

JRPP No	2013SYW048
DA Number	MOD0063/13
Local Government Area	Ku-ring-gai Council
Proposed Development	Modification to DA0619/11 proposing various changes to the approved 5 storey residential flat building development
Street Address	212-216 Mona Vale Road, St Ives
Applicant/Owner	Village Building Company / Canberra Estates Consortium No. 24 Pty Ltd
Number of Submissions	None
Recommendation	Approval
Report by	Jonathan Goodwill, Executive Assessment Officer

SUMMARY SHEET

REPORT TITLE:	212-216 Mona Vale Road, St Ives
LOT & DP:	Lot 100 DP 1176717
PROPOSAL:	Modification to DA0619/11 proposing various changes to the approved 5 storey residential flat building development
DEVELOPMENT APPLICATION:	MOD0063/13
WARD:	St Ives
APPLICANT:	Village Building Company
OWNER:	Canberra Estates Consortium No. 24 Pty Ltd
DATE LODGED:	26 April 2013
CAPITAL INVESTMENT VALUE OF APPROVED DEVELOPMENT:	\$30,542,292
PRE-DA MEETING:	Yes
SUBMISSIONS:	No
LAND & ENVIRONMENT COURT:	N/A
RECOMMENDATION:	Approval

Legislative requirements

Zoning	R4 High Density Residential under Ku-ring-gai LEP (Local Centres) 2012
Permissible Under	Ku-ring-gai LEP (Local Centres) 2012
Relevant legislation	SEPP 65 – Design quality of residential flat development SEPP (BASIX) 2004 Ku-ring-gai LEP (Local Centres) 2012 Local Centres DCP DCP 56 – Notification Residential Flat Design Code

Integrated Development No

PURPOSE FOR REPORT

To determine Section 96 Modification Application No. MOD0063/13 which proposes modifications to a development consent for demolition of existing dwellings and construction of three residential flat buildings comprising 124 units, landscaping and associated works at Nos 212 to 216 Mona Vale Road, St Ives.

The application is required to be reported to the Joint Regional Planning Panel in accordance with the requirements of Clause 21 of SEPP (State and Regional Development) 2011 as the capital investment value (CIV) of the approved development exceeds \$20 million.

HISTORY

Original development application

26 April 2012	DA0619/11, for the demolition of five dwellings and construction of three residential flat buildings comprising 124 units, landscaping and associated works at Nos. 212 to 216 Mona Vale Road and 5A & 13 Memorial Avenue, St Ives was approved by the Sydney West Joint Regional Planning Panel.
16 July 2012	A plan of consolidation for five allotments which formed the development site was registered with Land and Property Information. The legal description of the new allotment is Lot 100 DP 1176717 and the street address is No. 212-216 Mona Vale Road, St Ives.

Previous section 96 application (MOD0138/12)

A section 96(2) application was approved by the Sydney West Joint Regional Planning Panel on 25 October 2012. The approved modifications to the development consent included:

Basement modifications

Reallocation of car spaces for Apartments A301 and A404.

Ground floor modifications

- i. The floor layouts of Apartments AG01, AG02, AG04, AG07, AG10, BG01, BG03 and CG06 were altered.
- ii. The depth of the lobby in Block C was reduced from 2810mm to 1810mm.

Typical floor (Floors 1-3) modifications

- i. The floor layouts of Apartments A01, A02, A03, A07, B01 were altered.
- ii. The depth of the lobby in Block C was reduced from 2810mm to 1810mm.

Top floor (Level 4) modifications

- i. The awning projection over the non trafficable roof on the northern side of Apartment B401 was reduced from 3600mm to 2000mm.
- ii. The depth of the lobby in Block C was reduced from 2810mm to 1810mm.
- iii. Service risers were added over the fire stairs located at the northern and southern ends of the building.
- iv. The floor area of Apartments A401, A402 and A404 were increased.

Tree removal

The landscape plans were amended to include removal of a Jacaranda tree located to the north-west of Block C.

Pre DA Consultation

A Pre DA consultation to consider draft plans for a section 96 application to make further modifications to the consent was held on 19 December 2012. The key issues identified in the Pre DA meeting report were:

- i. visibility of air conditioning units
- ii. design resolution of top level (Block A)
- iii. daylight and solar access
- iv. wayfinding and accessibility
- v. siting and design of letterboxes

These issues have been satisfactorily addressed via a number of design amendments incorporated into the current section 96 application.

THE SITE

Zoning:	R4 High Density Residential
Visual character study category:	1945-1968
Lot number:	Lot 100 DP 1176717
Area:	7,462m ²
Side of street:	Northern
Cross fall:	East to west
Stormwater drainage:	By gravity to Mona Vale Road
Heritage affected:	No
Integrated development:	No
Bush fire prone land:	No
Endangered species:	No
Urban bushland:	No
Contaminated land:	No
Biodiversity land:	No
Riparian land:	No
Heritage conservation area:	No

THE SITE AND SURROUNDING AREA

The site is located on the northern side of Mona Vale Road, opposite the intersection of Mona Vale Road and Stanley Street, St Ives. The St Ives Shopping Village is located to the south-west and Stanley Street shops to the south.

The site is an irregularly shaped allotment with an area of 7,462m². The site has a frontage of 57.6 metres to Mona Vale Road. A single storey building used for sales/marketing purposes relating to the approved development is located in the centre of the southern-boundary of the allotment facing Mona Vale Road. The dwellings that were previously located on the site have been demolished and construction of the approved development has commenced.

The site is mainly flat, with only a slight fall to Mona Vale Road. The site adjoins a Council car park to the south-west (No. 208-210 Mona Vale Road), five storey residential flat buildings to the north and east (No. 220-222 Mona Vale Road and No. 17-19 Memorial Avenue/No. 102-118 Killeaton Street). All adjoining properties are zoned R4 High Density Residential.

THE PROPOSAL

The application is for modifications to the development consent under section 96(2) of the Environmental Planning and Assessment Act. Details of the modifications include:

Basement modifications:

- i. The basement plans (DA200 and DA201) have been modified to remove the allocation of parking spaces for each unit.
- ii. The visitor space and car wash in the lower basement have been relocated away from the lift core and closer to perimeter drainage.
- iii. Basement walls identified by note GG on Drawings 200 and 201 have been relocated.

Block A modifications

- i. Two secondary roofs over the balconies of Units A402 and A403/404 at the top floor level of Block A (fronting Mona Vale Road) have been deleted and the eaves of the main roof have been extended by 1.4 metres toward Mona Vale Road.
- ii. An air intake to provide ventilation for the basement has been added to the planter of unit AG01.
- iii. The sliding glass door to the living room of Unit AG08 has been increased in width.
- iv. The planter to A401 has been changed from a recessed planter to a planter on the unit slab.
- v. The spandrels of the enclosed balconies on the south-eastern elevation of Block A have been changed from glazing to painted concrete render.
- vi. The depth of the master bedroom of Unit A402 has been increased by 200mm.
- vii. Eight highlight windows have been added to the living areas of the units on the south-eastern side of level 4 of Block A.
- viii. The highlight window to the shower in the bathroom of Unit A403 has been deleted.

Block B modifications

- i. The terrace area for Unit B404 has been extended to include the non-trafficable area between the southern balcony and western balcony and the roof over the balcony of Unit B308 below.

Block C modifications

- i. The pitch of the roof over Unit C401 has been increased from 3 to 10 degrees.

Other modifications to buildings (Blocks A, B and /or C) and landscaped areas

- i. The roof pitch has been increased from 3 degrees to 5 degrees.
- ii. All low level sheet metal roofs have been changed to open metal pergolas with a powder coated finish.

- iii. The sunken air-conditioning platforms have been deleted. The condenser units are to sit on top of the roof and be no higher than the height of the approved louvres.
- iv. The mechanical exhaust riser between Block B and Block C has been deleted.
- v. Selected planter boxes to top floor Units including A403, A405 and C401 and one common area planter to B404 have been deleted. Two planter boxes have been added to Units A402, 403 and 404 with a rendered painted finish to match the colour of the vertical 'T' façade element.
- vi. The floor to floor levels of the ground floor, level 1 and 2 have been reduced by 130mm, from 3040mm to 2910mm. The finished floor to ceiling height remains at 2700mm generally to living areas. There is no change to the floor to floor heights of level 3 and level 4.
- vii. Proposed window and sliding door head heights have been reduced by 300mm from 2700mm to 2400mm.
- viii. A structure has been added over the basement stairs located between Blocks A and B in order to prevent water ingress.
- ix. The ramp over the northern most access handle from Memorial Avenue has been replaced with stairs. The accessible path to the communal open space to the north of the site has been relocated to a new 1m wide concrete pathway between the communal open space area at the rear of the site and the courtyard between Block B and Block C.
- x. The letterbox structures at the front of the site have been increased in size to accommodate all units and satisfy Australia Post design requirements. Two banks are now proposed parallel to the front property boundary and Mona Vale Road.
- xi. On-site stormwater detention/retention has been reduced by deletion of the 3rd OSD/OSR tank. The total amount of detention volume (99m³) stored in tanks and pipes have not changed.
- xii. The gross pollutant traps have been deleted and water quality targets are to be achieved by fitting EnviropodTM filters to stormwater pits.
- xiii. Gates have been added to the fire egress stairs of Blocks A and B.

Section 94 related conditions

Modification of Conditions No's 42, 43 and 44 relating to the payment of Section 94 Contributions to include a credit for the dwellings which existed on site at the time of DA lodgement.

AMENDED PLANS

Amended plans were submitted to Council on 21 June 2013. The amendments to the modification application were:

- i. withdrawal of request to modify section 94 contributions
- ii. existing ground level shown on sections

- iii. finishes shown on elevations
- iv. relocation of pits and pipes away from trees 28, 29, 35 and 36
- v. thrust boring excavation method specified for pipes located near trees 28, 29, 35 and 36
- vi. missing insert sketch added to the ground floor stormwater drainage plan
- vii. changes to the sizes of the planter boxes for Units AG01 and A403
- viii. amended BASIX certificates

COMMUNITY CONSULTATION

The application was lodged prior to the commencement of the Local Centres LEP therefore the notification procedures identified in DCP 56 – Notification apply. In accordance with the requirements DCP 56 - Notification, owners of surrounding properties were given notice of the application. No submissions were received.

AMENDED PLANS

In accordance with the requirements of DCP 56 – Notification, the amended plans submitted on 21 June 2013 were not notified as the amendments did not increase the environmental impact of the proposal.

INTERNAL REFERRALS

Landscaping

Council's Landscape Assessment Officer reviewed the application and advised that the proposal was acceptable, subject to standard conditions.

Engineering

Council's Team Leader Engineering Assessment reviewed the application and advised that the proposal was acceptable.

STATUTORY PROVISIONS

Environmental Planning and Assessment Act 1979 (as amended)

Section 96(2) of the *Environmental Planning and Assessment Act 1979* (as amended) empowers the consent authority to modify a consent under certain conditions which are addressed below.

Part A: Substantially the same development

The development as modified is substantially the same development as that approved. The essence and character of the development as modified is the same as the development for which consent was originally granted for the following reasons:

- i. the classification of the development as a Residential Flat Building has not changed
- ii. the number of apartments has not changed
- iii. the layout of the site and the footprint of the individual buildings has not changed
- iv. the modifications to the floor plans of the apartments are minor
- v. in the overall context of the development the modifications to the appearance of the building by way of roof design and window proportions are minor

Part B: Consultation with the Minister

Consultation with the Minister, public authority or approval body in respect of a condition imposed as a requirement of a concurrence to the consent is not required in the circumstances of this case.

Part C: Notification & submissions

The proposed section 96 modifications have been notified in accordance with the provisions of the regulations. No submissions were received in response to the notification of the application.

Part D: Section 79C(1)

In determining an application pursuant to section 96(2) the consent authority must take into such of the matters referred to in section 79C (1) that are of relevance to the development. A detailed assessment of the proposal against the matters for consideration under section 79C(1) is contained in this assessment report.

State Environmental Planning Policy (Building Sustainability Index BASIX) 2004

Amended BASIX certificates were submitted with the amended plans. The amended plans are consistent with the commitments identified in the BASIX certificate.

State Environmental Planning Policy No. 65 - Design quality of residential flat development

In accordance with Clause 115(3) of the *Environmental Planning and Assessment Regulation 2000*, a design verification statement was submitted with the application. The statement was prepared by Hugh Gordon (Registered Architect No. 7181) and addresses the following requirements of the *Regulation*:

- (a) *he or she designed, or directed the design, of the modification of the residential flat development, and*
- (b) *the residential flat development, as modified, achieves the design quality principles set out in Part 2 of [State Environmental Planning](#)*

Policy No 65—Design Quality of Residential Flat Development, and
(c) *the modifications do not diminish or detract from the design quality, or compromise the design intent, of the development for which the development consent was granted.*

The primary objective of SEPP 65 is to improve the design quality of residential flat development in NSW. The modifications to the development will improve the amenity of apartments on the top floor level of Block A and will not have significant impact on the internal amenity of the other apartments in the development. The modifications improve the appearance of the Mona Vale Road façade through the rationalisation of materials and the introduction of robust design elements, such as the concrete balustrades for the apartments on Levels 1, 2 and 3. The proposal is consistent with the design quality principles of SEPP 65.

Residential Flat Design Code Compliance

The modifications to the development do not result in any non compliances with the RFDC beyond those identified and supported in the assessment report which was prepared for the original development application.

Solar access

As a result of the proposed modifications solar access to the private open space of Apartment AG09 will be reduced from 3 hours to 2 hours and 15 minutes. Despite the reduction in solar access to Apartment AG09, at least 70% of the apartments in the development (87 of 124 apartments) will receive a minimum of 3 hours solar access to living rooms and private open space.

The modifications to the design of the roofs will not reduce solar access to communal open space or adjoining properties.

Accessibility

The pedestrian ramp over the driveway to the rear of the basement carpark under Block C has been deleted and replaced with stairs. This modification resolved the insufficient clearance between the underside of the pedestrian ramp and the driveway of the basement carpark. The proposal now incorporates a new access path on the northern side of Block C. The access path ties in to the network of paths within the site by linking the secondary communal open space area between Blocks B and C with the primary open space area at the rear of the site. The secondary communal open space area between Blocks B and C contains outdoor seating and a water feature and is designed for passive recreation while the primary communal open space area is larger in size and incorporates covered seating and a BBQ area. To ensure that appropriate lighting is provided for the new access path, a condition has been included in the recommendation which requires that an amended lighting plan be submitted to the certifying authority with the application for construction certificate. **(Condition 40A)**

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

Zoning and permissibility:

The site is zoned R4 High Density Residential.

The modifications to the approved development will not alter the classification of the development as a residential flat building under the Ku-ring-gai LEP (Local Centres) 2012. The development as amended, is permissible development.

Residential zone objectives:

The following objectives apply to development in the R4 High Density Residential zone:

- to provide for the housing needs of the community within a high density residential environment*
- to provide a variety of housing types within a high density residential environment*
- to enable other land uses that provide facilities or services to meet the day to day needs of residents*
- to provide for high density residential housing close to public transport, services and employment opportunities*

The modifications to the development are consistent with the zone objectives.

Development standards:

Development standard	Proposed	Complies
Building height: 17.5m	17.5m	YES
Floor Space Ratio: 1.3:1	1.056:1	YES

POLICY PROVISIONS

Local Centres Development Control Plan

The application was submitted to Council on 26 April 2013 and the Local Centres DCP came into force on 7 June 2013. The provisions of the Local Centres DCP are similar to those of DCP 55 which applied to the proposal at the time that the original development application was determined. The modifications to the development do not result in any non compliances with the provisions of the Local Centres DCP.

Air conditioning units

Design Control 7C.13 'Top Storey Design and Roof Forms' states that service elements are to be integrated into the overall design of the roof so as not to be visible from the public domain or any surrounding development. The approved development utilised two sunken platforms per building to provide spaces for

air conditioning units that would not be visible from the public domain or adjoining development. The sunken platforms were surrounded by louvre screens.

The proposed modifications include the deletion of the sunken platforms, retaining the screens and fixing the air conditioning units directly to the roof. The screened areas are set back from the edges of the building to limit their visibility from the public domain and adjoining development. The louvre screens are 800mm high. The applicant has advised that the air conditioning units have a height of 730mm, including the frame to which they are attached.

As the air conditioning units are of lesser height than the louvres and the areas identified for air conditioning units are set back from the edges of the building they will not be visible from the public domain or adjoining development. The modifications are consistent with the requirements of Part 7C.13 'Top Storey Design and Roof Forms' of the Local Centres DCP.

Façade design

The southern elevation of Block A which faces Mona Vale Road has been redesigned through the replacement of the glazed balustrades to the enclosed balconies with rendered masonry balustrades, the deletion of the secondary roofs over the terraces on the penthouse level and the reduction in window head heights by 300mm. The planter boxes on the penthouse level have also been extended to tie in with the top part of the 'T' shaped façade features and the eaves of the main roof have been extended by 1400mm to provide a strong horizontal line at the top of the building.

The modifications will improve the façade design as materials have been rationalised and the top storey has been simplified by the deletion of the secondary roofs. The proportion of glazing to masonry now reflects the adjoining building at 220-222 Mona Vale Road.

Car parking

One of the proposed modifications is the deletion of the annotations on the basement plans which assign car parking spaces to specific units in the development. This modification is supported as **Condition 36** of the development consent specifies the manner in which car parking spaces are to be allocated. The requirements of **Condition 36** reflect the controls in the Local Centres DCP and will ensure that the accessible car spaces are allocated to the adaptable units in the development.

Landscaping

Condition 21 of the development consent required several changes to the approved landscape plans. The landscape plans submitted with the section 96 modification application include the changes required by **Condition 21**. As **Condition 21** is no longer required it is recommended that it be deleted.

Ku-ring-gai Contributions Plan 2010

The applicant withdrew their original request to modify the conditions relating to section 94 development contributions. The contributions required to be paid by **Conditions 42, 43 and 44** of the development consent have been calculated in accordance with the requirements of the Contributions Plan. No changes to the contributions conditions are required.

THREATENED SPECIES

The proposed modification does not relate to a development to which a biobanking statement has been issued under the Threatened Species Conservation Act 1995.

LIKELY IMPACTS

The likely impacts of the modification have been considered against the requirements of SEPP 65, Local Centres LEP, and Local Centres DCP. The modifications will not detract from the design quality of the development and are consistent with the requirements of the planning controls.

SUITABILITY OF THE SITE

The site is zoned R4 High Density Residential and residential flat buildings are permissible. The site is considered suitable for the modified residential flat development.

ANY SUBMISSIONS

No submissions were received.

PUBLIC INTEREST

The modifications to the approved development have been assessed against the provisions of the relevant Environmental Planning Instruments and are deemed to be acceptable. On this basis, the proposal is considered to be consistent with the public interest.

CONCLUSION

This application has been assessed in accordance with s.96(2) of the *Environmental Planning and Assessment Act 1979*. The proposal achieves compliance with the requirements of the relevant instruments and policies and is recommended for approval.

RECOMMENDATION

PURSUANT TO SECTION 96(2) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, approve Section 96 Application No. MOD0063/13 and modify the development consent to Development Application No. 0619/11 in the following manner:

Replace **Condition No. 1** with the following amended condition:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
DA 100 Revision HH	Village Design	24/04/2013
DA 101 Revision DD	Village Design	24/04/2013
DA 200 Revision GG	Village Design	24/04/2013
DA 201 Revision GG	Village Design	24/04/2013
DA 202 Revision DD	Village Design	24/04/2013
DA 203 Revision CC	Village Design	24/04/2013
DA 204 Revision CC	Village Design	24/04/2013
DA 301 Revision Q	Village Design	24/04/2013
DA 302 Revision HH	Village Design	14/06/2013
DA 303 Revision Q	Village Design	14/06/2013
DA 304 Revision Q	Village Design	14/06/2013
DA 401 Revision K	Village Design	14/06/2013
LA-CV00 Revision A07	DEM	12/06/2013
LA-0503 Revision A13	DEM	12/06/2013
LA-0504 Revision A09	DEM	12/06/2013
LA-0505 Revision A05	DEM	10/04/2013
LA-0601 Revision A07	DEM	10/04/2013
LA-0602 Revision A06	DEM	19/03/2013
LA-0603 Revision A08	DEM	12/06/2013
LA-0604 Revision A07	DEM	12/06/2013
LA-0701 Revision A06	DEM	10/04/2013
LA-0702 Revision A05	DEM	19/03/2013
LA-0703 Revision A06	DEM	12/06/2013
LA-0704 Revision A06	DEM	12/06/2013
Specialist Lighting Concept (5 sheets)	Webb Australia Group	undated
S96.01 Issue 4	Acor Appleyard	11/06/2013
S96.02 Issue 3	Acor Appleyard	11/06/2013
S96.03 Issue 7	Acor Appleyard	18/06/2013
S96.04 Issue 5	Acor Appleyard	11/06/2013
S96.05 Issue 6	Acor Appleyard	18/06/2013
S96.06 Issue 6	Acor Appleyard	18/06/2013
S96.07 Issue 5	Acor Appleyard	11/06/2013
S96.08 Issue 5	Acor Appleyard	11/06/2013

S96.09 Issue 4	Acor Appleyard	11/06/2013
S96.10 Issue 4	Acor Appleyard	11/06/2013
S96.11 Issue 4	Acor Appleyard	11/06/2013
S96.12 Issue 4	Acor Appleyard	11/06/2013
S96.13 Issue 3	Acor Appleyard	11/06/2013
S96.14 Issue 4	Acor Appleyard	11/06/2013
S96.15 Issue 3	Acor Appleyard	11/06/2013

Document(s)	Dated
SEPP 65 Design Verification Statement prepared by Rudi Valla	undated
Development Impact Assessment Report prepared by Earthscape Horticultural Services	November 2011
Addendum to Arborists Report prepared by Earthscape Horticultural Services	26/04/2013
Basix certificate No. 367598M_09	20/06/2013
Basix certificate No. 404354M_05	24/04/2013
Basix certificate No. 404379M_05	20/06/2013
Rosedale Unit Type, Area & Storage Schedule	6/03/2012
Letter from ERBAS RE: Confirmation of Equipment Installation Location	1/11/2011
Report on Geotechnical Investigation Project 72026.00	9/10/2010
Access Report prepared by Mark Relf	17/11/2011
Access Report prepared by Mark Relf	23/04/2013
Waste Management Plan prepared by EMF Griffiths Sustainability Consultants. Issue 11.	6/03/2012
DA Acoustic Assessment prepared by SLR. Revision 2.	7/11/2011
Letter from Roads and Maritime Services	22/12/2011

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

Replace **Condition No. 3** with the following amended condition:

3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
LA-CV00 Revision A07	DEM	12/06/2013
LA-0503 Revision A13	DEM	12/06/2013
LA-0504 Revision A09	DEM	12/06/2013
LA-0505 Revision A05	DEM	10/04/2013
LA-0601 Revision A07	DEM	10/04/2013
LA-0602 Revision A06	DEM	19/03/2013

LA-0603 Revision A08	DEM	12/06/2013
LA-0604 Revision A07	DEM	12/06/2013
LA-0701 Revision A06	DEM	10/04/2013
LA-0702 Revision A05	DEM	19/03/2013
LA-0703 Revision A06	DEM	12/06/2013
LA-0704 Revision A06	DEM	12/06/2013

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

Replace **Condition 64** with the following amended condition:

64. Arborist's report

The trees to be retained shall be inspected, monitored and treated by a Project Arborist who must be a qualified (AQF) Level 5 arborist in accordance with AS4970-2009 Protection of trees on development sites. Regular inspections and documentation from the project arborist to the Principal Certifying Authority are required including at the following times or phases of work. All monitoring shall be recorded and provided to the Principal Certifying Authority prior to completion of the works.

Schedule	
Tree/location	Time of inspection
Tree 7/ <i>Pinus patula</i> (Mexican Pine) located within the front setback on the south western boundary	Demolition of masonry walls and driveway within TPZ
Tree 8/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) located within the front setback on the south western boundary	Commencement of excavation for pedestrian path and stormwater line within TPZ
Tree 12/ <i>Araucaria columnaris</i> (Cook's Pine) located within the front setback on the south western boundary	Commencement of excavation for pedestrian path and stormwater line within TPZ
Tree 25/ <i>Pinus patula</i> (Mexican Pine) located within the front setback	Installation of ground protection for haulage roads and erection of scaffolding, excavation for substation within TPZ
Tree 28/ <i>Cedrus deodara</i> (Himalayan Cedar) located within the front setback.	Installation of ground protection for haulage roads

Schedule	
Tree/location	Time of inspection
	and excavation for basement and entry path posts within TPZ
Tree 29/ <i>Cedrus deodara</i> (Himalayan Cedar) TPZ 8.3m The tree is located within the front setback	Installation of ground protection for haulage roads and excavation for basement and driveway within TPZ
Tree 33b/ <i>Liquidambar styraciflua</i> (<i>Liquidambar</i>) located on the adjoining property adjacent to the front setback	Installation of ground protection for haulage roads and excavation for stormwater lines and driveway within TPZ
Tree 35/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Excavation for basement, hand digging for 150mm diam. stormwater line along back of basement wall and thrust boring 300mm diam. stormwater line between P3 and P4 within TPZ, installation of scaffolding
Tree 36/ <i>Lophostemon confertus</i> (Brushbox) located between Block A and Block B	Excavation for basement, hand digging for 150mm diam. stormwater line along back of basement wall and installation of scaffolding
Tree 64/ <i>Archontophoenix cunninghamiana</i> (Bangalow Palm) located on eastern boundary, east of proposed Block C	Thrust boring for stormwater line within TPZ
Tree 66a/ <i>Franklinia axillaris</i> (Gordonia) located on eastern boundary, east of proposed Block C	Thrust boring for stormwater line within TPZ
Tree 72/ <i>Jacaranda mimosifolia</i> (Jacaranda) located on north-west boundary, north of northern access handle,	Demolition of existing pavement,

Schedule	
Tree/location	Time of inspection
within adjoining property	installation of ground protection for haulage roads
Tree 73/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the access handle (entry from Memorial Road)	Demolition of existing pavement, installation of ground protection for haulage roads
Tree 74/ <i>Celtis occidentalis</i> (Hackberry) located within the adjoining property on the north side of the proposed driveway (entry from Memorial Road)	Demolition of existing pavement, installation of ground protection for haulage roads
Tree 75/ <i>Schinus areira</i> (Peppercorn Tree) TPZ 4.2 The tree is located on the adjoining property, 3.0m south of the proposed driveway (entry from Memorial Road)	Demolition of existing pavement, installation of ground protection for haulage roads
Tree 76/ <i>Stenocarpus sinuatus</i> (Firewheel Tree) TPZ 7.2 The tree is located within the adjoining property on the western boundary	Installation of ground protection for haulage roads, thrust boring for stormwater lines within TPZ
Tree 87/ <i>Liquidambar styraciflua</i> (Liquidambar) located within the adjoining property, south of the proposed driveway (exit to Memorial Road)	Demolition of existing pavement, installation of ground protection for haulage roads, excavation for driveway, footpath and stormwater lines within TPZ
Tree 87a/ <i>Agonis flexuosa</i> (Willow Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road)	Demolition of existing pavement, installation of ground protection for haulage roads, excavation for driveway, footpath and stormwater lines within TPZ
Tree 87b/ <i>Lagerstroemia indica</i> (Crepe Myrtle) located within the adjoining property, south of the proposed driveway (exit to Memorial Road)	Installation of ground protection for haulage roads, excavation for footpath and

Schedule	
Tree/location	Time of inspection
	stormwater lines within TPZ
Tree1/ <i>Ginkgo biloba</i> (<i>Maiden-hair Tree</i>) located on the Mona Vale Road nature strip	Installation of ground protection for haulage roads, excavation for front fence within TPZ
Tree 3/ <i>Eucalyptus microcorys</i> (Tallowood) located on the Mona Vale Road nature strip	Installation of ground protection for haulage roads, excavation for stormwater lines and driveway within TPZ

Reason: To ensure protection of existing trees.

Replace **Condition No. 76** with the following amended condition:

76. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificates numbered 367598M_09, 404354M_05, and 404379M_05 have been complied with.

Reason: Statutory requirement.

The addition of the following conditions:

40A. Amended lighting plan

Prior to the issue of the Construction Certificate, the lighting concept plan listed in **Condition No. 1** is to be amended to include lighting for the new paths approved as part of Section 96 application No. MOD0063/13. The amended plan is to be submitted to the Certifying Authority for approval and lighting works as to be implemented in accordance with the amended plan.

Reason: To provide high quality open space within the development by ensuring that adequate lighting to internal footpaths is provided.

1A. Roof mounted air conditioning units

The air conditioning units (condensers) on the roofs of the three buildings in the development are to have a maximum height of 730mm including the frame to which they are attached.

Reason: To ensure that the air conditioning units (condensors) are no higher than the louver screens which surround the roof level mechanical equipment areas identified on drawing number DA101 Rev DD.

The deletion of **Condition No. 21**.

Jonathan Goodwill
Executive Assessment Officer

Richard Kinnamont
**Team Leader Development
Assessment**

Corrie Swanepoel
**Manager
Development Assessment Services**

Michael Miocic
**Director
Development & Regulation**

Attachments:

1. Locality Sketch
2. Zoning Extract
3. Basement Plans
4. Floor Plans
5. Elevations & Sections
6. Landscape Plan