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## 28 - 32 DUMARESQ STREET GORDON -SUPPLEMENTARY REPORT

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### EXECUTIVE SUMMARY

<b>PURPOSE FOR REPORT:</b>	To outline and address the response submitted by the applicant to the decision made by the Sydney West Joint Regional Planning Panel (JRPP) at the meeting of the 27 February 2014 and for the JRPP to determine DA0501/12 for 34 apartments, basement car park and landscaping.
<b>BACKGROUND:</b>	An assessment report was prepared and considered by the JRPP on 27 February 2014 where the JRPP resolved to defer the determination to enable the applicant to further explore the opportunity to achieve a development that addresses the shortfall in car parking spaces, but at the same time comply with deep soil landscaping and on-site waste/garbage vehicle manoeuvring requirements without the need to delete any residential units.
<b>COMMENTS:</b>	The applicant has responded to the decision of the JRPP by presenting three (3) options. The resolution of the JRPP was not to prepare or have considered multiple options and subsequently the applicant's preferred option has been considered.
<b>RECOMMENDATION:</b>	Deferred Commencement Consent

## PURPOSE OF REPORT

To outline and assess the response submitted by the applicant to the decision made by the Sydney West Joint Regional Planning Panel (JRPP) at the 27 February 2014 meeting and for the JRPP to determine DA0501/12 for the construction of a residential flat building containing 34 apartments, basement car park and landscaping. The development includes a Draft Voluntary Planning Agreement and explanatory note.

## BACKGROUND

An assessment report was considered by the JRPP at its meeting of 27 February 2014 where the JRPP resolved to defer the determination for the *applicant to further explore the opportunity to achieve a development that addresses the shortfall in car parking spaces, but at the same time complies with deep soil landscaping and on-site waste/garbage vehicle manoeuvring requirements without the need to delete one unit.*

## COMMENTS

The applicant has submitted additional information and justification in response to the JRPP decision (**Annexure F**). The adequacy of this information is discussed below.

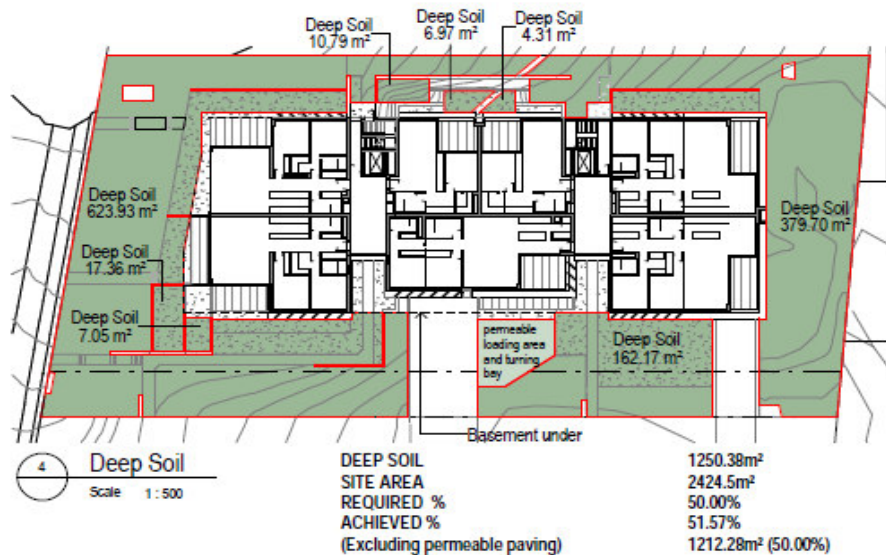
- *The applicant is of the opinion, as advised at the JRPP meeting, that it is possible for the proposed development to comply with the 50% deep soil landscaping requirements of the KPSO as detailed in plans submitted to Council and the JRPP and attached (as **Annexure A, B, C and D**) and the on-site waste/garbage vehicle manoeuvring requirements.*

### Response:

**Annexure B and Figure 1** below, an extract of a plan entitled "Setback Zones, Deep Soil, Common Open Space" prepared by the applicant demonstrates that the proposal achieves 1212.28m<sup>2</sup> of deep soil landscaping which equates to a ratio of exactly 50%. The scale of this plan at 1:500 makes verification of the deep soil landscaping calculation very difficult. The applicants' calculation is therefore not accepted as:

- deep soil landscaping figures cannot be confirmed by submitted revised plans given the scale of the plans;
- the likely need for a retaining wall along the northern boundary of the private courtyard of Apartment 9 to achieve a reasonable grade for landscaping between the proposed substation and this courtyard
- inconsistencies between the revised plans submitted to Council

Furthermore, the permeable loading area and turning bay is excluded from deep soil landscaping calculations as shown in **Figure 1**, as it is considered not to be deep soil landscaping because it cannot be landscaped with planting of suitable trees or shrubs that would facilitate the creation of a landscaped setting for the site that satisfies the relevant objectives of the KPSO. If hardstand area was deleted and a loading area and turning bay provided as suggested in the original assessment report, this area could positively contribute to the total amount of deep soil landscaping provided on site and the site would achieve more than the 50% deep soil required by the controls.



**Figure 1 – Deep soil calculations**

- It is noted that permeable paving is discussed in Council's DCP 55 and its use is encouraged recognising, in particular, its role in surface infiltration. In addition, the size of the turning area has been minimised and the area available for tall tree and shrub planting across the frontage to the proposed new road, particularly between the proposed driveways, is such that, except for the driveway crossings themselves, the frontages are principally used for tall tree planting.

**Response:**

Refer to comments above. As previously stated, the proposed turning area and loading bay is excluded from deep soil calculations. The proposal claims 50% or 1212.28m<sup>2</sup> of deep soil landscaped area, however this figure is questionable as additional retaining walls are necessary, affecting the deep soil calculation. Whilst this turning area has been minimised in size to reduce its impact, it will still present as a significant open paved area providing little amenity to the site and streetscape, particularly to Apartment 3 given that limited landscaping is provided adjacent to this apartment.

- It is not possible to meet the car parking requirements of the KPSO with the presently proposed units without contemplating additional excavation of the site. Excavation would be required not only for the two additional spaces but also for internal ramps and to replace spaces displaced at the Basement Level.

**Response:**

Further excavation of the site is not necessary if Apartment 3 is deleted as recommended. This suggestion is considered to be an acceptable compromise in that it avoids further excavation of the site but also allows for compliant car parking on site that satisfies resident and visitor parking requirements of the KPSO as well as adequate waste facilities and manoeuvring areas.

- The design of the proposal has sought to strike an appropriate balance between excavation and site development. Two driveways are proposed to the proposed building from the

*proposed new road (as the secondary frontage) to provide access to the two levels of parking proposed. This approach has been taken to reduce the amount of excavation of the site necessary to accommodate parking for the proposal. The proposed parking levels relate well to the natural levels of the site, taking advantage of the fall to the south with two entry points off the proposed new road with the northernmost driveway providing level access to the building. In this regard, it is considered that the proposed development strikes an appropriate balance leading to a better, more sustainable development solution for the site.*

**Response:**

As stated above, further excavation of the site or provision of additional driveways is not necessary if Apartment 3 is deleted. The proposed parking levels will continue to relate to proposed driveways. The recommendation of this report overcomes this issue as it involves minimal changes to the proposed development scheme whilst allowing provision of additional parking and improved internal waste manoeuvring areas without the reliance of an external loading/turning area and providing increased landscaping on site. Furthermore, Apartment 3 suffers from poor amenity and outlook given its positioning adjacent to the proposed driveway and its western orientation over this proposed turning/loading area.

- *Compliance with the parking standards would necessitate additional site excavation to provide another level of parking beneath the footprint (together with considerable additional expense). As noted above, excavation would be required not only for the two additional spaces but also for internal ramps and to replace spaces displaced at the Basement Level.*

**Response:**

See comments above.

Furthermore, within their response (**Annexure F**), the applicant has suggested three (3) options in response to the JRPP's resolution. It is noted that the resolution of the JRPP was not to have prepared or to consider multiple options. Subsequently, the applicant's preferred option (or their Option 1) is considered below.

**1. Option 1**

*The first option is that the JRPP accepts the submissions made to it on behalf of the Applicant at the meeting on 27 February 2014, that:*

- *Condition 19 of the recommendation be deleted allowing Apartment 3 to be retained;*
- *the Revised SEPP 1 objection for the shortfall in visitor parking be upheld; and*
- *a requirement be added to Condition 20 that the development comply with the 50% deep soil area standard. Alternatively, Condition 20 be amended to refer to the further amended landscape plan submitted prior to the meeting which demonstrated compliance with the standard (see Attachment 3). In addition, Condition 20 be amended to delete items 1 and 2, as these items have been met and are therefore redundant. In addition, item 5 be deleted to allow the turning area to remain;*
- *the "Note" to Condition 30 be deleted as it is redundant due to the deletion of Condition 19.*

**Response:**

The deletion of Condition 19 of the recommendation and the retention of Apartment 3 is not supported. As indicated above the deep soil landscaping calculations are still not accepted in this case and the SEPP 1 objection is not considered to be well founded.

Item 1 of Condition 20 requires deep soil landscaping to achieve compliance with deep soil landscaping requirements of clause 25 I (2) of the KPSO. Also, Condition 20 requires that after an amended landscape plan is prepared addressing items 1 to 12, that a further plan is prepared showing all deep soil landscaping areas on site and relevant calculations verifying compliance with Cause 25I(2) of KPSO. Therefore, compliance with the deep soil standard is already included within this condition and no changes are considered necessary.

The suggested amendment of Condition 20 to refer to the landscape plan submitted prior to the JRPP meeting of 27 February 2012 is not supported as the revised landscape plan dated 25.02.14 contains anomalies with other plans. This revised landscape plan depicts the retention of a retaining wall (i.e. **Figure 2** below) adjacent to the northern boundary of the courtyard to be attached to Apartment 9 whilst the amended deep soil landscape calculations plan (i.e. **Figure 1** above) and the revised stormwater plan show removal of this retaining wall (**Annexure D**). Consequently, there are inconsistencies between plans and no certainty as to the position and location of retaining walls or the actual amount of deep soil.

The likely need for this retaining wall will result in a further reduction of deep soil landscaping by approx. 7m<sup>2</sup> which would then result in deep soil landscaping being less than 50% as required by KPSO. Alternatively, if it is the applicant's intention to delete this retaining wall then a cross section should have been prepared, taken from the north-east corner of the private courtyard of Apartment 9 including the proposed substation, to demonstrate that reasonable grades can be achieved for planting, including a canopy tree as shown on the landscape plan. This matter has been identified by both Council's Landscape and Engineering officers. The applicant to date has not provided this level of detail which further questions whether the development proposal complies with the 50% deep soil landscape control. Therefore, Condition 20 should be retained so that further details can be provided to demonstrate compliance with the deep soil landscape controls of the KPSO.

Item 2 should be retained as the revised landscape plan is not supported as well as Item 5 as conversion of this loading area into deep soil landscaping would ensure that the development proposal satisfies the deep soil landscape development standard of the KPSO.

Given that this option is not supported, Condition 19 should be retained as well as the note attached to Condition 30.

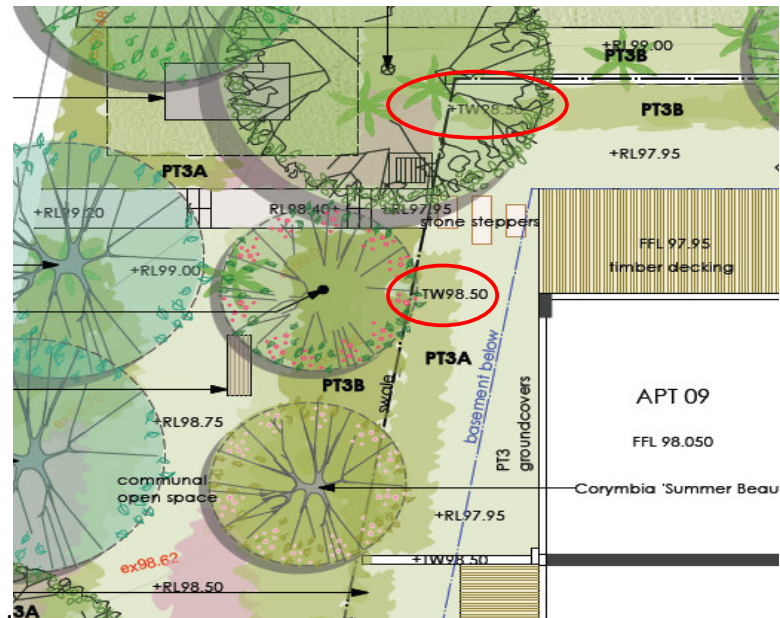


Figure 2 – Extract of Landscape Plan

## CONSULTATION – COMMUNITY

The documentation submitted by the applicant in response to the JRPP's resolution was not required to be notified.

## CONSULTATION – WITHIN COUNCIL

### Landscaping

Council's Landscape Assessment Officer commented on the additional information as follows:

#### Deep soil

*The plan provided at 1:500 is difficult to read in detail and makes recalculation of the figures claimed almost impossible. The previous deep soil plan was provided at 1:100.*

*The area of permeable paving is excluded from deep soil area. The nature of the paving (permeable/impermeable) is beneficial for reducing site runoff, however it is irrelevant to the achievement of deep soil landscape area, the purpose of which is for the viable establishment of planting. Such areas are not included within the definition of deep soil landscaping.*

*The amended deep soil compliance diagram and stormwater plan have deleted a 550mm high retaining wall along the northern boundary of Apartment 9. The top of wall level is still shown on the landscape plan. This wall is necessary to achieve a reasonable grade between the private courtyard and the proposed substation. Without it the area would likely be unstable.*

*Retention of this retaining wall would result in a reduction in the deep soil landscaped area calculation of approx. 7.1m<sup>2</sup> (the area of the wall and any area between it and the eaves that are less than 2 metres in width). If the deletion is to be pursued want to delete this wall, a*

*landscape section taken at the north-eastern corner of the private open space to Apt 9 including the substation, is to be provided to demonstrate reasonable grades can be achieved for planting including a canopy tree, as proposed on the landscape plan. The floor level of the existing house is RL99.75. The proposed level of the private open space of Apt 9 is 97.95, 1.8m below existing ground level.*

#### Stormwater plan

*The overland flow above the retaining wall east of Apartment 9 appears to be flowing uphill.*

*The RL's of the pits within the front setback to Dumaresq Street are incorrect and do not relate to the proposed surrounding finished levels. It is unclear how the overland flow swale and associated pits relate to the courtyard level of Apartment's 9 and 15.*

### **Engineering**

Council's Development Engineer commented on the additional information as follows:

*Option 1 (the preferred option) is the same as the proposal which was finally put to the JRPP. No technical objection is raised to the external turning bay, however the parking shortfall is still to be supported.*

*I agree with comments of the Landscape Assessment Officer regarding the stormwater plans. Pit 2.4 is about 0.75 metres above the adjacent path and Pit 2.2 appears to be some 1.1 metres above the nearby path, with no retaining wall between. I think the pit levels on the stormwater plans just need to be amended to be consistent with the landscape plan, and the swale shown – it should be over the pipeline between Pit 2.4 and Pit 2.3.*

*These anomalies were on the plans which were finally assessed (CIV-010 Issue 4) – the only current change on the stormwater plan (Issue 5) is that the wall between the communal open space and Apartment 9 has been deleted. This would seem to imply that a batter is to be provided between the point marked RL98.75 and the courtyard at RL97.95 on the landscape plan – perhaps a landscape section would help.*

These pit levels would need to be changed at Construction Certificate stage to ensure that an appropriate drainage system for the site is implemented. It demonstrates that there are still inconsistencies between submitted plans.

### **CONSULTATION – EXTERNAL TO COUNCIL**

No external consultation was considered necessary.

### **SECTION 94 CONTRIBUTIONS**

In the briefing prior to the Panel's meeting of 27 February 2014, the Panel members questioned the appropriateness of proposed Condition 38, which imposed the payment of a S94 contribution to Council. This query was raised having regard to the Voluntary Planning Agreement associated with the DA.

The imposition of this Condition was questioned by the Panel members, particularly with the matter of developer contributions being covered and dealt with in the Voluntary Planning Agreement.

Subsequent to those discussions, Council has sought legal advice on the matter. This advice confirms that the Voluntary Planning Agreement incorporates the requirements of Council's Contributions Plan 2010 and that the imposition of the proposed Condition 38 is not necessary. In response it has been deleted from the recommended conditions of consent attached to this report.

## CONCLUSION

The information responding to the resolution of the Sydney West Joint Regional Planning Panel (JRPP) on 27 February 2014 still does not adequately address concerns of the original report to the JRPP in terms of provision of adequate deep soil landscaping and car parking to satisfy the necessary provisions of the Ku-ring-gai Planning Scheme Ordinance. Given this, the original recommendation should be upheld.

## RECOMMENDATION

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

- A. THAT the JRPP, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to Clause 25 J (2) of the Ku-ring-gai Planning Scheme Ordinance is not well founded in its current form necessitating amendments as required by **Condition 19** of the recommended development consent.
- B. THAT the JRPP, as the consent authority, grant deferred commencement development consent to DA 0501/12 for demolition of existing improvements and construct a residential flat building containing 33 apartments, basement carpark and landscaping on land at Nos. 28-30 and part of No. 32 Dumaresq Street Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following terms of Schedule A and foreshadowed conditions of Schedule B below.

### Schedule A – Deferred Commencement terms

*The following matters shall be addressed to the satisfaction of Council within 12 months of the date of consent, prior to the issue of an operational consent:*

#### A. Subdivision of 32 Dumaresq Street

The applicant shall submit documentary evidence that the subdivision of Lot 1 DP949218 (No. 32 Dumaresq Street) to excise the future public road has been registered. This consent will not operate until the documentary evidence, in the form of a plan registered at the Department of Lands, has been submitted to and approved by Council.

**Reason:** To ensure that the development site exists separate to the future road prior to the development occurring.



**B. Approval of road design**

The applicant shall submit documentary evidence that the design of the new road along the western frontage of the site has been approved by Council's Director Operations. This consent will not operate until the documentary evidence, in the form of stamped endorsed plans, has been submitted to and approved by Council.

**Reason:** To ensure that the works along the site boundary both within and external to the site will be consistent in relation to levels, dimensions and materials.

**Schedule B –Conditions of consent****Conditions that identify approved plans:****1. Approved architectural plans and documentation**

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
000 Cover Sheet	Tzannes Associates	23/11/2012
0002 Site Plan Rev D	Tzannes Associates	30/9/2013
0003 Environmental Site & Management & Excavation Plan Rev C	Tzannes Associates	24/07/2013
1001 Basement Level Rev E	Tzannes Associates	30/9/2013
1002 Lower Ground Floor Plan Rev E	Tzannes Associates	30/9/2013
1003 Ground Floor Plan Rev E	Tzannes Associates	30/9/2013
1101 First Floor Plan Rev E	Tzannes Associates	30/9/2013
1102 Second Floor Plan Rev C	Tzannes Associates	24/07/2013
1103 Third Floor Plan Rev C	Tzannes Associates	24/07/2013
1104 Fourth Floor Plan Rev C	Tzannes Associates	24/07/2013
1105 Fifth Floor Plan Rev C	Tzannes Associates	24/07/2013
1106 Roof Plan Rev C	Tzannes Associates	24/07/2013
2000 Elevation North Rev C	Tzannes Associates	24/07/2013
2001 Elevation West Rev C	Tzannes Associates	24/07/2013
2002 Elevation East Rev C	Tzannes Associates	24/07/2013
2003 Elevation South Rev C	Tzannes Associates	24/07/2013
3001 Section_01 Rev C	Tzannes Associates	24/07/2013
3002 Section_02 Rev C	Tzannes Associates	24/07/2013
Landscape Plan L01	Jila	26.09.13
Levels Plan L02	Jila	26.09.13
Third Floor Garden Plan L03	Jila	25.09.13
Fourth Floor Garden Plan L04	Jila	25.09.13
Fifth Floor Garden Plan L05	Jila	25.09.13
Planting Schedule	Jila	25.11.13
CIV-010 Siteworks and Stormwater Management Plan Issue 4	Hyder Consulting Pty Ltd	01/10/13
CIV-025 Stormwater OSD Details Issue 2	Hyder Consulting Pty Ltd	01/10/13
CIV-030 Conceptual Combined Services Plan	Hyder Consulting Pty Ltd	01/10/13

Issue 2		
CIV – 040 Site Catchment Plan Issue 2	Hyder Consulting Pty Ltd	01/10/13
CIV -005 Erosion and Sediment Plan Issue 3	Hyder Consulting Pty Ltd	01/10/13

Document[s]	Dated
Materials & Sample Board prepared by Tzannes Associates Drawing MSB1 Rev A	Undated
Basix Certificate 455470m_02	1 August 2013
Access report prepared by Mark Reif	26 November 2012

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

## 2. Inconsistency between documents

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

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

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

### 3. 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.

### 4. 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.

### 5. 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.

### 6. 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

## **7. Dilapidation survey and report (public infrastructure)**

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- Full road pavement width, including kerb and gutter, of Dumaresq Street over the site frontage.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

## **8. Dilapidation survey and report (private property)**

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

Address

- 26 Dumaresq Street, including the boundary retaining wall

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.

## 9. 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 Stage 2 geotechnical investigation comprising a minimum of four cored boreholes as recommended in the report by JK Geotechnics dated 18 September 2012, and groundwater monitoring.

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

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

## 10. Construction and traffic management plan

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

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

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

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

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

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

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

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

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

## 11. Work zone

A Works Zone is to be provided 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 demolition, excavation and construction stages.

## 12. 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.

## 13. Tree protection fencing

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

Schedule	
Tree/location	Radius from trunk
Tree 1/ <i>Alectryon tomentosus</i> (Rambutan) located on the Dumaresq Street nature strip.	2m
Tree 2/ <i>Alectryon tomentosus</i> (Rambutan) located on the Dumaresq Street nature strip.	2m
Tree 3/ <i>Pistacia chinensis</i> (Pistacia) located on the Dumaresq Street nature strip.	2m
Tree 31/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	5m
Tree 32/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	5m
Tree 33/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the	5m

site.	
Tree 37/ <i>Lophostemon confertus</i> (Brushbox) located on the southern boundary of the site.	3m
Tree 38/ <i>Castanospermum australe</i> (Moreton Bay Chestnut) located on the southern boundary of the site.	4m

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

**Reason:** To protect existing trees during construction phase

#### 14. Tree protection signage

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

- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- Any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report.
- The arborist's report shall provide proof that no other alternative is available.
- The Arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council.
- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

#### 15. Tree protection 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.

#### 16. Tree fencing inspection

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

**Reason:** To protect existing trees during the construction phase.

#### 17. Construction waste management plan

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

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

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

**Reason:** To ensure appropriate management of construction waste.

## 18. Noise and vibration management plan

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

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

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

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

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

## 19. Amendments to architectural plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved architectural 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
1002 Lower Ground Floor	Tzannes Associates	30/9/2013

Plan Rev E		
2001 Elevation West Rev C	Tzannes Associates	24/07/2013
3001 Section_01 Rev C	Tzannes Associates	24/07/2013

The above plans shall be amended in the following ways:

- Apartment 3 shall be deleted from the proposed building and the basement car park is to be redesigned to provide car parking in accordance with clause 25 J(1) of the Ku-ring-gai Planning Scheme Ordinance as follows:-
 

(i)	resident car parking spaces –	35
(ii)	visitor spaces –	<u>8</u>
(iii)	total spaces -	<b>43</b>
- This redesign is to include the waste storage facilities at the lower ground floor level and be carried out also in accordance with **Conditions 30, 31, 32, 33 and 34** of this consent.

**Reason:** To ensure adequate car parking and services are provided on site

## 20. 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	Date
Landscape plan L01 - L07	Jila	26/09/13

The following changes are required to the Landscape Plan:

- Changes to the deep soil landscaping to achieve compliance with the deep soil landscaping requirement of clause 25 I(2) of the KPSO and these changes are to incorporate and are to be consistent with changes referred to in items 2 – 12 following
- To preserve the streetscape amenity, the area between the northern driveway and the north-west corner of the site shall be amended to include the proposed retaining walls as per the stormwater plan. The landscape plan is to be consistent with the stormwater plan -
- To enhance the streetscape, the fire hydrant is to be relocated from the corner and located in a visually discreet position within the site.
- To preserve neighbour amenity, at least three (3) additional locally occurring canopy trees that contain 13 metres in height are to be provided to the building along the eastern elevation.
- To preserve the streetscape character and to ensure compliance with the deep soil development standard, all paving associated with the loading zone is to be replaced with soft landscaping incorporating trees, shrubs and lawn that is consistent with the soft landscape treatment proposed to the south of the southern pedestrian entry path.
- Proposed planting plan shall indicate location of species and number in accordance with Council's DA Guide. The plant schedule shall include the pot size and quantity of all species.



7. Symbol for turf to be shown.
8. Existing street trees along Dumaresq Street shall be shown.
9. The proposed on slab areas shown as planting to both the northern and southern entries to the building is to provide sufficient depth to be viable for the proposed planting.
10. Existing levels should be retained within 2 metres of the site boundaries to preserve the natural landscape where possible.
11. To preserve the following tree, a note requiring the removal of the ivy infestation in the trunk is to be shown on the plan.
12. The private courtyard attached to Apartment 15 should be redesigned to incorporate a small paved area for future occupants whilst retaining ground covers given the front setback of the proposed building.

After the above changes have been incorporated into the amended landscaping plan(s) a further plan is to be prepared (and submitted to the certifier) showing all the deep soil landscaping areas and any necessary calculations to demonstrate compliance with the requirements of clause 25 I(2) of the Ku-ring-gai Planning Scheme Ordinance:

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

## **21. Voluntary planning agreement**

Prior to the issue of any Construction Certificate, the Voluntary Planning Agreement between Ku-ring-gai Council and Australia Wenzhou Group Property Pty Ltd titled 'Dumaresq Street Gordon Roadworks Planning Agreement' to be executed and implemented in accordance with the timetable and terms set within the document.

**Reason:** Statutory requirement.

## **22. Privacy**

A fixed privacy screen shall be attached to the eastern edge of balconies of Apartments 16, 23 and 29. The privacy screen shall have a height of 1.6m from the finished level of the balcony. The privacy screen shall be of durable material, appropriately integrated and shall be designed so as to prevent overlooking into the western window of No. 26 Dumaresq Street.

**Reason:** To maintain neighbour amenity

## **23. Long service levy**

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of

the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

**Reason:** Statutory requirement.

#### **24. Builder's indemnity insurance**

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

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work

**Reason:** Statutory requirement.

#### **25. Outdoor lighting**

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

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

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

#### **26. External service pipes and the like prohibited**

Proposed water pipes, waste pipes, stack work, duct work, mechanical ventilation plant and the like must be located within the building. Details confirming compliance with this condition must be shown on construction certificate plans and detailed with relevant Construction Certificate specifications. Required external vents or vent pipes on the roof or above the eaves must be shown on construction certificate plans and detailed with the Construction Certificate specifications. External vents or roof vent pipes must not be visible from any place unless detailed upon development consent plans. Where there is any proposal to fit external service pipes or the like this must be detailed in an amended development (S96) application and submitted to Council for determination.

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

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

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

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

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

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

## **28. Adaptable units**

Prior to the issue of the relevant Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, 4, 7, 14 and 21 are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

**Note:** Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** Disabled access & amenity.

## **29. Excavation for services**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that no proposed underground services (ie: water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

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

## **30. Recycling and waste management**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's waste Collection Services.

The responsibility for:

- the cleaning of waste rooms and waste service compartments; and

- the transfer of bins within the property, and to the collection point once the development is in use;

shall be determined when designing the system and clearly stated in the Waste Management Plan.

**Note:** The architectural plans are to be amended and provided to the Certifying Authority

**Reason:** Environmental protection

### **31. Driveway grades - basement carpark**

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.

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

### **32. 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 under DCP40 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.

### **33. Car parking allocation**

Car parking within the development shall be allocated in the following way:

- Resident car spaces 35
- Visitor spaces 8
- Total spaces 43

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

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities. The spaces shall be painted nominating them as 'Visitor's Parking'.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the relevant Construction Certificate.

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

#### **34. Number of bicycle spaces**

The basement car park shall be adapted to provide 10 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the relevant Construction Certificate.

**Reason:** To provide alternative modes of transport to and from the site.

#### **35. Utility provider requirements**

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

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

#### **36. Underground services**

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

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

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

#### **37. 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.

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

### **38. 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.

### **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. Construction noise**

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

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

### **42. 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

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

### **43. 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

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

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

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

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

**Reason:** Management of records.

#### **45. 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.

#### **46. Temporary irrigation**

Temporary irrigation within the Tree Protection Fencing is to be provided. Irrigation volumes are to be determined by the Project Arborist.

**Reason:** To protect trees to be retained on site.

#### **47. 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 18 September 2012 and the report submitted prior to commencement of bulk excavation. 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.

#### **48. 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 18 September 2012 and the report submitted prior to commencement of bulk excavation. 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.

#### **49. 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

#### **50. 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.

**51. 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.

**52. Recycling of building materials**

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.

**53. 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.

**54. Maintenance period for works in public road**

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

**Reason:** To protect public infrastructure.

**55. 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.

**56. 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.

### 57. Temporary rock anchors

If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

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

### 58. 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) <<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.

### 59. Arborist's report

The trees 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. An arborist report, prepared by Footprint Green, dated 8/11/12, has been submitted as part of the original application. Tree numbers refer to this report.

Regular inspections and documentation from the arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule	
Tree/location	Time of inspection
Tree 31/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	Commencement of excavation for driveway slab
Tree 32/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	Commencement of excavation for driveway
Tree 33/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	Commencement of excavation for driveway

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

### 60. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced AQF level 3 Arborist under the supervision of the Project Arborist and in accordance with the reduction pruning clause of AS4373-2007. All other branches are to be tied back and protected during construction, under the supervision of a qualified arborist.

Schedule	
Tree/location	Tree works
Tree 31/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	Minor pruning for building clearance
Tree 32/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	Minor pruning for building clearance
Tree 33/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	Minor pruning for building clearance

**Reason:** To protect the environment.

### 61. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification

of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

**Reason:** To protect existing trees.

## 62. Hand excavation

All excavation excluding for the driveways and basement within the specified radius of the trunk(s) of the following tree(s) shall be hand dug under the supervision of the Project Arborist.

Schedule	
Tree/location	Radius from trunk
Tree 31/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	7.8m
Tree 32/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	9m
Tree 33/ <i>Araucaria heterophylla</i> (Norfolk Island Pine) This 25 metre high tree is located on the southern boundary of the site.	4.8m

**Reason:** To protect existing trees.

## 63. 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.

## 64. 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.

## 65. 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.

## 66. Removal of noxious plants & weeds

All noxious and/or environmental weed species shall be removed from the property prior to completion of building works.

**Reason:** To protect the environment.

**67. 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; and
- 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.

**68. On site retention of waste dockets**

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

**Reason:** To protect the environment.

**Conditions to be satisfied prior to the issue of an Occupation Certificate:****69. Easement for support**

Prior to the issue of an Occupation Certificate, the applicant is to create an easement for support over the retaining wall footing in the north western corner. Following construction of the footing, but prior to backfilling, a registered surveyor is to prepare a plan of the extent of the footing inside the property for annexing to the easement documents. The terms of the easement for support are to require the footing, and any backfilling which forms part of the design, to be maintained for as long as the retaining wall is in place.

**Reason:** To protect Council's infrastructure.

**70. Easement for waste collection**

Prior to the issue of an Occupation Certificate, the applicant is to create an easement for waste collection. 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. Compliance with BASIX Certificate**

Prior to the issue of the relevant Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 455470m\_02 have been complied with.

**Reason:** Statutory requirement.

#### **72. Clotheslines and clothes dryers**

Prior to the issue of the relevant 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.

#### **73. Mechanical ventilation**

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

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

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

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

#### **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. Completion of tree works**

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all tree works, including pruning in accordance with AS4373-2007 or remediation works in accordance with AS4370-2009 or removal of ivy from the trunk of Tree 33, have been undertaken in accordance with the approved plan(s) and conditions of consent.

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

#### **76. Accessibility**

Prior to the issue of the relevant 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.

#### **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

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



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

**Reason:** To protect the environment.

#### **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. 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.

#### **81. 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 (refer DCP 40) 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.

#### **82. Reinstatement of redundant crossings and completion of infrastructure works**

Prior to issue of the Occupation Certificate, 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.

### **83. Construction of works in public road - approved plans**

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

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

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

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

### **84. Infrastructure repair**

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

**Reason:** To protect public infrastructure.

### **85. Fire safety certificate**

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

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

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

**Conditions to be satisfied at all times:**

### **86. Car parking**

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other

than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

The use of visitor's spaces and tenant spaces is to be protected and enforced through the following:

- restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919
- restriction on use under Section 68 of the Strata Schemes (Freehold Development) Act, 1973 to all lots comprising in part or whole car parking spaces

**Reason:** To ensure adequate provision of visitor parking spaces.

A Moore  
**Consultant Planner**

**Attachments:**

- A. Revised Landscape Plans (LO1 2014/85552; LO2 2014/85554)
- B. Revised Setback, Deep Soil, Common Open Space Plan (2014/085551)
- C. Revised Plan Drawing 1101 Rev F (2014/085550)
- D. Revised Drainage Plan (2014/085548)
- E. Revised SEPP No. 1 Objection (2014/085547)
- F. Applicant's covering letter (2014/085546)
- G. Previous assessment report and attachments (2014/085545)