

JRPP NO:	2010SYW044
PURPOSE FOR REPORT:	To address the issues raised by the Sydney West Joint Regional Planning Panel (JRPP) at the 17 March 2011 meeting and for the JRPP to determine DA0495/10 that proposes the construction of 18 self-contained dwelling units for senior's living and associated works including upgrading existing facilities.
BACKGROUND:	An assessment report was prepared and considered by the JRPP on 17 March 2010 where the JRPP resolved to defer the determination pending further consultation with and comments from the Rural Fire Service (RFS) in regard to the bush fire safety measures recommended by the RFS.
COMMENTS:	The additional comments received from the RFS and the consequential effects of the RFS' revised requirements on the vegetation of the subject site are addressed in this report.
RECOMMENDATION:	Approval

ASSESSMENT REPORT AND RECOMMENDATION

PURPOSE FOR REPORT

To address the issues raised by the Sydney West Joint Regional Planning Panel (JRPP) at the 17 March 2011 meeting and for the JRPP to determine DA0495/10 that proposes the construction of 18 self-contained dwelling units for senior's living and associated works including upgrading existing facilities.

BACKGROUND

The site is classified as Bush Fire Prone Vegetation Buffer and, as such, is identified as bush fire prone land.

Section 91 of the Environmental Planning & Assessment Act, 1979 identifies certain development that is deemed to be "Integrated Development" within the meaning provided under Part 3A of the Act. Section 100B of the *Rural Fires Act, 1997* requires that a Bush Fire Safety Authority (BFSA) be obtained before bush fire prone land is developed for a Special Fire Protection Service (SFPS). SFPSs include senior's housing as defined within SEPP (Housing for Seniors or People with a Disability) 2004.

Pursuant to Section 100B of the *Rural Fires Act, 1997*, DA0495/10 was referred to the RFS for consideration as to whether a BFSA may be issued to the proposed development. In response, the RFS agreed to issue a BFSA subject to several conditions.

An assessment report and recommendation for conditional approval, that included the conditional requirements of the BFSA issued by the RFS, was considered by the JRPP on 17 March 2011. Having considered the report and following an inspection of the subject site, the JRPP resolved to defer the determination of the application pending further consultation with the RFS in relation to the following:

- 1. In issuing the Bush Fire Safety Authority for DA0495/10, whether the RFS is required to be satisfied that the entire site, including the existing retirement village development must comply with the provisions of "Planning for Bushfire Protection"***
- 2. In issuing the Bush Fire Safety Authority for DA0495/10, whether and on what basis did the RFS conclude that the existing internal roads could be practically capable of complying with the minimum road width requirements of Section 4.2.7 of "Planning for Bushfire Protection" as required by Condition 70.***

CONSULTATION – EXTERNAL TO COUNCIL

The RFS have been consulted with regard to the questions raised by the JRPP. In response, the RFS have issued an amended BFSA subject to amended conditions. Further to the previously issued BFSA, these conditions continue to relate to the following:

- provision of adequate asset protection zones
- construction of the proposed development in a manner that reduces the threat of bush fire attack
- implementation of access provisions, water, utilities and landscaping consistent with the requirements of 'Planning for Bush Fire Protection 2006'
- provision of suitable emergency and evacuation arrangements for the occupants of the development

Comments

The questions raised by the JRPP in the resolution were conveyed to the RFS on 28 March 2011. Additional, supplementary information provided by the applicant to assist the RFS in their consideration of the questions raised was forwarded to the RFS on 13 April 2011 (**Attachments 6 and 7**). This additional information includes a proposal to remove existing vegetation from within the site a certain upgrade measures for existing buildings (explained in further detail, below).

Having reviewed the issues raised by the JRPP and the additional information provided by the applicant, the RFS have issued a revised BFSA containing amended conditional requirements for the protection of the site from the threat of bush fire. The following comments are in response to the questions raised by the JRPP in their resolution of 17 March 2011.

Question 1 - In issuing the Bush Fire Safety Authority for DA0495/10, whether the RFS is required to be satisfied that the entire site, including the existing retirement village development must comply with the provisions of "Planning for Bushfire Protection"

The amended BFSA issued by the RFS identifies the proposed development as an "in-fill development". Planning for Bushfire Protection 2006 defines in-fill development as:

"the development of land by the erection of or addition to a residential building (or buildings) which does not require the spatial extension of services including public roads, electricity, water or sewerage and is within an existing allotment"

In relation to SFPPs as in-fill developments, Section 4.2.5 of Planning for Bushfire Protection 2006 states:

In circumstances where alterations or additions to existing SFPP's facilities are proposed, the RFS requires an appropriate combination of bush fire protection measures and compliance with the intent and performance criteria of each measure within section 4.3.5.

However, it is also acknowledged that existing circumstances may make the preferred standards difficult to achieve. In such cases, the specific objectives in Section 4.2.3 are to be followed.

Alterations and additions to existing SFPP's (i.e approved prior to 1st August 2002), including their external appearance or finish, which may involve an increase in size

and footprint of the building or redevelopment of an existing building are considered to be infill development.

This type of development should also seek to achieve a better bush fire risk outcome (such as improved construction standards) than if the development did not proceed. The new building work should comply with AS 3959 - 1999 (and Appendix 3 of PBP) or be no closer to the hazard than the existing building. Existing facilities such as water supply should also be upgraded.

With respect to the above and in terms of the existing retirement village, Planning for Bushfire Protection 2006 does not specifically require the entire site and existing buildings to be upgraded so as to 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. However, the document does seek to improve the existing bush fire safety of a site, where necessary and possible. In this regard, the applicant has proposed various tree removal works, vegetation thinning measures and the installation of upgraded fire screening on the windows of existing buildings that face the bush fire hazard to the south of the site. The RFS are satisfied that these measures will provide an acceptable improvement to the bush fire safety of the site and, as such have agreed to issue the amended BFSA, subject to the imposition of applicable conditions (**Conditions 68-73**).

As an additional note, the IPA abutting the proposed additional dwellings to be introduced to the site will be fully compliant with the requirements of Planning for Bushfire Protection 2006.

Question 2 - In issuing the Bush Fire Safety Authority for DA0495/10, whether and on what basis did the RFS conclude that the existing internal roads could be practically capable of complying with the minimum road width requirements of Section 4.2.7 of "Planning for Bushfire Protection" as required by Condition 70.

As noted above, in terms of infill developments and with regard to internal emergency access roads, Planning for Bushfire Protection 2006 acknowledges that existing circumstances may make the preferred standards difficult to achieve. In such circumstances, the specific objectives of Section 4.2.3 of the document are to be followed.

In order to achieve these objectives, the applicant has proposed the selective pruning of trees and shrubs to improve clearances for emergency vehicle movements through the village during bushfire events. The RFS are satisfied that these measures will provide adequate clearance for the movement of emergency vehicles during such events and as such, have agreed to issue the amended BFSA, subject to the imposition of applicable conditions (**Conditions 68-73**).

State Environmental Planning Policy No. 19 – Bushland in urban areas

In order to provide increased bush fire safety on the site, additional tree and vegetation removal is proposed. As such, further consideration pursuant to SEPP19 is necessary.

The purpose of SEPP19 is to ensure proposed development does not unduly impact upon remnant bushland vegetation. The site is surrounded by relatively dense bushland to the

north-east, east and south. As such, the provisions of SEPP19 require Council to assess the potential impacts of the proposal upon this remnant bushland against the aims set out within Clause 2. The specific matters for consideration include the need to protect remnant plant communities, wildlife corridors, vegetation links, geological features, existing landforms and the recreational and educational potential of the bushland. Clause 9 of SEPP19 requires consideration of the need to retain any remnant bush land that exists on the subject site.

The proposed tree and vegetation removal is to be undertaken in order to improve the bush fire safety of the site. Council's Landscape Development Officer is satisfied that the proposed removal works will not unreasonably impact on the tree canopy or the amenity of the surrounding environment. Council's Ecological Assessment Officer is satisfied that the proposed tree removal works will not unduly impact on any known wildlife habitats, corridors or vegetation links. Moreover, much of the trees and vegetation to be removed have been planted on the site and are not considered to be remnant of the bush land that existed prior to the site's development.

Therefore, in respect of the above, the proposed development continues to be satisfactory with regard to the matters for consideration set out in SEPP19.

Ku-ring-gai Planning Scheme Ordinance (KPSO) - Clause 33 (a) – Aesthetic appearance

Similar to the above, as additional tree and vegetation removal is proposed, further consideration of Clause 33(a) of the KPSO is also necessary.

Clause 33(a) of the KPSO requires consideration of the aesthetic appearance of the land the subject of the proposed works as viewed from public spaces, including public reserves zoned Open Space - Recreation Existing 6(a).

Some of the proposed tree and vegetation removal will take place in close proximity to the common boundary shared with the open space reserve at the rear of the site. However, this reserve is relatively inaccessible and does not contain any formal recreational areas which the proposed removal works would may affect. As such, the impacts of the proposed tree and vegetation removal on the aesthetic appearance of the site to this reserve will not be unreasonable.

CONSULTATION – WITHIN COUNCIL

Landscaping

Council's Landscape Assessment Officer commented on the proposed tree and vegetation removal works as follows:

In response to concerns raised by the JRPP and village residents regarding fire safety on site and recommendations/requirements made by the RFS, it has been requested that the applicant and RFS clarify what additional works, particularly tree removal on site, is required to satisfy RFS access requirements around and within the site.

As a result, the NSW RFS have endorsed in its entirety the access report undertaken by ecological. The report recommends the following landscape requirements;

- *80% of the mid storey vegetation between the site boundary and the existing perimeter road be removed and mulched on site, as per the tree removal/retention plan attached as part of the report. This includes the removal of a large number of small trees <150mm diameter and shrubs. In addition it is required that any branches on remaining trees <2m above ground level be removed.*
- *Selective thinning of mid storey vegetation between buildings and the perimeter road where there is the potential for direct fire transfer from the hazard to the buildings.*
- *Selective pruning of trees and shrubs in accordance with the tree removal/retention plans by Sym.Studio dated 12/04/11 to improve clearances for vehicular movement through the village.*

The recommendations made within the report by Ecological and detailed on attached tree removal/retention plans by Sym.Studio are considered acceptable to ensure fire fighting access and the safety of residents in the event of a bushfire in the adjoining bushland.

CONCLUSION

*The application is considered acceptable, subject to the amendment of previously recommended conditions (**Conditions 1, 54 and 57**).*

Ecology

Council's Ecological Assessment Officer commented on the proposed tree and vegetation removal works as follows:

During the site inspection, landscape gardens and scattered native trees were encountered throughout the subject property. The vegetation on the southern & eastern side of the outer perimeter road was identified as being consistent with Sydney Sandstone Ridgetop Woodland. The Sydney Sandstone Ridgetop Woodland community was dominated by Eucalyptus piperita (Sydney Peppermint), Angophora costata (Smooth-barked Apple), Syncarpia glomulifera (Turpentine), Allocasuarina littoralis, Pittosporum undulatum (Sweet Pittosporum) & Corymbia gummifera (red Bloodwood).

No native vegetation was identified that would be commensurate with any endangered ecological communities listed under the Threatened Species Conservation Act 1995 (TSC Act).

No threatened flora species were identified during the site inspection within the area of vegetation subject to impacts. The trees subject to removal provide potential foraging resources for threatened Grey-headed Flying Fox and the Glossy-black Cockatoo. Despite the removal of seven (17) native trees as a result the proposal, foraging habitat for threatened fauna species is unlikely to be affected. Substantial foraging habitat will remain connected to the subject property within private lands and within the adjoining Garinal National Park to the south and east.

Impacts from the proposal

The proposal development will require the removal of seventeen (17) native endemic trees:

- #1 Syncarpia glomulifera (Turpentine)*
- #2 Syncarpia glomulifera (Turpentine)*
- #3 Syncarpia glomulifera (Turpentine)*
- #21 Syncarpia glomulifera (Turpentine)*
- #28 Acacia elata (Black Wattle)*
- #60 Pittosporum undulatum (Native Daphne)*
- #63 Angophora costata (Sydney Redgum)*
- #64 Angophora costata (Sydney Redgum)*
- #65 Eucalyptus gummifera (Red Bloodwood)*
- #76 Pittosporum undulatum (Native Daphne)*
- #54 Eucalyptus pilularis (Blackbutt)*
- #95 Corymbia gummifera (Red Bloodwood)*
- #96 Pittosporum undulatum (Native Daphne)*
- #102 Pittosporum undulatum (Native Daphne)*
- #108 Eucalyptus punctata (Grey Gum)*
- #109 Angophora costata (Sydney Redgum)*
- #110 Pittosporum undulatum (Native Daphne)*

Conclusion

*The proposed development is not likely to impact upon threatened flora & fauna, endangered populations or endangered ecological communities. The application can be supported subject to a condition (**Condition 17A**).*

CONSULTATION – COMMUNITY

The additional information and works proposed by the applicant in response to the questions raised by the JRPP did not require notification to neighbouring properties. However, the following additional submissions were received after Council's report for consideration at the 17 March 2011 JRPP meeting was finalised:

- 1. Peter Marston on behalf of the Lourdes Village Residents Committee – 95 Stanhope Road, Killara (four submissions)*
- 2. Catherine and Philip Killen – 84 Stanhope Road, Killara*

The additional issues raised in these submissions are as follows:

Council's consideration of the SEPP1 objections that relate to non-compliant building heights has been incorrectly undertaken

This objection raises concern that Council's assessment of the applicant's submitted SEPP1 objections to the building height and number of storeys development standards set out under SEPP (Housing for seniors or people with a disability) 2004 has not been impartial. Specifically, the objector submits that Council has inappropriately added to the arguments raised by the applicant within the submitted SEPP1 objections by identifying the proposed non-compliances as "technical" in nature. The objector also submits that the approval of the proposed departures to these development standards will set a negative precedent for the locality.

The merits of the arguments contained within the submitted SEPP1 objections were given due consideration by Council officers in the assessment of the application. This consideration was undertaken in accordance with the assessment criteria of SEPP1 and acknowledged the relevant tests developed by the NSW Land and Environment Court.

While Council's assessment of a SEPP1 objection must primarily consider the arguments raised by the applicant, Council staff may identify other notable factors not raised by the applicant that relate to a non-compliance with a development standard. In this case, Council officers identified that the building height non-compliances were partially attributable to the sloping nature of the subject site and therefore, may be somewhat considered a "technical non-compliance".

All Development Applications, particularly those involving objections made pursuant to SEPP1, are assessed on the individual merits of the proposal. In this respect, the proposed development will not set any binding precedent for the assessment of future senior's living developments that may feature non-compliant building heights or a non-compliant number of storeys.

Council has inappropriately assisted the applicant in the preparation of the SEPP1 objections

Council's assistance to the applicant during the process of the assessment was limited to informing the applicant of what information was specifically required to allow Council officers to undertake an assessment of the application, including the need to submit an additional SEPP1 Objection to Clause 50(a) of SEPP (Housing for seniors or people with a disability) 2004.

Council staff have not afforded the residents of subject site sufficient notification or involvement in the progress of the application's assessment

Council's Notification DCP 56 does not require the residents of the site to be notified. However, signage advising that an application had been received for the proposed development was placed at the front of the site and the application was advertised in the local newspaper, as per the requirements of DCP56.

Essentially, notification of the development of the site is a civil matter between the residents of the village and the owners of the site (being Aevum Ltd). Moreover, all necessary owners' consents for the lodgment of the application on the site have been provided.

OTHER RELEVANT MATTERS

Correspondence was received by Council from EPM Projects Pty Ltd (dated 15 March 2011) acting on behalf of the applicant seeking various changes to the recommended consent conditions of the report prepared by Council for 17 March 2011 JRPP meeting (**Attachment 8**). As the report had been finalised, Council officers did not have sufficient time to consider or provide comment on the changes proposed. However, given the additional time afforded by the deferral of the application, comments regarding these changes are provided in this report.

Council officers met with the applicant on 12 April 2011 to discuss the proposed changes to the conditions. As an outcome of this meeting, the applicant revised the proposed condition amendments (**Attachment 9**). The following comments are made in relation to the proposed revised condition amendments:

Condition 12

The applicant raises concern that the tree protection fencing clearance areas required for several trees are excessive and will unnecessarily hinder construction works, particularly excavation. In this regard, Council's Landscape Assessment Officer provided the following comment:

The amendments proposed by the applicant are considered acceptable. Regarding trees 22-25 after further assessment it is considered that the specified radius be reduced from 5.0m to 4.0m which approximates to the same setback proposed by the applicant who proposes a 2.6m setback from tree 21. Tree 21 is to be removed as part of the development consent conditions and therefore specified radii need to be taken from trees to be retained.

Condition 12 has been amended accordingly.

Condition 18

The applicant raises concern that the minimum 1.6 metres sill height required by this condition for Units 01 and 06 of the proposed Stanhope Building are excessively high and beyond the expected reach of the aged residents who will occupy the units. The applicant is further concerned that an inability to reach these windows so that they can be opened will restrict cross ventilation.

It is not agreed that the sill heights required by the condition are excessive. The sill heights are necessary to retain sufficient visual privacy to the private open space of 91 Stanhope Road. The screening provided by the plantings within the setback to the boundary will not be sufficient in this regard. Additionally, the ability to open these windows by elderly persons can be facilitated through appropriate design.

Condition 19

The applicant raises concern that the required planting of a species capable of attaining a minimum of 2.0 metres in height along the Stanhope Road frontage of the site will create a security problem for the staff of Lourdes Village as the public domain beyond the planting will not be visible from within the site.

It is not agreed that these recommended plantings will create a security problem. Council's Landscape Assessment Officer has advised that these plantings are necessary for streetscape amenity and that such plantings will not materially impact on security within the public domain. Moreover, as they are to be located along the street fronting boundary, casual surveillance of the front setback from within the site will not be affected by these plantings.

Condition 24

The applicant is concerned that the requirement of Condition 24 for all plant equipment to be placed within the basement areas may result excessive heat build up. As such, the applicant seeks amendment of the condition to allow plant equipment to be located elsewhere. However, the applicant has not specified exactly what type of plant equipment they seek to locate outside of the basement areas and no details have been provided within the submitted plans.

Council's Building Surveyor has advised that plant equipment may be located within basement areas provided adequate ventilation is available. Ventilation outlets associated with the plant rooms of the development's basement areas are shown on the submitted plans. In this respect and having regard to the absence of any information relating to the proposed placement of plant equipment outside of the basement area, it is recommended that Condition 24 remain.

Condition 56

The applicant proposes that the 30mm diameter threshold for the cutting of the roots of the trees nominated for protection by this condition be increased to 50mm. Council's Landscape Assessment Officer does not agree with this proposed amendment. The Officer has advised that the 30mm threshold is the standard diameter recommended within Aricultural advice and that an increase to a large diameter may unduly impact on the welfare of these trees.

Condition 59

The applicant seeks amendment of this condition to allow for greater flexibility in terms of the recommended tree protection requirements and the necessary mechanical excavations to take place. Following further review of the proposal, Council's Landscape Assessment Officer is satisfied that a reduction in the radii specified by this condition for certain trees is acceptable. Accordingly, Condition 59 has been amended in the manner sought by the applicant.

Condition 74

This condition relates to the proposed enlargement of the café and kitchen within the existing community centre on the site. The applicant has requested that the wording of this condition be amended to clearly reflect this as the current wording of the condition would unnecessarily require the food storage and preparation areas of the proposed residential units to comply with these standards. It is agreed that this condition should be amended accordingly.

Conditions 28, 75, 76, 77, 78, 79, 80, 81, 82, 83 and the title within the conditions that relate to the release of Occupation Certificates (preceding Condition 68)

The primary amendments sought by the applicant to these conditions is to have the relevant wording changed to allow Interim Occupation Certificates to be issued for certain portions of the development before all works required for the release of the Final Occupation Certificate are completed. The applicant submits that, as the proposed development consists of separate buildings, the current wording of the conditions may cause unnecessary delays in the occupation of the completed buildings.

Council Officers, including Council's Senior Building Surveyor, discussed these proposed changes with the applicant at the meeting held on 12 April 2011. Given the nature of the development and for reasons of practicality, Council's Building Surveyor agreed that the insertion of wording referring to the release of an Interim Occupation Certificate would not be inappropriate. However, this wording should only be inserted into Conditions 28, 75, 76, 78, 79, 80, 82 and 83. This wording is not considered necessary for Conditions 77 and 81 as the requirements of these conditions must be carried out before the issue of a Final Occupation Certificate (i.e. the issuing of an Interim Occupation Certificate is not relevant with regard to the requirements of these conditions).

The applicant also seeks the modification of Condition 80 to delete the restriction on the placement of gates or grilles across the entrance to basement level parking areas for the purposes of waste collection. It is agreed that this requirement is contrary to the provision of SEPP (Housing for seniors or people with a disability) 2004. Moreover, waste collection will not take place at the basement level of any of the proposed buildings. Therefore, it is recommended that this condition be amended accordingly.

CONCLUSION

Having received further advice from the NSW Rural Fire Service, it is considered that the matters raised by the Sydney West Joint Regional Planning Panel (JRPP) at the 17 March 2011 meeting have been satisfactorily addressed.

RECOMMENDATION

- A. That the Sydney West Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 40(4-a) – maximum building height of State

Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.

- B. That the Sydney West Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 40(4-b) – 2 storey maximum building height of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.
- C. That the Sydney West Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 50(a) – maximum building height of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.
- D. That the Sydney West Joint Regional Planning Panel, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to Clause 50(f) – private open space of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 is well founded. The Joint Regional Planning Panel is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.

AND

- E. That the Sydney West Joint Regional Planning Panel, as the consent authority, being satisfied that the objections under SEPP1 are well founded and also being of the opinion that the granting of consent to DA0495/10 is consistent with the aims of the Policy, grant development consent to DA0495/10 for the construction of 18 self contained dwelling units for seniors living and associated works, including the upgrading of existing facilities on land at 95-97 Stanhope Road, Killara for a period of five (5) years from the date of the Notice of Determination, subject to the following conditions:

Conditions that identify approved plans:

1. Approved architectural plans and documentation (new development)

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.00	Hill Thalys	28 January 2011
DA.01	Hill Thalys	2 July 2010
DA.02	Hill Thalys	15 October 2010
DA.03	Hill Thalys	15 October 2010
DA.04	Hill Thalys	15 October 2010
DA1.1	Hill Thalys	28 January 2011
DA1.2	Hill Thalys	28 January 2011
DA1.3	Hill Thalys	15 October 2010
DA1.4	Hill Thalys	25 October 2010
DA1.5	Hill Thalys	28 January 2011
DA1.6	Hill Thalys	28 January 2011
DA1.7	Hill Thalys	15 October 2010
DA1.8	Hill Thalys	28 January 2011
DA2.1	Hill Thalys	15 October 2010
DA2.2	Hill Thalys	15 October 2010
DA2.3	Hill Thalys	15 October 2010
DA2.4	Hill Thalys	15 October 2010
DA3.1	Hill Thalys	28 January 2011
DA3.2	Hill Thalys	28 January 2011
DA3.3	Hill Thalys	28 January 2011
DA3.4	Hill Thalys	15 October 2010
DA3.5	Hill Thalys	28 January 2011
DA4.1	Hill Thalys	29 June 2010
DA4.2	Hill Thalys	15 October 2010
DA4.3	Hill Thalys	15 October 2010
DA6.1	Hill Thalys	25 June 2010
EMP.01	Hill Thalys	25 June 2010
DA7.1	Hill Thalys	15 October 2010
DA7.2	Hill Thalys	15 October 2010
DA7.3	Hill Thalys	15 October 2010
DA7.4	Hill Thalys	21 January 2011
DA7.5	Hill Thalys	18 January 2011
AEV02-DD-101-D	Sym Studio	28 January 2011
AEV02-DD-102-D	Sym Studio	28 January 2011
AEV02-DD-103-C	Sym Studio	18 October 2010
AEV02-DD-401-B	Sym Studio	28 January 2011
AEV02-DD-402-B	Sym Studio	28 January 2011
AEV02-DD-501-E	Sym Studio	12 April 2011
AEV02-DD-502-C	Sym Studio	12 April 2011
AEV02-DD-503-B	Sym Studio	12 April 2011
21338 (survey plan)	Norton Survey Partners	28 October 2010

Document(s)	Dated
Accessibility report (Morris-Goding Accessibility Consulting) v2	12 October 2010
The Access and IPA standards report by ecological	12 April 2011
Construction Impact Assessment by Botanics	April 2011

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

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. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

Conditions to be satisfied prior to demolition, excavation or construction:

4. Road opening permit

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

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

5. 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.

6. 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.

7. 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 Stanhope Road over the site frontage,
- 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.

8. 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 the following lands, has been completed and submitted to Council:

Address

- Southern and western sides of the adjacent community facilities building and chapel (located on the site)
- The existing basement parking facility (under the croquet lawn) and western side of the residential building adjacent to the proposed Croquet Building (located on the site)
- 91 Stanhope Road, Killara

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 shall be carried out to the recommendations of the Geotechnical Investigation Report prepared by Jeffery and Katauskas). 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.

9. Structural adequacy (alterations and additions)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

C1. Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

10. Construction and traffic management plan

The applicant must submit to Council a Construction Traffic Management Plan (TMP), 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 TMP 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 TMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved TMP 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.

11. Work zone

A work zone shall be provided along the Stanhope Road site frontage. The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 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. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, 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 the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

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

12. 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	Radius in metres
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.0m on eastern side 3.6m elsewhere
#14 Acer palmatum (Japanese Maple) Adjacent to western site boundary in neighbouring property	3.25m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	3.5m on southern side 5.0m elsewhere
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	4.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	8.5m
#30 Araucaria hetrophylla (Norfolk Island Pine) Within site frontage	10.0m
#31 Ceratopetalum gummiferum (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 Phoenix canariensis (Canary Is Date Palm) Adjacent to Village Central Open Space	2.75m
#54 Eucalyptus pilularis (Blackbutt) Adjacent to Village Central Open Space	4.0m
#66 Pittosporum undulatum (Native Daphne) Adjacent to proposed Croquet Building	3.0m

#67 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m
#68 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m
#71 Cedrus deodar (Himalayan Cedar) Adjacent to Village Community Building	3.0m
#79 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	5.0m
#80 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	4.5m
#89 Eucalyptus sideroxylon (Red Ironbark) Adjacent to western site boundary in neighbouring property	4.5m
#90 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary in neighbouring property	4.0m

Reason: To protect existing trees during the construction phase.

13. Tree protective fencing type galvanised mesh

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metres 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.

14. 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.

15. 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:

Schedule

Tree/Location

#1 Syncarpia glomulifera (Turpentine)
Adjacent to western site boundary

#17 Araucaria hetrophylla (Norfolk Island Pine)
Adjacent to northern site boundary

Reason: To protect existing trees during the construction phase.

16. 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.

17. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

17A. Fauna Protection

A qualified ecologist is to supervise trees which have been approved for removal. The ecologist is to supervise the relocation of any fauna found within trees in accordance with appropriate licensing requirements below.

The qualified ecologist must hold Animal Ethics Permit from the Department of Industries and Investment and a wildlife licence under section 132C of the National Parks and Wildlife Act 1974 issued by the Department of Environment Climate Change and Water. Evidence of engagement of the qualified ecologist and the required licensing must be provided to Council's Ecologist prior to the tree being removed.

Reason: To ensure the protection of native fauna.

Conditions to be satisfied prior to the issue of the construction certificate:

18. Privacy

The west facing windows of the kitchens and sunrooms within Unit 01 and Unit 06 of the proposed Stanhope Building are to have sill heights of 1.6 metres above the finished floor level. The details of this requirement are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To retain visual privacy to the neighbouring property.

19. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Principal Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
#AEV02-DD-103 Issue C	Sym.studio	18/10/10
#AEV02-DD-401 Issue B		28/01/11
#AEV02-DD-402 Issue B		28/01/2011

The above landscape plan(s) shall be amended in the following ways:

- The pedestrian path is to be realigned to enable the retention of Tree 31 *Ceratopetaum gummiferum* (NSW Xmas Bush) which is located within the site frontage.
- The proposed plinths adjacent to the Stanhope Rd site frontage are to be reduced to a maximum height of 1.5m.
- An additional *Syncarpia glomulifera* (Turpentine) with a minimum pot size of 45 litres is to be planted adjacent to the northern site boundary to replace the removal of Tree 20.
- The mass planting of *Clivea miniata* (Clivea) beneath the Turpentine grouping (Tree #'s 22-25) is to be replaced with a low water use species eg *Dianella*.
- The proposed mass planting of *Clivea miniata* beneath Tree 32 within the Stanhope Rd nature strip is to be deleted.
- The proposed planting of 10 x *Pistacia chinensis* (Chinese Pistacio) is to be amended to be 10 x *Franklinia axillaris* (Gordonia).
- Proposed plantings of *Lavendula* and *Leucophyta* adjacent to the Stanhope Rd site frontage are to be deleted and replaced with evergreen screening shrubs

- capable of attaining a minimum height of 2.0m eg *Murraya*.
- The proposed planting of 13 x *Acmena smithii* adjacent to the eastern site boundary is to be amended to be a Lillypilly hybrid shrub species that attains a minimum height of 3.0m and no greater than 4.5m.

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

Note: An amended plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

Reason: To ensure adequate landscaping of the site

20. 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.

21. 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.

22. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

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

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

23. 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 stormwater management and disposal system for the development. The plan(s) must include the following detail:

- exact location and reduced level of discharge point to the public drainage system
- layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)
- supporting calculations and detailed sections shall be submitted to determine that the existing swale could handle flows from the upstream, post development catchment

The above 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. The plans may be generally based on the **Stormwater Drainage Plan C00 & C01 DA dated 14 October 2010** prepared by **Northrop Consulting Engineers Pty Ltd** submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

24. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

C1. Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

25. Drainage of paved areas

All new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

Reason: To control surface run off and protect the environment.

26. Vehicular access and garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

27. 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 Stanhope Road:

- A new footpath / ramp along the site frontage

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.

28. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

The existing power pole adjacent to the proposed driveway that will service the Stanhope Building is to be relocated as per the requirements of Energy Australia.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Interim / Final Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

29. 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.

30. 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.

31. Construction of food preparation areas

Plans and specifications complying with the requirements of the Food Act 2003 and Regulations, Australian Standard AS 4674 - 2004, AS 1668 Parts 1 and 2 shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. Plans and specifications shall address the following:

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

Reason: To ensure compliance with standards for food premises.

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first):

32. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and

also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

33. Section 94 Contribution – Commercial Development (outside Town Centres)

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Council’s Section 94 Contributions Plan No. 1 for the services detailed in Column A and for the amount detailed in Column B is required.

Column A	Column B
Parks and sporting facilities	\$130,880.70
Recreational, social and cultural facilities	\$24,090.12
Total contribution is:	\$154,970.82

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of a Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council’s Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

Conditions to be satisfied during the demolition, excavation and construction phases:

34. 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.

35. 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.

36. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

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

37. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

38. 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.

39. 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.

40. 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.

41. Post-construction dilapidation report

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

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

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

Reason: Management of records.

42. 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**

Investigation Report prepared by **Jeffery and Katauskas Pty Ltd** Ref: **24367VTrpt** dated **22 October 2010**. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

48. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

49. 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.

50. 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.

51. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

52. 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

#1 Syncarpia glomulifera (Turpentine)
Adjacent to western site boundary

#17 Araucaria hetrophylla (Norfolk Island Pine)
Adjacent to northern site boundary

#22 – 25 Syncarpia glomulifera (Turpentine)
grouping
Adjacent to northern site boundary

#29 Magnolia grandiflora (Bull Bay Magnolia)
Within site frontage

#30 Araucaria hetrophylla (Norfolk Island Pine)
Within site frontage

#31 Ceratopetalum gummiferum (NSW Xmas
Bush)
Within site frontage

#52 & 53 Phoenix canariensis (Canary Is Date
Palm)
Adjacent to Village Central Open Space

#54 Eucalyptus pilularis (Blackbutt)
Adjacent to Village Central Open Space

Time of inspection

* Immediately before
the start of any
works on site.

* Immediately after
excavation and/or
regrading works

* At four monthly
intervals during
construction

* At the completion
of all works on site

#71 Cedrus deodar (Himalayan Cedar)
Adjacent to Village Community Building

#79 Jacaranda mimosifolia (Jacaranda)
Adjacent to western site boundary

#80 Jacaranda mimosifolia (Jacaranda)
Adjacent to western site boundary

#107 Sapium sebiferum (Chinese Tallowwood)
Adjacent to internal road

Reason: To ensure protection of existing trees.

53. Trees on nature strip

Removal of the following tree/s from Council's Stanhope Rd nature strip shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000:

Schedule

Tree/Location

#33 Liquidambar styraciflua (Sweet Gum)

#86 Jacaranda mimosifolia (Jacaranda)

#87 Acacia baileyana (Wattle)

#88 Eucalyptus robusta (Swamp Mahogany)

Reason: To ensure protection of existing trees.

54. 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. All trees are to be clearly tagged and identified by number, consistent with the Construction Impact Assessment report by Botanics dated April 2011.

Schedule

Tree/Location

#1 Syncarpia glomulifera (Turpentine)
Adjacent to western site boundary

Tree works

Pruning as specified in
Construction Impact
Assessment by Botanics dated
April 2011.

#54 Eucalyptus pilularis (Blackbutt

As above

Adjacent to internal road

#91 Syzigium spp (Lillypilly) Centrally located on site	As above
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#92 Alnus jorullensis (Evergreen Alder) Centrally located on site	As above
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#95 Corymbia gummifera (Red Bloodwood) Adjacent to perimeter road	As above
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#96 Pittosporum undulatum (Native Daphne) Adjacent to perimeter road	As above
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#97 Tristania laurina (Water Gum) Adjacent to eastern site boundary in road reserve	As above
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#100 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	As above
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#101 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	As above
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#102 Pittosporum undulatum (Native Daphne) Adjacent to perimeter road	As above
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#105 Prunus spp (Plum) Adjacent to internal road	As above
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#107 Eucalyptus microcorys (Tallowood) Adjacent to internal road	As above
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#108 Eucalyptus punctata (Grey Gum) Adjacent to internal road	As above
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#109 Angophora costata (Sydney Redgum) Adjacent to internal road	As above
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#110 Pittosporum undulatum (Native Daphne) Adjacent to internal road	As above
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#119 Grevillea robusta (Silky Oak) Adjacent to internal road	As above
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#120 Angophora costata (Sydney Redgum) Adjacent to internal road	As above
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#134 Eucalyptus piperita (Sydney Peppermint) Adjacent to internal road	As above
#152 Eucalyptus piperita (Sydney Peppermint) Adjacent to internal road	As above
#154 Eucalyptus piperita (Sydney Peppermint) Adjacent to internal road	As above
#164 Corymbia maculata (Spotted Gum) Adjacent to internal road	As above
#165 Eucalyptus piperita (Sydney Peppermint) Adjacent to internal road	As above
#172 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	As above
#199 Angophora costata (Sydney Redgum) Adjacent to internal road	As above
#209 Eucalyptus piperita (Sydney Peppermint) Adjacent to internal road	As above
#222 Angophora costata (Sydney Redgum) Adjacent to internal road	As above
#234 Eucalyptus piperita (Sydney Peppermint) Adjacent to internal road	
#350 Corymbia gummifera (Bloodwood) Adjacent to internal road	

Reason: To protect the environment.

55. 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.

56. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the 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	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m
#14 Acer palmatum (Japanese Maple) Adjacent to western site boundary in neighbouring property	4.5m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	9.6m
#30 Araucaria hetrophylla (Norfolk Island Pine) Within site frontage	10.0m
#31 Ceratopetalum gummiferum (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 Phoenix canariensis (Canary Is Date Palm) Adjacent to Village Central Open Space	4.0m
#54 Eucalyptus pilularis (Blackbutt) Adjacent to Village Central Open Space	4.0m on south side 7.0m elsewhere
#66 Pittosporum undulatum (Native Daphne) Adjacent to proposed Croquet Building	3.0m
#67 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m
#68 Lophostemon confertus (Brushbox) Adjacent to proposed Croquet Building	4.0m

#71 Cedrus deodar (Himalayan Cedar) Adjacent to Village Community Building	6.0m
#79 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	5.0m
#80 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	4.5m
#89 Eucalyptus sideroxylon (Red Ironbark) Adjacent to western site boundary in neighbouring property	4.5m
#90 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary in neighbouring property	4.0m

Reason: To protect existing trees.

57. Approved tree works

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

Schedule

Tree/Location	Approved tree works
#2 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	Removal
#3 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	Removal
#4 Eucalyptus robusta (Mahogany) Adjacent to western site boundary	Removal
#5 Melaleuca bracteata (Black Tea Tree) Adjacent to western site boundary	Removal
#6 Syragus comosa (Cocos Palm) Adjacent to existing carpark	Removal
#7 Casuarina glauca (She oak) Adjacent to western site boundary	Removal
#8 Melaleuca bracteata (Black Tea Tree) Adjacent to western site boundary	Removal
#9 Melaleuca bracteata (Black Tea Tree) Adjacent to western site boundary	Removal
#10 Eucalyptus robusta (Mahogany)	Removal

Adjacent to western site corner	
#11 Eucalyptus robusta (Mahogany) Adjacent to northwest site corner	Removal
#12 Eucalyptus robusta (Mahogany) Adjacent to northwest site corner	Removal
#13 Fraxinus spp (Ash) Adjacent to northwest site corner	Removal
#15 Olea Africana (African Olive) Adjacent to northern site boundary	Removal
#16 Erythrina sykesii (Coral Tree) Adjacent to northern site boundary	Removal
#18 Phoenix canariensis (Canary Is Date Palm) Adjacent to car park	Transplantation
#19 Melaleuca bracteata (Black Tea Tree) Adjacent to northwest site corner	Removal
#20 Cuppressus macrocarpa (Cypress pine) Adjacent to northern site boundary	Removal
#21 Syncarpia glomulifera (Turpentine) Adjacent to northern site boundary	Removal
#26 & 27 Syragus comosa (Cocos Palm) Adjacent to car park	Removal
#28 Acacia elata (Black Wattle) Adjacent to car park	Removal
#33 Liquidambar styraciflua (Sweet Gum) Stanhope Rd nature strip	Removal
#59 Melaleuca linarifolia (Snow in Summer) Centrally located on site	Removal
#60 Pittosporum undulatum (Native Daphne) Centrally located on site	Removal
#61 Lophostemon confertus (Q'ld Brushbox) Centrally located on site	Removal
#62 Lophostemon confertus (Q'ld Brushbox) Centrally located on site	Removal

#63 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site	Removal
#64 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site	Removal
#65 <i>Eucalyptus gummifera</i> (Red Bloodwood) Centrally located on site	Removal
#69 <i>Cupressus macrocarpa</i> (Monterey Cypress) Centrally located on site	Removal
#70 <i>Phoenix canariensis</i> (Canary Is Date Palm) Centrally located on site	Removal
#72 <i>Melaleuca quinquenervia</i> (Paperbark) Adjacent to existing community building	Removal
#73 <i>Callistemon viminalis</i> (Bottlebrush) Adjacent to existing community building	Removal
#74 <i>Acer negundo</i> (Box Elder) Adjacent to existing community building	Removal
#75 <i>Melaleuca quinquenervia</i> (Paperbark) Adjacent to existing community building	Removal
#76 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to existing community building	Removal
#77 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to existing community building	Removal
#81-83 <i>Melaleuca quinquenervia</i> (Paperbark) Adjacent to western site boundary	Removal
#84 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	Removal
#85 <i>Araucaria heterophylla</i> (Norfolk Is Pine) Adjacent to western site boundary	Removal
#86 <i>Jacaranda mimosifolia</i> (Jacaranda) Stanhope Rd nature strip	Removal
#87 <i>Acacia baileyana</i> (Wattle) Stanhope Rd nature strip	Removal

#88 <i>Eucalyptus robusta</i> (Swamp Mahogany) Stanhope Rd nature strip	Removal
#93 <i>Leptospermum petersonii</i> (Tea Tree) Adjacent to perimeter road	Removal
#94 <i>Prunus x blireana</i> (Flowering Plum) Adjacent to perimeter road	Removal
#98 <i>Casuarina glauca</i> (Swamp Oak) Adjacent to internal road	Removal
#99 <i>Casuarina glauca</i> (Swamp Oak) Adjacent to internal road	Removal
#103 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to perimeter road	Removal
#104 <i>Callistemon viminalis</i> (Bottlebrush) Adjacent to perimeter road	Removal
#106 <i>Acacia mearnsii</i> (Black Wattle) Centrally located on site	Removal
#111 <i>Callistemon viminalis</i> (Bottlebrush) Adjacent to perimeter road	Removal
#112 <i>Leptospermum petersonii</i> (Tea Tree) Adjacent to perimeter road	Removal
#113 <i>Leptospermum petersonii</i> (Tea Tree) Adjacent to perimeter road	Removal
#118 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to perimeter road	Removal
#123 <i>Olea europa</i> (Olive) Adjacent to perimeter road	Removal
#144 <i>Casuarina glauca</i> (She oak) Adjacent to perimeter road	Removal
#150 <i>Casuarina glauca</i> (She Oak) Adjacent to perimeter road	Removal
#151 <i>Callistemon viminalis</i> (Bottlebrush) Adjacent to perimeter road	Removal
#157 <i>Corymbia maculata</i> (Spotted Gum)	Removal

Adjacent to perimeter road

#166 Melaleuca quinquenervia (Paperbark) Adjacent to perimeter road	Removal
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#171 Chamaecyparis lawsoniana (Lawson Cypress) Adjacent to internal road	Removal
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#179 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	Removal
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#180 Melaleuca quinquenervia (Paperbark) Adjacent to internal road	Removal
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#202 Eucalyptus piperita (Sydney Peppermint) Adjacent to perimeter road	Removal
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#193 Casuarina glauca (She Oak) Adjacent to perimeter road	Removal
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#206 Eucalyptus piperita (Sydney Peppermint) Adjacent to perimeter road	Removal
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#215 Eucalyptus piperita (Sydney Peppermint) Adjacent to perimeter road	Removal
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#226 Casuarina glauca (She Oak) Adjacent to perimeter road	Removal
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#227 Corymbia gummifera (Bloodwood) Adjacent to perimeter road	Removal
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#228 Eucalyptus piperita (Sydney Peppermint) Adjacent to perimeter road	Removal
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#244 Eucalyptus piperita (Sydney Peppermint) Adjacent to perimeter road	Removal
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#252 Melaleuca quinquenervia (Paperbark) Adjacent to perimeter road	Removal
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#262 Melaleuca quinquenervia (Paperbark) Adjacent to perimeter road	Removal
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#273 Eucalyptus piperita (Sydney Peppermint) Adjacent to perimeter road	Removal
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#331 Eucalyptus piperita (Sydney Peppermint) Adjacent to perimeter road	Removal
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#340 <i>Acacia decurrens</i> (Wattle) Adjacent to perimeter road	Removal
#349 <i>Lophostemon confertus</i> (Brushbox) Adjacent to perimeter road	Removal
#351 <i>Lophostemon confertus</i> (Brushbox) Adjacent to perimeter road	Removal
#352 <i>Lophostemon confertus</i> (Brushbox) Adjacent to perimeter road	Removal
#1 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to eastern site boundary	Pruning as specified in Construction Impact Assessment by Botanics
#54 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to internal road	As above
#91 <i>Syzigium</i> spp (Lillypilly) Centrally located on site	As above
#92 <i>Alnus jorullensis</i> (Evergreen Alder) Centrally located on site	As above
#95 <i>Corymbia gummifera</i> (Red Bloodwood) Adjacent to perimeter road	As above
#96 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to perimeter road	As above
#97 <i>Tristania laurina</i> (Water Gum) Adjacent to eastern site boundary in road reserve	As above
#100 <i>Melaleuca quinquenervia</i> (Paperbark) Adjacent to internal road	As above
#101 <i>Melaleuca quinquenervia</i> (Paperbark) Adjacent to internal road	As above
#102 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to perimeter road	As above
#105 <i>Prunus</i> spp (Plum) Adjacent to internal road	As above
#107 <i>Eucalyptus microcorys</i> (Tallowood) Adjacent to internal road	As above

#108 Eucalyptus punctata (Grey Gum) Adjacent to internal road	As above
#109 Angophora costata (Sydney Redgum) Adjacent to internal road	As above
#110 Pittosporum undulatum (Native Daphne) Adjacent to internal road	As above

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order. All trees are to be clearly tagged and identified by number consistent with the Construction Impact Assessment Report by Botanics dated January 2011, prior to ANY tree works being undertaken.

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

58. 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	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	9.6m

Reason: To protect existing trees.

59. Hand excavation

All excavation within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Schedule Tree/Location	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m elsewhere

#14 <i>Acer palmatum</i> (Japanese Maple) Adjacent to western site boundary in neighbouring property	3.25m
#17 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Adjacent to northern site boundary	3.5m
#22 – 25 <i>Syncarpia glomulifera</i> (Turpentine) grouping Adjacent to northern site boundary	4.0m
#29 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Within site frontage	8.5m
#30 <i>Araucaria hetrophylla</i> (Norfolk Island Pine) Within site frontage	10.0m
#31 <i>Ceratopetalum gummiferum</i> (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 <i>Phoenix canariensis</i> (Canary Is Date Palm) Adjacent to Village Central Open Space	4.0m
#54 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to Village Central Open Space	4.0m on south side 7.0m elsewhere
#66 <i>Pittosporum undulatum</i> (Native Daphne) Adjacent to proposed Croquet Building	3.0m
#67 <i>Lophostemon confertus</i> (Brushbox) Adjacent to proposed Croquet Building	4.0m
#68 <i>Lophostemon confertus</i> (Brushbox) Adjacent to proposed Croquet Building	4.0m
#71 <i>Cedrus deodar</i> (Himalayan Cedar) Adjacent to Village Community Building	6.0m
#79 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	5.0m
#80 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to western site boundary	4.5m
#89 <i>Eucalyptus sideroxylon</i> (Red Ironbark) Adjacent to western site boundary in neighbouring property	4.5m
#90 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to western site boundary in neighbouring	4.0m

property

Reason: To protect existing trees.

60. 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 method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system:

Schedule

Tree/Location	Radius from trunk
#1 Syncarpia glomulifera (Turpentine) Adjacent to western site boundary	2.5m on western side 3.6m
#17 Araucaria hetrophylla (Norfolk Island Pine) Adjacent to northern site boundary	5.0m
#22 – 25 Syncarpia glomulifera (Turpentine) grouping Adjacent to northern site boundary	5.0m
#29 Magnolia grandiflora (Bull Bay Magnolia) Within site frontage	9.6m
#30 Araucaria hetrophylla (Norfolk Island Pine) Within site frontage	10.0m
#31 Ceratopetalum gummiferum (NSW Xmas Bush) Within site frontage	3.0m
#52 & 53 Phoenix canariensis (Canary Is Date Palm) Adjacent to Village Central Open Space	4.0m
#54 Eucalyptus pilularis (Blackbutt) Adjacent to Village Central Open Space	7.0m
#71 Cedrus deodar (Himalayan Cedar) Adjacent to Village Community Building	6.0m
#79 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	5.0m
#80 Jacaranda mimosifolia (Jacaranda) Adjacent to western site boundary	4.5m
#89 Eucalyptus sideroxylon (Red Ironbark) Adjacent to western site boundary in neighbouring property	4.5m

#90 Syncarpia glomulifera (Turpentine) 4.0m
Adjacent to western site boundary in neighbouring property

Reason: To protect existing trees.

61. 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.

62. Tree planting on nature strip

The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along (enter street). The tree/s used shall be a minimum 25 litres container size specimen/s:

Schedule		
Tree/Species	Quantity	Location
Franklinia axillaris (Gordonia)	10	Evenly spaced within the Stanhope Rd nature strip between the main vehicular entry and the north-western site corner

Reason: To provide appropriate landscaping within the streetscape.

63. Tree removal on nature strip

Following removal of the Jacaranda, Wattle, Liquidambar and Eucalypt 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.

64. Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate.

Schedule	
Species/From	To
#18 Phoenix canariensis (Canary Is Date Palm) Existing car park	As shown on landscape plan/s

Reason: To protect the trees during transplanting.

65. 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.

66. 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.

67. 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.

Conditions to be satisfied prior to the issue of an Interim / Final Occupation Certificate:

68. Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- At the commencement of building works and in perpetuity, Asset Protection Zones shall be established in accordance with the recommendations contained within the supplementary report prepared by Ecological Australia, referenced 10SGBBUS-0015, dated 12 April 2011.

Reason: To protect the property from bushfire threat.

69. Water and utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- Water, electricity and gas are to comply with Sections 4.1.3 and 4.2.7 of 'Planning for Bushfire Protection 2006'.

Reason: To protect the property from bushfire threat.

70. Access

The intent of measures for internal roads is to provide safe operational access for emergency services personnel in suppressing a bush fire, while residents accessing or egressing an area. To achieve this, the following condition shall apply:

- Internal Roads shall comply with the recommendations contained within the supplementary report prepared by Ecological Australia, referenced 10SGBBUS-0015, dated 12 April 2011.

Reason: To protect the property from bushfire threat.

71. Evacuation and emergency management

The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments. To achieve this, the following condition shall apply:

- Arrangements for emergency and evacuation are to comply with Section 4.2.7 of 'Planning for Bushfire Protection 2006'

Reason: To protect the property from bushfire threat.

72. Design and construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- New construction shall comply with Section 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bushfire prone areas' and Section A3.7 Addendum Appendix 3 of 'Planning for Bushfire Protection 2006'.

Reason: To protect the property from bushfire threat.

73. Landscaping

Landscaping to the site is to comply with the recommendations contained within the supplementary report prepared by Ecological Australia, referenced 10SGBBUS-0015, dated 12 April 2011.

Reason: To protect the property from bushfire threat.

74. Construction of food preparation and storage areas

The construction of all applicable food preparation and storage areas shall be in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 *Food Premises and Equipment* and Australian Standard 4674-2004 *Design, Construction and Fit-out of Food Premises*.

Reason: To ensure compliance with standards for food premises.

75. Compliance with BASIX certificate

Prior to the issue of an Interim / Final Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 320962M have been complied with.

Reason: Statutory requirement.

76. 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 any Occupation Certificate.

Reason: To protect the amenity of surrounding properties.

77. 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.

78. Certification of drainage works

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

- the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- the stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans and Ku-ring-gai Water Management DCP 47

Note: Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this control is to be provided to Council prior to the issue of an Interim / Final Occupation Certificate.

Reason: To protect the environment.

79. WAE plans for stormwater management and disposal

Prior to issue of the Interim / Final 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 Interim / Final 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 dimensions of all 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 storages and derivative calculations
- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- dimensions of the discharge control pit and access grates

- the maximum depth of storage possible over the outlet control

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.

80. Certification of as-constructed driveway / carpark

Prior to issue of an Interim / Final 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” and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- the vehicular headroom requirements of:
 - o Australian Standard 2890.1 – “Off-street car parking”,
 - o The Seniors Living SEPP (as last amended) for accessible parking spaces,

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 Interim / Final Occupation Certificate.

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

81. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

82. Fire safety certificate

Prior to the issue of the Interim / Final 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.

83. Restriction on land title – seniors living development

Prior to the issue of the Interim / Final Occupation Certificate, the Principal Certifying Authority is to be satisfied that restriction as to use of land under Section 88E of the Conveyancing Act 1919, has been created restricting the occupation of the premises to:

- ☐ people 55 or over or people who have a disability
- ☐ people who live with people 55 or over or people who have a disability
- ☐ staff employed to assist in the administration of and provision of services to housing provided in this development

Reason: To ensure that the development meets the provisions of the Seniors Living SEPP.

84. SEPP Seniors living advertising

All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP Seniors Living development and that at least one occupier shall be aged 55 years or over or have a disability.

Reason: To ensure that the development meets the provisions of the Seniors Living SEPP

Conditions to be satisfied at all times:

85. 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.

86. Noise control – plant and machinery

All noise generating equipment shall be located and/or soundproofed so the equipment is not audible within a habitable room in any residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of all noise generating equipment outside these restricted hours shall emit a noise level of not greater than 5dB(A) above the background when measured at the nearest boundary.

Reason: To protect the amenity of surrounding residents.

S Ratcliff
**Senior Development
Assessment Officer**

G Bolton
Acting Team Leader

C Swanepoel
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

Attachments:

1. Locality Map
2. Zoning Extract
3. Plans
4. Traffic and parking study
5. Access report
6. Bush fire report prepared by Ecological Australia
7. Construction Impact Assessment prepared by Botanics
8. Proposed amendments to conditions by EPM Projects
9. Revised proposed amendments to conditions by EPM Projects
10. Previous report considered by the JRPP on 17 March 2011