ul style="list-style-type: none"> <li>• 18m between habitable rooms/balconies</li> <li>• 13m between habitable rooms/balconies and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul> Buildings 9 storeys or more over the podium <ul style="list-style-type: none"> <li>• 24m between habitable rooms</li> <li>• 18m between habitable room / balcony and non-habitable room;</li> </ul> 12m between non-habitable rooms.	Refer to ADG assessment elsewhere in this report prepared by external urban designer.  Some minor variations as described in the report. The ADG is not a document designed for strict compliance The ADG sets numerical standards and objectives. On balance the proposal achieves an acceptable number of the objectives to ensure appropriate contextual fit; intra site amenity and amenity to the neighbouring properties.  Overall, the proposal strikes the necessary balance between numerical compliance and practical outcomes given the sites opportunities and constraints.	<b>YES</b>
<b>8A.5 – Wind impact</b>		
Public pedestrian areas, recreation facilities, podiums, terraces, and	No specific requirements.	<b>YES</b>

communal open areas are protected from wind generation and strong wind speed caused by the development.		
<b>8A.6 – Site coverage</b>		
In R4 zones - the site coverage does not exceed 30% of the site area, less 30% of access handle	Not in the R4 zone.	<b>N/A</b>
<b>8A.7 – Deep soil landscaping</b>		
(For mixed use development in R4 zonings or with no commercial uses to the entire ground floor or with dwellings on the ground floor), residential flat development must have a minimum deep soil landscaping area of 40% for a site area less than 1800m <sup>2</sup> and 50% for a site area of 1800m <sup>2</sup> or more	Not in the R4 zone.	<b>N/A</b>
<b>8B – Access and parking</b>		
<b>8B.1 – Vehicle and service access and loading facilities</b>		
<b>Vehicle access</b> Vehicle access points are not to be located along principal active street frontages  Provides a shared vehicle entry/exit point for different uses  No single lane tunnels and single spiral ramps	No vehicle access points to Pacific Highway. All vehicle access from Larkin Lane.	<b>YES</b>
<b>Service access</b> Service vehicle access is combined with parking access.  Appropriate ceiling height provided along path of travel to commercial and residential waste facilities.	Service access is provided from Larkin Lane.	<b>YES</b>
<b>Loading facilities</b> Internal loading facilities provided.  Not visible from public streets and off secondary frontage to minimise conflict with other vehicles	Loading facilities are provided from Larkin Lane.	<b>YES</b>
<b>8B.2 – Car parking provision</b>		
<b>Design</b> All parking within basement.	4 basement levels. All parking within basement levels. Club and residential levels separated.	<b>YES</b>
Car parking does not project above the fgl for active street frontages. <1m for supporting frontages	Complies.	<b>YES</b>

Car parking to comply with AS2890.1 and in accordance with Silver and Platinum Level dwellings pursuant to the Liveable Housing Guidelines, 2012.	Complies.	<b>YES</b>										
Floor to ceiling heights for any above ground parking is 3- 3.5m to allow for change of use.	N/A	<b>N/A</b>										
<p><b>Car parking rates</b></p> <p>Residential component within mixed use developments:</p> <table border="0"> <tr> <td>Apartment Size</td> <td>Minimum number of parking spaces per dwelling</td> </tr> <tr> <td>Studio</td> <td>0.5 spaces</td> </tr> <tr> <td>One bedroom</td> <td>1 space</td> </tr> <tr> <td>Two bedrooms</td> <td>1.25 spaces</td> </tr> <tr> <td>Three or more bedrooms</td> <td>2 spaces</td> </tr> </table> <p>Visitor: 1 per 4 units Accessible spaces provided.</p>	Apartment Size	Minimum number of parking spaces per dwelling	Studio	0.5 spaces	One bedroom	1 space	Two bedrooms	1.25 spaces	Three or more bedrooms	2 spaces	<p>Refer to Traffic &amp; Parking Assessment submitted with the DA package.</p> <p>DCP max requirement: Residential: 53 maximum spaces.</p> <p>Proposed: 46 res + 4 = 50 incl visitors</p> <p>Satisfactory.</p> <p>SEPP 65 residential: Required: 36 res + 8 visitor spaces. Proposed: 46 res + 5 visitors/car share. Satisfactory.</p> <p>Commercial: Required: 37 spaces Proposed: 38 spaces which includes a staff and car share space. Satisfactory.</p>	<p><b>Yes, for residential</b></p> <p><b>Yes, for Commercial</b></p>
Apartment Size	Minimum number of parking spaces per dwelling											
Studio	0.5 spaces											
One bedroom	1 space											
Two bedrooms	1.25 spaces											
Three or more bedrooms	2 spaces											
<b>8B.3 – Bicycle parking and support facilities provision</b>												
<p><b>Commercial</b></p> <ul style="list-style-type: none"> <li>- A minimum of 1 bicycle space per 600m2 for staff</li> <li>- A minimum of 1 bicycle space per 2500 m2 for visitors</li> </ul> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>- A minimum of 1 bicycle space per 5 units provided within the residential car park area</li> <li>- A minimum of 1 bicycle space per 10 units provided for visitors in the visitor car park area</li> </ul>	<p>8 bicycle spaces for residents, four (4) spaces for visitors on B4.</p> <p>Club has dedicated vertical bike space and locker on B1.</p> <p>Condition regarding an additional bike space for Club visitors. 6 Bicycle parking spaces provided at the Club entry.</p>	<b>Yes, subject to a condition of consent</b>										
<b>8C – Building design and sustainability</b>												
<b>8C.1 – Solar access and daylight</b>												
<b>Non-residential component</b>	Refer to the ADG assessment table.	<b>YES</b>										

Buildings oriented to optimise the northern aspect		
<b>Residential component</b> Designed to optimise solar and daylight access into apartments and private open spaces within the mixed use development as stipulated in SEPP 65, Apartment Design Guide Part 4A - Solar and Daylight Access.	Refer to the ADG assessment table.	<b>YES</b>
<b>8C.2 – Natural ventilation</b>		
<b>Non-residential component</b> Commercial workspaces have operable windows to 25% of window area Dual aspect commercial workspaces are provided where possible Where natural ventilation cannot be achieved, mechanical ventilation is to be provided to commercial workspaces.	The Club is to be mechanically ventilated.	<b>No, however the control is more relevant to low rise office space rather than a club tenancy.</b>
<b>Residential component</b> Complies with SEPP 65 Apartment Design Guide 4B - Natural Ventilation.	Refer to the ADG assessment table. Cross flow ventilation is 65% of apartments and complies (see DA001 and DA520).	<b>YES</b>
<b>8C.3 – Room sizes</b>		
<b>Non-residential component</b>  Office floors are a maximum of 10m from glass line to an internal face of wall.  Minimum internal dimension of 8m within any tenancy unit.  Circulation, services and storage areas are located at the centre of the building  Atriums and courtyards have a height to width ratio of not less than 3:1, with a min dimension of 6.0m	Not an office floor.	<b>N/A</b>
<b>Residential component</b> Apartments satisfy SEPP 65 Apartment Design Guide 4D, 4E & 4G	Refer to the ADG assessment table.	<b>YES</b>
<b>8C.4 – Apartment mix and accessibility</b>		
	Refer to the ADG assessment table.	<b>YES</b>
<b>8C.5 – Building entries</b>		
Buildings must address the street either: with main entrances to lift lobbies directly accessible and visible from the street; or	Main entry to the building is from Pacific Highway.	<b>YES</b>

<p>with the path to the building entry readily visible from the street where site configuration is conducive to having a side entry</p>	<p>Whilst entry from Larkin Lane was advanced by the external urban design advice, the Pacific Highway entry was maintained due to the fact that it would lessen the likelihood for disturbances to the residential properties to the west of the Club. Part 14L of the KDCP also provides a green arrow to indicate the indicative residential entry.</p> <p>The entry to the residential component is directly from Pacific Highway which is acceptable. The entry foyer does however turn to the corner, causing the lift to be obscured from the Pacific Highway entry which is not typically promoted. However, this is acceptable in this instance as a means to accommodate the site specific Club use with the residential uses above. The residential foyer will have complete CCTV coverage and swipe card entry and therefore the proposed residential entry is seen to provide a reasonably safe entry to the building. The lift is not a shared lift with the Club and therefore the proposal is supported. The Club lift does not share the same lift core so residential users are not crossing paths with Club users within the building.</p>	
<p>Buildings with facades over 18m long have multiple entries</p> <p>Buildings with dual street frontage have a building entry to both street frontages</p>	<p>Separate ground floor entries for Club premises and lobby to residences above. Entry and exit from the Club is located</p>	<p><b>YES</b></p>

that meets the requirements of Part 14 of this DCP.	on the south east corner of the Clubs tenancy fronting the Pacific Highway and Memorial Park.	
Building entries from principal active street frontages have a flush transition with adjoining frontages.	Complies.	<b>YES</b>
All entry areas are well lit and designed to avoid any concealment or entrapment areas.	Complies.	<b>YES</b>
Entries have street numbering that is clearly visible from the street.  Entries to upper level uses do not dominate ground floor shopfronts and don't occupy more than 20% of the principal active street frontage	Condition of consent with details to be provided with the Construction Certificate.	<b>YES</b>
Lockable mail boxes are provided close to the street, at 90 degrees to the street, meet Australia Post standards and integrated with front fences or building entries.	Complies.	<b>YES</b>
<b>8C.6 – Internal common circulation</b>		
<b>Non-Residential Component</b> Internal common circulation space complies with the provisions in <i>AS1428.1</i> and <i>AS1428.2</i> and provide adequate pedestrian mobility and access.	As per Access and Section J reports. Complies.	<b>YES</b>
Artificial lighting is energy efficient and used in conjunction with timers or daylight controls.	Condition of consent.	<b>YES</b>
<b>Residential Components</b> Common circulation spaces comply with SEPP 65 Apartment Design Guide Part 4F – Common Circulation and Spaces.	Refer to the ADG assessment table.	<b>YES</b>
<b>8C.7 – Roof forms and podiums</b>		
Upper storey is articulated with differentiated roof forms	Complies.	<b>YES</b>
Service elements are integrated into the design of the roof	Complies.	<b>YES</b>
Roof design responds to solar access	Complies.	<b>YES</b>
Lightweight pergolas incorporated on roof or podium and integrated into the design	Complies.	<b>YES</b>
Podiums and roof terraces may be used for communal open space	Complies. CoS as roof terrace.	<b>YES</b>
<b>8C.8 – Communal open space</b>		
Primary communal open space optimises opportunities for active and passive social and recreation activities, summer	CoS located on roof as roof top terrace. Space is provided with BBQ area,	<b>YES</b>

shade, solar access and orientation, summer shade, outlook, and maintain the privacy of residents on adjoining lower density residential dwelling sites	seating areas and pergola.	
Residential communal open space is separate and secure from non-residential uses.	Complies as no Club access to the roof.	<b>YES</b>
Shared facilities such as BBQs, shade structures, play equipment and seating are provided in the communal open space	Complies.	<b>YES</b>
<p><b>Residential Components</b></p> <p>Access for people with a disability is provided to communal open space</p> <p>At least 10m<sup>2</sup> per dwelling must be provided as communal open space</p> <p>A single parcel of communal open space with a minimum area of 80m<sup>2</sup>, minimum dimensions of 8m and 3 hours solar access to 50% of the space on 21 June is provided</p> <p>Additional parcels of communal open space are a minimum dimension of 5m.</p>	<p>Access is via the lift. Complies.</p> <p>37 x 10 = 370m<sup>2</sup> Proposed: 321m<sup>2</sup>. Variation due to building footprint and services area required.</p> <p>Large open area, at least 80m<sup>2</sup> provided. Full access to sunlight during Mid winter.</p>	<p><b>No, with regard to overall communal area</b></p> <p><b>Yes, to min 80sqm</b></p> <p><b>Yes, to solar with greater solar provided than the minimum due to roof top location</b></p>
<b>8C.9 – Building facades and articulation</b>		
In B2 Local Centre and B4 Mixed Use zones, mixed use buildings establish a consistent street wall facade along the Pacific Highway and Mona Vale Road frontages, especially along retail strips.	Complies with majority of the controls and satisfied the objectives. Refer to Part 14L assessment.	<b>YES</b>
The continuous length of the residential building over the podium facing the street or public domain does not exceed 36m.	Complies.	<b>YES</b>
Above-awning facades are more solid surface area than glazed area with a minimum masonry component of 30%.	Complies. Refer to the north elevation plan.	<b>YES</b>
Buildings are designed to incorporate solar protection elements, and are co-ordinated and integrated with façade design	Complies.	<b>YES</b>
Air conditioning units are not located on the building façade or with the private or communal open space	Complies.	<b>YES</b>
No balconies run the full length of the building façade	Complies.	<b>YES</b>
Balconies do not project more than 1.5m from the outermost wall of the building facade	Complies.	<b>YES</b>

The building addresses all street frontages	Complies.	<b>YES</b>
<b>8C.10 – Ground commercial uses</b>		
Building entries to each individual commercial premises are level with adjoining footpaths, with openings (doors and windows) that allow a direct visual connection between it and the street.	Access to Club premises from Pacific Highway frontage; activates street frontage.	<b>YES</b>
Building slabs are stepped on sloping sites to ensure ground floor level does not exceed 0.3m above or below finished footpath level.	Complies at Pacific Highway entry with graded entry at RL 11.60 and RL111.45 footpath level. Terrace to the Club is RL111.70 and ground RL of RL111.30 this exceeds the 300mm. We note that the raised decking is acceptable as it improves casual surveillance opportunities and there is no access permitted for a registered club directly from the public domain. Importantly a registered club has strict photo ID sign in rules and has one point of entry/exit with CCTV and staff. In this case there is no requirement to strictly enforce the 300mm provisions of the DCP to the decking fronting Memorial Park.	<b>Yes</b> , at footpath interface and <b>No</b> to the interface with the Memorial Park.
Ground floor street frontages provide for active uses that contribute to the active street frontage.	Frontage comprises 1 x entries, alfresco dining and lobby area. Complies.	<b>YES</b>
Buildings to principal active street frontages:  <ul style="list-style-type: none"> <li>maintain active frontage to 80% of the length of the building facade at the street level</li> </ul>	No, variation acceptable. Refer to DA590 showing areas in blue that are active. Proposal achieves 76% with the gaming room. The	<b>No, variation justified in this instance.</b>

<ul style="list-style-type: none"> <li>• support a mix of activities, including after hour activities</li> <li>• provide facades that address the street and public domain with appropriate façade treatments at street level that respond to the pedestrian scale</li> <li>• contain well-articulated pedestrian entrances at frequent intervals</li> <li>• provide continuous awnings</li> <li>• avoid the incorporation of vehicle access points</li> <li>• do not have projecting basements</li> </ul> <p>Clear glazing is provided to all windows of the active street frontage</p> <p>No security roller shutters on the external face of the building</p> <p>No residential dwellings on the street level frontage</p>	<p>variation is justified given that there are no other practical options as a new substation is required for the development. The glazed area is deemed to be acceptable because it consists of minimal physical breaks and adequately activates all street frontages and the park.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies.</p> <p>Complies – Separate entries for Club and residential.</p> <p>Single access and complies. Complies, generally however minor variation as the basement extends marginally above fronting the park and Larkin Lane (see section plan DA311).</p> <p>Yes, to the extent necessary.</p> <p>Complies.</p> <p>Complies.</p>	<p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>Yes, to all with minor variation to basement projection supported</b></p> <p><b>YES</b></p> <p><b>YES</b></p> <p><b>YES</b></p>
<b>8C.11 – Awnings</b>		
<p>Continuous awning provided to the full length of the principal active street frontage</p> <p>Awning heights are between 3m and 3.5m</p>	<p>Awning provide to Pacific Highway frontage.</p> <p>No 4m.</p>	<p><b>YES</b></p> <p><b>No, 4m to relate to the top of the first floor which is 4.7m as</b></p>

Awnings are set back 0.6m from the face of the kerb and wrap around the corner on corner sites. Entire length of the awning is set back where street trees are required.	Complies.	<b>required under the KDCP.</b> <b>YES</b>
<b>8C.12 – Colonnades</b>		
All colonnade spaces are within the property boundary	Complies.	<b>YES</b>
<b>8C.13 – Internal ceiling heights</b>		
<b>Non-Residential Component</b>		
In the B2 Local Centre zone, the B4 Mixed Use zone, and some R4 sites:		
<ul style="list-style-type: none"> <li>4.0m for ground floor cafe/restaurant uses (or 4.4m from FFL to next floor FFL);</li> <li>3.3m for ground floor and first floor retail or commercial uses (or 3.7m from FFL to next floor FFL)</li> <li>3m for non-residential uses on all other floors (or 3.4m from FFL to next floor FFL).</li> </ul>	Ground level: floor to floor is 4.7m (see DA 300).	<b>YES</b>
	Complies.	<b>YES</b>
<b>Residential Component</b>		
The minimum ceiling heights complies with the ceiling heights in SEPP 65 Apartment Design Guide Part 4C - Ceiling Heights.	Floor to ceiling: 2.7m.	<b>YES</b>
<b>8C.14 – Visual privacy</b>		
Buildings are designed to ensure privacy for residents of the development and of the neighbouring site. The use of offset balconies, recessed balconies, vertical fins, solid and semi-transparent balustrades, louvres/screen panels and planter boxes is encouraged	Satisfactory.	<b>YES</b>
No continuous transparent balustrades to balconies or terraces for the lower 3 storeys	Complies.	<b>YES</b>
Screening between apartments is integrated with the overall building design	Complies.	<b>YES</b>
<b>Residential Component</b> Buildings comply SEPP 65 Apartment Design Guide Part 3F - Visual Privacy	Refer to the ADG assessment table.	<b>YES</b>

<b>8C.15 – Acoustic privacy</b>				
The maximum LAeq (15min) noise levels of any development does not exceed the levels as set out below:		As per Acoustic Assessment. Adopt acoustic recommendations for traffic noise and building design. Plan of Management for Club premises to be adopted.	<b>YES</b>	
	<i>Recommended LAeq Noise Level, dB(A)</i>			
<i>Time of day</i>	<i>Maximum noise level - Windows open</i>			<i>Maximum noise level - Windows closed</i>
<i>Day</i>	60			50
<i>Evening</i>	50			40
<i>Night</i>	45	35		
<b>8C.16 – Late night trading</b>				
Development for late night trading premises is designed to minimise the impacts of noise production on nearby and adjoining premises  Crime reduction measures are in proposed  Late night trading premises have a satisfactory plan of management		Trading hours of Club to be same as existing operations on the site.  That is:  - Monday – Saturday 7am - 12midnight;  - Sunday 7am – 10pm.	<b>YES</b>	
<b>8C.22 – External air clothes drying facilities</b>				
Each apartment has access to an external air clothes drying area, e.g. a screened balcony, a terrace or common area		All drying facilities are internal to the units	<b>YES</b>	
External air clothes drying areas are screened from public and common open space areas		N/A	<b>N/A</b>	

## **Ku-ring-gai DCP - Section B**

### **Part 14 – Urban Precincts and Sites**

The site is within the Part 14L Part 62 and 64-66 Pacific Highway, Roseville Urban Precinct. The relevant provisions of Section B are addressed below. This section has been addressed elsewhere in this report.

### **Part 15 – Land Contamination**

A stage 1 preliminary site investigation (PSI) was reported in 10 May 2019 to accompany a development application for the proposed development. The PSI concluded that the site was suitable, from a contamination perspective, for the proposed mixed use development that included a multi-level basement for car parking.

Correspondence with Council indicated that the property at No.66 Pacific Highway may be contaminated by a former dry cleaning facility at or in the vicinity of No.66 Pacific Highway.

Construction Sciences (Contamination Consultant) subsequently undertook additional desktop reviews of the history of the land proposed to be developed, particularly regarding dry cleaning facilities that may have been located at or in the vicinity of No.66 Pacific Highway. In a letter dated 4 March 2020, CS indicated that the review identified a former dry-cleaning business was in fact registered at the address “No. 66A Pacific Highway, Roseville”<sup>1</sup>, which presumably was a part of the site.

A Stage 2 Detailed Site Investigation was undertaken for the development site.

The report states:

*“Whilst contamination attributable to dry cleaners have not been identified, out of abundant caution CS recommends that a post demolition contamination assessment be conducted to assess the potential for isolated patches of contamination to be present in soil and pockets of perched water, prior to the commencement of bulk earthworks to excavate the basement. A supplementary contamination assessment report should be prepared and submitted to Council. In the unlikely event that there is contamination, it should be remediated in accordance with a remedial action plan prepared by the environmental consultant and approved by Council. Remediation works (if any) should be validated by the environmental consultant prior to commencing the basement excavation.”*

A suitable condition of consent is recommended to ensure the recommended works are undertaken prior to works commencing on site.

### **Part 19 – Heritage and Conservation Areas**

The site is within 100m of other heritage item/s at 1 M1 Maclaurin Parade but is not listed as a heritage item or within a heritage conservation area.

Refer to discussion in Clause 5.10 of the KLEP 2015 assessment. The external Heritage Advisor concluded that the proposal was acceptable, subject to conditions.

### **Part 20 – Development near Road or Rail noise**

The proposal has been assessed against the relevant provisions contained under this Part. An Acoustic Assessment was submitted with the DA. It addresses the impact of external noise (including traffic) on the site and building shell acoustic treatments to ensure suitable levels of residential amenity for future residents.

Recommendations include glazing design – glass rating, frames, junctions and seals. The proposed external building materials for walls and roof are acceptable. Conditions of consent which adopt the recommendations of the acoustic report are recommended.

### **Ku-ring-gai Development Control Plan - Section C**

<b>Development Control</b>	<b>Proposed</b>	<b>Complies</b>
<b>Part 21 General Site Design</b>		
<b>21.1 – Earthworks and slope</b>		
	Geotechnical report, stormwater, erosion, and sediment controls plans submitted with DA package.	<b>YES</b>

	Standard conditions to apply.	
<b>21.2 – Landscape Design</b>		
	Satisfactory tree removal and planting scheme for the development.	<b>YES</b>
<b>Part 22 - General access and parking</b>		
<b>22.1 – Equitable Access</b>		
Compliance with DDA demonstrated Entry access ramps located within the site and does not dominate the front façade Access ways for pedestrians and for vehicles are separated	Report provided with the application.	<b>YES</b>
<b>Residential only</b> Multi Dwelling Housing, Residential Flat Buildings and Shop Top Housing within Mixed Use developments provide access to, and between, dwellings and parking in accordance with the Liveable Housing Guidelines as stipulated in Part 6 Multi Dwelling Housing, Part 7 Residential Flat Buildings and Part 8 Mixed Use Development.	Report to report provided with the DA.	<b>YES</b>
<b>22.2 – General vehicle access</b>		
<ul style="list-style-type: none"> <li>• Minimise width and number of vehicle access points</li> <li>• Access driveways set back at least 10m from street intersections and 3m from pedestrian entrances</li> <li>• Vehicle and pedestrian access to buildings clearly distinguished and separated at I</li> <li>• Vehicle crossing width is acceptable for intensity of use proposed</li> <li>• Vehicles must exit in a forward direction</li> <li>• Vehicle entries are integrated into the external façade and are finished in a high quality material</li> <li>• Retaining walls associated with driveways maximum height of 1.2m</li> <li>• No driveways are longer than 30m unless a passing bay is provided</li> </ul>	Access to the site is supported by Council's engineers.	<b>YES</b>
<b>22.3 – Basement car parking</b>		
Logical and efficient basement design AS2890.1		<b>YES</b>
Appropriate ceiling floor to ceiling heights and ventilation provided: <ul style="list-style-type: none"> <li>• 2.5m for parking area for people with a disability;</li> <li>• 2.6m for residential waste collection and manoeuvring area</li> </ul>		<b>YES</b>

• 4.5m for commercial waste collection and manoeuvring area																						
Basement is fully tanked		<b>YES</b>																				
Unimpeded access to visitor parking and waste recycling rooms		<b>YES</b>																				
Ventilation grilles and screening devices are integrated into the landscape design		<b>N/A</b>																				
Vehicles access ways are not in close proximity to doors and windows of habitable rooms		<b>YES</b>																				
Safe and accessible intercom access provided.	Condition	<b>YES</b>																				
<b>22.4 – Visitor parking</b>																						
Visitor parking located behind a security grille with an intercom system to gain entry		<b>YES</b>																				
At least one visitor space is accessible and designed in accordance with AS2890.6																						
<b>22.5 – Parking for people with a disability</b>																						
Accessible spaces are signposted and have a continuous path of travel to the principal entrance or a lift		<b>YES</b>																				
Non-residential development provides accessible parking as follows:		<b>YES</b>																				
<table border="0"> <tr> <td>Type of facility</td> <td>Rate of provision</td> </tr> <tr> <td><i>Retail/commercial</i></td> <td>1-2%</td> </tr> <tr> <td><i>Civic/community centres</i></td> <td>2-3</td> </tr> <tr> <td><i>Recreational facilities</i></td> <td>2-3%</td> </tr> <tr> <td><i>Schools</i></td> <td>2-3%</td> </tr> <tr> <td><i>Tertiary Education</i></td> <td>2%</td> </tr> <tr> <td><i>Entertainment</i></td> <td>3-4%</td> </tr> <tr> <td><i>Hospitals</i></td> <td>3-4%</td> </tr> <tr> <td><i>Medical centres</i></td> <td>3%</td> </tr> <tr> <td><i>Other uses</i></td> <td>At least 1%</td> </tr> </table>	Type of facility	Rate of provision	<i>Retail/commercial</i>	1-2%	<i>Civic/community centres</i>	2-3	<i>Recreational facilities</i>	2-3%	<i>Schools</i>	2-3%	<i>Tertiary Education</i>	2%	<i>Entertainment</i>	3-4%	<i>Hospitals</i>	3-4%	<i>Medical centres</i>	3%	<i>Other uses</i>	At least 1%		
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<b>22.6 – Pedestrian Movement within Car Parks</b>																						
Pathways designed in accordance with AS1428.1	Complies with standard conditions to apply.	<b>YES</b>																				
Marked pedestrian pathways have clear sightlines, appropriate lighting, are visible, conveniently located and constructed of non-slip material.	Details to confirmed with documentation with the Construction Certificate.	<b>YES</b>																				
<b>22.7 – Bicycle Parking and facilities</b>																						
Bicycle parking and storage facilities satisfy AS2890.3	The number of bicycle spaces complies. The storage facility is to comply with engineering requirements and subject to condition of consent with details to be	<b>Yes, subject to conditions</b>																				

	submitted with the Construction Certificate documentation.	
<b>Part 23 – Building Design and Sustainability</b>		
<b>23.1 – Social Impact</b>		
Social Impact Statement required/lodged		<b>N/A</b>
<b>23.2 – Green Buildings</b>		
For all non-residential development: <ul style="list-style-type: none"> <li>&gt;5000m<sup>2</sup> GLA must achieve a five star rating or equivalent if GBCA rating tool is not available</li> <li>2000-5000m<sup>2</sup> GLA must achieve a four star rating or equivalent if GBCA rating tool is not available</li> </ul>	Not greater than 5000sqm.	<b>N/A</b>
<b>23.3 – Sustainability of Building Materials and 23.4 – Materials and Finishes</b>		
External walls constructed of high quality and durable materials	Complies	<b>YES</b>
Use of materials and colours creates well-proportioned facades and minimises visual bulk	Satisfactory	<b>YES</b>
<b>23.5 – Roof Terraces and Podiums</b>		
Podiums and roof terraces are trafficable and support landscaping	Satisfactory.	<b>YES</b>
Roof & terrace common areas design encourage usage	Satisfactory.	<b>YES</b>
<b>23.6 – Building Services</b>		
Services and related structures are appropriately located to minimise streetscape impact	Satisfactory.	<b>YES</b>
In mixed use precincts substations and fire hydrants are not visible from the primary and principal street frontages	Satisfactory.	<b>YES</b>
Air-conditioning units are well screened and do not create adverse noise impacts	Satisfactory.	<b>YES</b>
<b>23.7 – Waste Management</b>		
Efficient, effective and sustainable waste management practices	Waste Management Plan submitted with the DA package. Refer to Council's Engineer's referral response for waste management. Satisfactory, subject to conditions of consent.	<b>YES</b>
<b>23.8 – Acoustic Privacy</b>		
Design minimises impact of internal and external noise sources	Satisfactory, subject to adoption of acoustic measures in the Acoustic Assessment submitted with the DA package.	<b>YES</b>

<p>Noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not be audible within any habitable room in any residential premises before 7am and after 10pm. Outside of these restricted hours noise levels associated with air conditioning, kitchen, bathroom, laundry ventilation, or other mechanical ventilation systems and plant either as an individual piece of equipment or in combination shall not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the boundary of the nearest potentially affected neighbouring properties. The background (LA90, 15 min) level is to be determined without the source noise present.</p>	<p>Satisfactory, subject to a condition of consent.</p>	<p><b>YES</b></p>
<p><b>23.9 – Visual Privacy</b></p>		
<p>Visual privacy maintained for occupants and for neighbouring dwellings</p>	<p>Concerns of loss of privacy raised in submissions. Screens to be provided to 50% of the width of the balconies to units 206 207 306 307 and 405 and 406 fronting Larkin Lane to ensure a suitable level of privacy is retained to 1 Maclaurin Parade. The first floor and upper levels are not required to provide screens as privacy is unlikely to be reduced from these levels.</p> <p>No further screening is required as the site is separated from the nearest residence by the width of Larkin Lane.</p> <p>The upper levels of the units is also setback from the boundary. Larkin Lane provides visual separation and all balconies are set in to the building up to Level 4.</p> <p>As demonstrated Level 5 has its viewing position set back from the leading</p>	<p><b>YES</b></p>

	<p>edge of the slab. The privacy of the dwellings to the west and south west is preserved by virtue of the separation and the proposed height (see DA637).</p> <p>Consent conditions are recommended requiring privacy screening to the specified units.</p>	
<b>23.10 – Construction, Demolition and Disposal</b>		
Satisfactory Environmental Site Management Plan	<p>Several construction related management plans were submitted with the DA package.</p> <p>Subject to conditions of consent, the reports establish that the site is environmentally capable of the development proposed.</p>	<b>YES</b>

## Part 21 – General Site Design

### 21.2 Landscape design

Council's Landscape and Tree Assessment Officer provided the following comments:

*Objectives 1 &2 To contribute the landscape character of Ku-ring-gai and To ensure the landscape design and species selection is suitable to the site its context and considers the amenity of residents and neighbours.*

*A second set of amended landscape plans have been provided and have been reviewed.*

*Tree planting, and shrub and groundcover planting is indicated on the landscape plans to Larkin Lane. 4 trees are proposed. Soil depth over the basement area of 3m depth is sufficient to sustain the tree planting.*

*The amend landscape plans have changed the proposed species to 4 Platanus orientalis "Cuneata", which is consistent with the Public Domain manual.*

*However, it is considered that this species has the potential to grow too large for the location and space in which these trees are planted. There is a risk of damage to paving and kerb and road due to uplifting from root growth.*

*As was previously recommended smaller growing hardy tree such as Tristaniopsis laurina, capable of approximately 8-10m in this location is preferred. This agreed as appropriate by the Public Domain Co-ordinator. This is conditioned.*

*The proposed planting is considered to be acceptable, and the landscape plan is supported.*

*The amended plans and paving design within the public domain areas including Larkin Lane has been reviewed by Council's Public Domain Co-Ordinator.*

*Who has made separate comments which included a requirement a concrete edge to garden beds to Larkin Lane.*

*This is addressed by condition.*

*A specification has been provided by the applicant in relation to the Landscape Plan works.*

*The specification includes a reference to a 12-month defect liability and maintenance period, which would apply to the landscape works. There is no maintenance schedule within the specification. It is in the public interest and appropriate that this be provided for works undertaken within the Public Domain, and the Park.*

*A condition has been provided requiring that a schedule be provided to be approved by Council prior to Construction Certificate Issue for the defects liability and planting establishment periods as indicated in part 1.3 of the landscape specification.*

*The specification does not reference the relevant Australian standard in relation to the quality of tree stock to be used within the public domain areas This is addressed by condition.*

### **Public domain works**

*The landscape plans indicate new paving within other areas of the public domain including adjacent the Memorial Park and to the Pacific Highway.*

*The Public Domain Works indicated on the landscape plan have been reviewed by Council's Public Domain Co-Ordinator and has made separate comment in this regard.*

*Tree planting of species *Eleocharis reticulatus* (Blueberry Ash) 200 litre container size, is also indicated. The design is consistent with the Public Domain Manual.*

*A planting area consistent with Domain Strategy is indicated to the Pacific Highway frontage. The planting is consistent with strategy. It is noted that should the current overhead electrical wires be retained as is, pruning of the proposed small trees (Blueberry Ash) to the Pacific Highway to clear the wires would eventually be required as is customary elsewhere where trees are located under electrical wires.*

## **Part 24 – Water management**

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater as per the requirements of the DCP, subject to conditions.

## **Ku-ring-gai Contributions Plan 2010**

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

<b>Key Community Infrastructure</b>	<b>Amount</b>
Local recreation and cultural facilities; Local social facilities	\$79,594.00
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$73,676.73
Local parks and local sporting facilities	\$658,216.37
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$464,912.63
<b>Total:</b>	<b>\$1,276,399.73</b>

## **REGULATION**

Section 61(1) of the Environmental Planning & Assessment Regulation 2021 requires the consent authority to consider the provisions of Australian Standard AS 2601-2001: The demolition of structures. The demolition of the existing structure will be carried out in accordance with a work plan and statement of compliance that will be required to be submitted to the Principal Certifier prior to the commencement of any works. A condition to this effect has been recommended.

## **LIKELY IMPACTS**

The likely impacts of the development have been considered within this report and are deemed to be acceptable, subject to conditions.

## **SUITABILITY OF THE SITE**

The site is suitable for the proposed development.

## **PUBLIC INTEREST**

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.

## **CONCLUSION**

Having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory.

## **RECOMMENDATION**

## **PURSUANT TO SECTION 4.16(3) OF THE ENVIRONMENTAL PLANNING AND**

## ASSESSMENT ACT, 1979

- A. THAT the Sydney North Planning Panel, as the consent authority, is of the opinion that the variation request submitted under Clause 4.6 to vary the Height of Buildings development standard in Clause 4.3 of KLEP 2015 has met the requirements of Clause 4.6(3). The Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation to the development standard.
- B. THAT the Sydney North Planning Panel, as the consent authority, being satisfied that the proposed development would be in the public interest, grant deferred commencement development consent to DA0049/23 for demolition of existing structures (including Roseville RSL Club and retail tenancy), shop top housing consisting of subdivision, construction of a mixed-use building, comprising new ground floor RSL Club, shop-top housing of 37 residential dwellings, basement parking, associated works and signage at 62 Pacific Highway Roseville, subject to conditions. Pursuant to Section 4.53 of the Environmental Planning and Assessment Act 1979, this development consent lapses if the approved works are not physically commenced within five years of the date on which the development consent becomes operable .

### PURSUANT TO SECTION 4.53 THIS CONSENT LAPSES IF:

1. The deferred commencement terms are not satisfied within 5 years of the date of determination; and,
2. The approved works are not physically commenced within five years from the date on which the development consent becomes operable.

### The conditions of the consent are set out as follows:

#### SCHEDULE A: Deferred Commencement – Terms to be satisfied prior to the consent becoming operable:

The following deferred commencement terms must be complied with to the satisfaction of Council within five (5) years of the date of issue of this deferred commencement consent:

In order for the consent to become operable;

#### 1. Surrender of development consent

The following Development Consent is to be surrendered to Council by submitting a completed notice in accordance with Section 67 of the Environmental Planning and Assessment Regulation 2021:

Development Consent No.	Dated	For:
Consent to DA0134/18	09/09/2020	Demolition of existing structures (including Roseville RSL Club and retail tenancy) and construction of mixed-use building comprising new ground floor RSL Club, shop-top housing consisting of 33 residential dwellings, basement parking, associated works and subdivision.

The development consent to DA0134/18 must be surrendered to Council prior to any works commencing in association with this development consent (DA0049/23)

**Reason:** To ensure that there is certainty as to the consent applying to the subject land.

## **2. Voluntary Planning Agreement**

A Voluntary Planning Agreement is to be entered into with Council (at no cost to Council) and executed, for:

- a. the divestment of the 6.095 metres wide strip of land fronting Larkin Lane (to the rear of 64-66 Pacific Hwy, Roseville with 3.0m minimum soil depth) as shown as 'Lot 3' on 'Plan of Subdivision of Lot 2 DP 202148' (1 sheet), dated 17 November 2022 and prepared by LTS; and
- b. the dedication of the 6.095 metres wide strip of land fronting Larkin Lane (to the rear of 64-66 Pacific Hwy, Roseville with 3.0m minimum soil depth) as shown as 'Lot 101' on 'Plan of Subdivision Lot 3 in VPA1 and Lots 1 in DP202148 and 2 in DP505371' (3 sheets), dated 17 November 2022 and prepared by LTS, in accordance with the offer made to Council in the letter from Mills Oakley titled "Letter of offer: Development of land at 62-66 Pacific Highway, Roseville" dated 29 June 2023.

**Reason:** Statutory requirement.

***Once the development consent becomes operable, the conditions in Schedule B will apply.***

***Upon written receipt from the Council that the deferred commencement terms in Schedule A have been satisfied, the following conditions will apply:***

**SCHEDULE B - The standard conditions of consent are set out as follows:**

### **CONDITIONS THAT IDENTIFY APPROVED PLANS:**

#### **1. Approved architectural plans and documentation.**

The development must be carried out in accordance with work shown in colour on the plans and as described or depicted in the documentation listed below and endorsed with Council's

stamp, except as amended by other conditions of this Development Consent.

<b>Plan no.</b>	<b>Drawn by</b>	<b>Dated</b>
<b>Architectural Plans</b>		
DA000 Cover Sheet	PBD Architects	Issue E 22.9.2023
DA001 Project Summary		Issue D 22.9.2023
DA002 Demolition Plan		Issue B 29.11.2022
DA003 Context Plan		Issue C 15.8.2023
DA004 Site Plan		Issue C 15.8.2023
DA005 Excavation Plan		Issue B 29.11.2022
DA006 Site Analysis Plan		Issue A 15.8.2023
DA100 Basement 4 Plan		Issue D 22.9.2023
DA101 Basement 3 Plan		Issue D 22.9.2023
DA102. Basement 2 Plan		Issue D 22.9.2023
DA103 Basement 1 Plan		Issue D 22.9.2023
DA104 Ground Floor Plan		Issue E 22.9.2023
DA105 Level 1		Issue D 22.9.2023
DA106 Level 2		Issue D 22.9.2023
DA107 Level 3		Issue D 22.9.2023
DA108 Level 4		Issue D 22.9.2023
DA109 Level 5		Issue D 22.9.2023
DA110 Level 6		Issue D 22.9.2023
DA111 Roof Terrace		Issue C 15.8.2023
DA112 Roof Plan		Issue C 15.8.2023
DA200 Elevations South		Issue E 22.9.2023
DA201 Elevations East		Issue E 22.9.2023
DA203 Elevations North		Issue E 22.9.2023
DA203 Elevations West	Issue E 22.9.2023	
DA303 Sections A-A	Issue C 15.8.2023	
DA304 Sections B-B	Issue D 22.9.2023	
DA 310 Sections C and D	Issue D 22.9.2023	
DA 311 Sections E and F	Issue A 15.8.2023	
DA 400 External Finishes	Issue D 22.9.2023	
<b>Subdivision Plans</b>		
DA 010 Subdivision Plan	PBD Architects	Issue B 22.9.2023
<b>Landscape Plans</b>		
Landscape Plans 1 and 2	iScape	Issue B 11.10.2023
<b>Stormwater Management Plans</b>		
JN Responsive Engineering		ALL NOV 2022 Revision Plan No:
Notes and Legend	C1001	3
Typical Details Sheet 1	C1050	3
Typical Details Sheet 2	C1051	3
WSUD Details	C1052	3
Catchment Plan	C1075	1
Basement 4 Stormwater Plan	C1100	4
Basement 3 Stormwater Plan	C1110	4
Basement 2 Stormwater Plan	C1120	4
Basement 1 Stormwater Plan	C1130	4
Ground Stormwater Plan	C1200	4
Road Frontage Stormwater Plan	C1205	2
Road frontage works plan	C1400	2
Alignment control line plan	C1450	2

Rod frontage long sections	C1500	2
Stormwater long section	C1510	1
Road frontage cross section	C1600	2
Civil works details	C1700	1
ESM Notes and Legend	ESM10	1
ESM Details	ESM11	1
ESM Plan	ESM12	1

Documents	Dated
Access Report prepared by Vista access architects Ref: 21468 (Rev. C)	07.12.2022
Gaming Room acoustic letter prepared by Renzo Tonin	03.11.2023
Acoustic Report prepared by Renzo Tonin	06.12.2023
Arborist prepared by Creative Planning Solutions (Rev C)	16.08.2023
Basix certificate No. 908539M_08 by Efficient Living Pty Ltd	18.08.2023
Design Verification Statement prepared by Paul Buljevic (Rev B)	15.08.2023
Section J report prepared by Efficient Living	11.10.2023
Geotechnical Report prepared by Assetgeoenviro Ref: 4658-1-G1 (Rev 3)	07.12.2022
Heritage Impact Statement prepared by NBR5	08.2023
Traffic and Car Parking Assessment prepared by Transport and Traffic Planning Associates (Issue E)	12/2022
Waste Management Plan prepared by Bingo	Undated
BCA/Hydrant Information Letter prepared by Holmes Australia (Version A)	28.09.2023
Construction Traffic Management Plan by SBMG Planning	16.08.2023
RSL Plan of management by The Roseville Club	16.08.2023
Ecologically Sustainable report by Efficient Living (Issue A)	30.11.2022
EMI Report by RFI EMI Engineers Pty Ltd	20.10.2022
Detailed Site Investigation Stage 2 by Construction Sciences	03.11.2022
Construction Management Plan by North Shore Property Construction	16.08.2023
BCA Assessment Report by Steve Watson and Partners Ref:2017/3077 R1.3	23.11.2022
Operational Waste Plan by Elephants foot Rev E	07.12.2022
Ground Water Take by EIAustralia Ref: E24675.G12	27.10.2022

**Reason:** To ensure that the development is in accordance with the Development Consent.

## 2. Amended architectural plans

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the approved plans listed in Condition 1 above, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

- (a) Provide a window to all bathrooms with an external wall.
- (b) Provide privacy screens to the following units:
  - 206
  - 207
  - 305
  - 306
  - 405
  - 406

The privacy screens must be installed on a track system located on top of the balcony balustrades and must be at least 50% of the width of the balcony to which they relate. The privacy screens must be operable to slide back and forth along the track system.

The privacy screens shall have a height of 1.6 metres above the finished floor level. The privacy screens shall be fixed so that the use is horizontally proportioned to prevent downward looking. The privacy screens shall be constructed of a durable material, integrated and be designed to prevent overlooking of No. 1 Maclaurin Parade.

- (c) The brick facade must be changed to Hawthorne Red by Daniel Robertson from Brickworks.
- (d) The window and door framing, and balustrades must be formed of steel rather than aluminium.
- (e) The concrete upstands are to be deleted or an appropriate earthy toned tint proposed to these areas.

**Reason:** To provide cross ventilation, to ensure that privacy is maintained to No. 1 Maclaurin Parade, to maintain the streetscape character of the area.

### **3. Lodgement of the plan of subdivision (dedication of land)**

No physical works that are provided by or facilitated by this consent are to be commenced until such time that the Principal Certifier has been provided with a copy of the registered plan of subdivision from the Department of Land and Property Information that is authorised by this consent. Where works that are directly incidental to the subdivision or are required to facilitate it (such as the adjustment of services) these works maybe undertaken, subject to the supervision and approval of Council and the Principal Certifier. No Construction Certificate(s) are to be issued until the Principal Certifier has a copy of the registered plan of subdivision.

**Reason:** To ensure the orderly development of land.

### **4. Submission of plans of subdivision (Torrens title)**

For endorsement of a Subdivision Certificate, an original plan of subdivision plus 6 copies, suitable for endorsement by Council shall be submitted to Council. The following details must be submitted with the plan of subdivision and its copies:

1. The endorsement fee current at the time of lodgement.
2. The 88B instrument plus 6 copies.
3. All surveyor's and/or consulting engineers' certification(s) required under this subdivision consent.
4. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the conditions on the Development Consent for subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.

**Reason:** Statutory requirement.

## **5. Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this Development Consent prevail.

**Reason:** To ensure that the development is in accordance with the Development Consent.

## **6. Amendments to the plan of management**

The Plan of Management must be updated to adopt the consent conditions and the following amendments:

Section 2.1 is to add the words:

- Or the maximum as determined by the Building Code of Australia (BCA).

Section 2.4 is to be amended to provide the following additional requirements:

- All windows and doors to be shut at closing time while the 1 hour maximum staff internal bump out occurs.
- No consumption of any alcohol after closing time at the premises by any person.
- All windows and doors are to remain closed whilst the building is being cleaned.
- The adopted cleaning regime is to also include a general clean of Memorial Park for papers, cigarette butts and the like which is to occur within the approved operating times.

**Reason:** To ensure the health and safety of staff and the community.

## **CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**

### **7. Archival recording of buildings**

Prior to the commencement of any works, the Principal Certifier shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of the following:

- High resolution images of the building internally and externally including important details as well as external views showing the building's relationship to neighbouring properties and the streetscape;
- Scaled Site Plan showing location of each photograph and the direction which the images were taken;
- A photographic catalogue sheet with digital file No. cross-referenced to the Site Plan;
- The report is to be downloaded onto two (2) USBs.

The USBs are to be labelled and put in a sealed plastic bag or envelope displaying the title, DA number and address and is to be submitted to the Heritage Advisor for approval. Written acknowledgement from Council must be obtained, attesting to this condition being satisfied and submitted to the Certifier, prior to the issue of any Construction Certificate

**Reason:** To ensure there is a historical record of buildings to be altered or demolished

## **8. Site contamination and remediation requirements prior to commencement of any work**

Remediation works are to take place in accordance with Stage 2 Detailed Site Investigation contamination report prepared by Construction Sciences, dated 3/11/2022.

A remediation action plan (RAP) is to be prepared by a suitably qualified person addressing all site contamination and remediation issues identified in the updated report.

The site is to be remediated and valuated in accordance with the report/s prior to the issue of any relevant Construction Certificate.

A supplementary contamination assessment report shall be submitted to Council upon completion of demolition to verify no remediation works are required.

Any variation to the proposed RAP shall be approved in writing by the accredited site auditor and provided to Council prior to the commencement of construction work.

**Reason:** To comply with SEPP 55 and to ensure environmental safety

## **9. Asbestos works**

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by Safework NSW.

**Reason:** To ensure public safety.

## **10. Notice of commencement**

At least 48 hours prior to the commencement of any demolition, excavation or building works, a notice of commencement of building works or subdivision lodgement form and appointment of the Principal Certifier form shall be submitted to Council.

**Reason:** Statutory requirement.

## **11. Notification of builder's details**

Prior to the commencement of any works, the Principal Certifier shall be notified in writing of the name and contractor license number of the owner/builder intending to carry out the approved works.

**Reason:** Statutory requirement.

## **12. Dilapidation survey and report**

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the public infrastructure and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure has been completed and submitted to Council:

Public infrastructure includes:

- the full road pavement width, including kerb and gutter, of Maclaurin Parade and

- Larkin Lane over the site frontage, including the full intersection, and all driveway crossings and laybacks opposite the subject site

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The Applicant may be held liable for any recent damage to public infrastructure in the vicinity of the site caused by the carrying out of the development, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifier prior to the commencement of any excavation works.

**Reason:** To record the structural condition of public infrastructure before works commence.

### **13. Dilapidation survey and report**

Prior to the commencement of any works, the Applicant must obtain a dilapidation report on the identified private property/ies below and the Principal Certifier shall be satisfied that a dilapidation report on the visible and structural condition of all structures on the following properties has been completed and submitted to Council:

Address:

- 68 Pacific Highway, Roseville
- The swimming pool at 1 Maclaurin Parade, Roseville

The dilapidation report must include a photographic record of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof and structural members. The report must be completed by a qualified structural geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

In the event that access for undertaking the dilapidation survey is denied by a property owner, the Applicant must demonstrate in writing to the satisfaction of the Principal Certifier that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

A copy of the dilapidation report is to be provided to Council prior to the commencement of any works. The dilapidation report is for record keeping purposes only and may be used by the Applicant or affected property owner to assist in any civil action required to resolve any dispute over damage to adjoining properties arising from works.

**Reason:** To record the structural condition of likely affected properties before works commence.

### **14. Access through public reserve not permitted**

Access for construction purposes shall not be gained through the adjoining public reserve. Should no alternative access exist, an application for access to the construction site via the public reserve shall be submitted to Council for consideration and approval prior to the commencement of the relevant works. Parking of construction vehicles and employee vehicles on public reserves is also not permitted.

**Reason:** To protect public reserves.

## **15. Construction traffic management plan**

A copy of the construction traffic management plan (CTMP) that was submitted with this Development Application is to be resubmitted to Council and approved prior to the relevant Construction Certificate.

The plan is to consist of a report with traffic control plans attached.

The report is to contain commitments which must be followed by the demolition and excavation contractor, builder, owner and subcontractors. The CTMP applies to all persons associated with demolition, excavation and construction of the development. The report is to contain the following:

- construction vehicle routes for approach and departure to and from all directions, showing loaded and empty vehicles
- a site plan showing entry and exit points
- swept paths on the site plan showing access and egress for a 12.5 metres long heavy rigid vehicle and 19.0 metres articulated vehicle
- swept path analysis plans showing the existing trees being retained and their tree protective fencing requirements (consistent with this Development Consent). These plans shall be to scale to ensure that truck access and tree fencing requirements do not conflict
- show locations for site offices and materials storage areas which are to be located outside the tree protection zones

The traffic control plans are to be prepared by a RMS accredited consultant. To the extent that it is relevant to the works that are the subject of the CTMP, the CTMP must address:

- demolition
- excavation
- concrete pour
- construction of vehicular crossing and reinstatement of footpath
- traffic control for vehicles reversing into or out of the site

Traffic controllers must be in place at the site entry and exit points (when required) to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When the relevant fees paid in accordance with Council's adopted fees and charges, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council.

**Reason:** To ensure that appropriate measures have been made to minimise impacts

upon surrounding roads during the construction phase.

#### **16. Work zone**

Prior to the commencement of any works, a works zone is to be provided in Larkin Lane, subject to the approval of the Ku-ring-gai Local Traffic Committee.

No loading or unloading must be undertaken from the public road or nature strip unless within a works zone which has been approved and paid for.

In the event the work zone is required for a period beyond that initially approved by the Ku-ring-gai Local Traffic Committee, the Applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

**Reason:** To ensure that appropriate measures have been made to minimise impacts upon surrounding roads during the construction phase.

#### **17. Temporary construction exit**

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration of construction works.

**Reason:** To reduce or prevent the transport of sediment from the construction site onto public roads.

#### **18. Sediment controls**

Prior to any works commencing, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual '*Managing Urban Stormwater: Soils and Construction*'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site is fully stabilised. Sediment shall be removed from the sediment and erosion control measures following each heavy or prolonged rainfall period.

**Reason:** To protect and enhance the natural environment.

#### **19. Trunk and branch protection**

Prior to the commencement of any works, the trunk/s and branches of the listed trees are to be protected by the placement of 50 x 100mm timbers over suitable protective padding material in accordance with Section 4.5.2 of the current version of **Australian Standard AS 4970 - Protection of trees on development sites**. The trunk and branch protection shall be maintained intact until the completion of all works.

Any damage to the tree/s is to be treated in a timely manner by an experienced arborist, with minimum AQF Level 5 qualification and a report detailing the works carried out shall be submitted to the Principal Certifier:

<b>Tree/Location</b>
Tree1 Eucalyptus scoparia (Willow Gum) adjacent Larkin Lane
Tree 2 Eucalyptus microcorys (Tallowood)/ Roseville Memorial Park

**Reason:** To protect existing trees.

## **20. Inspection of tree protection measures**

Upon installation of the required tree protection measures, an inspection is to be conducted by the project arborist or the Principal Certifier to verify that tree protection measures comply with all relevant conditions of this Development Consent.

**Reason:** To protect existing trees.

## **21. Project arborist**

Prior to the commencement of any works, a project arborist shall be engaged to ensure all tree protection measures and works are carried out in accordance with the conditions of this Development Consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years' experience. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifier and a copy shall be provided to Council.

**Reason:** To protect of existing trees.

## **22. Noise and vibration management plan**

Prior to the commencement of excavation works, a noise and vibration management plan is to be prepared by a suitably qualified expert addressing the likely noise and vibration from demolition, excavation and construction of the proposed development and provided to the Principal Certifier. The management plan is to identify amelioration measures to achieve the best practice objectives of Australian Standard 2436-2010 - *Guide to noise and vibration control on construction, demolition and maintenance sites* and NSW Department of Environment and Climate Change *Interim Construction Noise Guidelines*. The report shall be prepared in consultation with any geotechnical report that itemises equipment to be used for excavation works.

The management plan shall address, but not be limited to, the following matters:

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction

- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

**Reason:** To protect the amenity of surrounding residents during construction.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE:**

- 23.** A revised plan shall be prepared prior to the issue of a construction certificate showing a dedicated parking area for at least 3 mobility devices outside the dedicated paths of travel to ensure free flow of patrons throughout the Club and to comply with the Building Code of Australia (BCA)".

**Reason:** To provide equitable access.

**24. Liveable housing guidelines-platinum and silver level**

Prior to the issue of the relevant Construction Certificate, detailed plans and construction drawings shall be prepared as follows:

Apartments identified as Silver – showing compliance with the Silver Level requirements of the Liveable Housing Australia Liveable Housing Guidelines and as detailed in the access report prepared by Vista Access Architects, reference: 21468.

Apartments identified as Platinum – showing compliance with the Platinum Level requirements of the Liveable Housing Australia Liveable Housing Guidelines and as detailed in the access report prepared by Vista Access Architects, reference: 21468.

The detailed plans and construction drawings, showing full compliance with the requirements of each standard within the Liveable Housing Guidelines and as identified within the access report prepared by Vista Access Architects, reference: 21468, shall be certified by an accredited Liveable Housing Australia assessor and provided to the Certifier for inclusion with the relevant Construction Certificate documentation.

**Reason:** To ensure equitable access.

**25. Smoke-free environment (alfresco gaming room)**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the alfresco gaming room can comply with the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016. In particular, the alfresco gaming room shall be appropriately mechanically ventilated in order to direct smoke towards the roof of the building and away from any residential property, commercial premises or public area.

**Reason:** To protect public health.

**26. Gaming machine location**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the location of the gaming machines shall comply with the requirements of the Gaming Machines Act 2001 and Gaming Machines Regulation 2019. Gaming machines shall not be located in a manner that is designed to attract the attention of members of the public who are outside the premises.

**Reason:** Statutory requirement.

**27. Maintenance schedule and defects liability periods for landscape works within public domain areas and Memorial Park.**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that a detailed 12 month maintenance schedule has been provided for the landscape works indicated in the approved landscape plans, which are to be installed within Larkin Lane, Pacific Highway and Memorial Park.

The schedule is to run concurrent with the Defects Liability and Planting Establishment Periods described in Part 1.3 of the Landscape Specification by Iscape landscape Architecture, dated November 2022.

The above landscape works are to be subject to the maintenance schedule and the Defects Liability and Planting Establishment Periods described in Part 1.3 above.

Prior to the issue of any Construction Certificate the schedule is to be approved in writing by Council's Tree Maintenance Supervisor.

**Reason:** To ensure the establishment of approved landscape works.

**28. Amendments to approved landscape plan**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the approved landscape plan(s), listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this Development Consent:

Plan no.	Drawn by	Dated
222.239220332 'A' Plan 1	iscap Landscape Architecture	16.08.23
222.239220333 'B' Plan 2		11.10.23

The above landscape plan(s) shall be amended as follows:

- Change the proposed *Platanus orientalis* "Cuneata" within Larkin Lane to *Tristanopsis laurina* "Luscious"
- A concrete edge is to be indicated to garden beds at the Pacific Highway and to Larkin Lane.
- Delete reference to removal of Tree 3 by Council.

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the landscape plan has been amended as required by this condition.

An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifier.

**Reason:** To ensure adequate landscaping of the site.

**29. Lighting plan**

Prior to the issue of the relevant Construction Certificate. A Public Lighting Plan is to be prepared. The Lighting Plan is to be in accordance with the *Ku-ring-gai Public Domain Plan 2022 Volume 3 Technical Manual*.

**Reason:** To ensure adequate lighting is provided to the public domain.

### **30. Outdoor lighting**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

Details demonstrating compliance with these requirements are to be submitted to the Certifier prior to the issue of a Construction Certificate.

**Reason:** To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.

### **31. Waste and recycling storage facilities- residential flat building**

Prior to the issue of the relevant Construction Certificate, the Certifier must be satisfied that the construction waste storage room shall be of adequate size to contain the waste and recycling bins. The waste storage room shall be covered, and all internal walls rendered and coved at the floor/wall intersection. The floor is to be graded and appropriately drained to the sewer and a tap with hot and cold water is to be located in close proximity to facilitate cleaning. Details of the waste storage room demonstrating compliance with the above shall be provided to the Certifier prior to the issue of any Construction Certificate.

**Reason:** To protect amenity and to prevent environmental pollution.

### **32. Basement excavation to be fully tanked**

Prior to the issue of the relevant Construction Certificate, the Certifier is to be satisfied that the basement has been designed as a fully tanked structure as per the requirement of Part 24 C.3(8) of the Ku-ring-gai DCP, unless the Certifier is satisfied that ongoing dewatering will be less than 3ML/year and the proposal does not require approval by NSW DPI Office of Water. The Certifier shall consult with a geotechnical engineer before making their decision.

If the basement is not tanked, then any groundwater and seepage shall be conveyed to Council's drainage pit by a suitable drainage pipe to the satisfaction of Council's Engineer.

Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 Roads Act 1993 for any proposed works in the public road prior to the issue of any Construction Certificate

**Reason:** To protect the environment.

### **33. Stormwater quality control**

Prior to the issue of the relevant Construction Certificate, the Certifier is to be satisfied that Stormwater Treatment Measures for the proposed development have been designed in accordance with the requirements of Part 24C.6 of the Ku-ring-gai DCP and is to be included with the plans and specifications accompanying any Construction Certificate. Any variation to the approved proprietary device as shown on the stormwater management plans listed in condition 1 of the consent will require lodgement of a Section 4.55 application to Council to modify the consent and the approval of that application.

**Reason:** To protect the environment.

#### **34. Acoustic design report**

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier prior to the issue of the relevant Construction Certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust, bathroom/toilet and garbage room exhaust, roller shutter doors, lifts and pumps associated with rain water reuse systems proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary.

**Reason:** To comply with best practice standards for acoustic amenity.

#### **35. Driveway crossing levels**

Prior to the issue of the relevant Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Council's Customer Services counter and payment of the assessment fee. When completing the request for driveway levels application from Council, the Applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

Development consent does not imply approval under The Roads Act 1993 of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans (and such approval is essential for works within the road reserve). The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements and Public Domain plans. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the Applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted unless otherwise advised by this consent.

**Reason:** To provide suitable vehicular access without disruption to pedestrians and vehicular traffic.

#### **36. Driveway grades - basement carparks**

Prior to the issue of the relevant Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by

Council. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- vehicular access ramp along the path of travel to the garbage loading/unloading area can be obtained using grades of 20% (1 in 5) maximum,
- vehicular access can be obtained using grades of 25% (1 in 4) maximum, and
- all changes in grade (transitions) comply with Australian Standard 2890.1 -“Off-street car parking” (refer clause 2.5.3) to prevent the scraping of the underside of vehicles

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

**Reason** To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

### 37. Basement car parking details

Prior to the issue of the relevant Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifier. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 “Off-street car parking”
- a clear height clearance of **2.6 metres** (required under Part 23.7 ‘Waste Management’ for waste collection trucks is provided over the designated garbage collection truck manoeuvring areas within the basement and all other areas within the basement required for garbage collection truck manoeuvring
- Council and its contractor can have unimpeded access to the waste storage facility within the development for the purpose collecting waste and recycling materials.
- Security doors or gates installed leading to the waste storage area are to be keyed to Council’s master key to allow unimpeded access.
- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

**Reason:** To ensure that parking spaces are in accordance with the Development Consent.

### 38. Car parking allocation

Car parking within the development shall be allocated as follows and provided within the perimeter basement walls in the approved architectural plans:

commercial/retail spaces (Club)	37
resident car spaces	minimum 32 - maximum 53
visitor spaces	6
Car Share - residential	1
total spaces	minimum 77 - maximum 98

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 - *parking spaces for people with disabilities*. The car

parking allocated within the basement must be amended to demonstrate accessible spaces are allocated to units (designated accessible units).

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 - *parking spaces for people with disabilities*.

The car parking shall be dedicated for the use of the corresponding units based on bedroom numbers as approved and cannot be sold separately.

Access from disabled car parking spaces to other areas within the building and to footpath and roads shall be clearly shown on the plans submitted with the relevant Construction Certificate.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.

### **39. Ausgrid requirements**

Prior to issue of the relevant Construction Certificate, Ausgrid must be contacted regarding the power supply for the subject development. A written response, detailing the full requirements of Ausgrid (including any need for underground cabling, substations or similar within or in the vicinity of the development) shall be submitted and approved by the Certifier prior to issue of any Construction Certificate.

Any structures or other requirements of Ausgrid shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Certifier and Ausgrid. The requirements of Ausgrid must be met in full prior to the issue of an Occupation Certificate.

**Reason:** To ensure compliance with the requirements of Ausgrid.

### **40. Utility provider requirements**

Prior to issue of the relevant Construction Certificate, the Applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifier, must be obtained. All utility services or appropriate conduits for the same must be provided in accordance with the specifications of the utility providers.

**Reason:** To ensure compliance with the requirements of relevant utility providers.

### **41. Underground services**

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met is to be provided to the Certifier prior to the issue of the relevant Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed.

**Reason:** To provide infrastructure that facilitates the future improvement of the streetscape by location of service lines below ground.

#### **42. Design and construction of mechanical ventilation**

Prior to the issue of the relevant Construction Certificate the Certifier shall be satisfied that plans and specifications demonstrate that the installation of mechanical ventilation systems will comply with:

- 
- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

**Reason:** To protect the amenity of occupants and neighbouring properties.

#### **43. Waste and recycling storage facilities - commercial premises**

The Certifier must be satisfied that the waste storage room shall be of adequate size to contain the waste and recycling bins. Waste storage facilities shall be covered and all internal walls rendered and coved at the floor/wall intersection. The floor is to be graded and appropriately drained to the sewer and a tap with hot and cold water is to be located in close proximity to facilitate cleaning. Details of the waste storage area shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To protect amenity and to prevent environmental pollution.

#### **44. Garbage and recycling storage facilities- residential premises**

An enclosed residential waste and recycling storage area shall be provided on the property separate from any commercial waste and recycling storage area. This storage area shall adequately contain garbage and recycling waste bins, shall be covered and have all internal walls rendered and coved at the floor/wall intersection. The floor is to be graded and appropriately drained to the sewer and a tap is to be located in close proximity to facilitate cleaning. Details of the waste storage area demonstrating compliance with the above shall be provided to the Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To protect amenity and to prevent environmental pollution.

#### **45. Design and construction of food premises**

Plans and specifications complying with the requirements of the *Food Act 2003*, Food Standards Code 3.2.3 *Food Premises and Equipment*, Australian Standard AS 4674 2004 - *Design, construction and fit-out of food premises* and *National Construction Code* shall be submitted to and approved by the Certifier prior to the issue of the relevant Construction Certificate. Plans and specifications shall address the following:

- floor plans, showing the layout of the fixtures and fittings, food storage and staff personal effects storage areas
- elevations and sections showing floor, wall and ceiling construction and finishes
- elevations and sections showing the installation of fixtures and fittings
- cool room/freezer construction
- garbage and recycling storage areas
- grease trap area
- all proposed mechanical ventilation systems
- staff, accessible and public toilet facilities

**Note:** The “*Design and Fit-out Guide for Food Businesses*” is available on Council’s website.

**Reason:** To ensure compliance with standards for food premises.

#### **46. Acoustic barriers- air conditioning condensers**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that approved plans are amended to show that the air conditioning condensers on the Roof/Terrace are enclosed by an acoustic barrier that is at least at a height sufficient to screen them from the street view below.

**Reason:** To protect residential amenity.

#### **47. Infrastructure damage security bond and inspection fee**

To ensure that any damage to Council property as a result of construction activity is rectified in a timely manner:

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the relevant Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.
- (e) **Release of the bond** – Upon receipt by Council of an Occupation Certificate, Council will undertake an inspection of Councils Infrastructure and release the bond if no damage is found.

For development relating to more than 2 dwellings, there will be a six months holding period after the receipt by Council of the final occupation certificate, after which you may request Council to return any bond monies.

If there is damage found to Council property the bond will not be released until the damage has been rectified to Council's satisfaction.

- (f) In this condition:

“Council property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland,

and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure damage security bond and infrastructure inspection fee” means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

**Reason:** To maintain public infrastructure.

#### **48. Statement of compliance with Australian Standards**

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The applicant must provide work plans required by AS2601: 2001 and a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To ensure compliance with the Australian Standards.

#### **49. Long service levy**

A Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

#### **50. Prohibition of external service pipes and the like**

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on Construction Certificate plans and detailed with Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on the relevant Construction Certificate plans and detailed with the relevant Construction Certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like, this must be detailed in an application to modify this Development Consent (S4.55) and submitted to Council for determination.

Vent pipes required by Sydney Water must not be placed on the front elevation of the building or front roof elevation. The Applicant, owner and builder must protect the appearance of the building from the public place and the appearance of the streetscape by elimination of all external services excluding vent pipes required by Sydney Water and those detailed on the Development Consent plans.

**Reason:** To protect the streetscape and the aesthetic integrity of the approved development.

### **51. Certification of external materials, colours and finishes**

The Certifier shall not issue the relevant Construction Certificate unless the external materials, colours and finishes specified in the relevant Construction Certificate application are consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent, except as amended by any other conditions in this consent.

**Reason:** To ensure that the works are carried out in accordance with the Development Consent.

### **52. Construction Certificate plans**

The Construction Certificate plans must be consistent with the approved plans and documents referred to in Condition No. 1 of this Development Consent.

**Reason:** To ensure that the works are carried out in accordance with the Development Consent.

### **53. Access for people with disabilities (commercial)**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the relevant Construction Certificate. All details shall be provided to the Certifier prior to the issue of the relevant Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian standards.

### **54. Access for people with disabilities (residential)**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the relevant Construction Certificate. All details shall be provided prior to the issue of the relevant Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

## **55. Excavation for services**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under the Ku-ring-gai Development Control Plan, located on the subject allotment and adjoining allotments.

**Reason:** To protect existing trees.

## **56. Recycling and waste management**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with the Ku-ring-gai DCP. Access to the basement and the garbage collection point is to be provided to Council's Waste Collection Services. The waste management is to identify who has responsibility for:

- the cleaning of waste rooms and waste service compartments
- the transfer of bins within the property, and to the collection point once the development is in use

**Reason:** Effective waste management and recycling.

## **57. Cross ventilation and Noise from road and rail (residential only)**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that the development:

- a) Will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:
  - (a) in any bedroom in the building 35 dB(A) at any time between 10 pm and 7 am.
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway) 40 dB(A) at any time.
- b) Demonstrates a method of achieving natural and cross ventilation that does not exceed the above LAeq levels of acoustic amenity.

Plans and specifications of the required acoustic design and natural and cross ventilation design shall be prepared by a practicing acoustic engineer and by a practicing ventilation engineer and shall be submitted to the Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To minimise the impact of road/rail noise on the occupants of the approved development and to ensure the on-going sustainability of the development.

## **58. Acoustic design report**

An acoustic design report shall be prepared by an appropriately qualified acoustic consultant and submitted to the Certifier with the application for any construction certificate. The acoustic design report shall identify all mechanical ventilation equipment and other noise generating plant including, but not limited to air conditioners, car park exhaust,

bathroom/toilet and garbage room exhaust, roller shutter doors and lifts proposed as part of the approved development.

The acoustic design report shall provide acoustic design detailing and recommendations to address any potential noise impacts to ensure that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background (LA90, 15 min) level during the day and shall not exceed the background level at night (10.00pm - 7.00am) when measured at the boundary, balcony or external living area of the nearest potentially affected residential occupancies.

A Construction Certificate shall not be issued unless the Certifier is satisfied that the acoustic design report satisfies the requirements of this condition and that the proposal will be constructed in accordance with its requirements.

**Reason:** To comply with best practice standards for residential acoustic amenity

#### **59. Location of plant (residential flat buildings)**

Prior to the issue of the relevant Construction Certificate, the Certifier shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located on the rooftop.

Architectural plans identifying the location of all plant and equipment shall be provided to the Certifier prior to the issue of the relevant Construction Certificate.

**Reason:** To minimise impact on surrounding properties and to improve the appearance of the approved development.

#### **60. Combustibility of external walls and cladding**

External walls, including attachments, must comply with the relevant requirements of the Building Code of Australia (BCA) and the Building Products (Safety) Act 2017.

Prior to the issue of any Construction Certificate the Principal Certifier must:

1. Be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use or used in the construction of external walls, including finishes and cladding such as synthetic or aluminium composite panels, comply with the relevant requirements of the BCA and the Building Products (Safety) Act 2017; and
2. Ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the BCA as proposed and as built and does not include a building product listed as unsafe or banned under the Building Products (Safety) Act 2017.

#### **61. Basix Certificate**

Prior to the issue of the relevant construction certificate, the certifier shall be satisfied that the BASIX certificate has been prepared be consistent with the approved landscape plan in relation to areas of common garden and lawn and areas of private garden.

**Reason:** to ensure the BASIX certificate commitments are correct.

## **CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**

### **62. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being applied for and obtained from Council (and upon payment of any required fees) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

### **63. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area

### **64. Recycling of building material (general)**

During demolition and construction, the Principal Certifier shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

**Reason:** To facilitate recycling of materials.

### **65. Garbage receptacle**

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

**Reason:** To ensure appropriate

### **66. Prescribed conditions**

The work shall comply with any relevant prescribed conditions of development consent under Sections 69, 70, 71, 72, 73, 74 and 75 of the Environmental Planning and Assessment Regulation 2021. For the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

#### **Compliance with Building Code of Australia and insurance requirements under [Home Building Act 1989](#)**

- 1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.

- 2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the [Home Building Act 1989](#), Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- 3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the *Building Code of Australia*.
- 4) In subsection (1), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- 5) In subsection (3), a reference to the *Building Code of Australia* is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- 6) This section does not apply -
  - (a) to the extent to which an exemption from a provision of the *Building Code of Australia* or a fire safety standard is in force under the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.
- 7) **relevant date** has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.

### Erection of signs

- 1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- 2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out -
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- 3) The sign must be -
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.
- 4) This section does not apply in relation to -
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

## Notification of [Home Building Act 1989](#) requirements

- 1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- 2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following -
  - (a) for work that requires a principal contractor to be appointed -
    - i. the name and licence number of the principal contractor, and
    - ii. the name of the insurer of the work under the [Home Building Act 1989](#), Part 6,
  - (b) for work to be carried out by an owner-builder -
    - i. the name of the owner-builder, and
    - ii. if the owner-builder is required to hold an owner-builder permit under the [Home Building Act 1989](#) - the number of the owner-builder permit.
- 3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 4) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

## Entertainment venues

- 1) The requirements specified in this section are conditions of development consent for the use of a building as an entertainment venue.
- 2) During a stage performance at an entertainment venue, there must be at least 1 suitably trained person in attendance in the stage area at all times for the purpose of operating, if necessary, a proscenium safety curtain, drencher system and smoke exhaust system.
- 3) If a proscenium safety curtain is installed at an entertainment venue, there must be no obstruction to the opening or closing of the curtain and the curtain must be operable at all times.
- 4) When a film is being screened at an entertainment venue, there must be at least 1 person in attendance at the entertainment venue who is trained in -
  - (a) the operation of the projectors being used, and
  - (b) the use of the fire-fighting equipment in the room in which the projectors are installed (the projection room).
- 5) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subsection (4) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- 6) A member of the public must not be present in the projection suite during the screening of a film.
- 7) An entertainment venue must not screen a nitrate film.

- 8) An emergency evacuation plan must be prepared, maintained and implemented for a building, other than a temporary structure, used as an entertainment venue.
- 9) The emergency evacuation plan must specify the following -
  - (a) the location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue,
  - (b) the number of fire safety officers that must be present during performances,
  - (c) how the audience will be evacuated from the building if there is a fire or other emergency.
- 10) A fire safety officer appointed to be present during a performance must have appropriate training in evacuating persons from the building if there is a fire or other emergency.
- 11) In this section -
  - (a) exit has the same meaning as in the Building Code of Australia.

### **Maximum capacity signage**

- 1) This condition applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building -
  - (a) an entertainment venue,
  - (b) a function centre,
  - (c) a pub,
  - (d) a registered club,
  - (e) a restaurant or cafe.
- 2) All signs must be displayed in a prominent position in the building stating the maximum number of persons that are permitted in the building.

### **67. Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436- 2010 and NSW Department of Environment and Climate Change (EPA) Interim Construction Noise Guidelines and the recommendations of the approved noise and vibration management plan.

**Reason:** To protect the amenity of surrounding residents and other properties during the construction process.

### **68. Site notice**

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifier and structural engineer
- be durable and weatherproof

- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice.
- be mounted at height of 1.6 metres above natural ground on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

**Reason:** To ensure public safety and public information

#### **69. Use of road or footpath**

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The footpath shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

**Reason:** To ensure safety and amenity of the area

#### **70. Shoring and adequacy of adjoining property**

- 1) This condition applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- 2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense -
  - (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
  - (b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.
- 3) This section does not apply if -
  - (a) the person having the benefit of the development consent owns the adjoining land, or
  - (b) the owner of the adjoining land gives written consent to the condition not applying.

#### **71. Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled -

- a) BASIX development,
- b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

**Reason:** Statutory requirement.

#### **72. Hours of work**

Demolition, construction work and deliveries of building material and equipment must not

take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Demolition and/or excavation using machinery of any kind must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No demolition and/or excavation using machinery of any kind is to occur on Saturdays, Sundays or public holidays.

Where it is necessary for works to occur outside of these hours (ie placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by Transport for NSW (TfNSW) from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site), approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Failure to obtain a permit to work outside of the approved hours will result in regulatory action.

**Reason:** To ensure reasonable standards of amenity for occupants of neighbouring properties.

### **73. Tree stock public domain areas**

All tree stock to be planted within Public Domain areas to be of a quality consistent with AS 2303:2018, Tree Stock for Landscape Use.

Prior to the planting, the Certifier shall be satisfied that the tree stock meets the above standard.

**Reason:** to ensure trees stock within public areas are of an adequate quality.

### **74. Removal of Tree 3 Liquidambar styraciflua (Liquidambar) within Roseville Memorial Park**

Removal or pruning of the following tree shall be undertaken at no cost to Council by one of Council's approved tree contractors. A list of contractors is available from Council's Tree Management Team, who are in Council's Operation's Department.

Council's Tree Maintenance Supervisor must be advised via email, within a minimum of 48 hours prior to commencement of the works, with the following detail:

- selected contractor,
- the item code
- associated rate provided.

You and/or the contractor will be responsible for the reporting and/or repair of any services damaged and restoration of any damage to other public infrastructure including areas of garden, paving and turf within and adjacent the Memorial Park due to the of works undertaken.

#### **Tree/location**

Tree 3 Liquidambar styraciflua (Liquidambar)/ Roseville Memorial Park

### **Tree Works**

The works are to include stump and root grinding to depths and location as agreed with Council's Tree Maintenance Supervisor. All areas disturbed and any damage to public infrastructure is to be made good to Council's satisfaction.

**Reason:** To ensure the safe removal of trees.

### **75. Control of construction noise (noise and vibration management plan)**

During any demolition, excavation or building works, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

**Reason:** To ensure reasonable standards of amenity to neighbouring properties.

### **76. Dust control**

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out at least daily
- no advertising or signage is permitted to be attached to dust cloth material.

**Reason:** To protect the environment and the amenity of surrounding properties.

### **77. Post-construction dilapidation report**

A suitably qualified person shall prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifier. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifier must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads

A copy of this report is to be forwarded to Council at the completion of construction works.

**Reason:** Management of records.

#### **78. Compliance with submitted geotechnical report**

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified consulting geotechnical engineer must oversee the excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the Geotechnical Investigation by Assetgeoenviro dated 7 December 2022 and Groundwater Take Assessment by EiAustralia dated 27 October 2022

Prior approval must be obtained from all affected property owners, including Council, where rock anchors (both temporary and permanent) are proposed below adjoining properties.

**Reason:** To ensure the safety and protection of property.

#### **79. Garbage receptacle**

1. A garbage receptacle must be provided at the work site before works begin and must be maintained until all works are completed.
2. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
3. The receptacle lid must be kept closed at all times, other than when garbage is being deposited.

**Reason:** To ensure appropriate construction site waste management and to avoid injury to wildlife.

#### **80. Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2009) "Manual for Uniform Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

**Reason:** To ensure safe public footways and roadways during construction.

#### **81. Services**

Where required, the adjustment or inclusion of any new utility service facilities must be carried out in accordance with the requirements of the relevant utility authority. These works

shall be at no cost to Council. It is the applicant's responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

**Reason:** Provision of utility services.

**82. Erosion control**

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifier and Council officers.

**Reason:** To protect the environment from erosion and sedimentation.

**83. Sydney Water Section 73 Compliance Certificate – Main Building Works**

An application for a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994* shall be made through an authorised Water Servicing Co-ordinator. The applicant should refer to Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) <<http://www.sydneywater.com.au>> or telephone 13 20 92. Following application a "Notice of Requirements" will detail 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.

**Reason:** Statutory requirement.

**84. Arborist's inspection and reporting**

The tree/s to be retained shall be inspected and monitored by an AQF Level 5 arborist in accordance with the current version of **Australian Standard AS 4970 - Protection of trees on development sites** during and after completion of development works to ensure their long term survival.

The Principal Certifier must be provided with reports by the project arborist within 7 days of the inspection detailing the date of inspection, identifying the trees by their number, the location and species, tree health, compliance with conditions of the Development Consent, description of the works inspected, description of any impacts to trees and any rectification and/or mitigation works prescribed and/or undertaken.

Regular inspections and documentation shall be given by the arborist to the Principal Certifier. These are required, at the following times or phases of work, but may be given more regularly:

Tree/location	Time of inspection
Tree 2 Eucalyptus microcorys (Tallowood)/Roseville Memorial Park	During pruning of branches and pruning of roots, during demolition of the existing terrace and any existing footpath paving and during installation of new paving within the Tree Protection Zone during excavation for the basement within the Tree Protection

	Zone of this tree during excavation of footings for the terrace adjacent this tree.
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All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

**Reason:** To ensure protection of existing trees.

### 85. Canopy/root pruning

Canopy and/or root pruning of the following tree/s that is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of a horticulture certificate or tree surgery certificate. All pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**.

Tree/location	Tree works
Tree 2 Eucalyptus microcorys (Tallowood)/Roseville Memorial Park	Tree 2 Eucalyptus microcorys (Tallowood)/Roseville Memorial Park

**Reason:** To protect existing trees.

### 86. Cutting of tree roots and branches

Where it is unavoidable, tree roots and branches severed for the purposes of constructing the approved works shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum AQF Level 3 qualification. All pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**. The arborist/horticulturalist shall provide a report to the Certifier confirming compliance with this condition.

**Reason:** To protect existing trees.

### 87. Approved tree works

Prior to the commencement of any works, the following is to be undertaken to the specified trees:

Tree/location	Approved tree works
Tree 4 Afrocarpus falcatus (Common Yellowwood)	Removal

1. All trees are to be clearly tagged and identified in accordance with the specifications in the arborist report prior to the removal or pruning of any tree/s .
2. Canopy and/or root pruning shall be undertaken by an experienced arborist/horticulturist, with a minimum AQF Level 3 qualification.
3. All root or canopy pruning works shall be undertaken as specified in current version of **Australian Standard AS 4373 - Pruning of amenity trees**.

Removal or pruning of any other tree on the site is not approved, excluding species and works exempt under Council's Development Control Plan.

**Reason:** To ensure that the development is in accordance with the Development Consent.

### **88. No storage of materials beneath trees**

No activities, soil compaction, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Development Control Plan at any time unless specified in other conditions of this consent.

**Reason:** To protect existing trees.

### **89. Removal of refuse**

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

**Reason:** To protect the environment.

### **90. Survey and inspection of waste collection clearance and path of travel**

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, a registered surveyor is to:

1. Ascertain the reduced level of the underside of the slab at the driveway entry.
2. Certify that the level is not lower than the level shown on the approved DA plans.
3. Certify that the minimum headroom of 2.6 metres will be available for the full path of travel of the small waste collection vehicle from the street to the collection area.

This certification is to be provided to the Principal Certifier prior to any concrete being poured for the ground floor slab.

No work is to proceed until Council has undertaken an inspection to determine clearance and path of travel.

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, Council's Waste Contract Coordinator to carry out an inspection of the site to confirm the clearance available for the full path of travel of the small waste collection vehicle from the street to the collection area and that unimpeded access to the garbage collection point has been provided. This inspection may not be carried out by a private certifier because waste management is not a matter listed in Clause 73 of the Environmental Planning and Assessment Regulation (Development and Fire Safety Certification) 2021.

**Reason:** To ensure access will be available for Council's contractors to collect waste from the collection point.

### **91. On site retention of waste docket**

All demolition, excavation and construction waste docket are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing
- this information is to be made available at the request of an authorised Council officer.

**Reason:** To protect the environment.

### **92. Vibration**

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

**Reason:** To protect residential amenity during construction.

### **93. Control of construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines.

**Reason:** To protect the amenity of neighbouring properties

### **94. Site fencing**

The site must be secured and fenced prior to works commencing. All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

If the work involved in the excavation, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place (note that separate approval is required prior to the commencement of works to erect a hoarding or temporary fence on public property).

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons on public property.

The site shall be secured/locked to prevent access at the end of each day.

Any hoarding, fence or awning is to be removed when the construction work has been completed.

**Reason:** To ensure public safety.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**

### **95. Sydney Water Section 73 Compliance Certificate – Main Building Works**

An application for a Section 73 Compliance Certificate under the *Sydney Water Act 1994* shall be made through an authorised Water Servicing Co-ordinator. The applicant should refer to Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) or telephone 13 20 92. Following application a "Notice of Requirements" will detail 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.

**Reason:** Statutory requirement.

#### **96. Sydney Water Section 73 Compliance Certificate – Main Building Works**

Prior to issue of an Occupation Certificate, the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifier.

**Reason:** Statutory requirement.

#### **97. Section 7.11 Contributions – Centres**

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

<b>Key Community Infrastructure</b>	<b>Amount</b>
Local recreation and cultural facilities; Local social facilities	\$79,594.00
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$73,676.73
Local parks and local sporting facilities	\$658,216.37
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$464,912.63
<b>Total:</b>	<b>\$1,276,399.73</b>

The contribution shall be paid to Council prior to the issue of the first Occupation Certificate in accordance with Ministerial Direction *Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020*.

The contributions specified above are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

Copies of Council's Contribution Plans can be viewed at Council Chambers, 818 Pacific Hwy Gordon or on Council's website at [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au) <<http://www.kmc.nsw.gov.au>>.

**Reason:** To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

#### **98. Fire safety certificate**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that a fire safety certificate for all the essential fire or other safety measures forming part of this Development Consent has been completed and provided to Council.

**Reason:** To ensure suitable fire safety measures are in place.

#### **99. Food business notification**

Prior to the issue of an Occupation Certificate, the food business shall notify Ku-ring-gai Council by completing and submitting the Food Business Notification Form available on

Council's website.

**Reason:** To protect public health, safety and compliance.

#### **100. Smoke-free environment (alfresco gaming room)**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the alfresco gaming room complies with the requirements of the Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2016. In particular the alfresco gaming room must be appropriately mechanically ventilated in order to direct smoke towards the roof of the building and away from any residential property, commercial premises or public area.

**Reason:** To protect public health.

#### **101. Acoustic control measures - internal noise residential**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all construction recommendations specified by Renzo Tonin and Associates in DA Acoustic Assessment document reference number TL332-02F01 DA Acoustic Assessment (r4) dated 6 December 2022 or subsequent acoustic reports relating to window glazing, wall, roof and ceiling recommendations have been installed. Written confirmation from an acoustic engineer that the acoustic control measures have been installed and achieved the required internal noise objectives is to be submitted to the Principal Certifier.

**Reason:** To protect residential amenity.

#### **102. Acoustic control measures - commercial**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all recommendations specified by Renzo Tonin and Associates in DA Acoustic Assessment document reference number TL332-02F01 DA Acoustic Assessment (r4) dated 6 December 2022 or subsequent acoustic reports relating to room, window glazing, terrace awning extension, bistro blind and louvre window construction recommendations have been installed. Written confirmation from an acoustic engineer that the acoustic control measures have been installed and achieved the required noise objectives is to be submitted to the Principal Certifier.

**Reason:** To protect amenity.

#### **103. Gaming machine location**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the location of the gaming machines complies with the requirements of the Gaming Machines Act 2001 and Gaming Machines Regulation 2019. Gaming machines must not be located in a manner that is designed to attract the attention of members of the public who are outside the premises.

**Reason:** Legislative requirement.

#### **104. Car sharing**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. 1 space on Basement Level 1 or Basement Level 2 is to be reserved for car share operation, with no charge to the car share operator to use it.
2. This space must be available to all members of the car share scheme (including members who are not residents of the development) during the operating hours of the car park, and should be well-lit with safe pedestrian access.

3. These spaces must be contracted to an operator (a Car Share Provider that has been approved by the Responsible Authority) with evidence of agreement submitted to Council prior to issuing of the Occupation Certificate.
4. Car share vehicles must be operational within 4 weeks of issue of the Occupation Certificate
5. The agreement must ensure appropriate insurance and vehicle maintenance is in place, including public liability.
6. Since car share spaces are located in the basement, sufficient cellular communications connectivity must be available at the location of the carshare spaces to ensure proper car share management/operation.

A written acknowledgment from Council's Strategic Traffic Engineer (attesting to this condition being satisfied) shall be obtained and submitted to the Principal Certifier prior to the issue of a Final Certificate.

**Reason:** To ensure car sharing spaces are used in accordance with the Development Consent.

#### **105. Provision of EV charging**

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that EV readiness has been provided for all car parking spaces within the development.

**Reason:** To ensure car spaces have access to EV charging, to meet sustainability goals.

#### **106. Certification of bicycle parking**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that the bicycle parking for residents on Basement Level 4 are to be designed as a Security Level B facility (resident parking in multi-dwelling developments) as per AS2890.3 (Bicycle Parking), which would require the provision of a secure room or structure containing bicycle parking devices that allows users to lock the bicycle frame and both wheels.

Evidence from a suitably qualified and experienced traffic/civil engineer demonstrating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of a Final Certificate.

**Reason:** To ensure resident bicycle parking is of a standard to encourage its use.

#### **107. Clotheslines and clothes dryers**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that the units either have access to an external clothes line located in common open space or will have a mechanical clothes dryer installed.

**Reason:** To provide access to clothes drying facilities

#### **108. Compliance with BASIX Certificate**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in approved BASIX Certificate have been complied with.

**Reason:** Statutory requirement.

#### **109. Replacement tree within Roseville Memorial Park**

Prior to the issue of an Occupation Certificate a tree of species and location as agreed with Council's Coordinator Tree Management, is to be planted within Roseville Memorial Park to

replace tree 3 Liquidambar styraciflua.. This tree shall be planted, at no cost to Council, and shall be a minimum of 200 litre container size and of quality consistent with AS 2303:2018, Tree Stock for Landscape Use.

Planting must be undertaken by one of Council's pre-approved contractors. A list is of the pre-approved contractors is available from Council's Tree Management Team in Council's Operations Department. The final location of the tree(s) will be confirmed by Council's Tree Management Officer in Council's Operations Department.

The area surrounding the tree within the Park is to be made good to the satisfaction of Council's Tree Management Officer in Council's Operations Department.

You and/or the contractor will be responsible for the reporting and/or repair of any services damaged as a result of works undertaken:

Tree/species	Quantity	Location
As agreed	1	Roseville Memorial Park

**Reason:** To replace Tree 3 within Roseville Memorial Park

#### 110. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems the installation and performance of these systems must comply with:

- The National Construction Code
- Australian Standard 1668
- Australian Standard 3666 where applicable.

The Principal Certifier shall be satisfied of the above prior to the issue of any Occupation Certificate.

**Reason:** To protect the amenity of occupants and neighboring properties.

#### 111. Completion of landscape works

Prior to the issue of an Occupation Certificate, the Principal Certifier is to be satisfied that all landscape works have been undertaken in accordance with the approved plan(s) and conditions of this development consent.

**Reason:** To ensure that the landscape works are consistent with the Development Consent.

#### 112. Mechanical noise control

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the mechanical ventilation systems and other plant, including but not limited to air conditioners, car park and garbage room exhaust, roller shutter doors lifts and pumps associated with rain water reuse systems when in operation either as an individual piece of equipment or in combination with other equipment will not be audible within any habitable room in any residential occupancy before 7.00am and after 10.00pm. Outside of these restricted hours noise from an individual piece of equipment or in combination shall not be greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present. Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal

Certifier.

**Reason:** To protect the amenity of the occupants and neighbouring residents.

### **113. Outdoor Lighting**

Prior to the issue of the Occupation Certificate, the Principal Certifier shall be satisfied that all outdoor lighting will comply with AS/NZS 4282:2019 *Control of the obtrusive effects of outdoor lighting* and is mounted, screened and directed in a way that does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set:2010 *Lighting for roads and public spaces*.

**Reason:** To provide high quality external lighting for security without adverse impacts on public amenity from excessive illumination.

### **114. Certification of drainage works**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
2. The minimum retention and on-site detention storage volume requirements of Kuring-gai DCP Part 24 'Water Management' have been achieved. Council's 'On-Site Detention and Retention Certification sheet' shall be completed.
3. Retained water is connected and available for use.
4. All grates potentially accessible by children are secured.
5. Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 and the Building Code of Australia.
6. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

**Reason:** To ensure appropriate stormwater management.

### **115. Works as executed plans for stormwater management and disposal**

Prior to issue of an Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifier prior to issue of an Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site

- the achieved storage volumes of the installed retention and detention storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Certifier stamped construction certificate stormwater plans.

**Reason:** To ensure appropriate stormwater management.

#### **116. Basement pump-out maintenance**

Prior to issue of an Occupation Certificate, the Principal Certifier shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

The maintenance regime (which must be provided to the Principal Certifier prior to the issue of an Occupation Certificate) must (at a minimum) specify that the system is to be regularly inspected and checked by qualified practitioners, and is to be prepared by a suitably qualified professional.

**Reason:** To ensure appropriate stormwater management.

#### **117. On-site detention system marker plate**

A marker plate is to be permanently attached and displayed within the immediate vicinity of the On-Site Detention System prior to the issue of the Occupation Certificate.

This marker plate can be purchased from Council.

**Reason:** To prevent unlawful alteration.

#### **118. Certification of as-constructed driveway/carpark**

Prior to issue of an Occupation Certificate, the Principal Certifier is to be satisfied that:

1. The as-constructed car park complies with the approved Construction Certificate plans.
2. The completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" and SEPP (Housing) 2021 in terms of minimum parking space dimensions.
3. Finished driveway gradients and transitions will not result in the scraping of the underside of cars.
4. No doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
5. The development complies with vehicular headroom requirements of:
  - Australian Standard 2890.1 - "Off-street car parking",
  - SEPP (Housing) 2021 (as last amended) for accessible parking spaces,

6. **2.6 metres** of height clearance for waste collection trucks (refer Part 23.7 of the Ku-ring-gai DCP) are met from the public street into and within the applicable areas of the basement carpark.

Evidence from a suitably qualified and experienced traffic/civil engineer demonstrating compliance with the above is to be provided to and approved by the Principal Certifier prior to the issue of an Occupation Certificate.

**Reason:** To ensure that vehicular access and accommodation areas are compliant with Australian Standards and the Development Consent.

### **119. Reinstatement of redundant crossings and completion of infrastructure works**

Prior to issue of an Occupation Certificate, and upon completion of any works which may cause damage to Council's property, the Principal Certifier must receive a signed inspection form from Council which states that the following works in the road reserve have been completed:

1. new concrete driveway crossing in accordance with levels and specifications issued by Council
2. removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
3. full repair and resealing of any road surface damaged during construction
4. full replacement of damaged sections of grass verge to match existing
5. reconstruction of kerb and gutter with associated road pavement restoration for the full frontage of the development site

This inspection may not be carried out by the Principal Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Section 73 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council's Operations Department. Repair works shall be at no cost to Council.

**Reason:** To protect the public infrastructure.

### **120. Infrastructure repair**

Prior to issue of an Occupation Certificate and upon completion of any works which may cause damage to Council's property, the Principal Certifier must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.

**Reason:** To protect public infrastructure.

### **121. Construction of food premises**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the construction of the food premises and all food storage areas is in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 Food Premises and Equipment, Australian Standard AS 4674 2004 - Design, construction and fit-out of food premises and National Construction Code.

If a private certifier is to be used, the final inspection of the food premises fit out shall be carried out by a suitably qualified person. Documentation is to be submitted to the Principal Certifier certifying compliance with all relevant requirements.

**Reason:** To ensure compliance with standards for food premises.

### **122. Waste and recycling storage facilities**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the waste storage area has been installed within the basement or a separate enclosed room and is of adequate size to contain the waste bins. The waste storage facilities must be covered and all internal walls rendered and coved at the floor/wall intersection. The floor must be graded and appropriately drained to the sewer and a tap with hot and cold water must be located in close proximity to facilitate cleaning.

**Reason:** To protect amenity and to prevent environmental pollution.

### **123. Trade waste permit/consent**

Prior to the issue of an Occupation Certificate, evidence of a Sydney Water permit or consent for the discharge of wastewater into the sewer shall be submitted to the Principal Certifier. Where a permit or consent may not be required from Sydney Water, certification shall be provided verifying that any discharges to the sewer will meet specific standards imposed by Sydney Water.

**Reason:** To ensure compliance with environmental and health standards for food premises

### **124. Waste and recycling storage facilities**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that the waste storage room has been installed in the basement and is of adequate size to contain the waste bins. The waste storage room must be covered and all internal walls must be rendered and coved at the floor/wall intersection. The floor must be graded and appropriately drained to the sewer and a tap with hot and cold water must be located in close proximity to facilitate cleaning.

**Reason:** To protect amenity and to prevent environmental pollution.

### **125. Accessibility**

Prior to the issue of any Occupation Certificate, the Principal Certifier shall be satisfied that:

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are

- raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 – 2009 and the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

**Reason:** To facilitate disabled access.

## **CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:**

### **126. Lot consolidation**

The Applicant must, in addition to the subdivision, consolidate the existing lots (being Lot 1 in DP202148 – 64 Pacific Highway, Roseville, Lot 2 in DP505371 - 66 Pacific Highway, Roseville and the area to be excised from Lot 2 in DP202148 - 62 Pacific Highway, Roseville) which will form the development site into a single lot. Evidence of lot consolidation consistent with this condition, in the form of a plan registered with NSW Land Registry Services, must be submitted to the Principal Certifier prior to issue of any Occupation Construction Certificate.

**Reason:** To ensure that the legal property description is consistent with the proposed site layout and that continuous structures will not be placed across separate lots.

### **127. OSD positive covenant stormwater detention facilities**

Prior issue of a Subdivision Certificate, a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on site shall be created. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.1 of the Ku-ring-gai Development Control Plan). The location of the on-site detention facilities for all dwellings is to be noted on the final plan of subdivision.

**Reason:** To ensure maintenance of on-site stormwater detention facilities.

### **128. Positive covenant retention and re-use facilities**

Prior to issue of a Subdivision Certificate, the Applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site retention and re-use facilities. The terms of the instruments are to be generally in accordance with the Council's "terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to the Water Management Part 24R.8.2 of the Ku-ring-gai Development Control Plan). The location of the on-site detention facilities for all dwellings is to be noted on the final plan of subdivision.

**Reason:** To ensure maintenance of site retention and re-use facilities.

### **129. Easement for waste collection**

Prior to the issue of a Subdivision Certificate, an easement for waste collection under Section 88B of the Conveyancing Act 1919 shall be created. The terms of the easement are

to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

**Reason:** To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

### **130. Stormwater quality control positive covenant/restriction**

Prior to issue of the Subdivision Certificate, the Applicant shall create a positive covenant and restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater quality control devices (i.e. Bio-retention, Stormfilter devices, enviropods) and outlet works. The terms of the instruments are to be to the satisfaction of Council. The location of the stormwater quality devices is to be noted on the final plan of subdivision.

**Reason:** To ensure maintenance of stormwater treatment devices.

### **131. Sydney Water Section 73 compliance certificate**

Prior to the issue of a Subdivision Certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

**Reason:** Statutory requirement.

### **132. Requirements of public authorities for connection to services**

Prior to the issue of a Subdivision Certificate, the Principal Certifier shall be satisfied that the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision have been complied with. All costs related to the relocation, adjustment or support of services are the responsibility of the Applicant.

Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifier.

**Reason:** To ensure that services are available to the allotments of land.

### **133. Construction of works in public road**

Prior issue of a Subdivision Certificate, all road, footpath and/or drainage works in the public road must be completed in full, inspected and approved by Council. The Applicant's designing engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. This certification shall be provided prior to the issue a Subdivision Certificate. The completed works are to be approved by Council's Development Engineer prior to the issue of a Subdivision Certificate.

**Reason:** To ensure completion of all road, footpath and/or drainage works in the public road.

### **134. Provision of services**

Prior to issue of a Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide

certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant utility provider stating the same may be submitted to satisfy this condition.

**Reason:** Access to public utilities

### **135. Issue of Subdivision Certificate**

The Subdivision Certificate must not be issued until all conditions of this Development Consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifier.

**Reason:** To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

### **136. Submission of 88b instrument**

Prior to the issue of a Subdivision Certificate, an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, shall be submitted electronically to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

**Reason:** To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

### **137. General easement/R.O.W. provision and certification**

Prior to issue of a Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifier.

**Reason:** To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

### **138. Maintenance of site**

All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.

Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

During construction:

- all vehicles entering or leaving the site must have their loads covered, and
- all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.

At the completion of the works, the work site must be left clear of waste and debris.

**Reason:** To ensure the site is appropriately maintained

### **139. Control of construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines.

**Reason:** To protect the amenity of neighbouring properties

### **CONDITIONS TO BE SATISFIED AT ALL TIMES:**

### **140. Waste storage and recycling bin management - commercial operations**

A contract with a commercial waste collection company must be maintained for collection of waste and recycling from the commercial operations of the premises at least once per week. The emptied waste and recycling bins must be returned to the approved waste storage room.

**Reason:** To protect health and amenity.

### **141. Car wash bay**

The car wash bay must be constructed and maintained so that all water/wastewater generated by the washing activities are confined to the wash bay and directed to a drain/collection pit that discharges to the Sydney Water sewer system. The discharge/connection to the sewer system must comply with the requirements of Sydney Water.

**Reason:** To prevent environmental pollution.

### **142. Ground floor outdoor terrace use- commercial premises**

The use of the ground floor outdoor terrace must comply with the following conditions:

- i. The use of the outdoor terrace is not permitted before 7.00am and must cease at 9.00pm.
- ii. A heavy bistro blind or similar, for a length of 7m is installed on the eastern (park side) edge of the terrace.
- iii. The bistro blinds installed on the terrace area must be closed between 6.00pm and 9.00pm.
- iv. Smoking or vaping is not permitted in this area.
- v. A maximum of 60 patron seats are permitted in this area.

**Reason:** To protect health and amenity.

### **143. Noise control - gaming areas - commercial premises**

The use of the gaming area must comply with the following conditions:

- i. The gaming areas are not to be used after 12.00am or before 7.00am.
- ii. Coin drop trays are not permitted.

iii. The doors to the licensed venues are to be kept closed except to allow for entry/exit.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

#### **144. Noise control - music- commercial premises**

The use of amplified music must comply with the following requirements:

- i. Live performances or amplified music is not permitted between the hours of 12.00am and 7.00am.
- ii. Amplified music may only be used provided all windows are closed.
- iii. In the case of live performances, the use of drums is not permitted.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

#### **145. Noise control - driveway drains**

All drain covers located on driveway surfaces are to be securely fixed to ensure that no noise is emitted when a vehicle drives over the cover.

**Reason:** To protect the amenity of the surrounding area.

#### **146. Outdoor lighting**

All external lighting must:

1. Comply with AS/NZS 4282:2019: *Control of the obtrusive effects of outdoor lighting* and
2. Be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.

Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 *Lighting for roads and public spaces*.

**Reason:** To protect the amenity of surrounding properties.

#### **147. Noise control - mechanical plant**

Noise levels associated with all mechanical plant installed on the premises must not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with all mechanical plant installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

#### **148. Noise control - rainwater re-use system**

Noise levels associated with all rainwater re-use system(s) installed on the premises must not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with all rainwater re-use system(s) installed on the premises, either as an individual piece of equipment or in combination, must not emit a noise level greater than 5dB(A) above the background noise

(LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

#### **149. Noise control - air conditioning**

Noise levels associated with all air conditioning units installed on the premises must not be audible within any habitable room in any residential occupancy between the hours of 10.00pm and 7.00am. Outside of these restricted hours noise levels associated with all air conditioning units installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

#### **150. Noise control - mechanical exhaust ventilation**

Noise levels associated with all mechanical exhaust ventilation installed on the premises must not be audible within any habitable room in any residential premises before 7.00am and after 10.00pm. Outside of these restricted hours noise levels associated with all mechanical exhaust ventilation installed on the premises either as an individual piece of equipment or in combination must not emit a noise level greater than 5dB(A) above the background noise (LA90, 15 min) when measured at the nearest adjoining property boundary. The background (LA90, 15 min) level is to be determined without the source noise present.

**Reason:** To protect the amenity of residential occupants and neighbouring properties.

#### **151. Loading and unloading**

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

**Reason:** To ensure safe traffic movement.

#### **152. Deliveries and waste collections - commercial premises**

All deliveries and waste collection services for the business are to be carried out between 6:00am and 10:00pm only.

**Reason:** To protect the amenity of the surrounding area.

#### **153. Pedestrian access way to be kept accessible**

The pedestrian access way along the Larkin Laneway boundary is to remain open and accessible (not restricted by any gate to prevent public access) at all times.

**Reason:** To ensure pedestrian access between (designate places as identified in Local Centres DCP) is open to the public for use.

#### **154. Shopfronts**

No advertising flags or banners or the like are to be erected on or attached to the shopfront without the Development Consent from Council. Merchandise, stored materials, A frame signs or the like must not be placed on the footway of other public areas without Development Consent from Council. This does not apply to development that is "Exempt Development".

**Reason:** To protect residential amenity.

#### **155. Annual fire safety statement**

Each 12 months after the installation of essential fire or other safety measures, the Owner of a building must provide the Council with an Annual Fire Safety Statement for the building. In addition, a copy of the Statement must be given to the NSW Fire Commissioner and a third copy must be displayed prominently in the building.

**Reason:** To ensure maintenance of essential statutory fire safety measures.

#### **156. Prohibition of flashing lights**

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or any external sign associated with the development.

**Reason:** To protect residential amenity.

#### **157. Prohibition of signage illumination**

Signage must not be illuminated between the hours of 11:00pm and 7:00am daily. Signage must not flash or have any moving components. Any wiring to approved signage must be concealed within the fabric of the building or contained behind the sign and must not be visible on the façade of the building.

**Reason:** To protect residential amenity.

### **INTEGRATED REFERRAL CONDITIONS:**

#### **158. Transport for New South Wales**

The following conditions from Transport for New South Wales apply:

- a. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon the Pacific Highway are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.
- b. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre for any works that may impact on traffic flows on the Pacific Highway during construction activities. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.

### 159. EV ready

- Provide EV distribution boards of sufficient size and quantity in each storey of the car park to allow connection for EVs, complete with a charging control system and connection to the main switchboard.
- Make provision for cable trays to support the future installation of 32A single-phase final subcircuits for each EV car parking space and allow space for this when designing for other services.
- Locate EV distribution boards so any future EV charger will require a cable of no more than 50 m from the parking bay to the EV-ready connection.
- Provide a shared EV connection for all car share spaces.
- Where EV-ready provision is made for visitor parking, a minimum of 7 kW AC EV chargers should be installed

**Reason:** To ensure the appropriate infrastructure is in place to service battery powered vehicles.

### 160. Bicycle parking

Bicycle parking for residents on Basement Level 4 are to be designed as a Security Level B facility (resident parking in multi-dwelling developments) as per AS2890.3 (Bicycle Parking), which would require the provision of a secure room or structure containing bicycle parking devices that allows users to lock the bicycle frame and both wheels.

**Reason:** To ensure safe storage of private assets on the site and limit opportunities for crime.

### 161. Footpath works

If the application is to be approved, the applicant will need to construct a new footpath, replacement of kerb and gutter along the Larkin Lane site frontage and new 375mm stormwater connection to existing Council gully pit.

Detailed design drawings for these works will be assessed by Council's Operations Department for approval under the Roads Act. No final certificate would be issued until the works are completed to the satisfaction of Council.

**Reason:** To ensure all works on council land complies with documented standards.

### 162. Construction management plan

A detailed CTMP will need to be submitted prior to the issue of the construction certificate showing the construction vehicle routes, largest vehicle to be used entering and exiting the site for the demolition, excavation and construction stages, stockpiles and all necessary tree protection fencing.

**Reason:** To ensure the health and safety of users of the site and to minimise disturbance on the environment, traffic and pedestrian movements.

### 163. Contamination assessment

A post demolition contamination assessment be conducted to assess the potential for isolated patches of contamination to be present in soil and pockets of perched water, prior to the commencement of bulk earthworks to excavate the basement. A supplementary contamination assessment report is to be prepared

and submitted to Council. In the unlikely event that there is contamination, it is to be remediated in accordance with a remedial action plan prepared by the environmental consultant and approved by Council. Remediation works (if any) are to be validated by the environmental consultant prior to commencing the basement excavation.”.

**Reason:** To ensure the health and safety of users of the site.

#### **164. Groundwater**

Part 8 of the KDCP requires that if no tanking is proposed, the development needs approval by the NSW DPI Office of Water and Council water quality requirements need to be met.

Prior approval from the NSW DPI Office of Water will be required prior to construction commencing.

In the event that groundwater is encountered, basement excavations are to be fully tanked unless it can be demonstrated that ongoing dewatering will be less than 3ML/year AND the proposal is approved by NSW DPI Office of Water. If the basement is not tanked, then any groundwater and seepage shall be conveyed to Council’s drainage pit by a suitable drainage pipe to the satisfaction of Council’s Engineer. Approval must be obtained from Ku-ring-gai Council as the road authority under Section 139 Roads Act 1993 for any proposed works in the public road.

#### **165. Paving**

The paving shown on the landscape plans provided aligns with the Ku-ring-gai Public Domain Plan Volume 3 – Technical Manual. The Larkin Lane garden beds should also have a concrete edge as the surround and the plan shall be amended for the approval of Council.

**Reason:** To ensure the safety of users of the site and to minimise disturbance on the environment and allow for efficient pedestrian movements.

#### **166. Intercom**

Intercom is to be provided to the lift entry to residential units and basement, including swipe cards

**Reason:** To ensure the safety of site users.

#### **167. Mobility scooter**

A revised plan showing integrated mobility scooter parking for the Roseville Club is to be provided at ground level internal to the Club tenancy.

**Reason:** To ensure the safety of site users.



**Andrew Martin**  
**Consultant Assessment Officer**