
EXECUTIVE SUMMARY

JRPP Ref No:	2010SYW012
Property:	5 Suakin Street, 986 Pacific Highway and 31 Bridge Street, PYMBLE NSW 2073 Lot 1 DP 830320 and Lot 4 DP 411200
Proposal:	Erection of a works depot and pedestrian connection to the existing Council administration building at 31 Bridge Street
Development application no.:	DA0053/10
Ward:	GORDON
Applicant:	Mr Greg Piconi c/- Ku-ring-gai Council
Owner:	Ku-ring-gai Council
Date lodged:	4 February 2010
Issues:	Impact on Endangered Ecological Communities, tree removal, impact on residential amenity, bushfire hazard
Submissions:	Yes, 2 to initial notification and 3 to second notification
Land & Environment Court:	N/A
Recommendation:	Approval
Assessment Officer:	Kerry Gordon Planning Services

LEGISLATIVE REQUIREMENTS:

Zoning:	Special Uses 5(a) (Council Purposes)
Permissible under:	KPSO
Relevant legislation:	DDA SEPP 55 SEPP (Infrastructure) SREP (Sydney Harbour Catchment) KPSO KLEP2010
Integrated development:	NO
Recommendation:	Deferred Commencement Approval

PURPOSE FOR REPORT

To determine development application No.0053/10 for the construction of a Ku-ring-gai Council works depot at No. 5 Suakin Street and 986 Pacific Highway and provision of pedestrian connect to the existing Council administration building at No.31 Bridge Street, Pymble.

EXECUTIVE SUMMARY

Development consent is sought for a Council works depot including a main

depot building at the Suakin Street frontage, smaller structures for parking and materials storage and a trades store building, an internal roadway, bushland restoration area and other landscaping.

During the course of the assessment several amended plans and documents have been sought and submitted by the applicant to address encroachments onto adjoining land, tree loss, noise impacts, streetscape concerns and impacts upon the endangered ecological communities on the subject site.

After receipt of the amended plans and information, the application has been assessed against the relevant controls and is considered to be an acceptable form of development on the site subject to a series of conditions. However, given the number of amendments to the plan and the fact that the landscape and engineering drawings have not been updated to reflect the amendments, and given the significance of the vegetation on the site, a deferred commencement consent is recommended. The deferred commencement conditions deal with amendments required to the landscape plans as a result of the amended plans and conditions of consent and the need for a water management strategy to be prepared for the development.

HISTORY

History of Previous Development Applications:

Development application No.0832/05 was lodged with Council on 2 August 2005 for the erection of a Council works depot on the subject site. The application sought to erect a series of buildings and parking areas across the site, with the administrative building located towards the Pacific Highway frontage of the site, workshops and storage areas for vehicles, equipment and materials within the central portion of the site and a depot building with vehicle parking/storage areas towards the Suakin Street frontage. The proposal involved onsite storage/parking for 37 medium and 69 light council vehicles, visitors and staff within the depot building, 7 external parking spaces and parking for 53 staff within the administrative building. The depot was to operate between the hours of 7am and 6pm and have a maximum of 250 staff. The application was granted consent on 24 October 2006.

Development Application DA0885/08 was lodged for construction of a depot building and associated works and was withdrawn on 12 May 2009.

An application to modify the consent (MOD0145/08) was lodged which sought to delete the administrative building proposed near the Pacific Highway frontage, the accessible ramp from the Pacific Highway to that building, make a series of internal and external changes and provide 13 parking spaces in the location of the administrative building. The modification was withdrawn on 3 September 2009.

History of Current Development Application:

4/2/2010 Development Application lodged

15/2/2010	Heritage comments received raising no concerns
18/2/2010	Application notified until 22 March
5/3/2010	Rural Fire Services comments received requiring entire site to be managed as an inner protection area (IPA)
17/3/2010	Initial flora and fauna assessment received raising significant concerns with Flora and Fauna Assessment Report and impact of onsite endangered ecological communities (EECs)
22/3/2010	Initial Traffic assessment received raising no significant concerns
1/4/2010	Roads and Traffic Authority comments received raising no significant concerns
9/4/2010	Meeting held with applicant to discuss flora and fauna concerns and bushfire implications in terms of flora and fauna concerns. At this meeting it was requested that discussions occur between the ecology experts, with the applicant to amend plans to minimise significant tree loss and with the ecologist assessing the application to give an indication of whether the amended plans could potentially be supported with onsite offset restoration of bushland.
13/4/2020	Initial landscape comments received identifying concerns with inconsistencies between the plans and requesting the provision of consistent plans
6/5/2010	Building comments received raising concerns that can be addressed by conditions
7/5/2010	Engineering comments raising concerns that can be addressed by conditions and one that requires amended plans (ie the driveway encroaches on the adjoining Army Depot land)
12/5/2010	Amended Arboricultural Assessment Report submitted by applicant
28/5/201	Amended plan addressing flora and fauna concerns submitted by applicant
8/6/2010	Final amended Arboricultural Assessment Report submitted by applicant
14/6/2010	Flora and Fauna assessment determines that impacts upon EECs can be offset onsite subject to an appropriate restoration plan being prepared
23/6/2010	Meeting with applicant to discuss outstanding issues to date, including flora and fauna issues, bushfire issue, need to reduce the number of driveway crossings from 3 to 2 for streetscape reasons, additional information in relation to proposed louvers, need for an acoustic report, need for landscape plan to be consistent with other plans, additional information about lighting and hazardous materials and clarification of whether 31 Bridge St was included in application
13/7/2010	Acoustic Report, details of louvers and schedule of colours and material submitted by applicant, together with amended plans
14/7/2010	Application amended to include 31 Bridge Street and

	renotified until 28 July 2010
26/7/2010	Referral to Rural Fire Services seeing clarification of whether the IPA must apply to the restoration area
27/7/2010	Traffic comments received about amended driveway layout requesting swept paths to be shown
28/7/2010	Final modified Bushland Restoration Plan submitted by applicant
28/7/2010	Flora and fauna comments received indicating Bushland Restoration Plans adequately provide for onsite offsets subject to the IPA not applying to the restoration area
2/8/2010	Landscape comments received requiring amendments to retain significant trees
8 & 12/8/2010	Amended plans received showing swept paths and amendments to retain trees
13/8/2010	Traffic comments received confirming swept paths are satisfactory
12/8/2010	Rural Fire Service comments received confirming IPA doesn't apply to restoration area

THE SITE AND SURROUNDING AREA

The site:

Visual character study category:	1945-1968 (Suakin Street frontage) and 1920-1945 (Pacific Hwy frontage)
Easements/rights of way:	Easements for rights-of-way, drainage, cables & sewer pipes, water supply and electricity provision
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	Yes (adjoining substation building)
Bush fire prone land:	Yes
Endangered species:	Endangered Ecological Communities
Urban bushland:	Yes
Contaminated land:	Yes

Site Description:

The site is located between Suakin Street and the Pacific Highway and has a frontage to Bridge Street and is comprised of two allotments. The first allotment (Lot 1 in DP 830320 – 5 Suakin Street and 986 Pacific Highway), to be referred to throughout this report as the “main lot”, is a highly irregular shaped, long and narrow property, with vehicular access from Suakin Street and a battle axe handle from the Pacific Highway, with an area of 13,053m².

The main lot has a frontage to Suakin Street of 36.095m and to the Pacific

Highway of 4.885m, with a length of approximately 340m. This lot falls by 28.5m, with an average grade of 1 in 12. It is largely vacant of development, with no buildings, but contains areas of bitumen and concrete. The topography of the main lot has been altered by a series of cuts and fills carried out in the past and the site contains a pile of rubble at the northern portion of the site near Suakin Street.

The main lot contains a series of significant trees. The vegetation on the site has been categorised as being Sydney Turpentine-Ironbark Forest (STIF) which is listed as an endangered ecological community under the NSW Threatened Species Conservation Act 1995 and as a critically endangered ecological community under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 and as Blue Gun High Forest (BGHF), which is a critically endangered ecological community listed under both pieces of legislation.

The main lot is burdened by a drainage easement (1m wide) along the south-eastern boundary near Suakin Street and by an easement for water supply at the eastern corner next to No. 5 Bridge Street and benefits from a right-of-way over part of the adjoining substation site to allow access to the site from the Pacific Highway, an easement for drainage, cables and sewer pipes over the Army Depot site and an easement to drain between the buildings at Nos. 9-11 and 15-17 Bridge Street.

The second allotment (Lot 4 in DP 411200 – 31 Bridge Street), to be referred to throughout this report as “31 Bridge Street” is a rectangular shaped allotment located on the northern corner of Suakin and Bridge Streets, with a frontage to Suakin Street of 45.72m and a frontage to Bridge Street of 15.24m and an area of 695.6m². No. 31 Bridge Street is occupied by a two storey office building over one level of parking that steps down the slope of Suakin Street. The building is constructed to the Suakin Street alignment of the property and the common boundary between the two lots and is occupied by Council as administrative offices. No. 31 Bridge Street has a significant fall from north-west (common boundary between the two lots) to Bridge Street of over 8m.

Surrounding Development:

The site is surrounded by a variety of land uses, with predominantly non residential uses. To the south-west of the main lot and to the north-east of No. 31 Bridge Street are a series of commercial buildings which front Bridge Street, To the south-west of the portion of the main lot that fronts the Pacific Highway is an electricity substation and a RTA testing and certifying centre, which front the Pacific Highway. To the north-west of the main lot at the Suakin Street frontage, is an Army depot site and at the Pacific Highway frontage are residential developments at Nos. 2 and 2A-4 Bloomsbury Avenue.

THE PROPOSAL

The application seeks to erect a works depot for Ku-ring-gai Council on the main lot and to provide a pedestrian connection to the Council administration building at No. 31 Bridge Street, as is described following:

Works on Main Lot

It is proposed to carryout demolition works, to construct a main depot building, a trades store and a series of covered parking and storage areas, with an access road thereto and to carryout landscaping and restoration of vegetation communities on the site as described following.

Demolition Demolition and removal of the existing access road and hard stand areas on the Suakin Street frontage half of the main lot and the slab and retaining walls on the central portion of the main lot.

Construction *Main Depot Building* - Construction of the main depot building at the Suakin Street frontage of the main lot. The main building is to be constructed on a variable setback from Suakin Street of between 7m and 10.2m, with a setback of nil to 3m from the south-eastern boundary and 11m-35m from the north-western boundary. The building is to have a width of up to 14.4m - 26m and a depth of 75.9m.

The main building contains two parking levels, one to be constructed at roughly the same level as the footpath and a second above that, with the parking being largely above ground at the Suakin Street frontage of the site and largely underground at the rear of the parking area. Parking is provided for 37 cars (1 accessible space) at the lower parking level, which also provides parking rails for 23 bicycles, and for 38 cars (1 accessible space) at the upper parking level, with a plant room also provided at this level. Vehicular access to the parking within the main building is provided by a two way driveway from Suakin Street (near the south-eastern boundary) to the lower parking level and a two way driveway off the proposed internal driveway near the north-western boundary. Pedestrian access to the parking areas is designed to be accessible and is provided to the lower parking level, with lift access to the upper parking level and the other levels of the building above. It is also noted that the proposed pedestrian connection to the existing Council administrative building at No. 31 Bridge Street (discussed later) will also provide accessible entry to level 4 of that building.

Above the parking levels, which is the ground level at the rear of the building, it is proposed to provide an office to the Suakin Street frontage of the site, a series of amenities for the depot workers (including change rooms, toilets, showers, a laundry, and accessible WC and first aid room) and despatch room,

with a large bulk store (725m²) located behind. At the rear of the building is a mechanical services workshop, with a small office and two work bays and a mezzanine area above the office and work bays. Finally, at the first floor level it is proposed to provide a large lunch room, with kitchen, two large meeting rooms, amenities and a small office and store room, with a small covered terrace overlooking the adjoining Army site.

A covered walkway is provided along the north-western and south-eastern facades of the building to provide access for staff to other parts of the site. The building has a maximum height as viewed from Suakin Street of between 12.7m and 13.7m, with a height to the rear of approximately 7m.

External Parking and Materials Bins – The driveway proposed near the north-western boundary from Suakin Street provides access to the remainder of the main lot and winds its way up the site, providing for two way traffic and for access to the bulk store and mechanical services work shop within the main building. Opposite the bulk store it is proposed to provide a covered parking area for 3 small vehicles (Covered Parking Bay A) and a larger covered parking area for 10 medium and large vehicles (Covered Parking Bay B). A substation is proposed between the driveway and the north-western boundary opposite the front of the main building.

In the portion of the site past the main building, where the main lot narrows, it is proposed to provide a covered parking area for 6 medium size vehicles (Covered Parking Bay D) and a series of 10 materials storage bays.

Trades Store and Loading Areas - The driveway is then proposed to ramp up to the middle section of the main site where it is proposed to provide for 3 bunded wash bays, 3 waste holding bays and two unloading areas either side of the proposed trade store.

The proposed trades store building is to have a width of 24.3m and a depth of 21m and is to be two storeys in height with a maximum height of 8m at the Suakin Street side of the building. The lower level of the trades store has a loading area and vehicular access from the Suakin Street side of the building, with the upper level of the trades store having a loading area and vehicular access from the Pacific Highway side of the building, which due to the slope of the site is only single storey. The trades store building is setback 3.2m from the south-eastern boundary and 12.5m-14.4m from the north-western boundary (which adjoins a residential development).

Landscaping *Restoration Area* – The remainder of the site up to the Pacific Highway frontage is proposed to remain undeveloped, with the existing access driveway to be retained to provide for pedestrian access for staff from the Pacific Highway and to provide for emergency vehicular access from the Highway. This area is covered by the Bushland Rehabilitation Plan which identifies that the area will be revegetated to offset impacts upon the onsite endangered ecological communities as a result of the development.

Landscaping – Apart from the abovementioned restoration area, a significant number of existing trees on the site are proposed to be retained around the boundaries of the site within landscaped areas, and additional planting is also proposed in these areas.

Works on 31 Bridge Street

The proposed works to No. 31 Bridge Street are limited to the provision of louvers to the south-western façade of the building and to the provision of a pedestrian connection to the proposed main depot building at level 4 of the building on that site. The pedestrian connection will allow staff to travel between the two sites without the need to walk along Bridge Street and Suakin Streets, providing for greater efficiency and comfort during poor weather.

COMMUNITY CONSULTATION

In accordance with Development Control Plan No. 56, owners of surrounding properties were given notice of the application, with the application being on exhibition between 18 February and 22 March 2010. Due to the initial notification not including reference to No. 31 Bridge Street as being part of the proposal, the application was renotified between 14 July and 28 July 2010. In response, two submissions were received to the initial notification and three were received to the second notification. Submissions were received from the following during both notifications:

First notification

- Mary-Jane Daniher – 13/2-4 Bloomsbury Avenue, Pymble
- Busways Group – 5 Bridge Street, Pymble

The concerns raised in the submissions are addressed following:

Impact upon residential amenity

The potential impacts upon the residential amenity of the dwellings at 2-4 Bloomsbury Avenue are limited to potential noise impacts, with impacts on views, privacy, solar access, parking availability and traffic unlikely to occur in relation to this property due to the limited development in proximity to the

property and the location of the vehicular access via Suakin Street. With regard to noise, an acoustic report has been submitted which is addressed in detail in the Suitability of the Site section of this report and which concludes that the noise impacts will not unacceptably impact upon the amenity of the residential property, subject to operational conditions.

What is the anticipated building time schedule and how will the impacts upon residents be minimised?

The anticipated building time schedule is unknown and is a matter for the applicant. Impacts of construction will be minimised through the imposition of appropriate conditions, including noise, dust and hours of construction restrictions and requirements for traffic management throughout the process [Conditions 28, 30, 39 & 54]. Also, a condition has been recommended requiring the applicant to provide notice to adjoining residential properties prior to commencement of works to identify likely timeframes and a contact person to deal with concerns during construction [Condition 24].

Hours of work

The proposed hours of use of the depot are between 7am and 4pm Mondays to Fridays, with some indoor staff working past 4pm. It is considered that the hours of operation are suitable to the use of the site and location within a business area and a condition limiting the use to these hours other than for emergency response situations is proposed [Condition 117].

What types of vehicles will be stored on the site?

The depot will be used to store loaders, backhoes, rollers, excavators, trucks (heavy rigid and small rigid), trailers, waste compactors, road sweepers, water tankers, chippers and fire tankers.

Are there going to be any chemicals/hazardous materials stored on the site?

The closest storage area to the adjoining residential properties is within the Trades Store and storage within that structure is limited to small amounts of paints and thinners and as such there are no hazardous materials to be stored.

Will the community be involved in overseeing the requirements of the development?

There is not intention for a community panel to be appointed to be involved in either the assessment of the development or the review of the construction process, however the applicant has indicated a willingness to keep the community informed of the progress of the construction works on the site and a condition of consent requiring notification of residential neighbours is recommended [Condition 24].

Request for more information

The application was subsequently renotified and all relevant information was placed on the website.

Second notification

- Amtote Australiasia Pty Ltd – 14-16 Suakin Street, Pymble
- Mary-Jane Daniher – 13/2-4 Bloomsbury Avenue, Pymble
- Mr Thomas Power – no address supplied

The concerns raised in the submissions are addressed following (note: where the concerns are the same as originally raised they are not repeated):

Request change of signage to provide a STOP sign at the bottom of Bridge Street to better regulate traffic flow

This request is beyond the scope of the assessment of the application and is a matter for consideration by Council and the Local Area Traffic Committee.

Request consideration be given to installation of a pedestrian crossing at the bottom of Bridge Street to allow pedestrians to cross to the Post Office or walk to Pymble or Gordon Stations

This request is beyond the scope of the assessment of the application and is a matter for consideration by Council and the Local Area Traffic Committee.

The site is too expensive and too good for the use as a depot

The application lodged must be assessed on its merits and if the land is suitable for that use then it is appropriate that the application be approved.

INTERNAL REFERRALS

Heritage

Council's Heritage Advisor provided the following comments in relation to the proposal:

“Heritage Status

The subject site is not identified as having heritage significance, but it adjoins a heritage item at 982 Pacific Highway – the Energy Australia Substation. The adjoining item is listed on the State Heritage Register. The NSW Heritage Act does not contain provisions for the NSW Heritage Council to consider impacts of development on the heritage significance of adjoining or nearby items. Issues related to impact of development “within the vicinity” of a heritage item is the responsibility of the local council.

Ku-ring-gai Council identified the substation site as a potential heritage item in the 1986 heritage study of Ku-ring-gai. It was included in draft LEP 19 in

1997, finalized and forwarded to the Department of Planning in 2001. It has not been gazetted. IN line with a Department of Planning direction in 2008, Council can not consider issues related to a draft LEP if it has not been gazetted within 3 years of the public exhibition. Thus Council can give little consideration to any impacts from the proposed development on the local heritage values of the substation.

The site is not within a Heritage Conservation Area or National Trust Urban Conservation Area.

Proposed Works

New works depot, including office and basement car parking, mechanical workshop, trades store, wash bay, material storage bins, paving, retaining walls and covered parking areas.

Applicants HIS

The applicant prepared a HIS as part of the Statement of Environmental Effects. The report misunderstands the listing and suggests it is only the front building and its façade that is listed and that the depot building and transformer yard are not considered significant fabric. The entire substation site is the heritage item identified as Lot 1 DP 119476 & Lot 1 DP 441760.

The statement of significance contained in the Heritage Council database provides the following:

The Pymble Zone substation/depot is an elegant refined example of a well detailed face brick substation building designed in the Interwar period. It is considered to be of state significance as a rare and representative example of this style of substation building. It was constructed by the Municipal Council of Sydney as the key piece of infrastructure in the expansion of electricity to Sydney's Upper North Shore.

The confusion in the report may relate to the exemptions that were provided by the Minister in 2008. The exemptions mainly relate to maintenance of the building, specifically the roof cladding. Switch gear, fire safety control measures, security, replacement of wiring and conduits, replacement of light fittings, repainting etc, non-structural changes to the interior such as to handrails, fittings, crane equipment, loading docks and mechanical equipment, information signs, removal of non-original equipment, removal of bunding around transformers, ventilation and a/c equipment.

The HIS concludes that the proposed works will have no impact on the heritage significance of the Pymble Substation and little or no impact on the cartilage of the substation.

Comments

The existing site is vacant although there is evidence of demolished buildings and asphalt paving. There are few trees on the site. The driveway that provides accesses the Pacific Highway is adjacent to the Pymble Substation. From the highway there is substantial fall on the site to the west. There are retaining walls along the northern and western boundary of the substation building rising to about 3m at the western side of the substation. There is a

low scale housing development just to the north of the site and commercial buildings in the immediate vicinity. It is considered that there is no archaeological potential on the site. The extant footings and paving related to recent industrial/commercial buildings that had no heritage significance and due to the disturbance of the site it is not expected that evidence of earlier structures would exist and there would be no reason for archaeological investigations to be undertaken.

The proposed complex of buildings fronts Suakin Street as its main frontage and access point with a secondary access to the Pacific Highway. The draft Town Centre LEP rezones the site to B7-Business Park with a potential height of buildings of 10 stories and a density of 3:1. The site is identified as high ecological value.

The proposed development would provide a complex of buildings that are consistent with the general character of the nearby buildings and is consistent with the existing and future zoning. The Trades Stores building is only 2.3m from the boundary with the substation and about 7m from the office building behind the substation building. However, the scale of the proposed Trades Stores building is lower than the office building on the substation site and separated by an existing retaining wall. The existing office building has solid shear walls on its northern and south sides with windows on the eastern and western facades. The proposed location of the Trades Store should not affect any views from the existing office building or cause any other amenity impacts. Due to the commercial/industrial nature of the substation site, it is considered that there would be minimal adverse heritage impacts from the proposed Trades Store. The location of the Trades Store is setback about 67m from the Pacific Highway and is about 10m below the street level.

The main building in the depot complex, the office and mechanical workshop is located close to the Suakin Street frontage and is over 170m from the substation building. It is considered that there would be no heritage impacts from the development on the electrical substation complex.

Conclusions and Recommendations

The existing site is considered to have no archaeological potential and there is no heritage objection to removal of the existing paving and remnant structures on the site and no potential for archaeological deposits

The proposed complex of buildings and associated structures are considered to be consistent with the business zone and would have minimal heritage impacts on the adjoining substation which is listed as a State heritage item. The key significance of the substation is related to its importance in providing essential infrastructure and for its architectural expression as elegant and refined example of its type. This significance would be unaffected by the proposed development.

No heritage conditions are considered necessary.”

Landscaping

Council's Landscape Assessment Officer has commented on the proposal as follows:

“Site Characteristics

It is proposed to construct council's new works depot on the existing site with an area of 13 053sqm. Access to the site is currently from one vehicular entry point from both site frontages, the main access point being from Suakin St. The proposal includes administration/office building with basement parking, on grade parking areas, covered parking bays, a mechanical workshop, holding bays, loading areas and improved access throughout the site. The site is currently vacant but has had previous uses utilising extensive areas of bitumen and concrete. The site has recently been used for informal parking and storage of miscellaneous council materials. The site is currently overgrown with weed species due to poor ongoing maintenance. The site is dominated by numerous mature and juvenile trees, predominantly native endemic species, most of which are self seeded or remnant prior to previous development of the site. Council's mapping and site investigations identify two threatened plant communities on site being, the critically endangered Sydney Bluegum High Forest (SBGHF), and the endangered Sydney Turpentine Ironbark Forest (STIF). The Suakin St site frontage is dominated by a mature Eucalyptus saligna (Sydney Bluegum). The site is identified as being bushfire prone land and the two storey Energy Australia substation building that fronts the Pacific Hwy, adjoining the site has a state heritage listing.

General comments

- Tree numbering across the site is illegible on plan, particularly for tree groupings. To enable assessment, it is required that tree numbering/identification plans be provided at 1:200 scale.*
- Tree numbering is to be consistent between the submitted plans and documentation. It is noted that tree numbering between the submitted plans and arborists report differ. This leads to confusion and makes assessment unnecessarily difficult. It is required that tree numbering be consistent preferably with the arborists report.*
- The Site Analysis and Demolition Plan provides a tree schedule detailing which trees are to be retained and removed. The tree schedule is inconsistent with the plan. It is required that the tree schedule be consistent with the submitted plans to enable clear assessment of which trees are proposed to be removed retained. NB This schedule shall be consistent with the landscape plan. This consistency is also required to enable an accurate ecological assessment of the development impacts to the threatened/endangered plant communities identified on site.*
- The arborists report is inconsistent with its tree numbering using both the landscape plan tree numbers and the arborist's tree numbering. This is confusing and makes assessment unnecessarily difficult, eg Tree 217 Eucalyptus saligna (Sydney Bluegum) located adjacent to the Suakin St frontage. The arborist report identifies this tree as #217 as does the Site Analysis and Demolition Plan, but within Table 3.0 within the arborists report, which relates to AS4970-2009 'Tree Protection on Development Sites' the tree is identified as Tree 152 using the*

Landscape Plan identification numbers. It is required that all tree numbering be consistent across the application.

- *The arborist report identifies within Table 3.0 the landscape plan tree numbering. The landscape tree numbering, if shown on the landscape plan, is illegible. It is necessary that a/ tree numbering be legible, and b/ tree numbering be consistent across the application.*

CONCLUSION

The application cannot be assessed due to conflicting and illegible information.”

Comment: The applicant was requested to provide additional information and amended plans to address the concerns raised in the assessment of flora and fauna (see following in the report) and was asked to address the above concerns in relation to the amended plans which were again referred to the Landscape Assessment Officer who provided the following comments.

“Recommendations

Not supported

- *Tree impacts, amended plans are required to address issues raised.*

More information required

- *Amended plans detailing changes as per the arborists recommendations to minimise tree impacts eg materials bay storage area, noise attenuation wall/access road.*

Site Characteristics

It is proposed to construct council's new works depot on the existing site with an area of 13 053sqm. Access to the site is currently from one vehicular entry point from both site frontages, the main access point being from Suakin St. The proposal includes administration/office building with basement parking, on grade parking areas, covered parking bays, a mechanical workshop, holding bays, loading areas and improved access throughout the site. The site is currently vacant but has had previous uses utilising extensive areas of bitumen and concrete. The site has recently been used for informal parking and storage of miscellaneous council materials. The site is currently overgrown with weed species due to poor ongoing maintenance. The site is dominated by numerous mature and juvenile trees, predominantly native endemic species, most of which are self seeded or remnant prior to previous development of the site. Council's mapping and site investigations identify two threatened plant communities on site being, the critically endangered Sydney Bluegum High Forest (SBGHF), and the endangered Sydney Turpentine Ironbark Forest (STIF). The Suakin St site frontage is dominated by a mature Eucalyptus saligna (Sydney Bluegum). The site is identified as being bushfire prone land and the two storey Energy Australia substation building that fronts the Pacific Hwy, adjoining the site has a state heritage listing.

Arborists report

It is noted that previous requests for consistent tree numbering have been mostly satisfied, however, the Tree Schedule detailing the specific trees is in the arborists numeric order rather than using the numeric order of the tree numbers identified on the submitted plans. This makes reassessment difficult and time consuming. As per previous requests, it is required that tree numbering be consistent between documents.

Tree Impacts

*Tree #217 Eucalyptus saligna (Sydney Bluegum), 15 high x 8 spread, in good health and condition, visually prominent/dominant, located adjacent to the southwest site boundary within the Suakin St frontage. Amended plans have reduced tree impacts with the removal of one driveway crossover within the tree's TPZ. Submitted plans indicate a Fire Hydrant Booster (FBR) immediately adjacent to the tree within the tree's SRZ and TPZ, adjacent to the site boundary. Although not discussed by the arborist (plans have been amended since the revised arboricultural report), the excavation and installation works would have a significant impact on the tree resulting in root severance impacting upon its ongoing health and vigour and potentially affecting the tree's stability. This is unacceptable and cannot be supported. Landscape Services cannot support the removal of Tree 217. The above changes will be conditioned [**Condition 10**].*

*The previously submitted Hydraulics Plan (no amended plan has been submitted) indicates a 300mm diameter stormwater pipe located within the SRZ and TPZ which also directly conflicts with the proposed FBR. The pipe and associated drainage pit will have an additional adverse impact to the tree's root system which has not been assessed by the consulting arborist. It is recommended that the drainage line and pit be relocated with maximum setbacks from the tree (preferably outside of the TPZ) and/or strapped to the side of the building basement wall. This will be conditioned [**Condition 11**].*

*Tree #2 Eucalyptus pilularis (Blackbutt), 22 high x 20 spread, in good health and condition, dominant, located adjacent to the northwest site boundary adjacent to the Covered Parking Bay B. The proposal includes an uncovered parking bay which has a finished level 1.2m below existing ground level. The consulting arborist has identified this as being a high impact as per AS4970-2009 and that tree sensitive construction measures are required to maintain the proposed design in situ. In this instance the arborist has required that the surrounding fill be removed with care (which can be conditioned) and that the parking area be constructed at or above existing grade within the TPZ laid on top or suspended in section, with no excavation or compaction occurring within the TPZ. Amended plans do not reflect this requirement. Landscape Services cannot support the removal of Tree 2. After discussions with the assessing planner, it is agreed that one of the parking bays is to be deleted to reduce tree impacts. This will be conditioned by the assessing planner [**Condition 10**].*

Tree #'s 6, 7, 152 – 158 Eucalyptus pilularis (Blackbutt), Eucalyptus saligna (Sydney Bluegum), Eucalyptus globoidea (White Stringybark), varying heights up to 16.0m, and spreads up to 14.0m, with most in good health and condition, located adjacent to the northern site boundary, majority within the neighbouring property. The trees are located adjacent to the proposed Material Bays. As proposed the Material Bays require excavation below existing ground levels which will result as per the arborists assessment in a high impact as a result of the encroachment within the reduced setback as defined by AS4970-2009. The arborist has specified tree sensitive construction measures, requiring the removal of existing bitumen by hand (which can be conditioned), in addition to the slab for the storage bins being constructed at or above grade with no excavation or compaction. Landscape Services concurs with the arborist's recommendations. Submitted plans do not correspond with the arborist's requirements, which involve a design change, which may have broader design impacts. Amended plans are required which cannot be conditioned. In addition, excavation for the reinforced concrete block walls will require additional excavation below the finished level. This will increase the impact to the subject trees as a result of additional root severance. Amended plans are required [Condition 17].

Tree's #10 Eucalyptus saligna (Sydney Bluegum), 18 high x 11 spread, identified as being in poor condition, dominant but with 90% canopy cover and 90% crown density, located adjacent to the northern site boundary. The development proposes a stepped 3-4.5m high noise attenuation wall just outside of the tree's SRZ but well within the TPZ. The arborist states that development works have a setback of 3.5m, but Landscape Services measures development works setback at <3.0m. The arborist has identified a medium to high level of impact due to the encroachment of the noise wall within the TPZ and has recommended sensitive construction measures to maintain the proposed design in situ. This includes the removal of existing bitumen by hand (which can be conditioned) and that within a 7.4m radius the noise barrier wall be constructed at or above existing grade and piers/suspended in section. While it can be conditioned for pier and beam construction, Section E-E indicates that the access road and wall is excavated below existing ground level. Therefore to enable compliance with the arborists requirements a design change is necessary. Amended plans are required [Condition 17].

The previously submitted Hydraulics Plan (no amended Hydraulics Plan has been submitted) indicates a diverted stormwater system (pipes and pits) located adjacent to the proposed noise wall on the northern side within the SRZ and TPZ of tree 10. This has not been assessed by the consulting arborist, but will have additional adverse impacts to the tree resulting in additional root severance. It is recommended that the drainage line be deleted from within the TPZ and relocated/connected to the drainage line on the other side of the access ramp/driveway. This will be conditioned [Condition 11].

Tree's #25-30 Eucalyptus pilularis (Blackbutt), Eucalyptus grandis (Flooded Gum), Angophora costata (Sydney Redgum), generally in good health and condition, varying heights up to 19 x 9 spread, located adjacent to the southern site boundary within remediation Area A. The required remediation works as proposed by the EIS include the excavation of up to 1.5m of the identified Area A. This has the potential to significantly impact upon the existing identified trees within the highlighted area which has not been assessed by the arborist. As bulk excavation is required within the SRZ and TPZ of existing trees, the impact to the trees results in their removal. As some of the tree species are characteristic of the endangered plant communities, an additional ecological assessment is required. If the trees can be retained, further arboricultural assessment is required to ensure that the trees are viable and to provide recommendations as to how excavation is to be undertaken while minimising adverse impacts to the tree root systems [Condition 82].

The previously submitted hydraulics plan (no amended plan has been submitted) indicates a drainage swale located immediately adjacent to and spatially conflicting with the trees. The arborist has stated that impacts can be ameliorated by tree sensitive construction measures or modified design. The arborist has required that the drainage swale be constructed at grade without excavation. Alternatively, the swale shall be relocated outside the TPZ. It will be conditioned for the drainage swale to be deleted [Conditions 10 & 11].

Tree #23 Eucalyptus saligna (Sydney Bluegum), 13 high x 4 spread, in good health and condition, located adjacent to the southern site boundary at the centre of the site. The proposed driveway is located immediately adjacent to the tree within the SRZ and TPZ. The tree is shown to be retained. The arborist's comments are conflicting. One statement (5.40) states that the tree is located too close to the construction footprint and it is unable to be retained as the design has not accommodated its retention, while another statement (5.10) states that there is a low impact as proposed setbacks are outside the recommended or reduced setbacks. It will be conditioned for the roadway to be constructed on top of or at existing grade within the TPZ [Condition 18].

The previously submitted hydraulics plan (no amended plan has been submitted) indicates a drainage swale located immediately adjacent to and spatially conflicting with the trees. The arborist has stated that impacts can be ameliorated by tree sensitive construction measures or modified design. The arborist has required that the drainage swale be constructed at grade without excavation. Alternatively, the swale shall be relocated outside the TPZ. It will be conditioned for the drainage swale to be deleted [Condition 11].

Tree #21 Eucalyptus pilularis (Blackbutt) 18 high x 5 spread, and #233 Eucalyptus saligna (Sydney Bluegum) 18 high x 6 spread, located adjacent to the southern site boundary. The previously submitted hydraulics plan (no amended plan has been submitted) indicates a

drainage swale located immediately adjacent to and spatially conflicting with the trees. The arborist has stated that impacts can be ameliorated by tree sensitive construction measures or modified design. The arborist has required that the drainage swale be constructed at grade without excavation. Alternatively, the swale shall be relocated outside the TPZ. It will be conditioned for the drainage swale to be deleted [Conditions 10 & 11].

Tree #39 Eucalyptus pilularis (Blackbutt), 22 high x 18 spread, in fair condition, dominant, located centrally on site. The arborist has identified a high impact to tree roots as a result of major encroachment within the TPZ as per AS4970-2009. Tree sensitive construction measures are required to maintain the proposed design in situ. The arborist has not detailed what these sensitive construction measures are, but it is assumed that they would include manual removal of the existing bitumen and that the proposed road/driveway is to be constructed at existing grade. As proposed (without specific detail) it appears that the proposed driveway is excavated below existing ground levels. It is also noted that the arborists report states that the design has not accommodated the retention of tree 39 as it is located too close to proposed construction works. Consideration should be given to the tree's removal and replenishment. This will require additional ecological assessment if the tree is removed. It will be conditioned for the road to be constructed at or above existing grade and manual removal of the existing bitumen within the tree's TPZ [Conditions 77 & 18].

Tree #211& 213 Syncarpia glomulifera (Turpentine), 10 high x 7 spread, in good health and condition, located adjacent to the southern site boundary adjacent to the Main Building, within the neighbouring property (by survey). The trees while located on the Site Analysis are not located on submitted architectural plans. Submitted plans indicate these trees are to be removed. As the trees are located within the neighbouring property, written owners consent is required for their removal. Landscape Services prefers the retention of the trees. The consulting arborist has stated that to retain the trees a design modification is required. A 4.2m set back is required due to the surrounding slope and expected locations of roots. This is likely to require the removal of two parking spots within the proposed basement. After discussion with the assessing planner, this will be addressed by condition [Condition 20].

The previously submitted Hydraulics Plan (no amended plan has been submitted) indicates a drainage swale and 300mm diameter pipe immediately adjacent to the southern boundary within the TPZ of the subject trees. This has not been assessed by the consulting arborist, but will have additional adverse impacts to the tree, resulting in additional root severance. It is recommended that as per the arborists recommendations that the basement be modified to accommodate the tree (see above) and that the drainage line be strapped to the basement wall. This will be conditioned [Condition 11].

The hydraulics plan also indicates a drainage swale located immediately adjacent to the trees. The necessary level changes may also have additional adverse impacts to the tree, resulting in surface root severance. It will be conditioned for the drainage swale to be deleted [Conditions 10 & 11].

Tree #9 Eucalyptus paniculata (Grey Ironbark), 17 high x 12 spread, in good health and condition, located adjacent to the western site boundary opposite the proposed Trade Store. As proposed the tree will be surrounded by a new loading unloading area with a 1.2m garden bed at its base. As per the arborists findings a high level of impact is expected due to the removal of the existing bitumen and the reconstruction of the replacement surface. The removal of the existing bitumen by hand has been recommended (this can be conditioned). However to retain the tree in the long term the arborist has recommended that a garden bed be established within the TPZ, requiring a 5.0m setback on two sides and a 7.0m setback on the third side (as per the Tree Protection Plan) as excavation and compaction required for resurfacing will have an adverse impact on the tree. Landscape Services concurs with the arborist, and cannot support the removal of Tree 9. The requirement for a garden bed within the TPZ will be conditioned [Condition 10].

Tree #'s 130-133 Eucalyptus pilularis (Blackbutt), Eucalyptus paniculate (Grey Ironbark), varying heights up to 16 x 8 spread, in good health and condition, located adjacent to the western site boundary within the neighbouring property. The wash bay is proposed at approximately 1.2m above existing ground level. As per the arborist's recommendations it is required that the wash bay slab be suspended or piered within a 5.2m setback (TPZ). A void is to be maintained below the slab, or a gap graded fill material used below to maintain gaseous exchange. Landscape Services concurs with the arborist's recommendations, which can be conditioned [Condition 19].

Tree #150 Eucalyptus pilularis (Blackbutt), 18 high x 12 spread, in good health and condition located adjacent to the western boundary within the neighbouring property at the pinch point of the site. The arborist has stated that a high impact to the tree roots is expected as a result of the encroachment of the driveway within the TPZ as per As 4970-2009. Tree sensitive construction measures are required to maintain the proposed design in situ. The arborist has not detailed what the construction methods should be. If these recommendations are to be consistent with other trees specified the recommendations would be likely to include, manual removal of existing bitumen, the construction of the driveway at or above existing grade and/or piered. This will be conditioned [Condition 18].

In addition most, if not all of the above trees form part of the critically endangered SBGHF and endangered STIF communities located on site. As all the above trees have been identified for retention as part of the development works, if any are now proposed for removal, a reassessment

of the ecological impacts may be required. This should be clarified by the assessing ecologist.

Tree Removal

Overall, Landscape Services can support the nominated tree removal, which is inevitable with this scale of development works on a site of this unconventional shape and size.

Landscape Plan/Tree replenishment

*The submitted landscape plan is generic and conceptual only and inconsistent with amended plans and specialist report recommendations and requirements. It will be conditioned for a detailed landscape plan to be submitted for Council approval as a deferred commencement [**Deferred Commencement Condition**].*

Stormwater Plan

*The Hydraulics Plan has not been updated or amended to reflect the changes made to the development. It will be conditioned for drainage works to be redesigned to minimise tree impacts [**Condition 11**].*

Fire

Is not being assessed by Landscape Services.

Bushland Rehabilitation Plan (Final July 2010)

*Is not being assessed by Landscape Services. However, it will be conditioned as part of the deferred commencement that the amended landscape plan be consistent with the requirements of the Bushland Rehabilitation Plan, and that any of these requirements be detailed on the landscape plan eg tree replenishment planting [**Deferred Commencement Condition**].*

Other issues and comments

*Fire hydrant location -the location of the FBR as proposed cannot be supported due to streetscape and tree impacts. Its relocation will be conditioned [**Condition 10**].*

CONCLUSION

Conditions have been provided.”

Comment: The abovementioned conditions have been included in the recommended conditions of consent to ensure the protection of the specified trees. The concerns raised in relation to Trees 6, 7, 10 and 152-158, which cannot be addressed by conditions require amendments to the plans and the applicant was requested to provide amended plans to address these concerns. The amended plans received have addressed the specified concerns.

Building

Council's Senior Building Surveyor has commented on the proposal as

follows:

"I have reviewed the architectural plans submitted with the referral along with the BCA report prepared by DixGardner Pty Ltd and the Section J report prepared by Heggies Pty Ltd, which is contained in the SEE prepared by CALDIS COOK GROUP.

Firstly, the BCA report references the following architectural plans. Drawing No DA -001, 002, 003, 004, 101, 102, 103, 104, 201, 202. Job No. 08-182, dated 11/01/2010, Revision B.

However, the architectural plans submitted with the referral are Drawing No. DA-000, 001, 002, 003, 004, 101, 102, 103, 104, 201, 202, Job No. 08-182, dated 27/01/10, Revision C. As these are the plans submitted these are the plans I have assessed against the 2009 BCA. I have used the 2009 BCA as this is the BCA referenced in the BCA report submitted with the application. Please note the proposed works have been assessed against the deemed to satisfy provisions of the BCA.

Please note that I have classified part of the proposal different to that of DixGardner. In this regard, I advise that I have classified part of the development Class 8.

In regards to these architectural plans I wish to advise that the FFL for the lunch room & associated area is nominated at 108.00 on the floor plans however it is nominated as FFL 108.60 on the elevations. Furthermore the covered walkway on the ground floor level plan shows to sets of stairs located behind the mechanical services workshop/work bay while the elevation only shows the set of stairs located at the rear of the work bay.

I have assessed the proposal as three areas being the main building and associated basement carparking the detached carparking and the separate trade stores.

Parking Structures

Class: 7a

RIS: 1

Type of Cons: C

No objection is raised to these structures when assessed against the DTS provisions of the BCA.

Trades Store

Class: 8

RIS: 2

Type of Const: C

No objection is raised to these structures when assessed against the DTS provisions of the BCA.

Main Building

Class: 5 office
7a carparking
7b storage
8 Mechanical workshop

RIS: 4

Type of Const: A

Concern raised regrading stair 1 and its non compliance with D2.4. (Rising & Descending Stairs) and where exit from these stairs into open space is achieved.

All other areas of the BCA can be addressed at the Construction Certificate stage as the architectural plans demonstrate that at DA stage compliance can be achieved.

Recommendation

While they are non compliance with the Deemed to Satisfy Provisions the applicant can choose to implement an alternative solution with the design when applying for a Construction Certificate. Therefore I could provide you with conditions.

However, the SEE and the BCA report imply that the plans are to comply or do comply with the Deemed to Satisfy Provisions of the BCA. Therefore it is recommended that revised plans be submitted demonstrating compliance at the DA stage so as to avoid possible Section 96 applications for compliance with the DTS provisions of the BCA.

I would also recommend that Council seek clarification from the BCA consultant and Heggies Pty Ltd regarding what architectural plans they have assessed."

Comment: Conditions of consent were requested to address the above concerns and form part of the recommended conditions of consent. It is noted that the concern raised with the fire stair is one that the applicant will need to resolve at the Construction Certificate stage and if necessary, obtain a s96 modification to the consent.

Engineering

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

"The application is for the new Council Depot.

Issues identified at this stage are:

- (1) *The site does not appear to benefit from a right of carriageway over the proposed northernmost driveway across the Army land.*
- (2) *The arborist's report does not reference the civil works drawings by Taylor Thomson Whitting or the EBG report. The result of this is that:*
 - (a) *The proposed rainwater tank and outflow pipes from OSD tank 2 directly conflict with tree protection zones.*

- (b) *The existing stormwater pipe to be diverted around the trades stores building conflicts with a tree protection zone.*
 - (c) *Both Areas A and B to be remediated conflict with a tree protection area.*
- (3) *Non-compliance with DCP 52 and DCP 47 in relation to water quality and stormwater re-use.*

It also appears that the tree within the front setback which is shown as being retained will be adversely affected by the excavation required to achieve driveway access at the two points shown. I expect Landscape Assessment will comment on this.

Comments

Traffic and parking aspects of the proposal are to be separately reviewed by an independent reviewer.

The following documents have been used for the assessment:

- *Caldis Cook Group Statement of Environmental Effects (SEE), issued 4.2.10;*
- *Caldis Cook Group Drawings 08-182 DA-000, DA-001/C to DA-003/C, DA-101/C to DA 104/C, DA-201/C and 202/C*
- *Taylor Thomson Whitting (TTW) Drawings 081712 C01 to C06, all Issue P2, and SKC01 to SKC03, all Issue P2;*
- *EBG Environmental Geoscience Review of Environmental Investigations dated July 2009;*
- *Degotardi, Smith & Partners Survey plans Sheets 1 to 3, dated 17/02/05, and Sheets 2 to 7, dated 22/11/04;*
- *Urban Tree Management Arboricultural Assessment Report dated 4 May 2010.*

Water management

DCP 52 contains a number of objectives for water management. The civil works plans comply with some objectives, in that on site detention is provided, but not with others in regard to quality and harvesting of stormwater.

The civil works plans by TTW do not show any water quality measures or greywater re-use. A note "Pit to connect to graywater (sic) re-use by others" indicates that wash bay runoff is to be stored, treated and re-used on site, but where and for what purpose is not stated. The SEE states that a gross pollutant trap and waste separator pit are to be provided, but these are not shown on any plans.

An oil separator upstream of OSD tank 1 would be a minimum water quality requirement. DCP 47 Chapter 8 is quite specific about pollution reduction targets and DA submission requirements.

The rainwater re-use tank shown on the TTW drawing ("by others – nominal 26 cubic metres") is not drawn to scale which gives a misleading impression of its impact on the tree protection area. The architectural plans show it

beneath the building. Very little detail is given for the tank, which appears to be intended to collect runoff from the southern roof of the main building, but the re-use is not specified, and this relatively small tank by itself does not seem to promote efficient capture and use of rainwater, given that runoff from the covered parking bays and trades store building is not intended to be re-used.

Section 3.2.14 of the SEE contains the statement “Other initiatives include...recycling of grey water from showers, laundry and vehicle washing facilities for landscaping and gardening use”. This is not supported by any of the documentation provided.

It appears that stormwater is not intended to be re-used, as required by Section 4.5.2 of DCP 52. The wash down bay and material storage areas are not roofed as required by the same section. (The elevations do not show a roof over the wash bay, although the Site Plan and SEE indicates a roof?).

Discharge of stormwater from the site is noted on the drawings as “Connect to existing Stormwater system in Bridge Road”. No levels, service locations or details of the existing system are given.

Other comments

The building and stormwater system are over the drainage easement D.

There are discrepancies between the levels shown on the architectural and the civil works drawings, especially the front setback and the vehicular crossings. The architectural drawings appear to show the correct levels.

The arborist’s report does not reference the civil works drawings by Taylor Thomson Whitting or the EBG report. The result of this is that:

- 1 The proposed rainwater tank and outflow pipes from OSD tank 2 directly conflict with tree protection zones.*
- 2 The existing stormwater pipe to be diverted around the trades stores building conflicts with a tree protection zone.*
- 3 Both Areas A and B to be remediated conflict with a tree protection area.*

The proposal does not comply with Section 4.2.2 of DCP 52 in that the trades store, an operational use, is proposed within the administrative zone. This is mentioned in the SEE, however no acoustic report was submitted, which is also a non-compliance with Section 3.2.7 of DCP 52.

There are minor errors and anomalies in the documentation such as:

- Relative Level in the Legend on Architectural Drawing DA-000 should read Reduced Level;*
- EBG report states that the site is owned by Titanium Holdings and refers to the site as 982 Pacific Highway (should be 986);*
- ESD report refers to a residential development in Section 5.1.1;*
- SEE Section 1.2.1 states “the site is currently used as a Works Depot by Council”;*

- *SEE Section 4.1.3 refers to Council's Stormwater Management Manual 1993, when DCP 52 states "or subsequent stormwater management development control plan" – DCP 47 Water management should have been referenced;*
- *SEE Section 4.1.3 does then reference DCP 47, but only Chapter 3."*

Comments: The issue of the driveway being located partially over the adjoining site has been addressed by requesting the applicant to relocate the driveway and amended plans have been received and referred to the external Traffic Engineer for comments. The issue of conflict between the civil works drawings and the location of trees to be retained is addressed in response to the Landscape Assessment Officer's comments above and by conditions of consent. Finally, the Development Engineer was requested to address the other concerns by way of conditions, and provided the following comments, with the requested conditions included in the recommended conditions of consent.

"It is understood that the entry drive has been reconfigured so that the driveway is entirely within Council's property, and that vehicular access has been confirmed for the types of vehicles required to use the driveway.

Parking and traffic issues are being addressed by Craig McLaren.

Water management

The civil works plans, Taylor Thomson Whitting Drawings 081712 C01 to C06, all P2, have not been amended to correspond with the architectural drawings.

Conditions will be recommended by Landscape Assessment to overcome conflicts between the architectural and civil works drawings and the arborist's recommendations.

*Conditions will also be recommended to overcome the non-compliances with DCP 52 and DCP 47 in relation to water quality and stormwater re-use. Because additional rainwater tank(s) and water quality measures such as gross pollutant traps and bioretention swales are likely to be required, the provision of a water management plan which meets the requirements of the DCPs has been recommended as a deferred commencement condition. This is not for technical reasons but to allow Council's Landscape Assessment to confirm that trees and vegetation would not be adversely affected [**Deferred Commencement Condition**].*

It appears that stormwater discharge from the site into the system in Bridge Street will require pipelaying in Suakin Street. A design for the pipe will have to be submitted to Council and approved prior to issue of the Construction Certificate.

Geotechnical and environmental investigation

An updated geotechnical report does not seem to have been submitted with this application. Jeffery and Katauskas Report 18754Wrpt, dated 23 August 2004, submitted with DA832/05 appears to remain applicable, however the report was prepared for the previous architect and the previous proposal. The recommended conditions include the provision of an updated report prior to commencement of works and compliance with the recommendations of the updated report in regard to excavation, dilapidation survey of neighbouring properties etc.

Due to the proximity of works to the building at 27 Bridge Street, it is considered prudent that a dilapidation survey be carried out on that building prior to commencement of works.

Remediation of Area A and Area B should be carried out in accordance with the EBG report which also references an EIS Remediation Action Plan (RAP), although the RAP does not seem to have been submitted with the current or previous application."

EXTERNAL REFERRALS

Due to the site being owned by Council and as the applicant is also Council, the assessment of critical components of the application were outsourced to external consultants and the assessment of those consultants and the responses to other external referrals to the Roads and Traffic Authority and the Rural Fire Service follow:

Rural Fire Service

In accordance with the provisions of section 79BA of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service (RFS), concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The Rural Fire Service raised no objection to the proposal and provided a series of conditions for inclusion in any consent.

Comment: The requested conditions have been included in the recommended conditions of consent, however, one condition sought the entire site to be maintained as an Inner Protection Areas (IPA). Such a requirement would potentially compromise the onsite restoration works to offset the impact upon the endangered ecological communities. Accordingly, the RFS were requested to review the Bushland Rehabilitation Plan and to reconsider whether the restoration area needed to be maintained as an IPA. In response to this request the RFS provided the following comments.

"The Rural Fire Service has reviewed your submission, including the proposed Rehabilitation Plan detailing the proposed location of the Blue Gum High Forest Rehabilitation Area. Based on the information provided, I can confirm that the RFS supports the proposed amendment to our previously issued recommendations to exclude the nominated

rehabilitation area from the site-wide Inner Protection Area (IPA) management regime.”

Roads and Traffic Authority

As the proposed development falls under the provisions of Column 3 of Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007, the application was referred to the Roads and Traffic Authority for comment and the following comments were received.

“The RTA has reviewed the subject development application and raises no objections to the proposal, however the following comments have been included to assist Council in determination of the application:

In this instance, the development is not ‘integrated development’, as Council is both the consent authority for the development and the approval authority for Pacific Highway (refer to Section 91(3) of the Environmental Planning and Assessment Act, 1970)/ Consequently, the RTA cannot accept the payment of a fee for the assessment of this development application, As a result, the \$250 fee previously forwarded for this development is duly returned to Council for refund to the developer.

- 1. At peak times especially in the afternoon there can be considerable delay in existing from this commercial area on to the Lane Cove Road off ramp and at the traffic signals on the Pacific Highway. Council should satisfy itself as to whether these delays will pose a problem for the facility & whether there will be any problems for heavy vehicles queuing on the Bridge Street (incline) waiting at the traffic signals.*
- 2. It is noted that Ku-ring-gai Council is preparing a Master Plan for the Pymble Business Park (of which this development would be part of). Being mindful of the Master Plan and the need to implement additional traffic infrastructure in the area, (if possible) Council should collect a monetary contribution towards the facilitation of additional local traffic infrastructure.*
- 3. If there is considerable delay for vehicles leaving the site, will this trigger a need to use the emergency access from the site directly on to the Pacific Highway. Council should ensure that appropriate conditions are implemented to limit the use of the emergency access to scenarios such as evacuations, use by Police, Fire Ambulance & other emergency services (ie. SES).*
- 4. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements) should be in accordance with AS 2890.1 – 2004 and 2890.2 – 2002.*
- 5. All construction vehicles are to be contained wholly within the site.*
- 6. All vehicles are to be clear from the edge of carriageway and shoulder before being required to stop.*
- 7. The required sight lines to other vehicles at the entrances are not to be compromised by landscaping, signage or fencing.*
- 8. Car parking provisions to Council’s satisfaction.*

9. *All works associated with the proposed development are to be at no cost to the RTA."*

Comment: The suggested conditions contained at points 3-7 are included in the recommended conditions of consent. The issues raised at points 1-2 and 8 are addressed following in the traffic assessment. Finally, no works are proposed to be at the expense of the RTA.

Flora and Fauna

An assessment of the development's impact upon flora and fauna was undertaken by P & J Smith Ecological Consultants and a series of concerns with the documentation and the application were raised, with the conclusion of the assessment following:

"The flora and fauna assessment prepared by Nichols (2009) for the proposed Ku-ring-gai Council works depot at 5 Suakin Street, Pymble, does not adequately address the flora and fauna issues at the site. In particular, Nichols has not recognised the importance of the critically endangered Blue Gum High Forest and endangered Sydney Turpentine-Ironbark Forest remnants at the site in relation to the NSW Threatened Species Conservation Act 1995. His report makes contradictory statements about whether or not these communities occur at the site, but apparently he considers that the remnants there are too degraded to be considered native vegetation communities. However, the listings of these communities under the NSW legislation, as described by the NSW Scientific Committee (1998, 2007), include highly degraded remnants such as those on the subject site. Nichols has provided a seven part test for the impact of the proposed development on BGHF, but not one for the impact on STIF. His conclusion from his seven part test that there will not be a significant impact should be rejected because it is based on erroneous assertions that there is no BGHF or STIF vegetation at the site.

We have provided seven part tests for the impact on BGHF and STIF. Our conclusion from the tests is that the proposed development is likely to have a significant impact, especially on the endangered ecological community, Sydney Turpentine-Ironbark Forest. The proposed mitigation and offset measures do not adequately compensate for the adverse impacts of the development. Further offset measures are required. This will probably mean offsite measures since there is limited scope for further onsite measures under the current proposal.

Nichols (2009) has not addressed the requirements of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. We have considered the proposed development in relation to this legislation and concluded that it will not have a significant impact. BGHF and STIF are both listed as critically endangered ecological communities under the Commonwealth legislation but, in contrast to the NSW legislation, the listings do

not include highly degraded remnants such as those on the subject site (Threatened Species Scientific Committee 2005a,b)."

Comment: As a result of the concerns raised a meeting was held with the applicant, Council staff and the ecologists for the applicant and Council and it was agreed that the assessing ecologist would provide an assessment of the relative significance of trees on the site and their priorities for retention. Upon receipt of this information the applicant was requested to review this information and review the design of the proposal with a view to maximising the retention of the most significant trees and provide an indication of what trees could be retained. After considering this information from the applicant, the assessing ecologist advised that there was a potential to provide for onsite offsets for the impacts of the development and that a Bushland Rehabilitation Plan should be prepared, together with amended plans, to specify how the onsite offsets would occur and an amended flora and fauna report. Upon receipt of this information from the applicant and additional information in relation to the number of trees to be planted, the following comments were received from P & J Smith Ecological Consultants.

"We have examined the amended Bushland Rehabilitation Plan prepared by Banksia Ecology. The description on page 44 of the numbers of trees to be planted, and the maps showing the locations of these trees (Figures 4, 5 and 6a), satisfy our request for further information on how many trees will be planted to offset the losses of Blue Gum High Forest and Sydney Turpentine-Ironbark Forest trees as a result of the proposed development. The loss of 29 BGHF and STIF trees from the site will be offset by new plantings that should result in 34 new BGHF and STIF trees surviving to maturity at the site. We consider the amended plan to be acceptable. However, the issue remains of whether or not the bushland rehabilitation areas are to be treated as an asset protection zone, which would compromise the restoration of BGHF and STIF in the proposed bushland rehabilitation areas."

Comment: In response to the above concern about the treatment of the restoration area as an IPA, RFS was requested to reconsider whether this area could be excluded from the requirement. In response RFS indicated that the area could be excluded and as such the impact upon the endangered ecological communities is considered to be acceptable given the proposed onsite off sets.

Traffic

An assessment of the development's impact upon the surrounding road network and the suitability of the proposal with regard to traffic and parking was undertaken by McLaren Traffic Engineering and the following assessment was provided:

"The undersigned has undertaken a review of the lodged traffic report, Statement of Environmental Effects report as well as the earlier Traffic and Transport Planning Associates (TTPA) report dated April 2005 in the context

of local conditions, AS2890.1, AS2890.2 and Council controls. The Council controls are specifically DCP # 43 (Car Parking) and DCP # 52 (986 Pacific Highway and 5 Suakin Street, Pymble). Following this review and site inspection, the traffic generation effects, service vehicle movement and pedestrian activity the proposed development is supportable on traffic and parking grounds subject to the following:

- Provision of localised speed restriction signs and suitable physical measures if necessary within the site to control traffic speed to 10km/h at the locations where pedestrian traffic activity is concentrated. These locations to include all building entrances / exits and public footpath areas.
- Investigate the provision of pedestrian access provision from the Pacific Highway entrance to the site. This is seen as a worthwhile investigation in order to encourage public transport usage by staff due to the bus and train services that operate along or near the Pacific Highway frontage.
- Provide “Emergency Vehicle Access” signage at the Pacific Highway entry with adequate controls that prohibit access by all other vehicles.

Figure 3.2 on page 23 of the SEE identifies main pedestrian access in the key to the diagram without showing how pedestrians are intended to enter or leave the site as well as how pedestrians are to be adequately managed on the site in terms of OH&S considerations.

There appears to be little regard to how pedestrians may walk between buildings within the site.

In relation to on-site parking and servicing provision, it is evident that adequate car parking is provided on-site for staff as well as adequate parking for work depot vehicles. This is based upon a comparison parking demand assessment with the existing Depot in Carlotta Avenue, Gordon. Council’s DCP 43 does not strictly apply in relation to the required quantum of onsite car parking as the proposed depot use is not covered by the land use parking rates expressed in DCP 43.

If one does apply the office and warehouse rate to the proposed development, then the car parking “requirement” is less than the on-site provision as stated on page 3 of the traffic report and on page 41 of the SEE although there are some differences in both report in regard to applying Council’s parking code.

Provision of 10 bicycle parking spaces in the basement car park is adequately identified on the plans.

In relation to external traffic generation it is evident that the depot currently exists at Gordon within close proximity to the subject site, so that external traffic generation is currently accommodated by the surrounding main road network, particularly beyond the immediate local road of Carlotta Avenue

that serves the current site. There will be additional traffic volumes on West, Bridge and Suakin streets for the proposed depot location.

The forecast traffic generation of 80 to 100 vehicles per hour (from the earlier TTPA) rather than 50 vehicle peak hour trips stated in the URaP TTW report would apply to the subject site. The worst case 100 vehicles per hour (i.e. 40in; 60 out) at 3.30pm to 4.30pm will be adequately accommodated on the surrounding local and main roads with minimal impact as vehicles will spread to both West Street and Bridge Street.

Further investigation and discussion with the RTA is recommended to consider enhancements at the traffic signal controlled intersection of the Pacific Highway and Bridge Street, as highlighted in the TTPA report. Those enhancements relate to pedestrian crossing provision and right turn exit from Bridge Street. Whilst these measures are not essential for the proposed depot, they would improve local access conditions for users (vehicles and pedestrians) of the depot.”

Comment: A condition of consent is recommended requiring a 10km/h speed limit to apply throughout the site [**Condition 112**]. Pedestrian access will be available from the Pacific Highway, with the existing access road to the top of the site being retained for emergency access use only, with a recommended condition to address this [**Condition 119**]. With regard to pedestrian access, visitors to the site would only access the main building and an accessible path of travel is provided from the street to the main building. Travel between the buildings on the site would be via the pedestrian pathway along the southern side of the main building, which is covered, and thence along an uncovered pathway along the southern boundary to the central portion of the site, where it crosses to the other side of the internal road. At the top of the ramp pedestrians would need to share the roadway, which given the anticipated low volume and speed of traffic in this upper area of the site is reasonable. Finally, a recommendation of this report is that Council undertake discussions with the RTA about the traffic signals at the intersection of the Pacific Highway and Bridge Street in relation to pedestrian crossing provision and right turn manoeuvres, however as the development is not dependant upon this occurring, the recommendation is not tied to the determination of the application.

An additional comment was sought from McLaren Traffic Engineering in relation to the amended plans which removed a driveway from the Suakin Street frontage to the basement parking area, requiring the second access to the parking area to share the driveway serving the remainder of the site. After considering a series of amended plans McLaren Traffic Engineering advised as follows.

“There appears to be a bit of a kick in the driveway that is not used by trucks entering the site.

It is good practice to separate entry & exit traffic by painted double white lines (as a minimum treatment) which reflects the true path of

entering & leaving trucks from / to the cul-de-sac kerb to a point 12m past the new car park driveway. I don't think this can be achieved on the plans presented. So a wait area for vehicles leaving the site should be presented on the plans to the north of the car park access.

Under AS2890.2-2002, the width of the access corridor for trucks should be 6.5m for two way trucks, however it is evident that two 12.5m long trucks can't pass in the segment north of the new car park entry and possibly between the car park entry and the cul-de-sac kerb line. It is accepted that the frequency of two large trucks passing would be low and that a sign be displayed facing ALL VEHICLES exiting the site (at a point north of the car park access) advising ALL VEHICLES to "Give Way to Entering vehicles". Attention to detail is required by the swept path analyst to reflect this outcome.

I expect that at the cul-de-sac that any large truck that attempts to enter when a departing large truck is leaving the driveway area is likely to temporarily stop in the cul-de-sac to wait for the exit truck to leave so that adequate space is available at the driveway for the swept path effect of the entering truck. I don't think that a median is suitable as it is likely to be mounted by these trucks. A convex mirror is not needed for cars exiting the upper car park.

A management plan should be included in the consent regarding instructions to all staff & truck drivers as to the procedures (as briefly outlined above) to follow when large trucks (i.e. greater than 8.8m in length, or HRV vehicles in accordance with AS2890.2-2002) enter or leave the site."

Comment: Discussions with McLaren Traffic Engineering confirm that subject to conditions addressing the above, the proposed access to the site is acceptable. The above conditions have been included in the recommendation **[Conditions 112 & 114]**.

STATUTORY PROVISIONS

Disability Discrimination Act

The Disability Discrimination Act (DDA) requires Council in the assessment of all development applications to assess whether the proposal has been designed for an appropriate level of equity for all. Considerations, in particular, include whether the building has an appropriate level of accessibility for all persons and whether such accessibility is equitable. This is particularly important for a use providing a service to the general public, such as is the case with the subject application, and for new buildings.

In order to achieve this it is necessary that:

- an accessible path of travel be provided from the footpath and visitor parking spaces to all publicly accessible areas within the main depot building;
- An accessible path of travel be provided from the footpath and the staff parking spaces to all facilities within the main depot building;
- Accessible parking spaces and toilet facilities are provided; and
- That the provision of an accessible path of travel and accessible facilities be equitable.

As the remainder of the site is a working depot area (not accessible to the public) and as staff using these areas are unlikely to have mobility disabilities (due to the nature of the work), and given the steepness of the site, it is not considered reasonable to required an accessible path of travel throughout the entire site, nor the provision of accessible facilities in these other areas of the site.

An accessible path of travel is provided from the footpath to the lobby of the ground floor level and an accessible path of travel is available via the lift to the two basement parking levels and the first floor level. The accessible path of travel is the main pedestrian entrance to the building and as such is equitable. The accessible path of travel connects with the office space, despatch area and amenities, with an accessible WC provided on the ground level. The accessible path of travel connects with the lunch and meeting rooms on the first floor level as well as the amenities, though it is unclear if an accessible WC is provided at this level. The bathrooms show a larger toilet stall in both the male and female bathrooms at this level but don't specify it as being accessible. A condition of consent will require these stalls to be accessible or in the alternative, an accessible toilet to be provided at this level to ensure equity of access [**Condition 97**]. Finally, two accessible parking spaces are provided, one at each basement level, with an accessible path of travel and in close proximity to the lift. As such the proposed main depot building has been appropriately designed with regard to accessibility.

Further, the provision of a connection between this building and the existing Council office building at No. 31 Bridge Street will provide for improved accessibility to this building, which currently is not accessible.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

The provisions of SEPP 55 require Council to consider, when assessing a development application, the potential for a site to be contaminated. The subject site has a history of non-residential uses and as such concern exists that the site may contain some level of contamination and as such a preliminary assessment is required. EGG prepared a Review of Environmental Investigations report, dated July 2009 addressing the potential for the site to be contaminated. The significant findings and recommendations of the report are summarised following:

- The previous environmental investigations for the site are adequate and have identified two areas of concern.
- Remediation needs to be undertaken in relation to a relatively small area of the site adjoining the boundary with Nos. 15-17 Bridge Street and a larger area of the site at the bottom of the Pacific Highway portion of the site.
- The proposed remediation can be limited in its scope by carrying out limited excavation and then soil testing.
- After remediation two monitoring wells should be installed near the remediated tank pit and monitoring should occur.

Concern has been raised by the Landscape Assessment Officer that the remediation work may result in the loss of significant trees and as such a condition of consent is recommended requiring the engineer responsible for remediating the site to liaise with an arborist prior to and during the remediation in order to reduce to the greatest extent possible the likelihood of impact upon the significant trees [**Condition 82**]. Should the trees be compromised by the remediation work, then the area is to be replanted with replacement species suitable to the endangered ecological communities on the site and soil is to be exported from another part of the site.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development falls under the provisions of Column 3 of Schedule 3 of the State Environmental Planning Policy (Infrastructure) 2007 and as such the application was referred to the Roads and Traffic Authority (RTA) for comments. The response received by the RTA has been addressed previously in this report and their requested conditions have been included in the recommended conditions of consent.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not in close proximity to, or within view, of a waterway or wetland and is considered satisfactory. Water re-use measures will minimise the impact on downstream waterways.

Ku-ring-gai Local Environmental Plan (Town Centres) 2010 (KLEP 2010)

The Ku-ring-gai Local Environmental Plan (Town Centres) 2010 (KLEP 2010) was gazetted on 25 May 2010 and zoned the site B7 Business Park. The provisions of clause 1.8 of the KLEP 2010 repeal Ku-ring-gai Planning Scheme Ordinance as it applies to the subject site, however, the provisions of clause 1.8A indicate that if a development application has been made before the commencement of the plan and has not been finally determined before the commencement, the application must be determined as if the plan had not commenced. Therefore an assessment of the application against the provisions of KLEP 2010 is required, but the assessment is based on giving

the plan the weight of an imminent and certain draft local environmental plan only.

Permissibility

Within the B7 Business Park zone a list of prohibited uses are nominated, with some permitted uses being nominated and others being permitted as they are not nominated as prohibited uses. The proposed use of a Council works depot is not appropriately categorised as any of the nominated prohibited uses or any of the nominated permitted uses (though is partially categorised as a truck depot, which is permitted) and as such is permitted with consent as an innominate use.

Height

Clause 4.3 sets a maximum height of 32.5m for the subject site and the proposed buildings comply with the control, with a maximum height of 13.7m.

Floor Space Ratio

Clause 4.4 sets a maximum floor space ratio (FSR) for the site of 3.5:1 and the proposed development complies with the control, having a FSR of 0.15:1.

Preservation of Trees or Vegetation

Clause 5.9 requires development consent be sought for the removal of trees and the application seeks consent for the removal of trees, complying with the clause.

Heritage

Clause 5.10 requires consideration of the impact of any development upon the significance of a heritage item in the vicinity of the site. The site adjoins an item of heritage and the impact of the development upon the significance of the item has been assessed by Council's Heritage Advisor as acceptable.

Natural Resources Sensitivity - Biodiversity

Clause 6.5 applies to land identified as areas of biodiversity significance and the majority of the site is so identified. The clause requires an assessment of the impact of development upon any native vegetation community, the habitat of a threatened species, population or ecological community, any regionally significant species, any biodiversity corridor, any wetland, the biodiversity values within a reserve or the stability of land. The site has been identified as containing two endangered ecological communities and an assessment of the impact upon these communities has been made by P & J Smith Ecological Consultants, who found the impacts to be appropriately offset by onsite restoration works.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The site is zoned 5A Special Uses A (Council Purposes) under the provisions of Ku-ring-gai Planning Scheme Ordinance (KPSO) and the erection of a Council works depot is permissible with consent within the zone, being for a Council Purpose.

Clause 46 of the KPSO requires consent for the erection of a building in excess of 7m in height and consent is sought by this application for a building in excess of 7m in height, satisfying this provision.

POLICY PROVISIONS

Whilst Ku-ring-gai Development Control Plan (Town Centres) 2010 (KDCP 2010) has been adopted and commenced and replaces Development Control Plan No. 52 (DCP 52), the savings provisions of KLEP 2010 act to make the KPSO the primary instrument for the assessment of this application, with the KLEP 2010 being considered as an imminent and certain draft LEP only. Section 79C makes provision for consideration of draft planning instruments (ie KLEP 2010) but not draft DCPs and as DCP2010 cannot operate without its “mother” instrument, it cannot repeal the provisions of DCP 52, which remains the relevant DCP for consideration in the assessment of this application. Therefore the provisions of DCP 52 are addressed following.

Development Control Plan No. 52

DCP 52 is a site specific DCP applying to the proposal. The aims of DCP 52 are to ensure development does not dominate the surrounding development and locality, provides sufficient landscaping to contribute to the tree canopy on the site, protects endangered species and natural topography, is ecologically sustainable, provides appropriately for drainage and treatment of stormwater and minimises impacts on adjoining properties (particularly residential) and the natural environment.

Environmental Considerations

Tree Preservation - Clause 3.2.2 sets assessment criteria and design requirements in relation to tree preservation. The assessment criteria require the development to be designed and located to retain and minimise disturbance to as many trees as possible. The design requirements indicate this is to be achieved by positioning built upon areas outside the canopy of existing significant trees on and off the site, avoiding cut and fill in proximity to trees and avoiding changes to the water table.

Whilst the original application was assessed as being unsatisfactory by the Landscape Architect in relation to its impact upon trees, the amended plans, together with the recommended conditions of consent prepared by the Landscape Architect, will result in the satisfactory protection of significant trees on the site.

Remnant Native Bushland - Clause 3.2.3 sets assessment criteria and design requirements in relation to remnant native bushland. The assessment criteria require the development to protect and preserve remnant native bushland. The design requirements indicate this is to be achieved by minimising disturbance to remnant native bushland, preventing runoff from entering the adjoining bushland and weed management.

The application has been assessed as satisfactory by the Flora and Fauna consultant, with the significant trees on the site being retained where possible and the impact upon the onsite EECs being appropriately offset onsite by the proposed bushland restoration area.

Biodiversity - Clause 3.2.4 sets assessment criteria and design requirements in relation to biodiversity. The assessment criteria require the development to protect remnant native vegetation and wildlife, identify and consider threatened species and recognise the value of preserving local seed banks in the soil in-situ. The design requirements indicate this is to be achieved by creating a buffer zone between development and remnant habitat and avoiding the introduction of foreign soil.

The application has been assessed as satisfactory by the Flora and Fauna consultant as has been discussed above in relation to the impact upon remnant native bushland.

Bushfire Hazard - Clause 3.2.5 sets assessment criteria and design requirements in relation to bushfire hazard. The assessment criteria require the development to be sited to minimise bushfire hazard and utilise landscaping suitable to minimise bushfire hazard. The design requirements indicate this is to be achieved by locating buildings with appropriate Asset Protection Zones, planting with predominantly native and indigenous species and complying with Planning for Bushfire Protection December 2001.

The application has been referred to the Rural Fire Service and the application is supported subject to conditions.

Natural Landscape - Clause 3.2.6 sets assessment criteria and design requirements in relation to natural landscape. The assessment criteria require the development to not unreasonably intrude or impact upon natural features. The design requirements indicate this is to be achieved by preserving existing features, designing to reflect the slope and consider height, colour and roof pitch to ensure the development does not dominate the surrounding area.

The design of the proposal steps down the site, limiting areas of substantial cut to car parking structures. This and the compliance of the buildings with the height controls ensure the design does not unreasonably intrude upon natural features or dominate the surrounding area.

Operational Noise - Clause 3.2.7 sets assessment criteria and design requirements in relation to operational noise. The assessment criteria require the development to limit the impact of operational noise on surrounding land

uses. The design requirements indicate this is to be achieved by preparing a noise impact assessment in accordance with the NSW EPA's Industrial Noise Policy.

A report assessing the likely operational noise levels has been prepared by Renzo Tonin & Associates Pty Ltd and finds that subject to certain operational criteria, the proposal will have an acceptable noise impact. The operational criteria recommended in the assessment report have been included as conditions of consent [**Condition 120**].

No report has been prepared addressing noise emissions during construction of the depot. Of particular concern is noise and vibration from rock breaking operations. Therefore a report addressing the noise and vibration impacts of the construction process should be provided for assessment prior to the commencement of works and is to provide mitigation measures. Accordingly, a condition to this effect is recommended for any consent requiring the information prior to the commencement of works [**Conditions 15 & 28**].

Design Elements

Public Domain and Communal Spaces - Clause 4.1.2 sets assessment criteria and design requirements in relation to public domain and communal spaces. The assessment criteria require the development to provide a positive contribution to the public domain. The design requirements indicate this is to be achieved by ensuring the development is of appropriate scale consistent with the surrounds when viewed from public and private places and integrates the built form and soft landscaping.

The main depot building which fronts Suakin Street provides the predominant visual impact of the development as viewed from both private and public places, though the Trades Store and smaller structures will be visible from private properties, though will have a single storey scale, and are located behind landscaping and as such will have an acceptable visual impact.

In considering whether the main depot building will have an appropriate positive contribution upon the public domain its height bulk and scale needs to be considered in the context of the existing streetscape, which contains other buildings of similar scale. It is also noted that the site and surrounding sites are zoned to permit heights of up to 32m under KLEP 2010, which has been gazetted and will establish the future character of the area. The proposed maximum height of between 12.7m and 13.7m as viewed from Suakin Street falls well within the maximum height criteria that will apply to the area in the future. Further, as is characteristic in the streetscape, the building will be visually softened by the retention of the existing significant street tree in front of the building and proposed landscaping within the setback area.

Integrating Streetscape Character - Clause 4.1.3 sets assessment criteria and design requirements in relation to integrating streetscape character. The assessment criteria require the development to recognise the unique responsibility to ensure that the visual, scenic and environmental qualities of

the locality are maintained. The design requirements indicate this is to be achieved by integrating the development into the landscape and avoiding tall and bulky structures, choosing appropriate external colours and finishes, retain significant landscaping, consider views to the site and soften the visual impact by extensive endemic landscaping.

The issue of character with regard to bulk and scale and landscape setting has been addressed previously in relation to the Public Domain and Communal Spaces comments. The proposed colours and materials are satisfactory and appropriately respond to the setting of the site.

Siting of Buildings and Structures - Clause 4.2.1 sets assessment criteria and design requirements in relation to the siting of buildings and structures. The assessment criteria require the development to site buildings to minimise impacts on surrounding properties. The design requirements indicate this is to be achieved by using the upper part of the site as an administrative area, with the building addressing the Pacific Highway and having a defined public entrance and landscaping.

The noise generating uses are to be located on the lower part of the site, with a series of buildings rather than one building. Buildings are to be oriented to the north for solar access and energy efficiency.

The proposal provides a series of buildings stepping down the site with the administrative area not to be developed but to be a bushland restoration zone, providing an attractive outlook for adjoining residential properties. The noise generating uses are located to the centre and lower parts of the site and subject to appropriate noise attenuation measures, as discussed elsewhere, will not detrimentally impact upon surrounding uses, particularly residential uses. Buildings are orientated to the north as far is practicable, with north facing windows provided where possible without detrimental impacts on adjoining sensitive noise receivers to the north.

Building Setbacks - Clause 4.2.3 sets assessment criteria and design requirements in relation building setbacks. The assessment criteria require the development to ensure neighbouring amenity, provide for landscaping including trees, facilitate solar access, protect significant vegetation, minimise bushfire hazard and provide visual screening from the residentially zoned land. The design requirements indicate this is to be achieved by providing an 8m setback from Suakin Street, no buildings within the access handle to the Pacific Highway, setbacks to residential land of 7m (4m landscaped and next 3m fuel free), a 7m setback to the adjoining buildings in Bridge Street and a nil setback from 982 Pacific Highway. Setbacks to the Army Depot are to be determined by the need to retain significant trees.

The proposal provides a setback from Suakin Street to the main depot building of between 7m and 10.2m with a setback of nil to 9.6m from the south-eastern boundary and 11m-35m from the north-western boundary. This complies with setback requirements to properties to the north-west, but breaches for a small component the setback requirement from Suakin Street

and for a small component breaches the setback requirement from the adjoining properties in Bridge Street.

The reduced setback from Suakin Street is a result of the curve of the cul-de-sac head and the setback of the building is considered appropriate notwithstanding the small area of the breach. The breaches to the setback from the Bridge Street properties occurs adjoining Nos 27 Bridge Street, a commercial building occupied as administrative offices by Council. The reduced setback to allow attachment by way of a lobby to the Council administrative building at No. 31 Bridge Street is supported to allow an accessible entry to that building from the subject site.

No buildings are proposed within the access handle from the Pacific Highway, and the Trades Store building has a minimum setback of 12.5m from the north-western properties and 3m from 982 Pacific Highway, complying with the control.

Floor Space Ratio - Clause 4.2.4 sets assessment criteria and design requirements in relation to floor space ratio. The assessment criteria require the development to be of appropriate scale with regard to the local context and streetscape and limit the bulk so that it does not dominate the treed landscape of the locality. The design requirements indicate this is to be achieved by a maximum FSR of 1:1.

The Statement of Environmental Effects indicates that the FSR of the proposal is 0.15:1 and as such the proposal easily complies with this control. As the proposal satisfies the FSR control and height control (see below) and generally satisfies the setback controls, it is considered to be of appropriate scale in the local context.

Height of Buildings - Clause 4.2.5 sets assessment criteria and design requirements in relation to height of buildings. The assessment criteria require the development to be designed to be of limited height so as not to dominate the treed landscape, to limit the extent of overshadowing and visual and aural intrusion, maintain compatibility with adjoining buildings and provide a variation of heights across the site having regard to adjoining buildings. The design requirements indicate this is to be achieved by a maximum height in the lower level of 15m and in the upper level of 12m, measured from the existing ground level to the highest point on the building.

The maximum height of the main depot building is 13.7m and of the trades store is 6.2m, complying with the control.

Relationship with Adjoining Residential Dwellings – Clause 4.2.6 sets a building height plane projected at an angle of 30° from a point 1.5m above the existing ground level at the boundary with land zoned residential up to a height of 12m.

The only building in proximity to residential land is the Trades Store and complies with the control.

Roof Line – Clause 4.2.7 requires that the roofs of all buildings be pitched with the maximum pitch 12.5°.

The roof of the main depot building is a low pitched roof at 5° and the trades store is pitched at 5°, complying with the control.

Built-upon Area - Clause 4.2.8 sets assessment criteria and design requirements in relation to built-upon area. The assessment criteria require the development to maintain a reasonable proportion of the site as deep soil landscaping. The design requirements indicate this is to be achieved by developing a maximum of 75% of the site with built-upon area.

The Statement of Environmental Effects specifies that the proposal has a built upon area of 60% of the site, which has been assessed as being in compliance with the control.

Design - Clause 4.2.9 sets assessment criteria and design requirements in relation to design. The assessment criteria require the development to be sympathetic in scale and mass to surrounding development and should incorporate architectural relief and modulation.

The design requirements indicate this is to be achieved by having no unrelieved walls over 18m in length, no unrelieved walls in excess of 12m for walls over 4m high, provide substantial articulation of wall recesses, incorporate variations in elevations for visual interest and use appropriate horizontal elements such as planter boxes (particularly on above ground car parks).

The main depot building has a width of 30.5m and as such requires articulation. Articulation is provided by way of a recessed glazed staircase element, an angled projecting two storey element for the office and amenities spaces and a recessive parking element. The parking levels are further articulated by louvred openings.

The trades store has dimensions of 24.3m x 18m, with articulation provided to the southern and northern elevations by way of roller door openings and louvre elements, however the other two elevations are unrelieved. Given the setback from the adjoining residential property, which is landscaped, and that the building will appear to be single storey as viewed from this position due to the slope of the land, the lack of articulation is reasonable.

Solar Access - Clause 4.2.10 sets assessment criteria and design requirements in relation to solar access. The assessment criteria require the development to maintain a reasonable level of solar access to windows and outdoor recreation areas of adjoining properties, a reasonable level of solar access to internal work areas and provide sun protection with sun shade devices and landscaping. The design requirements indicate this is to be achieved by maintaining a minimum 7m setback from adjoining office

buildings including balconies, careful siting and orientation and careful placement of deciduous trees.

Shadow diagrams have been prepared showing the shadow impact of the proposal at 9.00am, 12.00 noon and 3.00pm in mid-winter. The shadow diagrams show the following shadow impact as a result of the proposal.

- | | |
|------------|---|
| 9.00am | Additional shadowing will occur within the site and to Suakin Street road reserve, |
| 12.00 noon | Additional shadowing will occur within the site and to the lower level of part of the north-western façade of No. 31 Bridge Street, to part of the car park of No. 27 Bridge Street and to part of the side setback and lower level of the Energy Australia site fronting the Pacific Highway |
| 3.00pm | Additional shadowing will occur within the site and over the northern façades of Nos. 27 and 31 Bridge Street and to the western and northern façades and the area between the buildings of the Energy Australia site |

Given the non-residential nature of the adjoining uses that are shadowed, the general compliance with the 7m setback requirement and the limited extent of the additional shadowing, it is considered that the shadow impact is acceptable.

Energy Efficiency - Clause 4.2.11 sets assessment criteria and design requirements in relation to energy efficiency. The assessment criterion requires the development to be energy efficient. The design requirements indicate this is to be achieved by achieving a 4.5 star rating under the ABGR scheme for administration and office buildings. Further buildings are to be designed with northerly work areas, natural light to internal work areas, utilise thermal mass, access winter sun and summer shade, provide cross ventilation, use solar water heating and appropriate plant selection

The design has had appropriate regard to energy efficiency, and subject to satisfaction of the recommendations of the Indicative Ecologically Sustainable Design Assessment prepared by Heggies, which forms part of the development to be approved, will satisfy the above criteria.

External Finishes - Clause 4.2.12 sets assessment criteria and design requirements in relation to external finishes. The assessment criteria require the development to use colours and materials to minimise the visual impact of the development and be sympathetic with the locality and natural environment.

The design requirements indicate this is to be achieved by use of a variety of materials, provide a maximum of 80% of any external wall with metal cladding, use colours and materials in keeping with the native vegetation and use non-reflective glass.

The proposed colours and materials were provided and are considered satisfactory.

Construction for Bushfire Hazard - Clause 4.2.13 sets assessment criteria and design requirements in relation to height of buildings. The assessment criterion requires the development to minimise potential bushfire hazard. The design requirements indicate this is to be achieved by constructing in accordance with AS 3959.

The proposal has been assessed as being acceptable by the Rural Fire Service and it has conditioned the construction to comply [**Conditions 88-95**].

Building Materials - Clause 4.2.14 sets assessment criteria and design requirements in relation to building materials. The assessment criteria require the development to use ecologically sustainable building material. The design requirements indicate this is to be achieved by using raw materials that have minimal impact upon the natural environment.

The proposed materials are considered acceptable and satisfy this clause.

Signage - Clause 4.2.15 sets assessment criteria and design requirements in relation to signage. The assessment criteria require the development to have signage compatible with the adjoining building and natural environment. The design requirements indicate this is to be achieved by providing signage in scale with signage on adjacent properties and of lower dominance than the built form.

It is appropriate that the signage on the site be limited to a sign identifying the street address and name of or purpose of the building. A condition to this effect is recommended [**Condition 121**].

Open Space and Landscaping

This section of the DCP, has generally been addressed by the Landscape Architect and has been assessed as acceptable.

Deep Soil Landscaping Area – Clause 4.3.2 requires a minimum deep soil landscaped area of 25% if the site and the development provides for 27% of the site.

Bushfire Hazard - Clause 4.2.5 sets assessment criteria and design requirements in relation to bushfire hazard. The assessment criteria require the development to use plant selection appropriate to minimise bushfire risk. The design requirements indicate this is to be achieved by reference to the Council's Landscape and Planting Guidelines for bushfire prone areas.

The Rural Fire Services have indicated in their response to a referral that the plans are appropriate.

Access and Parking

This section of the DCP, with the exception of clauses 4.4.4 and 4.4.6, is addressed in the comments of the traffic engineer.

Design of Above Ground Parking Areas - Clause 4.4.4 sets assessment criteria and design requirements in relation to the design of above ground parking areas. The assessment criteria require the car parking areas not to dominate the site or streetscape and be sympathetic to adjoining residential development. The design requirements indicate this is to be achieved by roofing parking areas with pitched roofs, providing articulation through use of a variety of building materials and colours and ensuring ramps to above ground parking are not visible from Suakin Street or the Pacific Highway.

The proposed parking structures are located within the design of the main depot building and are recessed behind a projecting façade for the office and amenities levels. The car parking areas will also be located behind an appropriately landscaped area, which will further soften their appearance.

Pedestrian Access - Clause 4.4.6 sets assessment criteria and design requirements in relation to pedestrian access. The assessment criteria require the development to provide safe pedestrian access through the site, including for disabled persons. The design requirements indicate this is to be achieved by providing pedestrian access to the administrative buildings from the Pacific Highway and providing an accessible path of travel to the administration building from the Pacific Highway and staff and visitor parking areas.

The proposal provides an accessible path of travel from Suakin Street to the main depot building, it being noted that no building is proposed at the Pacific Highway end of the site, which is to be a bushland restoration area, though pedestrian access from the Highway through the site will be maintained.

Water Management

Section 4.5 deals with water management and has been addressed in the comments of the engineer contained previously in this report.

Managing Construction

Section 5 deals with construction issues such as tree protection, waste management, noise, and pollution controls and is appropriately dealt with by the recommended conditions of consent.

OTHER RELEVANT CONSIDERATIONS

SUITABILITY OF THE SITE

Geotechnical Constraints

An investigation into the potential geotechnical constraints of the site was carried out by Jeffery and Katauskas Pty Ltd in their Geotechnical Investigation report dated 23 August 2004 in relation to the previously approved development on the site. The findings and recommendations of that report are summarised following:

- The slope of the site is typically about 20°
- A stockpile of rubble exists towards the south-western corner of the site, covering an area of approximately 60m x 15m and it is overgrown with grass and shrubs
- Sandstone outcrops are present in the lower portion of the site along the southern part of the eastern boundary and along part of the Suakin Street frontage
- The main geotechnical issues affecting the design and construction will be variations in underlying bedrock type and strength potentially affecting the design bearing pressures for footings, the need for retention support systems for the basement below the upper building, stabilisation methods for rock excavation and poor potential subgrade conditions for proposed pavements
- Rock excavation is required and when using hydraulic rock breakers there is a potential that vibration will affect adjacent buildings – the use of a moderate sized rock hammer is recommended, together with other operational requirements to minimise vibration and ground monitoring is recommended
- Detailed dilapidation reports are recommended prior to the commencement of works for neighbouring properties and boundary retaining walls

No new geotechnical report was prepared for this application, however a review of the previous report was carried out by EBG Environmental Geoscience which raised no concerns with the findings of this report. Given the above findings it is appropriate that conditions be placed on any consent requiring the carrying out of dilapidation reports and requiring the provision of details of the method of rock excavation, together with ongoing vibration monitoring during excavation of rock [**Conditions 37 & 15**].

Acoustic Impact

Given the proximity of the residential dwellings at No. 2 and 2A-4 Bloomsbury Avenue, the applicant was requested to lodge an acoustic report. An Operational Noise Assessment prepared by Renzo Tonin & Associates was received that addressed the likely noise generation of the Trades Stores building, which is located in reasonably close proximity to adjoining residential properties and assess the likely noise generation against the 'Industrial Noise Policy' requirements.

The report identified the potential operations within the Trades Store as including the use of power tools, storage of materials and spare parts and general workshop type activities, with hours of operation between 7am and 4pm Mondays to Fridays. Potential noise generation was identified as being

intermittent noise from general operations within the Trades Store, including the use of power tools and continuous noise from mechanical plant associated with that building.

Noise monitoring had previously been carried out in 2004 to ascertain background noise levels and given there has been no change in the use of the site or adjoining sites in proximity to the noise logging equipment, the use of this information is considered reasonable. An assessment was carried out based on assumed sound pressure levels of 65dB(A) for the use of a forklift and 95dB(A) for the operation of power tools based on there being a 3m high acoustic wall erected as shown on the architectural plans and based on all roller doors to both sides of the Trades Store being closed at the time of operation. Based on these conditions the noise to be generated would be compliant with the Intrusive Assessment Criteria at the boundary with No. 2 Bloomsbury Avenue and would exceed the criteria by 1dB(A) at the boundary with No. 2A-4 Bloomsbury Avenue, though such a variation would not be noticeable in the opinion of the author of that report. The Amenity Assessment found the noise levels to be acceptable at both locations.

The report concluded that in order to maintain noise compliance at the adjoining residential receivers the external doors and roller doors of the Trades Store are to be kept shut at all times except for ingress and egress and when long lengths of timber, tubing or metal plates are required to be worked on, forklifts should be used only on the lower level loading area, with only electric forklifts to be used on the upper loading level and all mechanical plant is to be located on the south eastern side of the building. Conditions to this effect are contained in the recommendation [**Condition 120**].

ANY SUBMISSIONS

Five submissions have been received and the concerns raised in the submissions considered. Conditions of consent are recommended to address some of these concerns, related to hours of work, hours of operation [**Conditions 54 & 117**].

PUBLIC INTEREST

The modified proposal is not considered likely to result in any significant impacts with regard to the public interest, and it is considered to be in the public interest.

ANY OTHER RELEVANT MATTERS/CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for discussion.

UNAUTHORISED WORKS

None identified.

CONCLUSION

Having regard to the provisions of sections 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be granted a deferred commencement consent.

RECOMMENDATION

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

- A. That the Joint Regional Planning Panel grant deferred commencement development consent to Development Application No.0053/10 for the erection of a works depot for use by Ku-ring-gai Council, comprising several buildings and structures to be used as offices, warehouses, workshops, storerooms and for car parking at No. 5 Suakin Street and 986 Pacific Highway, Pymble and for connection to the Council office building at No. 31 Bridge Street, Pymble and provision of shade devices, subject to the following conditions.

SCHEDULE A - Deferred commencement conditions

Evidence required to satisfy the following conditions must be submitted to Council within twelve (12) months of the date of this consent.

This consent does not operate until the following deferred commencement conditions have been satisfied:

1. Deferred commencement – landscape plan

Prior to the commencement of this consent, a detailed landscape plan of the proposed landscape works is to be submitted to Council. The submitted landscape plan is to address the following;

- Detail all proposed landscape works within the Suakin St site frontage and within the nature strip; including existing and proposed levels, detailed plant schedule and plant locations.
- The landscape plan is to be consistent with approved architectural plans and requirements of the Schedule B conditions of consent.
- Tree replenishment planting as required by the Bushland Rehabilitation Plan is to be shown and detailed (including a plant schedule) on the landscape plan. Replenishment tree plantings are to be located with appropriate setbacks from structures and required infrastructure to ensure their ongoing health and viability for the short and long term. For landscape amenity, replenishment plantings are to have a minimum pot size of 25litres.

Reason: To ensure that the development is in accordance with the determination.

2. Water management strategy

An integrated water management strategy is to be submitted which addresses the objectives of Section 4.5 Water management of DCP 52. As well as on site detention, which is already detailed on the civil works drawings, this is to include rainwater retention for toilet flushing and irrigation and capture and treatment of stormwater to achieve the water quality measures outlined in Section 8.3.1 of Council's DCP 47 Water management. It is anticipated that additional rainwater tank(s), bioretention swales, permeable pavements or gross pollutant traps may be required to achieve the treatment train.

The Project Arborist is to endorse the drawings, and the locations of all proposed devices are to be indicated, so that it can be confirmed that trees and vegetation will not be adversely affected.

Reason: To protect the environment.

Upon receipt of written notification from Council that the abovementioned conditions 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 the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
DA-001 Rev C	Caldis Cook Group	27.01.10
DA-002, DA-102-104 Rev E	Caldis Cook Group	12.08.10
DA-003 Rev G	Caldis Cook Group	12.08.10
DA-004 Rev F	Caldis Cook Group	12.08.10
DA-101 Rev F	Caldis Cook Group	9.08.10
DA-201-202 Rev E	Caldis Cook Group	9.08.10
C01-06 Rev P2	Taylor Thomson Whitting	29.01.10
LP-001 Issue C	Taylor Brammer	13 July 2010

Document(s)	Dated
Statement of Environmental Effects for Proposed Works Depot, prepared by Caldís Cook Group	January 2010
Ku-ring-gai Council Works Depot – Trades Stores Operational Noise Assessment, prepared by Renzo Tonin & Associates	12 July 2010
Arboricultural Assessment Report, prepared by Urban Tree Management	4 May 2010

Bushland Rehabilitation Plan Proposed Ku-ring-gai Council Depot, prepared by Banksia Ecology Pty Ltd	July 2010
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Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council.

2. 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 consent prevail.

Reason: To ensure that the development is in accordance with the determination.

3. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule

Tree/Location	Approved tree works
As per Tree Removal Schedule as detailed on the Site Analysis & Demolition Plan DA-001 Rev D. With the exception of the following trees;	Removal
#211 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern site boundary within neighbouring property	Retention
#213 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern site boundary within neighbouring property	Retention
#2 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to the northern site boundary/Covered parking bay B	Dead wooding
#9 <i>Eucalyptus paniculate</i> (Grey Ironbark) Adjacent to western site boundary opposite Trade Stores	Dead wooding
#35 <i>Eucalyptus globoidea</i> (White Stringybark) Adjacent to southern site boundary	Dead wooding
#39 <i>Eucalyptus pilularis</i> (Blackbutt) Centrally located on site	Dead wooding

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Removal of trees shall be undertaken only by cutting down such a tree without damaging the trees to be retained. Where damage is likely to a retained tree, the removed tree shall be undertaken manually by aerial sectioning and lowering, and the grinding out of it's stump.

Reason: To ensure that the development is in accordance with the determination.

4. Arborist's report

The tree/s to be retained shall be inspected, monitored and treated by a qualified Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule

Tree/Location

As per Tree Retention Schedule as detailed on the Site Analysis & Demolition Plan DA-001 Rev D, with the addition of the following trees;

#211 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern site boundary within neighbouring property

#213 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern site boundary within neighbouring property

And the exclusion of the following trees;

#s 12-18, 50-69

Adjacent to and within the northeast site area

#s 87-112

Adjacent to the western site corner

#s 114-120, 122-132, 134-136, 143-149

Adjacent to western site boundary in neighbouring property

#s 183-195

Adjacent to the eastern site boundary

#s 224-227

Adjacent to eastern site boundary in neighbouring property

Time of inspection

* Immediately prior to any works commencing on site

* Immediately after demolition works and prior to regrading.

* Immediately after regrading/excavation works

* At four monthly intervals during development works

* At the conclusion of all works on site, prior to the issue of the Occupation Certificate.

Reason: To ensure protection of existing trees.

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

5. CONDITION SUPERSEDED

6. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act 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.

7. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

8. Access for people with disabilities (commercial)

Prior to the issue of the Construction Certificate, the Certifying Authority 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 Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the 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.

9. Utility provider requirements

Prior to issue of the 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 Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

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

10. Amended plans

Amended plans are to be prepared for approval prior to the release of the Construction Certificate which show the following amendments:

- a. The proposed drainage swale located adjacent to the southern site boundary is to be deleted from all plans;
- b. The proposed Fire Hydrant Booster and associated pipe work within the site frontage is to be relocated such that it is not within a 6.0m radius of Tree 217 *Eucalyptus saligna* (Sydney Bluegum) which is centrally located within the Suakin St site frontage; and
- c. A garden bed is to be provided within the Tree Protection Zone (TPZ) of Tree 9 *Eucalyptus paniculata* (Grey Ironbark) which is located adjacent to the western site boundary, opposite the proposed Trade Stores, with a minimum dimension of 5.0m to the north and south and 7.0m to the east, measured from the centre of the tree trunk.

Reason: To protect existing trees.

11. Amendments to engineering plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the engineering plan(s), listed below have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan no.	Drawn by	Dated
#C02 Site Works Plan 1 Rev P2	Taylor Thomson Whitting	29/01/2010
#C03 Site Works Plan 2 Rev P2	Taylor Thomson Whitting	29/01/2010
#C05 Sediment & Erosion Control Plan Rev P2	Taylor Thomson Whitting	29/01/2010
#C06 Sediment & Erosion Control Plan Rev P2	Taylor Thomson Whitting	29/01/2010

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

- The plans are to be amended to be consistent with the architectural plans
- The proposed driveway is to be consistent with the architectural plans
- The drainage swale proposed adjacent to the southern site boundary is to be deleted to reduce tree impacts.
- The proposed 300mm diameter drainage line adjacent to the southern site boundary is to be shown and notated that it is to be strapped to the southern basement wall of the Main Building to minimise tree impacts to neighbouring trees.
- The proposed 300mm diameter drainage line located within the Suakin St site frontage is to be amended to show the drainage line strapped to or immediately adjacent to the building/basement wall to minimise impacts to existing trees to be retained within the site frontage.

- Pit 26 is to be relocated so that it is either located immediately adjacent to the main building (as required with amended pipe locations) or at a minimum 6.0m from tree #217 *Eucalyptus saligna* (Sydney Bluegum) located centrally within the site frontage, to minimise tree impacts.
- The proposed 300mm diameter pipe and Pit 41 located adjacent to the western side of the access ramp centrally located on site, is to be relocated to the eastern side of the roadway/access ramp.
- The proposed drainage pipe between Pit 37 and Pit 38 is to be relocated from the northern side of the access ramp to the southern side, immediately adjacent to the Trade Stores, to minimise tree impacts to trees being retained.
- The proposed sediment trap/straw bale sediment filter shown adjacent to the access ramp at the centre of the site is to be relocated outside of the Tree Protection Zones of existing trees to be retained.

Note: An amended engineering plan, prepared by a qualified engineer shall be submitted to the Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

12. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the water management and disposal system for the development. The plan(s) must be consistent with the integrated water management strategy approved under Schedule A of this consent.

The construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia.

Reason: To protect the environment.

13. Driveway crossing levels

Prior to issue of the 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 Ku-ring-gai 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 Customer Services 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.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. 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.

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

14. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in Suakin Street:

- Installation of 375mm diameter pipe to connect site stormwater system to Council's piped system in Bridge Street.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reason: To ensure that the plans are suitable for construction purposes.

15. Noise and vibration management plan

Prior to the commencement of any 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 Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. 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
- 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
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

Reason: To protect the amenity afforded to surrounding residents during the construction process.

16. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying Authority 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 Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: A plan detailing the routes of these services and trees protected under the Tree Preservation Order shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

17. Pier and beam footings near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the footings of the approved noise attenuation wall and materials storage bays will be isolated pier or pier and beam and suspended slab construction within the specified radius of the trunk/s of the following tree/s:

Schedule

Tree/Location

- #6 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to northern site boundary/Materials storage bays
- #10 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to north-west site boundary
- #152 *Eucalyptus pilularis* (Blackbutt)
Adjacent to northern site boundary/Materials storage bays
- #153 *Eucalyptus globoidea* (White Stringybark)
Adjacent to northern site boundary/Materials storage bays
- #154 *Eucalyptus pilularis* (Blackbutt)
Adjacent to northern site boundary/Materials storage bays
- #155 *Eucalyptus pilularis* (Blackbutt)

Radius from trunk

Identified Tree Protection Zones (TPZ) as per Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

In addition for Tree 10, as per section 5.32 of the Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

Adjacent to northern site boundary/Materials storage bays

#156 *Eucalyptus pilularis* (Blackbutt)

Adjacent to northern site boundary/Materials storage bays

#157 *Eucalyptus pilularis* (Blackbutt)

Adjacent to northern site boundary/Materials storage bays

#158 *Eucalyptus saligna* (Sydney Bluegum)

Adjacent to northern site boundary/Materials storage bays

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

18. Suspended slab construction near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved driveway and walkway will be constructed at or above existing grade laid on top or piers/suspended in section. A gap graded fill is to be used to accommodate any level changes, with no excavation or compaction occurring within the specified reduced Tree Protection Zone (TPZ) of the following tree/s:

Schedule

Tree/Location

#23 *Eucalyptus saligna* (Sydney Bluegum)
Centrally located on site adjacent to the southern site boundary

#36 *Syncarpia glomulifera* (Turpentine)
Adjacent to southern boundary/Mechanical Services Workshop

#39 *Eucalyptus pilularis* (Blackbutt)
Centrally located on site

#150 *Eucalyptus pilularis* (Blackbutt)
Centrally located adjacent to western boundary in neighbouring property

#228 *Jacaranda mimosifolia* (Jacaranda)
Adjacent to eastern site corner

#229 -231 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to eastern site corner

Radius from trunk

As per Table 3-Column 5 of the Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

19. Suspended slab construction near trees

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved Wash Bay slab is constructed as a suspended slab on piers footings. A void is to be maintained below the slab or a gap graded fill is to be used below to maintain gaseous exchange, with no excavation or compaction occurring within the specified radius/Tree Protection Zone (TPZ) of the following tree/s:

Schedule

Tree/Location

#130 *Eucalyptus pilularis* (Blackbutt)
Adjacent to western site boundary in
neighbouring property
#131 *Eucalyptus paniculata* (Grey Ironbark)
Adjacent to western site boundary in
neighbouring property
#132-133 *Eucalyptus pilularis* (Blackbutt)
Adjacent to western site boundary in
neighbouring property

Radius from trunk

As per the Arboricultural Impact
Assessment Report by Urban Tree
Management (UTM) dated
04/06/2010, ref #12025.

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

20. Main building basement car park design

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the Basement Level 1 Car Park design (DA-101 Rev D dated 12/07/2010) has been amended to delete parking bays #25 and 26 to minimise tree impacts to the specified trees. Existing ground levels and grades are to be retained within the specified radius, with no excavation

or compaction occurring within the specified radius/Tree Protection Zone (TPZ) of the following tree/s:

Schedule

Tree/Location	Radius from trunk
#211 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern boundary within neighbouring property	4.2m
#213 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern boundary within neighbouring property	4.2m

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam/s shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Reason: To protect existing trees.

21. Soil and erosion control plan

Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

Reason: To protect the environment from erosion and sedimentation.

22. Car park layout

The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements) should be in accordance with AS 2890.1 – 2004 and 2890.2 – 2002.

Reason: To ensure compliance with the Australian Standards.

23. Sight lines

The required sight lines to other vehicles at the entrances are not to be compromised by landscaping, signage or fencing.

Reason: To ensure reasonable standards of safety for occupants and members of the public.

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

24. Notification of residential neighbours

The applicant is to notify the adjoining residential properties by way of a letter drop of the anticipated commencement date of the works on the site, of the likely duration of the works and of any works that are likely to result in particular noise impacts (including the timeframe of such works). The letter of notification is to include the telephone contact details of the person responsible for overseeing the construction works to allow for contact by residents in the event of any problems related to the construction works.

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

25. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

26. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

27. Notice of proposed work (contaminated land)

A notice of proposed work form must be given to Council's Development Assessment Officer, in accordance with SEPP 55, Clause 16. Note: At least 30 days notice is required, except in the case of work required to be carried out immediately under the terms of remediation order (in which case, at least 1 days notice is required).

SEPP 55, Clause 16 requires that the notice must:

- be in writing
- provide the name, address and telephone number of the person who has the duty of ensuring that the notice is given

- briefly describe the remediation work
- show why the person considers that the work is category 2 remediation work by reference to Clause 9, 14 and (if it applies) 15(1)
- specify, by reference to its property description and street address (if any), the land on which the work is to be carried out
- provide a map of the location of the land
- provide estimates of the dates for the commencement and completion of the work

The following additional information must be submitted with the notice to Council:

- copies of any preliminary investigation, detailed investigation and remediation action plan for the site
- contact details for the remediation contractor and any other party responsible for ensuring compliance of remediation work with regulatory requirements

Reason: Protection of the environment and compliance with SEPP 55.

28. Construction noise

During excavation, demolition and construction phases, 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.

29. 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 Certifying Authority 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 eye level 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.

30. 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 erected at right angles to the prevailing wind direction or 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 daily

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

31. 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 pathway 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.

32. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

33. Guarding excavations

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.

Reason: To ensure public safety.

34. Protection of public places

If the work involved in the erection, 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.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

35. Remediation action plan

A Remediation Action Plan, prepared in accordance with Council's Contaminated Land Policy, is to be submitted to Council and the Principal Certifying Authority prior to the commencement of bulk excavation.

Reason: To protect the environment.

36. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority 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

- Full road pavement width, including kerb and gutter, of Suakin Street over the site frontage, the turning circle and as far down as Bridge Street, including the full intersection.
- 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 developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

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

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

37. Dilapidation survey and report (private property)

Prior to the commencement of any demolition or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures upon 27 Bridge Street has been completed and submitted to Council:

The dilapidation report must include a photographic survey 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 consulting 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 Certifying Authority 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.

Note: A copy of the dilapidation report is to be provided to Council prior to any excavation works been undertaken. The dilapidation report is for record keeping purposes only and may be used by an 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.

38. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, an updated geotechnical report prepared specifically for the current proposal. The report is to address such matters as:

- appropriate excavation methods and techniques

- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

The recommendations of the report are to be implemented during the course of the works.

Reason: To ensure the safety and protection of property.

39. Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (CTMP), which is to be approved prior to the commencement of any works on site.

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 construction vehicle routes for approach and departure to and from all directions.

The report is to contain a site plan showing entry and exit points. Swept paths are to be shown on the site plan showing access and egress for an 11 metre long heavy rigid vehicle.

The Traffic Control Plans are to be prepared by a qualified person (red card holder). One must be provided for each of the following stages of the works:

- 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 to control heavy vehicle movements in order to maintain the safety of pedestrians and other road users.

When a satisfactory CTMP is received, 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. Council's Rangers will be patrolling the site regularly and fines will be issued for any non-compliance with this condition.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

40. Work zone

The applicant must make a written application to Council to install a work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site.

If the work zone is approved by Council, the applicant must obtain a written copy of the approval and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Following approval of the work zone, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by Council, 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 for the operation of the site during the construction phase.

41. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment.

42. Seed bank

No work shall commence until seed and other plant material from indigenous plants on the site is collected from the site for use in subsequent landscape works. Plant propagation seed is to be collected, stored and propagated by a qualified bush regenerator.

Reason: To preserve existing indigenous plant species.

43. Noise and vibration management plan

Prior to the commencement of any 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 Certifying Authority. The management plan is to identify amelioration measures to ensure the noise and vibration levels will be compliant with the relevant Australian Standards and Ku-ring-gai Council's Code for the Control and Regulation of Noise on Building Sites. 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
- 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
- compliance with Council's Code for the Control and Regulation of Noise on Building Sites

Reason: To protect the amenity afforded to surrounding residents during the construction process.

44. Tree identification & numbering

Prior to the removal of any trees or any tree works, all trees are to be individually identified and numbered on site, and verified by the consulting arborist. Tree number identification is to be consistent with tree numbering as shown on the Site Analysis & Demolition Plan DA-001 Rev D.

Reason: To ensure that the development is in accordance with the determination.

45. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Schedule

Tree/Location

As per Tree Retention Schedule as detailed on the Site Analysis & Demolition Plan DA-001 Rev D, with the addition of the following trees;

#211 *Syncarpia glomulifera* (Turpentine)
Adjacent to southern site boundary within neighbouring property
#213 *Syncarpia glomulifera* (Turpentine)
Adjacent to southern site boundary within neighbouring property

Radius in metres

As per Appendix H – Tree Protection Plan, detailed within the Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010 Ref # 12025

Reason: To protect existing trees during the construction phase.

46. Tree protective fencing type galvanised mesh

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metre spacing and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres in height prior to work commencing.

Reason: To protect existing trees during construction phase.

47. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- Tree protection zone.
- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.

- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

48. Tree protection mulching

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: To protect existing trees during the construction phase.

49. Tree protection – avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if vehicular or repeated pedestrian access is required:

Schedule

Tree/Location

#As per Tree Retention Schedule as detailed on the Site Analysis & Demolition Plan DA-001 Rev D, with the addition of the following trees;

#211 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern site boundary within neighbouring property

#213 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern site boundary within neighbouring property

Reason: To protect existing trees during the construction phase.

50. Trunk protection

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Schedule

Tree/Location

#23 *Eucalyptus saligna* (Sydney Bluegum)

Centrally located on site adjacent to the southern site boundary

Reason: To protect existing trees during the construction phase.

51. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

52. Sign – principal certifying authority

A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED DURING DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**53. Prescribed conditions**

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (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:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

54. Hours of work

Demolition, excavation, 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.

Excavation or removal of any materials using machinery of any kind, including

compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

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 the RTA 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.

Note: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

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

55. CONDITION SUPERSEDED

56. 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 are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.

57. Mechanical plant

All mechanical plant associated with the Trades Store building is to be located on the south eastern side of the building.

Reason: To protect the acoustic amenity of the adjoining residential properties

58. Construction vehicles

All construction vehicles are to be contained wholly within the site. All vehicles are to be clear from the edge of carriageway and shoulder before

being required to stop.

Reason: To ensure public safety.

59. Engineering fees

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reason: To protect public infrastructure.

60. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report prepared prior to commencement of works. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

- further geotechnical investigations and testing recommended in the above report(s) and as determined necessary
- further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary
- written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs

Reason: To ensure the safety and protection of property.

61. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee 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 report prepared prior to commencement of works. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

62. Approval for rock anchors

Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.

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

63. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant receives a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect public infrastructure.

64. 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 (1996) "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.

65. Road repairs necessitated by excavation and construction works

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on

Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

Reason: To protect public infrastructure.

66. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full 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.

67. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

68. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

69. Sydney Water section 73 compliance certificate

The applicant must obtain a Section 73 Compliance Certificate under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-develop” icon 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 CoOrdinator, 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.

70. On site retention of waste dockets

All demolition, excavation and construction waste dockets 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 Officer of Council.

Reason: To protect the environment.

71. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

72. 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.

73. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Reason: To protect existing trees.

74. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the Tree Protection Zone (TPZ)/specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees:

Schedule

Tree/Location

As per Tree Retention Schedule as detailed on the Site Analysis & Demolition Plan DA-001 Rev D, with the addition of the following trees;

#211 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern boundary within neighbouring property

#213 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern site boundary within neighbouring property

Radius from trunk

Identified Tree Protection Zones (TPZ) as per Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

Reason: To protect existing trees.

75. Canopy/root pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Schedule

Tree/Location

#36 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern boundary/Mechanical Services Workshop

#197 *Eucalyptus pilularis* (Blackbutt)

Adjacent to southern boundary/Mechanical Services Workshop

#201 *Eucalyptus pilularis* (Blackbutt)

Adjacent to southern boundary/Mechanical Services Workshop

#211 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern boundary within neighbouring property

#213 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern boundary within neighbouring property

Tree works

Pruning of spatially conflicting limbs only

Reason: To protect the environment.

76. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Schedule

Tree/Location

As per Tree Retention Schedule as detailed on the Site Analysis & Demolition Plan DA-001 Rev D, with the addition of the following trees;

- #211 *Syncarpia glomulifera* (Turpentine)
Adjacent to southern site boundary within neighbouring property
- #213 *Syncarpia glomulifera* (Turpentine)
Adjacent to southern site boundary within neighbouring property

Radius from trunk

Identified Tree Protection Zones (TPZ) as per Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

Reason: To protect existing trees.

77. Removal of existing bitumen

Removal of existing bitumen within the tree protection zone (TPZ)/specified radius of the trunk/s of the following tree/s shall be undertaken manually:

Schedule

Tree/Location

- #6 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to northern boundary/Material Bays
- #7 *Eucalyptus pilularis* (Blackbutt)
Adjacent to northern boundary/Material Bays
- #9 *Eucalyptus paniculata* (Grey Ironbark)
Adjacent to western boundary opposite Trade Stores
- #10 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to north-west site boundary
- #11 *Acacia decurrens* (Green Wattle)
Adjacent to north-west site boundary
- #109, 112, 115 *Eucalyptus saligna* (Sydney Bluegum)
Adjacent to western site boundary in neighbouring property
- #116 *Angophora floribunda* (Rough Barked Apple)
Adjacent to western site boundary in neighbouring property
- #117 *Eucalyptus pilularis* (Blackbutt)
Adjacent to western site boundary in neighbouring property
- #118, 119 *Eucalyptus paniculata* (Grey Ironbark)

Radius from trunk

Identified Tree Protection Zones (TPZ) as per Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

Adjacent to western site boundary in neighbouring property

#150 *Eucalyptus pilularis* (Blackbutt)

Adjacent to western site corner in neighbouring property

#151 *Syncarpia glomulifera* (Turpentine)

Adjacent to northern boundary/Material Bays

#152 *Eucalyptus pilularis* (Blackbutt)

Adjacent to northern boundary/Material Bays

#153 *Eucalyptus globoidea* (White Stringybark)

Adjacent to northern boundary/Material Bays

#154-157 *Eucalyptus pilularis* (Blackbutt)

Adjacent to northern boundary/Material Bays

#158 *Eucalyptus saligna* (Sydney Bluegum)

Adjacent to northern boundary/Material Bays

#235 *Acacia decurrens* (Green Wattle)

Adjacent to northern site boundary

Reason: To protect existing trees.

78. Removal of existing concrete

Removal of existing concrete within the tree protection zone (TPZ)/specified radius of the trunk/s of the following tree/s shall be undertaken with care. The excavator is to be positioned outside of the TPZ while using the existing concrete as a stable platform and the excavator arm reaching within to lift and remove:

Schedule

Tree/Location

#228 *Jacaranda mimosifolia* (Jacaranda)

Adjacent to eastern site corner

#229 -231 *Eucalyptus saligna* (Sydney Bluegum)

Adjacent to eastern site corner

Radius from trunk

Identified Tree Protection Zones (TPZ) as per Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

Reason: To protect existing trees.

79. Removal of fill

Removal of surrounding fill within the tree protection zone (TPZ)/specified radius of the trunk/s of the following tree/s shall be undertaken with care. The excavator is to be positioned outside of the TPZ with only the excavator arm reaching within. Caution is to be exercised as to prevent excavation into the original grade where structural roots are likely. The project arborist is to be on site to monitor and directly oversee these excavations:

Schedule

Tree/Location

#2 *Eucalyptus pilularis* (Blackbutt)

Radius from trunk

Identified Tree Protection Zones (TPZ) as

Adjacent to the northern site boundary

per Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

Reason: To protect existing trees.

80. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk/s of the following tree/s shall utilise the thrust boring/horizontal directional drilling methods. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system:

Schedule

Tree/Location

As per Tree Retention Schedule as detailed on the Site Analysis & Demolition Plan DA-001 Rev D, with the addition of the following trees;

#211 *Syncarpia glomulifera* (Turpentine)
Adjacent to southern site boundary within neighbouring property

#213 *Syncarpia glomulifera* (Turpentine)
Adjacent to southern site boundary within neighbouring property

Radius from trunk

Identified Tree Protection Zones (TPZ) as per Arboricultural Impact Assessment Report by Urban Tree Management (UTM) dated 04/06/2010, ref #12025.

Reason: To protect existing trees.

81. Tree removal on nature strip

Following removal of the *Eucalyptus saligna* (Sydney Bluegum) and *Eucalyptus pilularis* (Blackbutt) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

Reason: To protect the streetscape.

82. Remediation work

Remediation work that is to be carried out within the dripline of any tree which is required to be retained must be carried out under the supervision of an arborist, with the method of remediation work designed to reduce to the greatest extent possible the likelihood of impact upon any retained trees. Should any of the trees identified for retention be required to be removed due to the remediation work, it is to be replaced upon completion of the works.

Reason: To protect existing trees and the environment.

83. Road reserve safety

The public footways and roadways adjacent to the site are to be maintained in

a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "Traffic Control Devices for Work on Roads".

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure public safety and that appropriate measures have been made for the operation of the site during the construction phase.

84. Maintenance of sediment controls

To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.

Reason: To preserve and enhance the natural environment.

85. Delivery vehicles – covered

To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.

Reason: To preserve and enhance the natural environment.

86. Cleared areas

To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.

Reason: To preserve and enhance the natural environment.

87. Soil stockpiles

Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines

and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.

Reason: To preserve and enhance the natural environment.

88. Water and utilities

Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Reason: Bushfire safety.

89. Access

Property access roads shall comply with section 4.1.3(2) of 'Planning for Bush Fire Protection 2006'.

Reason: Bushfire safety.

90. Construction

New construction shall comply with Australian Standard AS3959-1999 'Construction of Buildings in Bush Fire Prone Areas' Level 1.

Reason: Bushfire safety.

91. Construction

All proposed Class 10 structures as defined per the 'Building Code of Australia' 2006 attached to or within 10 metres of the habitable buildings shall comply with Australian Standard AS3959-1999 'Construction of Buildings in Bush Fire Prone Areas' Level 1.

Reason: Bushfire safety.

92. Roller doors

Roller doors, tilt-a-doors and other such doors shall be sealed to prevent the entry of embers into the building.

Reason: Bushfire safety.

93. Roofing

Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with

Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.

Reason: Bushfire safety.

94. Structure and shade materials

Structure and shade materials in the inner protection area shall be non-combustible or have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.

Reason: Bushfire safety.

95. Landscaping

Landscaping to the site is to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Reason: Bushfire safety.

96. Refuse of topsoil'

Excavated topsoil is to be re-used on-site during the carrying out of the landscaping.

Reason: To preserve and enhance the natural environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE:

97. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority 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 – 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

98. Accessible facilities

The certification required by the above condition is also to address the toilet facilities throughout the main depot building and is to certify that a minimum of one accessible WC is provided at the ground and first floor level of that building.

Reason: Disabled access & services.

99. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the building.

100. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. The installation and performance of the mechanical systems complies with:
 - The Building Code of Australia
 - Australian Standard AS1668
 - Australian Standard AS3666 where applicable
2. The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest adjoining boundary.

Note: Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

101. Fire safety certificate

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a Fire Safety Certificate for all the essential fire or other safety measures forming part of this consent has been completed and provided to Council.

Note: A copy of the Fire Safety Certificate must be submitted to Council.

Reason: To ensure suitable fire safety measures are in place.

102. Validation report

Prior to issue of an Occupation Certificate, a Validation Report shall be submitted to Council and the Principal Certifying Authority which confirms that the site is suitable for the proposed use.

Reason: To protect the environment.

103. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

- a copy of the approved Construction Certificate stormwater detention/retention design for the site
- A copy of any works-as-executed drawings required by this consent
- The Engineer's certification of the as-built system.

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

104. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- retained water is connected and available for use
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No. 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: 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 protect the environment.

105. WAE plans for stormwater management and disposal (dual occupancy and above)

Prior to issue of the 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 Certifying Authority prior to issue of the 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 Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

106. Sydney Water section 73 compliance certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

Reason: Statutory requirement.

107. Certification of as-constructed driveway/carpark – RFB

Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions and headroom
- finished driveway gradients and transitions will not result in the scraping of the underside of cars

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

108. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council
- 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)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge to match existing

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. Repair works shall be at no cost to Council.

Reason: To protect the streetscape.

109. Construction of works in public road – approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

110. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

111. Noxious plants/weeds

Noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.

Reason: To protect the environment.

112. Traffic signs

A 10km/h speed limit is to apply throughout the site, with appropriate signage to be erected throughout the site. A sign indicating to "Give way to entering vehicles" is to be erected facing vehicles exiting the site, at a point to the north of the car park access. All signage is to be erected prior to the release of the Occupation Certificate.

Reason: To ensure safe traffic movement.

113. Asset protection zones

At the commencement of building works and in perpetuity the entire property (excluding the restoration area identified in Figure 4 of the Bushland Rehabilitation Plan Proposed Ku-ring-gai Council Depot, prepared by Banksia Ecology Pty Ltd, dated 20 July 2010) shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for Asset Protection Zones'.

Reason: Bushfire safety.

114. Traffic management plan - operational

A waiting area for vehicles leaving the site is to be marked on the internal road to the north of the car park access. A management plan is to be prepared prior to the occupation of the site requiring staff to be instructed on appropriate procedures for entering and exiting the premises when driving large trucks (ie greater than 8.8, in length or HRV vehicles). The procedure is to require exiting trucks to give way to entering trucks.

Reason: To ensure safe traffic movement.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

115. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

116. Noise control – plant and machinery

All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

117. Hours of operation

The hours of operation are to be restricted to:

Monday to Friday (7.00am – 4.00pm)

Exceptions to the above hours of operation are permitted to respond to emergencies and for office work carried out within the main depot building fronting Suakin Street.

Reason: To protect the amenity of the area.

118. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

119. Emergency access

The existing bitumen driveway from the Pacific Highway is to be retained in its current state to act as pedestrian access to the site and to provide for emergency vehicle access to the site. The entrance to the driveway is to be treated in an appropriate manner to prevent general vehicular access (but allow pedestrian access) but allow for emergency access

Reason: To ensure public and private safety.

120. Operation of trades store

The Trades Store shall only operate in the following manner:

- a. The external doors and roller doors of the Trades Store are to be kept shut at all times except for ingress and egress and when long lengths of timber, tubing or metal plates are required to be worked on,
- b. When long lengths of timber, tubing or metal plates are required to be worked on, the work is not to occur prior to 9am on any day and the work is to be completed as quickly as possible and all doors and roller doors are to be closed at the completion of such work, and
- c. Only electric forklifts are to be used on the upper loading level.

Reason: To protect the acoustic amenity of neighbouring residential properties

121. Signage

Building signage is to be restricted to a sign identifying the street address, name of the building and purpose of the building.

Reason: To ensure no proliferation of signage in the area.

- B. That Council write to the Roads and Traffic Authority requesting they consider permitting right turns from Bridge Street to Pacific Highway and the inclusion of a pedestrian crossing phase in the traffic signal to assist pedestrians crossing the Highway.

K Gordon
Director
Kerry Gordon Planning Services

Attachments: Locality plan
Location sketch
Zoning extract
Site analysis
Basement plans
Floor plans
Elevations
Sections
Landscape plan