
5-15 LAMOND DRIVE, TURRAMURRA – SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE FOR REPORT:	To address the issues raised by the Sydney West Joint Regional Planning Panel (JRPP) at the 20 June 2013 meeting and for the JRPP to determine DA0378/12 for 83 units, basement parking and landscaping.
BACKGROUND:	An assessment report was prepared and considered by the JRPP on 20 June 2013 where the JRPP resolved to defer the determination pending the submission of additional information by the applicant in response to the issues raised relating to resident amenity, storm water management, impacts upon existing vegetation, building setbacks, deep soil landscaping, manageable housing and impacts upon existing easements.
COMMENTS:	The additional information submitted by the applicant to address the issues raised has been assessed. The adequacy of this information to satisfy these issues is addressed in this report.
RECOMMENDATION:	Approval

PURPOSE FOR REPORT

To address the issues raised by the Sydney West Joint Regional Planning Panel (JRPP) at the 20 June 2013 meeting and for the JRPP to determine DA0378/12 for the construction of two residential flat buildings containing 83 units, basement parking, and landscaping and associated works.

BACKGROUND

An assessment report was considered by the JRPP at its meeting of 20 June 2013 where it was resolved to defer the determination pending the submission of additional information by the applicant. The JRPP asked the applicant to address the following:

- 1. Satisfactory demonstration by the applicant of its position regarding ventilation, sunlight to units, 3 hours of sunlight in midwinter to open space, the number of underground units and their amenity and environmental performance.*
- 2. Provision of additional information on the following matters:*
 - *Geotechnical report on the absorption area to provide water to the lower trees*
 - *Structural details of the stormwater pipes above the proposed driveway tunnel*
 - *Demonstration of the practicality of servicing the deep stormwater pits and functioning of the 90 degree bend in the stormwater system on the northwest side of the site*
 - *The validity of the applicant's expert conclusions on the impact on the Blue Gum High Forest on the site*
 - *Explanation of the changes proposed to the right of way – will it allow unfettered use in accordance with the terms of the easement?*
- 3. Provision of additional detail in the vegetation management plan.*
- 4. Amended plans showing the manner in which the application complies with clauses 25L, 25N, 25I(2) of the Ku-ring-gai Planning Scheme Ordinance.*
- 5. Specification where retaining walls should be placed in relation to unit walls.*
- 6. Confirmation of the capacity of the downstream stormwater drainage system to accommodate the anticipated post development flows.*

COMMENTS

The applicant has submitted information in response to the issues raised by the JRPP. The adequacy of this information to address these issues is discussed below.

- 1. Satisfactory demonstration by the applicant of its position regarding ventilation, sunlight to units, 3 hours of sunlight in midwinter to open space,***

the number of underground units and their amenity and environmental performance.

With regard to ventilation, the applicant has amended the proposal to include additional windows to many of the proposed units. The introduction of these additional windows allows for cross ventilation and the application now complies with the requirement of the Residential Flat Design Code (RFDC) of SEPP65 that a minimum 60% of units (being 51 of the 83 units or 61.4%) within the development be naturally cross ventilated. The application is now considered to be acceptable in terms of ventilation.

With regard to sunlight access to units, the applicant has reiterated that 69.9% of units are provided with three hours direct solar access during the winter solstice. Council's previous report to the JRPP raised concern that this non-compliance was exacerbated by the fact that 12 (14.4%) units were orientated to the south-east or south-west (exceeding the maximum 10% permissible under the RFDC). These non-compliances were largely identified to be a product of the excessive depth of Buildings B and C. In combination with the lack of adequate natural cross-ventilation, these non-compliances were not supported. However, having consideration of the improvements made within the proposal with regard to natural cross-ventilation and the numerous natural constraints presented by the site (including the predominantly southern orientation of the site), these non-compliances are considered to be acceptable.

In terms of solar access to open space, the applicant has noted that the common area between the buildings of the development (central to the site) will not receive three hours direct sunlight during the winter solstice. However, it is accepted that this again is largely a product of the natural constraints of the site, particularly the significant site slope. Additionally, although this area does not receive good solar access, the development does provide communal open space areas at the roof levels of the buildings that will receive adequate sunlight and extensive views towards the Blue Mountains. As such, it is not considered reasonable to insist on the common area between the buildings receiving three hours solar access as alternate areas within the site that offer good amenity will be available to the residents of the development.

The following table details the units of the proposed development that are located at ground level or below and their amenity:

Unit number	Above ground level	Solar access	Natural cross-ventilation
A01	Predominantly below ground level	>3 hours	Yes
B01	Predominantly below ground level	>3 hours	No
B02	Predominantly above ground level	>3 hours	Yes
B03	Partially below ground level	<3 hours	Yes
B04	Partially below ground level	>3 hours	Yes
B05	Predominantly below ground level	>3 hours	Yes

B06	Predominantly above ground level	>3 hours	No
C01	Predominantly above ground level	<3 hours	Yes
C02	Predominantly above ground level	<3 hours	No
C03	Predominantly above ground level	>3 hours	No
C04	Predominantly above ground level	>3 hours	Yes
C05	Predominantly below ground level	>3 hours	Yes
C06	Predominantly above ground level	<3 hours	No

In view of the difficulty presented by the significantly sloping nature of the site, the provision of only two units located at the ground level that do not receive a minimum three hours solar access or natural cross ventilation is considered reasonable. In this respect, it is noted that 6 of the proposed 13 ground floor units provide both adequate solar access and natural cross ventilation and the remaining 5 provide either adequate solar access or cross ventilation. Therefore, the environmental performance of the ground floor units of the development is considered to be acceptable.

2. Provision of additional information on the following matters:

- a. Geotechnical report on the absorption area to provide water to the lower trees**
- b. Structural details of the stormwater pipes above the proposed driveway tunnel**
- c. Demonstration of the practicality of servicing the deep stormwater pits and functioning of the 90 degree bend in the stormwater system on the northwest side of the site**
- d. The validity of the applicant's expert conclusions on the impact on the Blue Gum High Forest on the site**
- e. Explanation of the changes proposed to the right of way – will it allow unfettered use in accordance with the terms of the easement?**

In terms of sub-surface water flow and the impact of the development upon the availability of water to trees on the lower part of the site, the applicant has provided a supplementary report that addresses the hydrological impacts of the development. The report notes that the proposed stormwater management measures to be introduced, which include downslope absorption trenches and surface irrigation from the rainwater storage tank, will potentially improve the soil moisture and sub-surface flow regime of the landscape zone below the proposed buildings. Having considered this information, Council's Tree and Landscape Assessment Officer and Ecological Officer are satisfied that the proposed development will retain adequate water to the trees at the lower levels of the site, subject to conditions (**Conditions 7 and 38**).

Council's Development Engineer and Director of Operations are satisfied with the additional structural details of the stormwater pipes that will traverse the basement level driveway connection. The officers are also satisfied that functional access to the pipes within Council's easement and the associated pits (both within and outside of the easement) will be available. No issue is raised in terms of the 90 degree bend in the stormwater system on the north-western side of the site as this bend will not affect functionality (subject to appropriate maintenance).

With regard to the impact of the proposal on the Blue Gum High Forest (BGHF) on the site, the applicant has submitted an amended impact assessment. Council's Ecological Assessment Officer advised that:

The impact assessment identifies the "extent" of the physical area (ha) of BGHF and the compositional components of the habitat and the degree to which is affected as being 580m².

The proposal will result in further fragmentation of BGHF community, however, the extent of loss is not such that the onsite (local occurrence) of BGHF is likely to become extinct. The proposed development does not trigger the requirement for a species impact statement (SIS).

Council's Ecological Assessment Officer advised that the assessment is satisfactory and in accordance with Section 5a of the *Environmental Planning and Assessment Act, 1979*. The proposal is therefore considered to be acceptable in terms of the existing BGHF community.

Regarding the proposed changes to the right-of-way that benefits 3 Lamond Drive, this area is currently occupied by a portion of the driveway that services the existing dwellings and a landscaped area. The applicant proposes that this area be kept clear of any structures and only contain grasses and other small ground coverings. This will maintain unfettered access to the neighbouring property should the installation of a formal vehicle access be required in the future. It is noted that this area does not currently provide any formal access to 3 Lamond Drive and the installation of any such access will be a private matter between the respective property owners.

3. Provision of additional detail in the vegetation management plan.

A Vegetation Management Plan (VMP) has been prepared over a 0.14 hectare area of the site which contains BGHF. Council's Ecological Assessment Officer has reviewed the VMP and is satisfied that it will improve the existing BGHF community of the site through the removal of weeds and promotion of regeneration and revegetation (planting). However, the Officer has noted that no trees have been provided within Management Unit 1 and recommends that the planting of trees within this area be required by consent conditions (**Conditions 26 and 27**).

4. Amended plans showing the manner in which the application complies with clauses 25L, 25N, 25I(2) of the Ku-ring-gai Planning Scheme Ordinance.

Clause 25L – Zone interface of the Ku-ring-gai Planning Scheme Ordinance (KPSO) requires that the third and fourth storey of Building C must be set back a minimum 9 metres from the boundary shared with No. 5 Duff Street. This site is zoned Residential 2(c2). The applicant has amended the proposal to comply with this requirement with the level of the building to be constructed at RL166.00 (and those above) now set back a minimum 9 metres from the boundary shared with this property.

Clause 25N – Manageable housing of the KPSO prescribes that a minimum of 9 manageable housing units are to be provided within the development. The application has been amended to comply with this requirement.

Clause 25I (2) – Minimum standards for deep soil landscaping of the KPSO prescribes that a minimum 50% of the site's area be provided for deep soil landscaping purposes. The applicant has provided revised plans and information which confirms that 50.07% of the site will be maintained as deep soil landscaped area.

5. Specification where retaining walls should be placed in relation to unit walls.

The applicant has submitted additional plans and information that confirms the location of the proposed retaining walls in relation to the units of the development. It is understood that the JRPP sought further clarification on this matter as concern was raised with regard to the impacts of these walls upon the amenity of the ground level units.

The assessment of the ground floor units (above) has found that an acceptable level of amenity is to be provided. This assessment has taken the proximity of adjacent retaining walls into consideration.

6. Confirmation of the capacity of the downstream stormwater drainage system to accommodate the anticipated post development flows.

Council's Development Engineer has reviewed the amended stormwater management plans and is satisfied that the downstream stormwater system (that is essentially a continuation of Council's stormwater easement through the adjoining lower-lying property) will be capable of accommodating the anticipated post development flows).

Recommended reasons for refusal of Council's previous report to the JRPP

Council's previous recommendation to the JRPP for the determination of DA0378/12 was to refuse the application for 11 reasons. The additional information requested by the JRPP of the applicant sought to address the issues outlined within these 11 reasons.

The amended plans and information submitted by the applicant is considered to have addressed Council's reasons for refusal as follows:

1. Tree and vegetation impacts

As outlined above, Council's Tree and Landscape Assessment Officer and Ecological Assessment Officer are satisfied that the applicant has submitted sufficient additional

information to demonstrate that the proposal will be of an acceptable impact on the significant trees and vegetation of the site.

2. Unsatisfactory assessment of impacts upon the Blue Gum High Forest Community

As outlined above, Council's Ecological Assessment Officer is now satisfied that the applicant's assessment of the impact of the proposal is satisfactory and in accordance with Section 5a of the *Environmental Planning and Assessment Act, 1979*.

3. Insufficient Vegetation Management Plan

Subject to conditions (as outlined above), the submitted Vegetation Management Plan is considered to be acceptable.

4. Excessive building depth, excavation and consequential impacts on residential amenity

The key concerns raised in relation to the excessive building depths and excavation related to the low levels of internal amenity that would be available to the residents of the proposed development, particularly at the ground floor levels. However, additional measures (additional windows) have been introduced to improve the available natural ventilation and the applicant has demonstrated that the ground floor units of the development will have adequate internal amenity.

5. Unsatisfactory impacts on easements

As outlined above, access to the right-of-carriageway that benefits 3 Lamond Drive is retained within the amended proposal. To address the stormwater easement that benefits this adjacent property, a deferred commencement condition (**Condition No.1**) is recommended that will require the creation of a new easement in an alternate location. Additionally, a revised proposal for the alteration of Council's drainage easement has been submitted that will allow for practical access and maintenance.

6. Unsatisfactory water management provisions

The stormwater management provisions of the proposal have been amended for consistency across all plans and reports and the stormwater management system is now consistent with Council's policy (DCP47).

7. Insufficient deep soil landscaping

As outlined above, the proposal has been amended to provide compliant deep soil landscaping as required by Clause 25N of the KPSO.

8. Excessive maximum number of storeys and ceiling height

Council's assessment of the submitted SEPP1 objections to Clause 25I (5) - Number of storeys, Clause 25I (7) – Limit on floor area of top storey, Clause 25I (8) – Ceiling height and Clause 25K – Steep slope sites of the KPSO found the proposed breaches to be

unsupportable. The key reason behind this was that these non-compliances were associated with what was considered to result in a low level amenity to the ground floor levels of the building. However, as outlined above, the applicant has submitted additional information that demonstrates the ground level units of the development will receive adequate solar amenity and natural ventilation. Consequently, a re-assessment of the SEPP1 objections is necessary, as detailed in the following:

Number of storeys, top floor area, building height and steep slope sites

All three proposed buildings breach Clause 25I (5) of the KPSO in that they exceed 5 storeys, as detailed in the compliance table above. The KPSO does not define a “storey” and as such, reliance is made upon SEPP 6 – Number of storeys in a building” which specifies the following:

6 Determination of number of storeys which a building contains

(1) Where the application of a provision of an environmental planning instrument requires a determination of the number of storeys, floors or levels which a building contains, that number shall, for the purposes of applying the provision, be deemed to be the maximum number of storeys, floors or levels, as the case may be, of the building which may be intersected by the same vertical line, not being a line which passes through any wall of the building.

(2) Except as provided by subclause (3), when applying subclause (1) in relation to a provision referred to in that subclause, a reference in subclause (1) to storeys, floors or levels shall be treated as a reference to storeys, floors or levels, within the meaning of the provision.

(3) The second reference in subclause (1) to storeys, floors or levels does not include a reference to the whole or any part of a roof used as an uncovered garden, terrace or deck.

The following inclusion within clause 25I (9) of the KPSO is of note:

(9) Any storey which is used exclusively for car parking, storage or plant, or a combination of them, in accordance with the requirements of this Ordinance and no part of which (including any wall or ceiling which encloses or defines the storey) is more than 1.2 meters above ground level, is not to be counted as a storey for the purposes of the Table to subclause (8).

The floor plans and sections supporting the proposal indicate that levels located at the lower floors within each of the buildings:

- are solely used for car parking and/or plant room purposes but extend more than 1.2m above natural ground level, or
- are not solely used for car parking and/or plant purposes (i.e. also contain dwellings)

By virtue of the definitions provided above, the levels of the three respective buildings must be counted as storeys. Therefore, as nominated in the compliance table above, the buildings are technically assessed as containing the following number of storeys:

- Building A: 7 storeys
- Building B: 7 storeys
- Building C: 8 storeys

Consequently, the proposal breaches three components of Clause 25I being 25I (5), (7) and (8), as noted within the compliance table above.

The applicant is aware of this breach and has submitted an objection to the development standards pursuant of State Environmental Planning Policy 1 - Development Standards. An assessment of the SEPP 1 objection follows:

whether the planning control in question is a development standard

Clause 25I (5) of the KPSO reads as follows:

Maximum number of storeys

Buildings on land to which this Part applies are not to have more storeys than allowed by the Table to this subclause.

Table

Maximum number of storeys

<i>Site area</i>	<i>Maximum number of storeys</i>
<i>Less than 1,800m²</i>	<i>3</i>
<i>1,800m² or more but less than 2,400m²</i>	<i>4</i>
<i>2,400m² or more</i>	<i>5</i>

Clause 25I (7) of the KPSO is as follows:

Limit on floor area of top storey

*In Zone No.2 (d3), where the maximum number of storeys permitted is attained, then the floor area of **the top storey of a residential flat building** of 3 storeys or more is not to exceed 60% of the total floor area of the storey immediately below it.*

Clause 25I (8) of the KPSO is as follows:

Maximum number of storeys and ceiling height

Subject to subclause (5) and clause 25K, buildings on land to which this Part applies are not to have:

(a) more storeys than the maximum number of storeys specified in Column 2 of the Table to this subclause, or

(b) given the number of storeys in the building, a perimeter ceiling height greater than that specified in Column 3 of that Table.

The table specifies a maximum ceiling height of 13.4m and a maximum amount of storey's as 4 (not including top storey with floor area reduced because of subclause (7)).

Noting this, Clause 25K provides for the following:

25K Steep slope sites

Consent may be granted to a building on a site with a site slope greater than 15% that would:

- (a) exceed the number of storeys controls in clause 25I (8) by only one storey for up to 25% of the building footprint, or*
- (b) exceed the height controls in clause 25I (8), but only by up to 3 metres for up to 25% of the building footprint, or*
- (c) take advantage of the concessions conferred by both paragraphs (a) and (b), but only for up to the same 25% of the building footprint.*

Pursuant of the definition of "site slope" within the KPSO, the subject site slope is calculated as 24%. The site therefore qualifies for consideration under the provisions of clause 25K. Based on a building footprint of 2053.95m², 25% of the building footprint equates to 513.49m². Additionally, the concessions of Clause 25K allow each building to be 6 storeys in height or have a maximum perimeter ceiling height of 16.4 metres. As detailed above, all three buildings are at least 7 storeys in height and therefore do not comply.

The controls are considered to be development standards.

the underlying objective or purpose behind the standards

There are no specifically stated purposes of objectives expressed in Clause 25I or 25K of the KPSO. Clause 25 C provides the aims and objectives for LEP 194 as follows:

Aims and objectives

(1) The aims of this Part are as follows:

- c) to encourage the protection and enhancement of the environmental and heritage qualities of Ku-ring-gai,*
- d) to encourage orderly development of land and resources in Ku-ring-gai,*
- e) to encourage environmental, economic, social and physical well-being so that Ku-ring-gai continues to be an enjoyable place to live in harmony with the environment.*

(2) The objectives of this Part are as follows:

- (a) to provide increased housing choice,*
- (b) to encourage the protection of the natural environment of Ku-ring-gai, including biodiversity, the general tree canopy, natural watercourses, natural soil profiles, groundwater and topography and to reduce and mitigate adverse impacts of development on natural areas,*
- (c) to achieve high quality urban design and architectural design,*
- (d) to achieve development of Ku-ring-gai with regard to the principles of ecologically sustainable development,*
- (e) to ensure that development for the purpose of residential flat buildings on land within Zone No 2 (d3) has regard to its impact on any heritage items in the vicinity of that development,*
- (f) to encourage use of public transport, walking and cycling,*
- (g) to achieve a high level of residential amenity in building design for the occupants of buildings through sun access, acoustic control, privacy protection, natural ventilation, passive security design, outdoor living, landscape design, indoor amenity and storage provision.*

(1) Objectives for residential zones

The objectives for residential zones are as follows:

- (a) to provide rear setbacks that ensure rear gardens are adjacent to rear gardens of other properties and that sufficient ground area is available for tall tree planting, consistent with the objectives of this Part,*
- (b) to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out,*
- (c) to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,*
- (e) to minimise adverse impacts of car parking on landscape character,*
- (e) to provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so that tree canopy will be in scale with the built form,*

- (f) to encourage the planting of tree species that are endemic to Ku-ring-gai,*
- (g) to require on-site detention for stormwater for all new development and refurbishment of existing housing so as to avoid excessive run-off and adverse impacts on natural watercourses, and to preserve the long-term health of tall trees and promote natural absorption,*
- (g) to encourage water sensitive urban design,*
- (h) to encourage the protection and enhancement of open watercourses,*
- (i) to have regard for bushfire hazard,*
- (k) to ensure sunlight access to neighbours and to provide sunlight access to occupants of the new buildings,*
- (l) to encourage safety and security of the public domain by facing windows and building entries to the street, where appropriate, and windows to open spaces in order to maximise casual surveillance opportunities,*
- (m) to encourage safety and security of private development by requiring a high standard of building design and landscape design,*
- (n) to encourage the provision of housing for seniors and people with disabilities by prescribing appropriate standards for new development,*
- (o) to encourage the protection of the environmental qualities of the area by limiting the range of permissible residential uses and to allow a limited range of compatible non-residential uses in certain zones,*
- (p) to allow attached dual occupancies only on compliance with defined criteria and only where they are consistent with or enhance the character of the streetscape and its setting,*
- (q) to provide for waste management (including provision for garbage storage and collection) consistent with the objectives of this Part,*
- (r) to ensure that adequate provision of storage is made for residential development,*
- (s) to encourage the retention and expansion of bicycle infrastructure.*

whether compliance with the development standards is consistent with the aims of the policy and, in particular, whether compliance with the development standard hinders the attainment of the objectives specified under section 5(A)(i), (ii), and (iv) of the Environmental Planning and Assessment Act 1979

The aim of SEPP 1 is to:

Provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or tend to hinder the attainment of the objects specified in section 5(a) (i), (ii), of the Act.

The objectives of section 5(a) (i), (ii), of the Act. Are as follows:

To encourage the proper management , development and conservation of natural and artificial resources including agricultural land, natural areas, forests, minerals, water, cities, town and villages, for the purpose of promoting the social and economic welfare of the community and a better environment;

the promotion and co-ordination of the orderly and economic use and development of land.

It is considered that the non-compliance with the development standards is consistent with the aims of SEPP 1 as it is considered that compliance is unreasonable and unnecessary in this instance (as assessed below).

whether compliance with the development standards is unreasonable or unnecessary in the circumstance of the case

The applicant submits that compliance with the standards is unreasonable for the following reasons:

The variation to the building height development standards is a result of a technical interpretation of Clause 25I (9) counting the basement car parking levels, that, due to the slope of the site, are at the same level as residential dwellings:

It is noted that the development proposal complies with the height control measured from natural ground. In this case, the technical variation is acceptable in the circumstances of this case and compliance with the development standards are considered unreasonable and unnecessary based on the following:

- *The development has been designed with the basement levels below ground with the building stepping down to meet the slope of the site presenting a 4-5 storey building consistent with the height controls under the KPSO.*
- *The proposal includes localised portions of the building being 6 storeys above ground level. The 6 storey portions of the buildings are 4.8% of the building footprint and complies with Clause 25K of the KPSO.*
- *The basement levels below ground do not contribute to building height, bulk or scale and are required to meet the car parking requirements contained in the KPSO. The basement levels of the building present no change to the visual scale and form of the buildings.*

- *The development proposal complies with the density controls, notably controls pertaining to deep soil landscape area, site coverage and floor space ratio. The proposed FSR is well below the permitted 1.3:1*
- *The development proposal presents a four (4) storey built form to Lamond Drive and is compatible with the development at 1-3 Duff Street, the building under construction at 1440 Pacific Highway and 1 Lamond Drive, and the controls planned for the site*
- *The majority of the building facades will be screened by the substantial number of trees surrounding the built form to ensure that the built form is subservient to the landscape setting*
- *The technical interpretation of the height control counts the basement levels below ground and clearly these levels will not generate unreasonable amenity impacts to the adjoining properties with regard to overshadowing, loss of views/outlook or privacy impacts*
- *When viewed in elevation, it can be seen that the development proposal presents a 4-5 storey building form with a recessed upper level consistent with the height controls under the KPSO*

The applicant's SEPP 1 objection is included as **Attachment 10** of this report.

In terms of building bulk and scale, the arguments presented by the applicant have merit. In this respect, it is accepted that the proposal, as amended, has been designed with due regard to the intended design outcomes of the controls. Notwithstanding the lower levels of the buildings that are to be included as storeys, those levels of the building that will be visible (i.e. above natural ground level) are consistent with the prescribed number of storeys of the controls and the top floors of the building have been set back in a manner that is visually consistent with the 60% maximum of Clause 25I (7) of the KPSO and the concessions afforded by Clause 25K. Indeed, setting aside the technical need to include the lower levels of the building, it is noted that the visual fifth storeys of the proposal (as they present to the streetscape and neighbouring properties) are as follows:

- Building A: 56.5% of the level below
- Building B: 59.4% of the level below
- Building C: 59.6% of the level below

Additionally, the sixth storeys of the building equate to just 4.8% of the building footprint.

As outlined, the applicant has provided additional information which demonstrates that reasonable amenity will be maintained to the units to be provided at the ground floor levels of the buildings, addressing Council's previous concerns.

Therefore, on the basis of the above, the relevant aims and objectives as set out in Clause 25 C are assessed as being satisfied.

whether the objection is well founded

For the reasons discussed above, the SEPP 1 objection is considered to be well founded.

whether non-compliance with the development standards raises any matter of significance for State or regional environmental planning

It is not considered that the non compliance with the development standards contains any matter of significance for state and regional planning.

whether there is public benefit in maintaining the planning controls adopted by the environmental planning instrument

Maintenance of the planning controls for the site is considered to be in the public benefit. Essentially, these controls seek to ensure the residential flat developments are of a high quality design that will not detract from the character of the surroundings or the amenity of neighboring properties and the future occupants of the buildings.

However, for the reasons outlined and notwithstanding the numerical non-compliances with the development standards set out under Clause 25I (5) - Number of storeys, Clause 25I (7) – Limit on floor area of top storey, Clause 25I (8) – Ceiling height and Clause 25K – Steep slope sites of the KPSO, the proposal satisfies the relevant aims and objectives that relate to these standards. Therefore, there is not material public benefit in maintaining compliance with the applicable development standards in this particular instance.

9. Insufficient zone interface

As outlined above, the proposal has been amended to provide a compliant zone interface setback as required by Clause 25L of the KPSO.

10. Insufficient manageable housing

As outlined above, the proposal has been amended to provide compliant manageable housing as required by Clause 25N of the KPSO.

11. Insufficient information

With regard to the fire egress paths, **Condition No. 67** is recommended to ensure the measures needed to comply with the fire egress requirements of the Building Code of Australia do not result in the erection of structures that are inconsistent with approved development (specifically, the erection of large fire protection walls within the building setback areas). Additionally, **Condition No. 25** will ensure that any air-conditioning equipment is not visible from the public realm.

Additional information has been submitted which confirms adequate headroom would be provided for a small waste collection vehicle will be available to the basement levels of the development.

CONSULTATION – COMMUNITY

The amended plans and information submitted by the applicant were notified to owners of neighbouring properties. Submissions from the following were received:

- | | |
|---|--|
| 1. Vaughan Milligan Development
Consulting on behalf of Julie and
Philip Priest | PO Box 49, Newport Beach for 3 Lamond
Drive, Turrumurra |
| 2. M S Riley | 20 Denman Street, Turrumurra |
| 3. Brian Plain | 34 Denman Street, Turrumurra |

Additionally, the following submissions were received after the finalisation of Council's previous report to the JRPP:

- | | |
|---|--------------------------------------|
| 1. Kuo Wang | Unit 2, 1-3 Duff Street, Turrumurra |
| 2. Claire J. Li | Unit 11, 1-3 Duff Street, Turrumurra |
| 3. Tony Chung | Unit 30, 1-3 Duff Street, Turrumurra |
| 4. John (last name not provided) | Unit 38, 1-3 Duff Street, Turrumurra |
| 5. Ying Zhang | Unit 52, 1-3 Duff Street, Turrumurra |
| 6. Min (last name not provided) | 1-3 Duff Street, Turrumurra |
| 7. Executive Committee, Owners
Corporation SP86211 | 1-3 Duff Street, Turrumurra |
| 8. Andrew Cong | Unit 12, 1-3 Duff Street, Turrumurra |
| 9. Molly Meng | 1-3 Duff Street, Turrumurra |

The submissions raised the following new issues:

The setback to proposed Building C from the common boundary shared with 1-3 Duff Street should be increased

It is not considered reasonable to require that the setback of Building C from the common boundary shared with 1-3 Duff Street be increased. The proposed setback of 6 metres complies with the control set out under DCP55 and adequate amenity to the units contained within the residential flat development of this neighbouring site will be maintained.

The proposed placement of the power substation adjacent to the entrance to the right of carriageway benefiting 3 Lamond Drive may prevent reasonable access

No concern is raised with regard to the placement of the proposed power substation in terms of the provision of safe access to the right of carriageway that benefits 3 Lamond Drive. This power substation is sufficiently separated from the entrance to the right of carriageway and will not obstruct sight lines or vehicle access.

The proposed replacement of the existing paving with soft landscaping area within the right of carriageway will not allow for use by heavy vehicle and any use by vehicles will result in damage to the landscaping

The existing surface treatment of the right of carriageway consists of a partial paved driveway area with a landscaped corridor located directly adjacent to the common

boundary shared between 3 Lamond Drive and the subject site. This area does not currently allow for access to 3 Lamond Drive by heavy vehicles and should such access be required, additional works would be required. In this regard (and noting that the provision of paving within this area in the future is a private matter between the respective property owners), it is not considered reasonable to require the implementation of hard surface paving within this area as part of the current DA. Moreover, requiring the retention of the existing hard surface area (partial driveway) within the right of carriageway (instead of the soft landscaping area to match the surrounds as proposed by the applicant) would be impractical and result in a poor planning outcome.

The car parking plan is flawed as the parking area and vehicle manoeuvrability required could not be accommodated within a single level

As outlined within Council's previous report to the JRPP, development of the subject site has the potential to isolate 3 Lamond Drive. Having reviewed the conceptual plans submitted by the applicant, the applicable controls contained within Council's policies and the principles developed within the Land and Environment Court, Council's assessment found that 3 Lamond Drive could be reasonably developed for the purpose of a residential flat building. However, the objector has contested that the parking area of the conceptual design may be impractical and will not allow for functional use. Therefore, additional parking levels would be required and this would render the development of 3 Lamond Drive financially unfeasible. As such, the objector maintains that 3 Lamond Drive should be amalgamated with the subject site.

In this regard, it is noted that the submitted plans are only conceptual in nature and limited to demonstrating that 3 Lamond Drive *can* be developed in isolation for the purpose of a residential flat building. The particular details of such a development (including the functionality or vehicle parking and manoeuvring areas) would be a matter to be investigated at the DA stage.

Amended plans received 3 September 2013 and 18 September 2013

In order to address a discrepancy relating to built-upon area, the applicant submitted amended plans on 3 September 2013. Additional plans and information were also submitted on 18 September 2013 that related to the construction of the Council owned drainage line running through the centre of the site. This information did not require notification under Council's DCP56.

CONSULTATION – WITHIN COUNCIL

Landscaping

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

Tree impacts

Tree removal

No objection is raised to the removal of the following trees; 6, 7, 11, 19, 21, 23, 24, 26, 27, 29, 30, 31, 33, 36, 37, 39, 42, 43, 45, 46, 47, 49, 50, 54, 55, 56, 57, 58, 59, 65, 76, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 93, 94, and 95. The majority of these trees are either exempt species, environmental weed species or have low landscape significance. Their removal will allow for more appropriate endemic plant species consistent with the Blue Gum High Forest plant community to be planted.

Tree 60 Eucalyptus saligna (Sydney Blue Gum) located centrally on site. The tree is in excellent health and condition and the dominant tree in this portion of the site. The tree, given its dimensions and height, is a remnant specimen and considered part of the critically endangered Blue Gum High Forest (BGHF) plant community. The tree is located within the proposed building footprint and is proposed for removal.

Tree 74 Eucalyptus saligna (Sydney Blue Gum) located towards the rear of the site. The tree is co-dominant, outwardly in good health and condition, although suppressed by Tree 75, and is part of the critically endangered BGHF plant community. The tree is located within the proposed building footprint and proposed for removal.

Tree 75 Eucalyptus saligna (Sydney Blue Gum) located centrally on site. The tree is in good health and condition and part of the critically endangered BGHF plant community. The tree is located within the proposed building footprint and proposed for removal.

Tree 89 Eucalyptus saligna (Sydney Blue Gum) located centrally on site. The tree is in good health and condition and part of the critically endangered BGHF plant community. The tree is located within the proposed building footprint and proposed for removal.

Tree 90 Eucalyptus saligna (Sydney Blue Gum) located centrally on site. The tree is in good health and condition but infested with ivy. The tree is part of the critically endangered BGHF plant community. Development encroachment within the TPZ will have an unacceptable impact and its removal is recommended by the arborist.

Tree 91 Allocasuarina torulosa (Forest Oak) located centrally on site. The tree is in good health and condition and part of the critically endangered BGHF plant community. Development encroachment for inclinator, ramps and step layout for site accessibility conflict with the tree and removal is proposed.

Tree 92 Eucalyptus saligna (Sydney Blue Gum) located centrally on site. The tree is in good health and condition and part of the critically endangered BGHF plant community. Development encroachment for inclinator, ramps and step layout for site accessibility conflict with the tree and removal is proposed.

Trees 79, 80, 81, 82, 83, 84, 85, 86 have all died and are located on the one site at 5 Lamond Drive. All the trees appear to have gone into quick decline and are now dead. The arborist has provided further assessment and has given reasoning for the decline of the trees. Discussion regarding the presence of Phytophthora within the soil has been submitted, although this is speculation as no soil testing has been

undertaken (the extent and presence of *Phytophthora* should be investigated as its presence would influence how excavated material is treated and disposed of within the CTMP). Given the size and structure of the trees it is evident that they were all *Eucalypts* likely to be *Eucalyptus saligna* (Sydney Bluegum) and *Eucalyptus pilularis* (Blackbutt) and would have been part of the critically endangered Blue Gum High Forest plant community. Refer *Phytophthora* comments and ecological assessment for more in this regard.

Development impacts to retained trees

Tree 10 *Eucalyptus saligna* (Sydney Blue Gum) located centrally within the site frontage. Amendments have been made to the proposal to reduce impacts. The applicant's arborist has stated that the revised total encroachment into the TPZ of Tree 10 is 17.6% which is considered a major encroachment when assessed against AS4970-2009. However, it is within a manageable threshold for the tree and is acceptable. Conditions will require protective fencing, arboricultural supervision and treatment as needed (**Conditions 17, 18, 22, 23, 56, 57, 58, 60**). The proposed inclinor has a separation of 250mm which, although not a significant setback, will allow for some future growth.

Tree 70 *Eucalyptus saligna* (Sydney Blue Gum) located towards the southern site corner. Tree 70 is located 3.5m from the proposed development and has an excavated basement located up slope. While the intrusion into the tree's identified TPZ is considered minor when assessed against AS4970-2009, the influence of the proposed basement (excavation) up slope of the trees is likely to have an impact to ground moisture availability to the root zone. The arborist's assessment of this impact is noted.

Street Trees 1- 5 *Fraxinus griffithii* (Evergreen Ash) located within the Lamond Drive nature strip in front of the site, have been shown for removal as per previous recommendations.

Phytophthora

In response to Council's concerns regarding the quick decline of existing mature *Eucalypts* on site, the applicant's arborist has raised the possibility of *Phytophthora* being located on site. *Phytophthora* is a water/soil borne mould that causes the death of a wide range of plants including native species. In response to Council requesting soil testing to be undertaken to verify the presence of *Phytophthora* on site, the applicant's arborist has stated that extensive testing of the site will be required to establish the range of the mould on site and that this be conditioned. If *Phytophthora* is found on site specific site management will need to be provided to treat the soil/site and ensure that infection is not spread. This will require the preparation and implementation of a site specific *Phytophthora* Management Plan. This has been conditioned (**Condition 34**).

Deep soil

By the applicant's calculations the proposed development will result in a deep soil landscape area of 2 958.15sqm or 50.07% of the site area. The KPSO requires a minimum of 50% of site area to be deep soil landscape area as a development standard. Deep soil landscape area is defined as having a minimum dimension of 2.0m and is not occupied by any structure whatsoever, whether below or above the surface of the ground (except for paths up to 1.0m wide).

The Landscape Assessment Officer is in agreement with the areas included within the deep soil calculable area.

Landscape plan/tree replenishment

*The landscape plan and VMP do not propose canopy trees within the riparian zone (Management Unit 1). Notation on plan states that there is a preference for natural regeneration in this zone (including natural tree germination). However, as there is a possibility of phytophora on site which may result in the treatment/removal of existing topsoil, the opportunity for natural revegetation may be compromised. Canopy trees naturally occur within riparian zones and stabilise embankments. It is conditioned (**Conditions 26 and 27**) for additional trees to be located within the riparian zone (Management Unit 1).*

The remainder of the proposed landscape works are satisfactory.

Stormwater plan

*The development works include the relocation of the existing stormwater easement benefitting 3 Lamond Drive adjacent, to the north-western and western site boundaries. The design has not taken into consideration existing trees located adjacent to the site boundary and the impacts of the installation of the pipe may have to the ongoing health, viability and stability of these trees. As requested, an arboricultural impact assessment has been submitted. The arborist has stated that the drainage works will impact Tree B which is a mature Cinnamomum camphora (Camphor laurel). This tree is protected under Council's Tree Preservation Order (TPO) as the tree is over 12 metres in height. The arborist has not provided detail as to the extent of impact, and dismissed the tree's value. As the tree is located on the neighbouring property and protected by Council's TPO, its retention without significant impact is required. As per previous assessment, to reduce tree impacts to an acceptable level it is recommended the easement be relocated to the western side of the proposed courtyard retaining walls. This is conditioned (**Condition 28**).*

The remainder of the proposed drainage works are acceptable on landscape grounds.

Ground moisture

The impact assessment report by Keystone Ecological discusses how the impacts on soil moisture regimes can be reduced. Within Section 4.3 of the report it is stated that

the impact of the interception of ground water and the depletion of recharge for down slope environments will be mitigated by collection and storage of rainfall runoff and its use for irrigation of deep soil areas during dry periods. It is stated this has been addressed in an accompanying report by the hydraulic engineers. The report also states 'The deep excavation for the basement parking will cause an obstruction to groundwater flow. This flow obstruction causes groundwater head to increase up slope of the flow obstruction and decrease down slope of the flow obstruction.

Sub-soil absorption trenches may be installed down slope of the buildings and supplied by water from subsoil drains upslope of the buildings; this will mitigate impacts on sub-surface flows to the drainage line at the bottom of the site.

*A supplementary report by Steve McKay (Environmental Consultant) has provided recommendations to address hydrological impacts as a result of the development works. The recommendations made are conditioned (**Conditions 7 and 38**).*

BASIX

The proposed development is consistent with common and private landscape areas stated within the submitted BASIX certificate 493297M.

Fire egress

The development proposal includes numerous emergency fire egress paths within a 6.0m setback of the building. As the egress path is within a 6.0m setback, fire protection measures are required to comply with the BCA. It is conditioned that BCA compliance be achieved.

Inclinor

Sufficient detail and information has been submitted for the inclinor, satisfactorily addressing previous concerns about direct tree impacts.

Recommendation

Supported, subject to conditions.

Ecology

Council's Ecological Assessment Officer commented on the amended proposal as follows:

During the site inspection, Blue Gum High Forest (BGHF), which is listed as a Critically Endangered Ecological Community (CEEC) under the Threatened Species Conservation Act 1995 was identified within the site. The BGHF community is comprised of a canopy dominated by Eucalyptus saligna (Sydney Blue Gum) and Eucalyptus paniculata (Grey Ironbark). The understorey within the native canopy contains a mixture of exotic herbaceous species and native Blue Gum High Forest ferns, grasses and herbs within gardens and unmanaged area.

The BGHF community within the development contains a number of weed species within the understorey. The presence of weeds inhibits the germination of native groundcovers, shrubs and recruitment of canopy trees. At the time of the site inspection, a large area within the lower end of the site was dominated by exotic Morning Glory a sprawling species which is currently smothering the ground vegetation. This species is easily managed and it is expected, should the Morning Glory and other weed species be managed appropriately, recruitment of BGHF species would occur within this area.

It is noted within the scientific determination that BGHF is highly fragmented with largest remnants being Sheldon Forest, Clive Evatt Reserve, Dalrymple Hay and Brown Forest Reserves. The BGHF within the site is continuous within land to the south and west and forms one of the largest remnants of BGHF outside of conserved lands.

The BGHF onsite forms part of one of the largest remnant stands of this vegetation community outside conserved parklands, I consider this vegetation on this site has even greater ecological value than smaller areas of the community.

Small remnants of BGHF are more susceptible to edge effects such as weed encroachment, genetic inbreeding and reduced habitat value.

As the BGHF on this site forms part and links to this vegetation community on adjoining properties, this means edge effects are reduced compared to small clumps of vegetation, and isolated trees.

As noted in the scientific determination for BGHF as a critically endangered community, one of the key threatening processes for this community is clearing of vegetation.

This proposal will result in removal of a substantial proportion of BGHF community on the site further fragmenting the community both within and the surrounding remnant BGHF.

The site contains suitable foraging resources (Eucalypts) for the Grey-headed Flying Fox a threatened species listed under both the Threatened Species Conservation Act 1995 & under the Environmental Protection & Biodiversity Conservation Act 1999.

Tree impacts and arborist assessment

The proposed residential flat building and associated landscaping proposes the removal of 19 locally occurring trees comprising of 10 live and 5 dead-Eucalyptus saligna (Sydney Blue Gum), 1-Allocasuarina torulosa (Forest Oak), 1- Brachychiton acerifolius (Illawarra Flame Tree) & 2-Pittosporum undulatum (Sweet Pittosporum). These trees form part of the onsite Blue Gum High Forest community.

The arborist report identifies the retention of twenty eight (28) BGHF trees, of these seven (7) occur offsite and two (2) (T44 & T61) are jointly owned as they straddle the eastern boundary (See Table 1).

Table 1 BGHF canopy Trees proposed for retention/removal

Tree No	Species	Community	Onsite/Offsite	Arborist Recommendation	DBH	SULE
8	<i>Eucalyptus paniculata</i> (Grey Ironbark)	BGHF	Offsite	S		
10	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S (F)		
10A	<i>Angophora floribunda</i> (Rough-barked Apple)	BGHF	Onsite	S (F)		
15	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
22	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
25	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
28	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
34	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
35	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
40	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
41	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
44	<i>Eucalyptus paniculata</i> (Grey Ironbark)	BGHF	On the site boundary	S		
48	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S (F)		
49	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	310	3B
51	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	BGHF	Onsite	S (F)		
52	<i>Pittosporum undulatum</i> (Australian Daphne)	BGHF	Onsite	S (F)		
60	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	1200	2B
61	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	On the site boundary	S		
62	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Offsite	S		
64	<i>Eucalyptus paniculata</i> (Grey Ironbark)	BGHF	Offsite	S		
66	<i>E. pilularis</i> (Blackbutt)	BGHF	Offsite	S		
67	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Offsite	S		
68	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Offsite	S		
69	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Offsite	S		
70	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S (F)		
71	<i>Pittosporum undulatum</i> (Australian Daphne)	BGHF	Onsite	S (F)		
72	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S (F)		
73	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Offsite	S (F)		
74	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	560	2B
75	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	890	2B
77	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
78	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	S		
79	Dead Blue Gum	BGHF	Onsite	R	600	4A
80	Dead Blue Gum	BGHF	Onsite	R	510	4A
81	Dead Blue Gum	BGHF	Onsite	R	700	4A
82	Dead Blue Gum	BGHF	Onsite	R	600	4A
83	Dead Blue Gum	BGHF	Onsite	R	490	4A

Tree No	Species	Community	Onsite/Offsite	Arborist Recommendation	DBH	SULE
84	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	600	3A
85	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	570	3A
86	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	800	4A
89	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	550	2B
90	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	1050	2B
91	<i>Allocasuarina torulosa</i> (Forest oak)	BGHF	Onsite	R	600	2B
92	<i>E. saligna</i> (Sydney Blue Gum)	BGHF	Onsite	R	850	2B
93	<i>Pittosporum undulatum</i> (Australian Daphne)	BGHF	Onsite	R	200	2B
94	<i>Pittosporum undulatum</i> (Australian Daphne)	BGHF	Onsite	R	140	2B
95	<i>Brachychiton acerifolius</i> (Illawarra Flame Tree)	BGHF	Onsite	R	240	2B
	Key					
	(R) BGHF TREES TO BE REMOVED					
	(S) BGHF TREES TO BE RETAINED					
	(F) FURTHER ARBORICULTURAL ASSESSMENT REQUIRED					

Flora and fauna impact assessment

A review and assessment has been made of the flora and fauna assessment (Seven part test) prepared by Keystone Ecological.

The impact assessments prepared for threatened fauna species e.g. microbats, Superb Fruit-dove & the Grey-headed Flying-fox species by Keystone Ecological are considered to be satisfactory & in accordance with Section 5A of the Environmental Planning and Assessment Act 1979. No significant impacts are likely to occur upon threatened species as a result of the proposal.

The amended impact assessment prepared by Keystone for the Blue Gum High Forest community is considered to be satisfactory and in accordance with Section 5a of Environmental Planning & Assessment Act 1979.

The impact assessment identifies the extent of the physical area (ha) of Blue Gum High Forest and the compositional components of the habitat and the degree to which is affected as being 580m².

The proposal will result in further fragmentation of Blue Gum High Forest community, however the extent of loss is not such that the onsite (local occurrence) of Blue Gum High Forest is likely to become extinct. The proposal development does not trigger the requirement for a Species Impact Statement (SIS).

Phytophthora cinnamoni

The applicant's ecologist has identified the potential presence of *Phytophthora cinnamomi* a key threatening process to Blue Gum High Forest, however this has not been validated.

The following advice was provided by Dr Edward Liew (Plant Pathologist) from the Sydney Royal Botanical Gardens:

- *Phytophthora cinnamomi can never be eradicated when present on a site*
- *The spread of Phytophthora cinnamomi via hygiene protocols and the implementation of Phytophthora cinnamomi management plan is fundamental to ensure Phytophthora cinnamomi does not spread to other areas.*
- *Sampling is very easy requiring 4-6 holes to collect soil (excluding leaf and mulch) within the canopy spread of infected trees 2-3 coffee cups of soil per sample*
- *Testing can be undertaken all year round and costs \$160 for the first sample and \$50 for each subsequent sample.*
- *Results are provided within 7-8 days*

*As the proposal contains bulk-earthworks and deep excavation within an area believed to contain Phytophthora cinnamomi, a condition is recommended to mitigate further spread of Phytophthora cinnamomi (**Condition 34**).*

Amendments to Vegetation Management Plan (VMP)

A vegetation management plan has been prepared over 0.14ha of the site which contains Blue Gum High Forest.

The VMP will enhance 0.14ha of Blue Gum High Forest through the removal of weeds and enhancement via promotion of regeneration and revegetation (planting).

The VMP is supported with the following amendments.

- *No trees have been proposed within management unit 1 (MU 1), therefore trees have been conditioned (**Conditions 26 and 27**).*

Recommendation

Supported, subject to conditions.

Engineering

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

*The documentation submitted does not include the approval of the beneficiaries of the drainage easements to their relocation, specifically the easement for drainage benefitting 3 Lamond Drive. This could be the subject of a deferred commencement condition (**Condition 1**). The design complies with the requirements of Council's DCP, so no amendments would be required except for the setback from the boundary required by Landscape Services.*

If the owners' consent could not be obtained, the applicant would have the option of legal action. Council would not be involved in this. It is noted that there are no engineering objections to the relocation of the easement and installation of a new pipe, as the proposed system appears technically feasible. Landscape Services have requested that the pipe be set further from the boundary to protect trees on the adjoining property. There are no objections to this.

Water management

Details of the proposed works to Council's trunk drainage pipe have now been provided by the applicant and are sufficient for Council's Director Operations to support the proposal.

*Construction-issue plans will be required to be approved by Council prior to the issue of a Construction Certificate and this is conditioned (**Condition 32**).*

The BASIX water commitments have been amended to include the 70, 000 litres rainwater tank which is shown on the stormwater management plans, with re-use for toilet flushing and irrigation. This is satisfactory.

The grassed swale for the collection of overland flow uphill of Building B has been amended to be clear of trees, this has been endorsed by the arborist. The surface water collection system is totally separate to the other stormwater management measures on site and is connected by gravity to the dispersal trench below the buildings. This has been endorsed by the ecologist and arborist.

Geotechnical advice has been sought on the proposed system for recharge of moisture to the trees downstream of the basement, including the trench along the upper edge of Management Unit 4 of the VMP, which is now shown on the stormwater plans. The advice is that, because the system is mainly for surface recharge and the volume of water flowing over and through the downslope area of the site will not be significantly increased over the existing condition, the system should not result in an increased risk of instability at the site.

The on-site detention system and retention system are separate, with the detention system collecting all other surface water (terraces etc) and the retention system collecting only roofwater.

*Conditions recommended by NSW Office of Water for sites such as this, where the basement excavation is expected to intersect groundwater, have been included (**Conditions 7 and 38**). These include consultation with Office of Water if significant inflows are expected. This will become evident during the subsurface investigation to be carried out prior to commencement of works and is foreshadowed in the preliminary geotechnical report by JK Geotechnics.*

Waste management

Drawing DA302B shows that a minimum of 2.6 metres of headroom will be available for the small waste collection vehicle. It will have to traverse a number of curved ramps to reach the waste collection area and no overhead obstructions such as vents, pipes, etc can be placed within it.

*This is satisfactory. Conditions relating to the confirmation of the provided headroom prior to pouring of the ground floor slab are recommended (**Conditions 65 and 82**).*

CONSULTATION – EXTERNAL TO COUNCIL

New South Wales Office of Water

The proposed development is “Integrated Development” under the provisions of Clause 91 of the Environmental Planning and Assessment Act, 1979 due to the subject site being located within 40 metres of a water course (that exists at the rear of the site). As such, the amended application was referred to the NSW Office of Water (as the applicable approval body) for consideration on 30 July 2013, as per Clause 91A of the Act.

To date, no comments have been received. In this regard, it is noted that Clause 70 of the Environmental Planning and Assessment Regulation 2000 states that the approval body is to give written notice to the consent authority of its decision concerning the general terms of approval within the following timeframes:

- (a) within 40 days after receipt of the copy of the application, or*
- (b) in the case of development that is required to be advertised or notified under section 79 or 79A of the Act, within 21 days after it receives:*
 - (i) the last of the submissions made during the relevant submission period, or*
 - (ii) advice from the consent authority that no submissions were made.*

The submissions received during the notification period have been sent to the NSW Office of Water, as required by Clause 69 of the Regulation. However, both of the above timeframes have now passed and as such, a determination may be made pursuant to this Clause.

OTHER RELEVANT MATTERS

Draft Ku-ring-gai Local Environmental Plan (Local Centres) 2012

The subject site is contained within the catchment area of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 and is zoned ‘R4 – High Density Residential’ under this instrument.

The subject application was lodged on 11 September 2012, when KLEP (Local Centres) 2012 remained in draft form. At this point, the Minister had provided Council with a Gateway determination (under Section 56 of the Act) advising that the draft instrument

may proceed and Draft KLEP (Local Centres) 2012 had been publicly notified as required by the *Environmental Planning and Assessment Act, 1979*.

KLEP (Local Centres) 2012 took effect on 8 February 2012 (while the subject application was still under assessment) and the adopted content of the instrument included the following provision:

Clause 1.8A Savings provision relating to development application

If a development application has been made before the commencement of this Plan in relation to land to which this plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

Through the inclusion of this provision, it was taken that no consideration of KLEP (Local Centres) 2012 was necessary, as noted in Council's previous report to the JRPP regarding the subject application. The application was therefore assessed against the applicable adopted planning instruments, primarily the KPSO. However, a recent judgement in the NSW Land and Environment Court (***Maygood Australia Pty Ltd vs. Willoughby City Council [2013] NSWLEC 142***) has found that the inclusion of this provision does not preclude the need to consider the content of the draft form of KLEP (Local Centres) 2012.

Section 79C (1) (a-ii) of the Environmental Planning and Assessment Act, 1979 states that in the assessment of a development application, the consent authority is to take into consideration:

Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Within the findings of *Maygood Australia Pty Ltd vs. Willoughby City Council* (**Attachment 9**), Justice Pepper notes the effect of the savings provision set out under Clause 1.8A of KLEP (Local Centres) 2012 sets the instrument “*back to a point in time immediately before its commencement*”. At that point, KLEP (Local Centres) 2012 was a “proposed instrument” that required consideration pursuant to Section 79 (1) (a-ii).

The weight to be given to the Draft LEP is found in authorities established in the Land and Environment Court. Primarily, this weight depends upon whether the implementation of the Draft LEP is certain and imminent. In *Blackmore Design Group Pty Ltd v North Sydney Council [2001] NSWLEC 279*, Lloyd J summarises the authorities on the weight to be given to the Draft LEP.

In *Blackmore* at [30], Lloyd J states:

30. Whether one applies the test of “significant weight”, or “some weight”, or “considerable weight” or “due force” or “determining weight” to the later instrument is not, however, the end of the matter. The savings clause still has some work to do. The proposed development is a permissible development by dint of the savings clause. In giving the 2001 LEP the weight of being imminent and certain, that does not mean that there is no further inquiry. It is necessary to look at the aims and objectives of the later instrument and then see whether the proposed development is consistent therewith. Various expressions have been used to define this concept, but the approach which has been favoured in the Court of Appeal is to ask whether the proposal is “antipathetic” thereto (Coffs Harbour Environment Centre Inc v Coffs Harbour City Council [1991] 74 LGRA 185 at 193).

The gazettal of KLEP (Local Centres) 2012 on 25 January 2013 confirmed that significant weight should be given to the draft instrument with the adoption of the policy unequivocally answering the question of immanency and certainty. This position is strengthened by the fact that the majority of the content within the draft instrument (particularly as it applies to the subject site), was adopted within the gazetted policy. Accordingly, an assessment of the proposal against the provisions of Draft KLEP (Local Centres) 2012 has been undertaken and is provided in the following:

Part 1.2 – Aims of the Plan

The specific aims of Draft LKEP (Local Centres) 2012 were as follows:

- *to establish a hierarchy of centres for Ku-ring-gai*
- *to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai for the benefit of present and future generations*
- *to facilitate the development of the centres to enhance Ku-ring-gai’s economic role and cater to the retail and commercial needs of the local community*
- *to provide a variety of housing choice within and adjacent to the centres*
- *to protect, enhance and sustainably manage the biodiversity, natural ecosystems, water resources and ecological processes within the catchments of Ku-ring-gai*
- *to recognize, protect and conserve Ku-ring-gai’s indigenous and non-indigenous cultural heritage*
- *to encourage a diversity of employment within Ku-ring-gai*
- *to achieve land use relationships that promote the efficient use of infrastructure*
- *to facilitate good management of public assets and promote opportunities for social, cultural and community activities*

- *to protect the character of low density residential areas, and the special aesthetic values of land in the Ku-ring-gai area*

It is considered that the proposed development satisfies the listed aims of the plan. The proposed development provides additional housing choice to Ku-ring-gai in the form of a residential flat development (that is permissible under the site's proposed zoning). As outlined within this report, this housing is provided in a manner that acceptably accommodates existing natural constraints and will not unduly impact on neighbouring amenity.

Part 2.2 – Zoning of land to which Plan applies

The Land Zoning Map of Draft KLEP (Local Centres) 2012 proposed the subject site be zoned 'R4 – High Density Residential'. This zoning permits residential flat buildings as is proposed by the subject application. Moreover, the proposed development is consistent with the objectives of this zone that primarily seek to provide a variety of housing types within a high density residential environment that is close to public transport, services and employment opportunities.

Part 4.3 – Height of buildings and Part 4.4 Floor space ratio

The 'Height of Buildings Map' prepared under Draft KLEP (Local Centres) 2012 limits development on site to a maximum height of 11.5 metres. The definitions of the policy state that this height is measured from the existing ground level and the highest point of the building, including plant and lift overruns. This control differs from that of the equivalent controls of the KPSO that measure to the perimeter ceiling height of the buildings fourth floor and sets restrictions on the floors above depending on site slope (refer to Council's previous report to the JRPP in this regard).

The heights of the buildings within the proposed development as assessed against the proposed development standard of Draft KLEP (Local Centres) 2012 are detailed in the following table:

Building	Draft KLEP (Local Centres) 2012 maximum height	Proposed	Complies	Maximum height permissible under KPSO
Building A:	11.5 metres	20.5 metres	NO	13.4 metres to the 4th floor perimeter ceiling height + 5th floor above + additional 3 metres / storey for buildings on steeply sloping sites
Building B:	11.5 metres	19 metres	NO	As above
Building C:	11.5 metres	23.5 metres	NO	As above

The 'Floor Space Ratio Map' prepared under Draft KLEP (Local Centres) 2012 limits that development on site to a floor space ratio of 0.85:1. The proposed development has a FSR of 1.18:1 and complies with DCP55 (which sets a maximum of 1.3:1) but notably exceeds the proposed development standard.

As shown in the table above, the maximum building height permitted under Draft KLEP (Local Centres) 2012 is notably less than that of the KPSO. The permissible floor space ratio under Draft KLEP (Local Centres) 2012 is also substantially less than that allowable under DCP55. It is considered that the reduction in the potential development yield that is reflected by these proposed controls is to recognise the natural constraints that affect the site (namely the presence of biodiversity significant vegetation and a Riparian Corridor – refer below). However, as discussed throughout this report, the proposed development acceptably accommodates these constraints within its design.

Further to the above, it is noted that height of the proposed development also does not comply with the building height development standards set out under the KPSO. The applicant has submitted a SEPP1 objection to the variations to these development standards on the basis that compliance is unnecessary and/or unreasonable in this instance. As outlined above, the arguments presented within the SEPP1 objection emphasises that the proposed non-compliances are largely attributable to the constraints presented by the steeply sloping nature of the site. Notwithstanding these numerical non-compliances, the proposed development will be consistent with the surrounding environment in terms of building bulk and scale and will also retain adequate amenity to neighbouring properties. Therefore, these non-compliances are deemed to be acceptable.

As similar consideration of these factors would be required in the assessment of the non-compliances presented by the proposed development against the building height and FSR controls of Draft KLEP (Local Centres) 2012, it can be concluded that the proposed development is also satisfactory with regard to the draft instrument.

Part 5.10 – Heritage conservation

Draft KLEP (Local Centres) 2012 did not identify the subject site as having any individual heritage significance and the site was not contained within a Draft Heritage Conservation Area. The site is located opposite 1428 Pacific Highway, Turramurra that was a proposed heritage item under Draft KLEP (Local Centres) 2012 (and has since been gazetted as a statutory item under the adopted plan). As such, Part 5.10 required consideration be given to the impacts of the proposal upon the character and significance of this neighbouring item. In this regard, it is noted that 1428 Pacific Highway, Turramurra is also a statutory heritage item under the KPSO and, in Council's previous report to the JRPP, Council's Heritage Advisor was satisfied that the impacts of the development on the item were acceptable.

Part 6.1 – Particular site requirements for multi dwelling housing and residential flat buildings

This clause required a minimum site area of 1,200m² and a minimum street frontage of 30 metres for the development of the site for the purpose of a residential flat building. The site has a frontage of 5,908.6m² and an approximate frontage of 60 metres to Lamond Drive.

Part 6.5 – Biodiversity protection

The 'Natural Resource – Biodiversity Map' prepared under Draft KLEP (Local Centres) 2012 identified the site as containing an area of biodiversity significance. This area contains BGHF.

As outlined above, Council's Landscape Tree and Landscape Assessment Officer and Ecological Assessment Officer are satisfied that the proposed development will be of an acceptable impact on this biodiversity significant vegetation.

Part 6.6 – Riparian land and waterways

The 'Natural Resource – Riparian Lands Map prepared under Draft KLEP (Local Centres) 2012 identified the site as containing a 'Category 3 Riparian Corridor'. This corridor is located towards the rear of the site within the steeply sloping gully.

The proposed development will improve the vegetation located within this corridor, particularly through the removal of weeds and other invasive vegetation to be replaced

with species consistent with the BGHF community. Therefore, proposal is assessed as being consistent with the objectives of this clause.

Part 6.7 – Earthworks

The objective of this clause was to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring sites, cultural or heritage items or features of the surrounding land.

The extent of earthworks proposed by the application would require consent under this clause. However, as has been outlined within this report (and the previous report to the JRPP), the proposed earthworks will not unduly impact on existing vegetation, subsurface water flows, the predominant character of the site's natural topography or the amenity of neighbouring properties.

Part 6.8 – Stormwater and water sensitive urban design

The objective of this clause was to avoid or minimise adverse impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland, waterways and groundwater systems.

As outlined within this report, Council's Development Engineer, Ecological Assessment Officer and Tree and Landscape Assessment Officer are satisfied that the proposed development incorporates adequate water sensitive urban design principles and that the stormwater runoff of the development will not unduly impact on adjoining properties or sensitive natural areas.

Presence of *Phytophthora cinnamomi*

The applicant's ecological consultant has identified the potential presence of *Phytophthora cinnamomi*, but this has not been validated. *Phytophthora cinnamomi* is a water / soil borne mould that can cause the death of a wide range of plants, including native species.

Council's Ecological Assessment Officer has noted that *Phytophthora cinnamomi* is a key threatening process to BGHF. Given that the application proposes bulk earthworks within an area of the site believed to contain *Phytophthora cinnamomi*, the Officer has recommended a condition to mitigate the further spread of the plant pathogen (**Condition 34**).

Air conditioning location

Council's Urban Design Consultant has noted that the location of the required air-conditioning plant equipment has not been shown on the submitted plans. It is therefore

recommended that a condition be imposed requiring the placement of such equipment beyond the view of the public realm (**Condition 25**). In this regard, it is noted that adequate area within the basement levels of the development is available for such plant.

CONCLUSION

The additional information submitted by the applicant in response to the 20 June 2013 resolution of the Sydney West Joint Regional Planning Panel (JRPP) has adequately addressed Council's concerns.

This application has been assessed under the heads of consideration of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant instruments and policies. The proposal is considered to be generally consistent with the relevant Council statutory and policy controls. Where strict compliance has not been achieved, the proposal has been considered with respect of the control outcomes and supported on merit.

The proposal has been supported by four (4) SEPP 1 objections, seeking a departure from Clause 25I (5) – number of storeys of the Ku-ring-gai Planning Scheme Ordinance, Clause 25I (7) – top floor area of the Ku-ring-gai Planning Scheme Ordinance, Clause 25I (8) – building height of the Ku-ring-gai Planning Scheme Ordinance and Clause 25K – steep slope sites of the Ku-ring-gai Planning Scheme Ordinance. The assessment has considered the SEPP1 objections to be well founded.

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 25I (5) – number of storeys of the Ku-ring-gai Planning Scheme Ordinance 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 25I (7) – top floor area of the Ku-ring-gai Planning Scheme Ordinance 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 25I (8) – building height of the Ku-ring-gai Planning Scheme Ordinance 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 25K – steep slope sites of the Ku-ring-gai

Planning Scheme Ordinance 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 DA0378/12 is consistent with the aims of the Policy, grant deferred development consent to DA0378/12 for the construction of two residential flat buildings containing 83 units, basement parking and landscaping on land at 5-15 Lamond Drive, Turramurra for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

SCHEDULE A:

Deferred commencement terms:

1. Relocation of drainage easements (deferred commencement)

Prior to the operation of the consent, the applicant must submit to Council registered title and instrument documents confirming that the existing interallotment drainage easement benefitting 3 Lamond Drive has been extinguished and a new easement created inside the north-western boundary but along the western side of the proposed courtyard retaining walls and behind the proposed building as required by Condition No. 27 of this consent.

Reason: To allow the development to proceed without adversely affecting the rights of the benefitting property owner(s).

SCHEDULE B:

Conditions that identify approved plans:

2. 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
DA100D	Mackenzie Architects International	30 August 2013
DA101C	Mackenzie Architects International	01 July 2013
DA102D	Mackenzie Architects International	30 August 2013
DA103D	Mackenzie Architects International	30 August 2013
DA104C	Mackenzie Architects	01 July 2013

	International	
DA105C	Mackenzie Architects International	01 July 2013
DA106C	Mackenzie Architects International	01 July 2013
DA107C	Mackenzie Architects International	01 July 2013
DA108C	Mackenzie Architects International	01 July 2013
DA109B	Mackenzie Architects International	04 February 2013
DA110B	Mackenzie Architects International	04 February 2013
DA111D	Mackenzie Architects International	30 August 2013
DA200C	Mackenzie Architects International	01 July 2013
DA201B	Mackenzie Architects International	04 February 2013
DA202D	Mackenzie Architects International	30 August 2013
DA300C	Mackenzie Architects International	01 July 2013
DA301C	Mackenzie Architects International	01 July 2013
DA302B	Mackenzie Architects International	04 February 2013
DA400C	Mackenzie Architects International	01 July 2013
DA426	Mackenzie Architects International	17 July 2013
LPDA 13-36/1 F LPDA 13-36/2 F LPDA 13-36/3 E LPDA 13-36/4 F LPDA 13-68/5 B	Conzept Landscape Architects	18/07/2013 and 02/09/2013
DA1.01 Rev 3	Northrop Consulting Engineers	17.07.13
DA2.01 Rev 3	Northrop Consulting Engineers	17.07.13
DA3.01 Rev 3	Northrop Consulting Engineers	17.07.13
DA4.01 Rev 4	Northrop Consulting Engineers	17.07.13
DA5.01 Rev 4	Northrop Consulting Engineers	17.07.13
DA5.02 Rev 7	Northrop Consulting Engineers	17.07.13

DA5.10 Rev 2	Northrop Consulting Engineers	17.07.13
DA6.01 Rev 5	Northrop Consulting Engineers	17.07.13
DA6.02 Rev 3	Northrop Consulting Engineers	17.07.13
DA7.01 Rev 3	Northrop Consulting Engineers	17.07.13
SK100	Northrop Consulting Engineers	18.9.13
External buildings materials and finishes	Mackenzie Architects International	-

Document(s)	Dated
Vegetation Management Plan KMC 12-560 (Keystone Ecological)	March 2013
Inclinor Noise Assessment (Acoustic Logic)	04/03/2013
DA Acoustic Assessment (Acoustic Logic)	22/08/2012
Access Report (Accessibility Solutions)	6 September 2012
BASIX Certificate 493297M	18 July 2013

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

3. 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.

Conditions to be satisfied prior to demolition, excavation and 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. Asbestos works

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

Reason: To ensure public safety

6. Fauna protection

Prior to works commencing and/or tree removal works, a qualified ecologist shall investigate trees/vegetation for fauna occupation.

Prior to the removal of tree/vegetation an ecologist is to install six nest boxes within close proximity to the area in which tree removal is being undertaken. Two medium mammal box and four small bird/mammal box are to be installed within indigenous trees to be retained within the site. Nest boxes are to be installed at a height of greater than 5m and positioned on the south-eastern side of trees.

The ecologist shall supervise the relocation of any fauna found within the trees into the installed nest boxes in accordance with appropriate licensing requirements.

The qualified ecologist must hold an Animal Ethics Permit from the Department of Industry & Investment and a wildlife licence under section 132C of the *National Parks and Wildlife Act 1974* issued by the Office of Environment & Heritage. Evidence of engagement of the qualified ecologist and the required licensing must be provided to the Private Certifying Authority with a copy to Council prior to the trees being removed.

Reason: To ensure the protection of fauna species.

7. Groundwater inflow predictions

Prior to the commencement of works on site but after the geotechnical investigation comprising cored boreholes and groundwater monitoring:

1. The predicted instantaneous inflow rate (expressed in litres per second) and the predicted total groundwater extraction volume (expressed in megalitres) for the defined period of construction (expressed in months) of the development shall be determined and advised to the NSW Office of Water. The treatment, management and disposal of the pumped groundwater will be subject to the approval of the appropriate regulatory authority.
2. The predicted instantaneous inflow rate (expressed in litres per second) and the predicted total groundwater extraction volume (expressed in megalitres per year) for the long-term operation of the development shall be determined and advised to the NSW Office of Water. The treatment, management and disposal of the pumped groundwater will be subject to the approval of the appropriate regulatory authority.

Note: The appropriate regulatory authority may be either council, Sydney Water, the NSW Environmental Protection Authority or the NSW Office of Water, depending on the quality or contamination status of the groundwater and the proposed method of disposal.

Reason: To protect the environment

8. 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.

9. 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.

10. 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 the whole of Lamond Drive from the Pacific Highway to the cul de sac.
- 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.

11. Archival recording of buildings

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

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 works.

Reason: To ensure the proper management of historical artefacts and to ensure their preservation.

12. 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

- 3 Lamond Drive
- 20 and 28 Denman Street
- 1-3 Duff Street (western side)

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

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

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

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

13. Geotechnical report

Prior to the commencement of any bulk excavation works on site, the applicant shall submit to the Principal Certifying Authority, the results of the detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below the proposed basement level. The report is to address such matters as:

- appropriate excavation methods and techniques
- vibration management and monitoring
- dilapidation survey
- support and retention of excavated faces
- hydrogeological considerations

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

Reason: To ensure the safety and protection of property.

14. Construction and traffic management plan

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

The plan is to consist of a report with Traffic Control Plans attached.

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

The report is to contain construction vehicle routes for approach and departure to and from all directions.

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

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

- o Demolition

- o Excavation
- o Concrete pour
- o Construction of vehicular crossing and reinstatement of footpath
- o Traffic control for vehicles reversing into or out of the site.

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

When a satisfactory CTMP is received, a letter of approval will be issued with conditions attached. Traffic management at the site must comply with the approved CTMP as well as any conditions in the letter issued by Council. Council's Rangers will be patrolling the site regularly and fines may 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.

15. Work zone

A Works Zone is to be provided in Lamond Drive subject to the approval of the Ku-ring-gai Local Traffic Committee.

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

In the event the work zone is required for a period beyond that initially approved by the 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.

16. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

17. 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.

Tree/Location	Radius from trunk
T8 <i>Eucalyptus paniculata</i> (Grey Ironbark) Lamond Dr nature strip	2.5m until construction of pedestrian entry
T9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	1.5m on north-eastern side 4.8m elsewhere until construction of inclinator when reduced to 2.0m on north-western side
T10 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	5.0m on south-western side 9.7m elsewhere until construction of inclinator when reduced to 0.2m on north-western side
T10A <i>Angophora floribunda</i> (Rough Barked Apple) Site frontage	2.0m until construction of inclinator when reduced to 0.2m on north-western side
T12 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	3.2m
T13 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	2.0m
T15 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to north-eastern site boundary	5.0m
T16 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	5.1m
T17 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	2.1m with 1.0m wide pedestrian access adjacent to kerb
T18 Unidentified spp Lamond Dr nature strip	2.0m
T20 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	2.0m with 1.0m wide pedestrian access adjacent to kerb
T22 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	5.1m with 1.0m wide pedestrian access adjacent to kerb
T25 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	3.4m
T28 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	4.5m
T32 <i>Jacaranda mimosifolia</i> (Jacaranda) Site frontage	2.0m
T34 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	2.1m
T35 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site	3.1m

frontage	
T38 <i>Grevillea robusta</i> (Silky Oak) Adjacent to eastern site boundary in neighbouring property	2.4m
T38 <i>Grevillea robusta</i> (Silky Oak) Adjacent to eastern site boundary in neighbouring property	2.4m
T40 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	4.8m
T41 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	2.3m
T44 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to eastern site boundary	4.9m
T48 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	2.0m to south-western side 4.9m elsewhere
T51 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Site frontage	2.0m
T52 <i>Pittosporum undulatum</i> (Native Daphne) Site frontage	2.6m
T53 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Site frontage	2.0m
T61 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary	4.0m on western side 9.4m elsewhere
T62 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary in neighbouring property	5.0m on western side 7.8m elsewhere
T64 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-eastern site boundary in neighbouring property	6.0m on western side 7.2m elsewhere
T66 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to south-eastern site boundary in neighbouring property	5.0m on western side 10.3m elsewhere
T67 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	7.8m
T68 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	5.5m
T69 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	8.1m
T70 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary	4.0m to north-eastern 6.3m elsewhere
T72 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary	5.0m to east 7.8m elsewhere
T73 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary in neighbouring property	7.5m
T77 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback	2.6m
T78 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback	4.5m
T'A' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in	2.4m

neighbouring property	
T'B' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in neighbouring property	6.6m
T'E' <i>Pinus patula</i> (Mexican Pine) Adjacent to north- western site boundary in neighbouring property	7.3m

Reason: To protect existing trees during the construction phase.

18. 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.

19. 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.

20. Tree protection mulching

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

Reason: To protect existing trees during the construction phase.

21. Tree protection - avoiding soil compaction

To preserve existing trees and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) is installed as per Section 4.5.3 Figure 4 of AS4970-2009 'Protection of trees on development sites' within the identified tree protection zone, outside of specified tree protection fencing areas when repeated vehicular or pedestrian access is required.

Reason: To protect existing trees during the construction phase.

22. Trunk protection

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

NOTE: Any damage to the tree/s shall be treated immediately by an experienced AQF3 Horticulturist/Arborist and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location
T10 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage

Reason: To protect existing trees during the construction phase.

23. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

24. 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.

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

25. Air conditioning

Any plant equipment to be installed in association with the air-conditioning of the approved development is to be housed beyond the view of the public realm, such as within the basement levels of the buildings.

Reason: To protect streetscape character.

26. Amendments to approved vegetation management plan

Prior to the issue of Construction Certificate, the Certifying Authority shall be satisfied that the approved vegetation management plan, listed below and endorsed with Council's stamp, has been amended in accordance with the requirements of this condition as well as other conditions of this consent;

Plan no.	Drawn by	Dated
KMC 12-560	Keystone Ecological	March 2013

The vegetation management plan more specifically (species planting) is to be amended to reflect Table 2 "Plantings in each Management Unit across the site as per Vegetation Management Plan and Landscape Plan" as per the Keystone Ecological letter prepared to the JRPP dated 19th of July 2013.

An amended vegetation management plan, prepared by a qualified ecologist shall be submitted to the Certifying Authority.

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

27. 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:

Plan no.	Drawn by	Dated
LPDA 13-36/1 F LPDA 13-36/2 F LPDA 13-36/3 E LPDA 13-36/4 F LPDA 13-68/5 B	Conzept	18/07/2013 02/09/2013

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

- The proposed drainage easement adjacent to the north-western site boundary is to be shown to be located immediately adjacent to the proposed private courtyard/s retaining walls.

- Five *Eucalyptus saligna* (Sydney Blue Gum) shall be shown to be planted within the riparian zone (Unit Management 1).

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

28. Amendments to approved engineering plans

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

Plan no.	Drawn by	Dated
120523 DA5.02 Revision 7	Northrop	17.07.13
120523 DA4.01 Revision 4	Northrop	17.07.13

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

The new pipe within the north-western boundary is to be located along the western side of the proposed courtyard retaining walls, and behind the proposed building.

The above amendments are required for tree protection purposes.

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

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

29. Driveway crossing levels

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

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

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

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

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

30. Driveway grades - basement carparks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- vehicular access can be obtained using grades of 20% (1 in 5) maximum and
- all changes in grade (transitions) comply with Australian Standard 2890.1 - "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.

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

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

31. Basement car parking details

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

- all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 - 2004 "Off-street car parking"
- a clear height clearance of **2.6 metres** (required for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement
- no doors or gates are provided in the access driveways to the basement carpark

which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area

- the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans

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

32. Design of works on Council's stormwater drainage system

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 Director Operations. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail works to Council's stormwater pipe as shown on the approved **Northrop Drawings 120523 DA5.02**

Revision 7, DA6.01 Revision 5 and SK100 dated 18.9.13, subject to the following amendment:

- **The proposed 375mm diameter drop pipe is to be replaced with a properly constructed concrete drop pit chamber. Please note that the minimum internal opening for a pit deeper than 2 metres for confined space entry is 900x900mm. The drop pit is not to be constructed on any part of the proposed retaining wall.**

Development consent does not give approval to these works on Council's asset. The applicant must obtain a separate approval. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval.

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 approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the application. Early submission of the 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.

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

33. 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.

34. *Phytophthora cinnamomi* testing

Prior to commencement of demolition, construction or the issue of the construction certificate (whichever comes first) a suitably qualified plant pathologist or mycologist is to undertake testing for *Phytophthora cinnamomi*. Soil samples are to be collected within the canopy dripline of the Trees 80-90 (inclusive).

A minimum of 4-6 sample holes per sample are to be taken beneath the organic and leaf litter/mulch layer to depth of 100mm. A minimum of the 2-3 coffee cups of soil per sample is to be collected. A minimum of eight samples are to be taken and provided to the Sydney Royal Botanical Gardens or similar soil pathology testing laboratory for testing.

In the event that *Phytophthora cinnamomi* is detected within soil samples, a *Phytophthora cinnamomi* Management Plan (PMP) is to be prepared in accordance with the Department of Sustainability, Environment, Water, Population and Communities Management of *Phytophthora cinnamomi* for Biodiversity Conservation in Australia guidelines and is to be included in the Construction and Traffic Management Plan which is to be forwarded to council for approval prior to issue of the construction certificate.

<http://www.environment.gov.au/biodiversity/invasive/publications/pubs/part2.pdf>

The PMP is to consider the following five strategies:

1. Understand Phytophthora dieback
2. Assess for risk of disease
3. Adjust work practices to reflect risk
4. Inform all staff, contractors and visitors and
5. Treat infections.

Reason: To ensure that the development does impact upon Blue Gum High Forest via the spread *Phytophthora cinnamomi*.

35. Section 94 Contributions - Centres.

This development is subject to a development contribution calculated in accordance with Ku-ring-gai Contributions Plan 2010, being a s94 Contributions Plan in effect under the Environmental Planning and Assessment Act, as follows:

Key Community Infrastructure	Amount
Local parks and local sporting facilities	\$786,110.04
Local recreation and cultural facilities; Local social facilities	\$121,603.40
Local roads, local bus facilities & local drainage facilities (new roads and road modifications)	\$195,502.18
Local roads, local bus facilities & local drainage facilities (townscape, transport & pedestrian facilities)	\$637,158.03
Total:	\$1,740,373.65

The contribution shall be paid to Council prior to the issue of any Construction Certificate, Linen Plan, Certificate of Subdivision or Occupation Certificate whichever comes first in accordance with Ku-ring-gai Contributions Plan 2010.

The contributions specified above are subject to indexation and will continue to be indexed to reflect changes in the consumer price index and housing price index until they are paid in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

Copies of Council's Contribution Plans can be viewed at Council Chambers, 818 Pacific Hwy Gordon or on Council's website at www.kmc.nsw.gov.au.

Reason: To ensure the provision, extension or augmentation of the Key Community Infrastructure identified in Ku-ring-gai Contributions Plan 2010 that will, or is likely to be, required as a consequence of the development.

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

36. 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.

37. 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.

38. Reduction or elimination of groundwater impact

If, during the detailed design of the development or during construction significant quantities of groundwater are identified or encountered, the NSW Office of Water shall be consulted. Any measures as directed or agreed to by the NSW Office of Water to reduce or eliminate the inflow of groundwater to the construction site shall be incorporated into the detailed design and/or construction of the development.

Note: The NSW Office of Water shall determine the significance of any extraction volume and the need for an authorisation to account for the take of water so identified. Where an authorisation is deemed to be required, the applicant shall procure an entitlement from the relevant water source(s) appropriate to account for the extraction of groundwater. The authorisation shall be subject to prescribed assessment fees and administrative charges as determined from time-to-time by the Independent Pricing and Regulatory Tribunal (IPART).

Reason: To protect the environment.

39. 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.

40. 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.

41. 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.

42. 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.

43. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by JK Geotechnics dated 5 March 2013 and the report prepared prior to

commencement of works. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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

Reason: To ensure the safety and protection of property.

44. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the geotechnical report prepared by JK Geotechnics dated 5 March 2013 and the report submitted prior to commencement of works. Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. Approval for rock anchors

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

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

52. 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.

53. 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.

54. Footings and excavation near easements

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench and means to retain the easement and associated pipe cover are to be provided at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

Reason: To ensure structural stability.

55. Sydney Water Section 73 Compliance Certificate

The applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing CoOrdinator. The applicant is to refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au <<http://www.sydneywater.com.au>> then the “e-develop” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the CoOrdinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

Reason: Statutory requirement.

56. 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:

Tree/Location	Time of inspection
T8 <i>Eucalyptus paniculata</i> (Grey Ironbark) Lamond Dr nature strip	* Certification of correct installation of tree protection requirements as per development consent
T9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	* Immediately prior to any works occurring on site
T10 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	* At the completion of demolition works
T10A <i>Angophora floribunda</i> (Rough Barked Apple) Site frontage	* Direct supervision of any excavation works within identified tree protection zones (TPZ)
T12 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	* At the completion of excavation works
T13 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	* At three monthly intervals during development works
T15 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to north-eastern site boundary	* Direct supervision of installation of inclinators
T16 <i>Corymbia maculata</i> Spotted Gum Adjacent to north-eastern site boundary	* Direct supervision of planting works
T17 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	

T18 Unidentified spp Lamond Dr nature strip	within TPZ of retained trees * At the completion of all works on site
T20 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	
T22 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	
T25 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	
T28 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	
T32 <i>Jacaranda mimosifolia</i> (Jacaranda) Site frontage	
T34 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	
T35 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	
T38 <i>Grevillea robusta</i> (Silky Oak) Adjacent to eastern site boundary in neighbouring property	
T40 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	
T41 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	
T44 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to eastern site boundary	
T48 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	
T51 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Site frontage	
T52 <i>Pittosporum undulatum</i> (Native Daphne) Site frontage	
T53 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Site frontage	

<p>T61 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary</p> <p>T62 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary in neighbouring property</p> <p>T64 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-eastern site boundary in neighbouring property</p> <p>T66 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to south-eastern site boundary in neighbouring property</p> <p>T67 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property</p> <p>T68 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property</p> <p>T69 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property</p> <p>T70 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary</p> <p>T72 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary</p> <p>T73 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary in neighbouring property</p> <p>T77 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback</p> <p>T78 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback</p> <p>T'A' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in neighbouring property</p> <p>T'B' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in</p>	
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neighbouring property	
T'C' <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to north-western site boundary in neighbouring property	
T'E' <i>Pinus patula</i> (Mexican Pine) Adjacent to north-western site boundary in neighbouring property	

Reason: To ensure protection of existing trees.

57. Treatment of tree roots

If tree roots are severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced AQF3 Arborist/Horticulturist. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees. A written report detailing impacts and treatment with photographs by the project arborist is to be submitted to the Principal Certifying Authority when tree impacts occur.

Reason: To protect existing trees.

58. 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:

Tree/Location	Radius from trunk
T8 <i>Eucalyptus paniculata</i> (Grey Ironbark) Lamond Dr nature strip	2.5m
T9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	4.8m
T10 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	5.0m on southwest side 9.7m elsewhere
T10A <i>Angophora floribunda</i> (Rough Barked Apple) Site frontage	2.0m
T12 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	3.2m
T13 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	2.0m
T15 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to north-eastern site boundary	5.0m
T16 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-eastern site boundary	5.1m
T17 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	2.1m

T18 Unidentified spp Lamond Dr nature strip	2.0m
T20 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	2.0m
T22 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	5.1m
T25 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	3.4m
T28 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	4.5m
T32 <i>Jacaranda mimosifolia</i> (Jacaranda) Site frontage	2.0m
T34 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	2.1m
T35 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	3.1m
T38 <i>Grevillea robusta</i> (Silky Oak) Adjacent to eastern site boundary in neighbouring property	2.4m
T38 <i>Grevillea robusta</i> (Silky Oak) Adjacent to eastern site boundary in neighbouring property	2.4m
T40 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	4.8m
T41 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	2.3m
T44 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to eastern site boundary	4.9m
T48 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	3.0m to southwest side 4.9m elsewhere
T51 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Site frontage	2.0m
T52 <i>Pittosporum undulatum</i> (Native Daphne) Site frontage	2.6m
T53 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Site frontage	2.2m
T61 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary	9.4m
T62 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary in neighbouring property	7.8m
T64 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-eastern site boundary in neighbouring property	7.2m
T66 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to south-eastern site boundary in neighbouring property	10.3m
T67 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	7.8m
T68 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	5.5m
T69 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	8.1m

T70 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary	4.5m to north-east 6.3m elsewhere
T72 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary	5.5m to east 7.8m elsewhere
T73 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary in neighbouring property	7.5m
T77 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback	2.6m
T78 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback	4.5m
T'A' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in neighbouring property	2.4m
T'B' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in neighbouring property	6.6m
T'C' <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to north-western site boundary in neighbouring property	2.4m
T'E' <i>Pinus patula</i> (Mexican Pine) Adjacent to north-western site boundary in neighbouring property	7.3m

Reason: To protect existing trees.

59. Approved tree works

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

Tree/Location	Approved tree works
T1-7 <i>Fraxinus griffithii</i> (Evergreen Ash) Lamond Dr nature strip	Removal
T11 <i>Syragus romanzoffianum</i> (Cocos Palm) Site frontage	Removal
T19 <i>Syragus romanzoffianum</i> (Cocos Palm) Site frontage	Removal
T21 <i>Syragus romanzoffianum</i> (Cocos Palm) Site frontage	Removal
T23 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site corner	Removal
T24 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site corner	Removal
T26 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site corner	Removal
T27 <i>Syragus romanzoffianum</i> (Cocos Palm) Adjacent to eastern site corner	Removal
T29 <i>Syragus romanzoffianum</i> (Cocos Palm) Adjacent to site frontage to Lamond Dr	Removal
T30 <i>Syragus romanzoffianum</i> (Cocos Palm) Adjacent to site frontage to Lamond Dr	Removal

T31 <i>Syragus romanzoffianum</i> (Cocos Palm) Adjacent to site frontage to Lamond Dr	Removal
T33 <i>Syragus romanzoffianum</i> (Cocos Palm) Site frontage	Removal
T36 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site corner	Removal
T37 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site corner	Removal
T39 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to eastern site corner	Removal
T42 <i>Syragus romanzoffianum</i> (Cocos Palm) Adjacent to south-eastern site boundary	Removal
T43 <i>Syragus romanzoffianum</i> (Cocos Palm) Adjacent to south-eastern site boundary	Removal
T45 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to south-eastern site boundary	Removal
T46 <i>Schefflera actinophylla</i> (Umbrella Tree) Site frontage	Removal
T47 <i>Syragus romanzoffianum</i> (Cocos Palm) Site frontage	Removal
T49 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	Removal
T50 <i>Livistona australis</i> (Chinese Fan Palm) Site frontage	Removal
T54-55 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Site frontage	Removal
T56 <i>Cyathea cooperi</i> (Tree fern) Centrally located on site	Removal
T57 <i>Magnolia grandiflora</i> (Bull Bay Magnolia) Centrally located on site	Removal
T58-59 <i>Syragus romanzoffianum</i> (Cocos Palm) Centrally located on site	Removal
T60 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally located on site	Removal
T65 <i>Syragus romanzoffianum</i> (Cocos Palm) Adjacent to southeast site corner	Removal
T74 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback	Removal
T75 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally located on site	Removal
T76 <i>Ligustrum lucidum</i> (Large leaf privet) Adjacent to south-western site boundary	Removal
T79-83 Dead trees Centrally located on site	Removal
T84 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally located on site	Removal
T85 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally located on site	Removal
T86 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally located on site	Removal
T87 <i>Jacaranda mimosifolia</i> (Jacaranda) Centrally located on site	Removal
T88 <i>Syragus romanzoffianum</i> (Cocos Palm) Centrally located on site	Removal
T89 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally	Removal

located on site	
T90 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally located on site	Removal
T91 <i>Allocasuarina torulosa</i> (Forest Oak) Centrally located on site	Removal
T92 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Centrally located on site	Removal
T93 <i>Pittosporum undulatum</i> (Native Daphne) Centrally located on site	Removal
T94 <i>Pittosporum undulatum</i> (Native Daphne) Centrally located on site	Removal
T95 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Centrally located on site	Removal

NOTE: All trees are to be clearly tagged/numbered on site by the project arborist, consistent with the Arboricultural Impact Assessment Report by Advanced Treescape Consulting dated 31/08/2012 and the supplementary JRPP tree impact report. Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

Trees cannot be removed until the issue of the construction certificate.

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

60. Hand excavation

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

Tree/Location	Radius from trunk
T8 <i>Eucalyptus paniculata</i> (Grey Ironbark) Lamond Dr nature strip	2.5m
T9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to northeast site boundary	4.8m
T10 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	5.0m on southwest side 9.7m elsewhere
T10A <i>Angophora floribunda</i> (Rough Barked Apple) Site frontage	2.0m
T12 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to northeast site boundary	3.2m
T13 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to northeast site boundary	2.0m
T15 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to northeast site boundary	5.0m
T16 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to northeast site boundary	5.1m
T17 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	2.1m

T18 Unidentified spp Lamond Dr nature strip	2.0m
T20 <i>Agonis flexuosa</i> (Weeping Myrtle) Lamond Dr nature strip	2.0m
T22 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	5.1m
T25 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	3.4m
T28 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	4.5m
T32 <i>Jacaranda mimosifolia</i> (Jacaranda) Site frontage	2.0m
T34 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	2.1m
T35 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	3.1m
T38 <i>Grevillea robusta</i> (Silky Oak) Adjacent to eastern site boundary in neighbouring property	2.4m
T38 <i>Grevillea robusta</i> (Silky Oak) Adjacent to eastern site boundary in neighbouring property	2.4m
T40 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	4.8m
T41 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to eastern site corner	2.3m
T44 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to eastern site boundary	4.9m
T48 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Site frontage	3.0m to southwest side 4.9m elsewhere
T51 <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Site frontage	2.0m
T52 <i>Pittosporum undulatum</i> (Native Daphne) Site frontage	2.6m
T53 <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) Site frontage	2.2m
T61 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary	9.4m
T62 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-eastern site boundary in neighbouring property	7.8m
T64 <i>Eucalyptus paniculata</i> (Grey Ironbark) Adjacent to south-eastern site boundary in neighbouring property	7.2m
T66 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to south-eastern site boundary in neighbouring property	10.3m
T67 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	7.8m
T68 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	5.5m
T69 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to southern site corner in neighbouring property	8.1m

T70 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary	4.5m to northeast 6.3m elsewhere
T72 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary	5.5m to east 7.8m elsewhere
T73 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Adjacent to south-western site boundary in neighbouring property	7.5m
T77 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback	2.6m
T78 <i>Eucalyptus saligna</i> (Sydney Blue Gum) Rear setback	4.5m
T'A' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in neighbouring property	2.4m
T'B' <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to north-western site boundary in neighbouring property	6.6m
T'C' <i>Brachychiton acerifolius</i> (Illawarra Flame Tree) Adjacent to north-western site boundary in neighbouring property	2.4m
T'E' <i>Pinus patula</i> (Mexican Pine) Adjacent to north-western site boundary in neighbouring property	7.3m

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 removal on nature strip

Following removal of the *Fraxinus griffithii* (Evergreen Ash) 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.

63. 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.

64. 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.

65. Survey and inspection of waste collection clearance and path of travel

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, a registered surveyor is to:

- Ascertain the reduced level of the underside of the slab at the driveway entry,
- Certify that the level is not lower than the level shown on the approved DA plans
- Certify that the minimum headroom of 2.6 metres will be available for the full path of travel of the small waste collection vehicle from the street to the collection area.
- This certification is to be provided to Council's Development Engineer prior to any concrete being poured for the ground floor slab.
- No work is to proceed until Council has undertaken an inspection to determine clearance and path of travel.

At the stage when formwork for the ground floor slab is in place and prior to concrete being poured, Council's Development Engineer and Manager Waste Services are to carry out an inspection of the site to confirm the clearance available for the full path of travel of the small waste collection vehicle from the street to the collection area. This inspection may not be carried out by a private certifier because waste management is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

Reason: To ensure access will be available for Council's contractors to collect waste from the collection point.

66. 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.

67. Fire egress

No approval is given for the construction of any walls or structures related to providing compliance with the fire protection measures of the Building Code of Australia (BCA). The construction of any such structures will require prior development consent.

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

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

68. Vegetation Management Plan (VMP)

Prior to the release of the Occupation Certificate the following works as outlined below as detailed within the Vegetation Management Plan, prepared by **Keystone Ecological**, dated March 2013, are to be completed.

- All works detailed within the VMP pre-construction activities, plantings of compensatory canopy trees/shrubs/groundcovers, weed control, revegetation, maintenance and monitoring are to be carried out in accordance with the VMP.
- Planting to be undertaken within the Blue Gum High Forest within the site are to be species characteristic of Blue Gum High Forest in accordance with the Vegetation Management Plan. All trees/plant material to be planted is to be of local provenance sourced from parent material within Ku-ring-gai or Hornsby LGA's.
- All fencing as detailed within the VMP is to be installed prior to works commencing.
- All noxious and environmental weeds are to be removed from the Blue Gum High Forest community within the site in accordance with the VMP.
- All vegetation management actions as specified in the VMP shall be carried out by suitably qualified and experienced bush regenerators. The minimum qualifications and experience required for the bush regeneration contractor are a TAFE Certificate 2 in Bushland Regeneration with two years demonstrated experience (for site supervisor) and a TAFE Certificate 2 in Bushland Regeneration with one year demonstrated experience (for other personnel). In addition, the site supervisor is to be eligible for full professional membership of the Australian Association of Bush Regenerators (AABR).
- VMP monitoring works are to be undertaken by an engaged bushland restoration contractors or a suitably qualified and experienced landscape architect, horticulturist, bush regenerator or ecologist. The rehabilitation actions identified in this VMP are to be monitored. Monitoring is to be undertaken throughout the entire contract period. Monitoring and maintenance works are to be undertaken for a minimum period of 5 years with 6 monthly reports are to be provided to the Principal Certifying Authority and Copied to Council's Ecological Assessment Officer.

Reason: To ensure the protection and enhancement of Blue Gum High Forest within the site.

69. Blue Gum High Forest management unit areas -Section 88b instrument

The Certifying Authority is to be provided with evidence of the creation of a restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the following Blue Gum High Forest management unit areas (1, 2, 3 & 4). The terms of restriction must state that any excavation, soil level changes or construction works are prohibited with the exception of works to be undertaken and outline in accordance with the plan below.

Plan no.	Prepared by	Dated
KMC 12-560	Keystone Ecological	March 2013

Reason: To ensure that Critically Endangered Blue Gum High Forest offset management areas are protected.

70. Easement for waste collection

Prior to issue of the Occupation Certificate, an easement for waste collection is to be created under Section 88B or Section 88E of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

71. Relocation of interallotment drainage pipe

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that the interallotment drainage pipe benefitting 3 Lamond Drive has been relocated and is contained within the new easement.

Reason: To protect the environment.

72. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 493297M have been complied with.

Reason: Statutory requirement.

73. Clotheslines and clothes dryers

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: To provide access to clothes drying facilities.

74. 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.

75. Accessibility

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

- the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2
- the level and direction of travel, both in lifts and lift lobbies, is audible and visible
- the controls for lifts are accessible to all persons and control buttons and lettering are raised
- international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2
- the height of lettering on signage is in accordance with AS 1428.1 - 1993
- the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods

Reason: Disabled access & services.

76. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

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

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

- the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans
- the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- retained water is connected and available for use
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

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

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- as built (reduced) surface and invert levels for all drainage pits
- gradients of drainage lines, materials and dimensions
- as built (reduced) level(s) at the approved point of discharge to the public drainage system
- as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site
- the achieved storage volumes of the installed retention and detention storages and derivative calculations

- as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- the size of the orifice or control fitted to any on-site detention system
- dimensions of the discharge control pit and access grates
- the maximum depth of storage possible over the outlet control
- top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

79. OSD positive covenant/restriction

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

80. CCTV report of pipe after work

Prior to issue of the Occupation Certificate, a closed circuit television inspection and report on the Council drainage pipeline traversing the site is to be undertaken by appropriate contractors and provided to Council's Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

Reason: To protect the environment.

81. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

82. Certification of as-constructed driveway/carpark - RFB

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

- the as-constructed car park complies with the approved Construction Certificate plans
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking" in terms of minimum parking space dimensions
- finished driveway gradients and transitions will not result in the scraping of the underside of cars
- no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area
- the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - **2.6 metres** height clearance for waste collection trucks are met from the public street into and within the applicable areas of the basement carpark.

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

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

83. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, and upon completion of all works on site which may cause damage to Council's infrastructure, the Principal Certifying Authority must be satisfied that he or she has received a signed inspection form from Council which states that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with levels and specifications issued by Council

- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge to match existing

This inspection may not be carried out by the Private Certifier because restoration of Council property outside the boundary of the site is not a matter listed in Clause 161 of the Environmental Planning and Assessment Regulation 2000.

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the streetscape.

84. Construction of works in public road - approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved works on Council's stormwater drainage system have been completed in accordance with the Council approval and accompanying drawings, conditions and specifications.

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

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

Reason: To ensure that works on Council's stormwater drainage system are to the satisfaction of Council.

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

Reason: To protect the amenity of surrounding residents.

88. Loading and unloading

At all times, all loading and unloading of service vehicles in connection with the use of the premises shall be carried out wholly within the site.

Reason: To ensure safe traffic movement.

S Ratcliff
**Senior Development
Assessment Officer**

S Segal
Team Leader

C Swanepoel
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

Attachments:

- | | |
|--|-------------|
| 1. Location sketch | 2013/137757 |
| 2. Zoning extract (KPSO) | 2013/137758 |
| 3. Zoning map – Draft KLEP
(Local Centres) 2012 | 2012/208621 |
| 4. Floor plans | 2013/241802 |
| 5. Elevations | 2013/241796 |
| 6. Vegetation Management Plan | 2013/240966 |
| 7. Urban design comments | 2013/234303 |
| 8. Previous report to JRPP | 2013/137771 |
| 9. Court decision | 2013/240991 |
| 10. SEPP1 Objection | 2013/064370 |