JOINT REGIONAL PLANNING PANEL
(Sydney West Region)

JRPP No	**2015SYW017**
DA Number	**0423/14**
Local Government Area	**Ku-ring-gai Council**
Proposed Development	**Demolition of the existing dwellings and construction of two residential flat buildings containing a total of 74 apartments, basement parking and landscaping works**
Street Address	**124-128 Killeaton Street, St Ives**
Applicant **Owner**	**Ausprospect Pty Ltd** **Michel Stephan** **Margaret Denise McElhone** **Trevor and Brenda Satill**
Number of Submissions	**Original proposal - 8 submissions** **Amended proposal - 2 submissions**
Recommendation	**Approval**
Report by	**Grant Walsh, Executive Assessment Officer**

EXECUTIVE SUMMARY

Primary Property	124-128 Killeaton Street, St Ives
Lot & DP	1/230508 2/230508 3/230508
Proposal	Demolition of the existing dwellings and construction of two residential flat buildings containing a total of 74 units, basement parking and landscaping works
Development Application No.	0423/14
Ward	St Ives
Applicant	Ausprospect Pty Ltd
Owner	Michel Stephan Margaret Denise McElhone Trevor and Brenda Satill
Date lodged	17 October 2014
Issues	Building depth, Apartment depth, top storey area, side setbacks.
Submissions	Original proposal - 8 submissions Amended proposal - 2 submissions
Land & Environment Court	N/A
Recommendation	Approval
Assessment Officer	Grant Walsh

LEGISLATIVE REQUIREMENTS:

Zoning	R4 – High Density residential
Permissible under	KLEP (Local Centres) 2012
Relevant legislation	SEPP 55 SEPP 65 SEPP (Infrastructure) 2007 SEPP (BASIX) 2004 SREP (Sydney Harbour Catchment) 2005 KLEP (Local Centres) 2012 KDCP (Local Centres) 2013 Ku-ring-gai Contributions Plan 2010
Integrated development	Yes – NSW Office of Water

PURPOSE FOR REPORT

To determine Development Application No. 0423/14, which seeks consent for the demolition of the existing residential dwellings and construction of two residential flat buildings containing a total of 74 apartments, basement car parking and associated landscape works on land at 124 -128 Killeaton Street, St Ives.

The application is required to be determined by the Joint Regional Planning Panel as the stated cost of works (CIV) of $20, 437, 850 exceeds $20 million.

HISTORY

Site history:

The site has a history of residential uses.

Rezoning history

The site was rezoned in February 2013 from the zone 2 (d3) under the Ku-ring-gai Planning Scheme Ordinance to the current zone R4 – High Density Residential under the Ku-ring-gai LEP (Local Centres) 2012.

Current development application history

17 October 2014	The development application was lodged.
29 October 2014	The application was notified/advertised for 30 days.
31 October 2014	The application was referred to Roads and Maritime Service (RMS) of NSW and the NSW Office of Water.
20 November 2014	Comments were received from the NSW RMS.
23 December 2014	Comments were received from the NSW Office of Water.
2 March 2015	An email was sent to the applicant advising of outstanding issues associated with solar access, deep soil, tree impacts, setbacks, stormwater management, basement car park design and amenity.
14 April 2015	A site inspection was undertaken with the applicant in attendance.
29 April 2015	A meeting was held with the applicant to discuss the outstanding issues.
26 May 2015	Concepts plans relating to solar access were received.
30 July 2015	Amended plans and documentation were received.
4 August 2015	The amended plans were notified/advertised for 30 days.
21 August 2015	Comments were received from the NSW Office of Water.
31 August 2015	Comments were received from NSW RMS.
4 September 2015	Revised stormwater plans were received.
17 September 2015	Revised driveway section details were received.

THE SITE AND SURROUNDING AREA

The site:

Visual character study category:	1945-1968
Easements/rights of way:	No
Heritage Item:	No
Heritage conservation area:	No
In the vicinity of a heritage item:	No
Bush fire prone land:	No
Endangered species:	Yes – Sydney Turpentine Ironbark Forest
Urban bushland:	No
Contaminated land:	No

Site description

The site consists of three separate allotments, identified as Lots 1, 2 and 3 in DP 230508 and is known as 124,126 and 128 Killeaton Street, St Ives. The site is located at the northern end of the St Ives Local Centre on the corner of Killeaton Street and Mona Vale Road, which makes it an irregular shaped allotment given the corner frontage. The site has the following indices:

- Site area 4575m²
- Combined frontage (Killeaton Street and Mona Vale Road) 104.17 metres
- Side boundary length of 55.738 metres

The site slopes moderately in an east/west direction, with a total fall of approximately 3.3 metres.

Existing development on the site consists of three two storey brick dwelling houses, with associated carparking facilities and swimming pools located within the rear yard. A brick wall is located on the Mona Vale Road boundary.

The site contains significant vegetation primarily located along its boundaries and also includes Sydney Turpentine which forms part of an endangered ecological community.

All immediately adjoining properties are zoned SP2 Infrastructure.

The site does not contain any heritage items, is not within the vicinity of a heritage item and is not within a heritage conservation area.

Surrounding development

Development on surrounding land is a mix of residential, school/church, child care centres, and commercial uses.

The Corpus Christi Catholic Church and Primary School are located immediately to the south and south-east of the site at 17-21 Link Road and 263 Mona Vale Road.

To the east of the site, at 130 Killeaton Street, is a dwelling house associated with the Corpus Christi School/Church.

Further to the east at of the site, at 132-138 Killeaton Street, is a large 5 storey residential flat building development constructed by Meriton which has recently been completed.

Development on the northern side of Killeaton Street is characterised by one and two storey dwelling houses, set within established landscaped gardens and a child care centre located within a converted dwelling house as shown in **Figure 1** below:

Figure 1.0 - Aerial photo of the site and surrounding area (source: KMC GIS)

THE PROPOSAL

The proposal, as originally submitted, involves the demolition of all buildings and associated structures and construction of two residential flat buildings, containing a total of 74 apartments, basement parking and landscaping works.

The proposed unit mix is as follows:

- 17 x 1 bedroom apartments
- 48 x 2 bedroom apartments
- 9 x 3 bedroom apartments

It is proposed to excavate for two levels of basement carparking to be accessed from Killeaton Street (toward the eastern side boundary). The basement parking includes a total of 97 parking spaces, consisting of 79 residential (including 8 accessible), 18 visitor spaces and a loading zone.

Amended plans dated July 2015

The amended plans included the following changes:

- modifications to the configuration of the ground floor of Building B, including changes to the communal open space area and access to courtyards
- modification to the courtyard areas, increasing the front setback to a minimum of 8 metres and a side setback of 4 metres
- reconfiguration of the layout of units at Levels 1-4, including revised layouts to Units B42 –B66 and B44 – B68 moving the living space forward to the facade line to maximize solar access
- reconfiguration of Units B45-B69 to provide an enclosed balcony –sunroom/winter garden
- modification to unit B74 moving the living space to the facade to improve solar access
- installation of sun shade hoods to the east and west elevation of the buildings at Ground-Level 3
- installation of angled operable skylights to Units A34, A37 and A38 and B71 and B72
- modification to the deep soil landscape plan to achieve compliance

The unit mix has also been amended as follows:

- 18 x 1 bedroom units
- 47 x 2 bedroom units
- 9 x 3 bedroom units

The modified carparking allocation as follows:

- 73 residential spaces (including 8 accessible spaces)
- 18 visitor spaces,
- 18 residential bicycle spaces,
- 10 visitor bicycle spaces
- 6 motorcycle spaces

COMMUNITY CONSULTATION

In accordance with the notification provisions of Part 5 of the Ku-ring-gai Local Centres Development Control Plan, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. *Ian Cameron, 6/95 Killeaton Street, St Ives*
2. *Paul Norburn, 410/132-138 Killeaton Street, St Ives*
3. *Richard M Wallace, 10/95 Killeaton Street, St Ives*
4. *Samia Mehfooz and Asim Sohail 132/132-138 Killeaton Street St Ives*
5. *Prof A and Mrs JM Baker, G80/132-138 Killeaton Street, St Ives*
6. *David and Alison Walcot, 449/132-138 Killeaton Street, St Ives*
7. *Elana Sacks, 113 Killeaton Street, St Ives*
8. *Alan Fok, 103/132-138 Killeaton Street, St Ives*

The submissions raised the following concerns:

Road infrastructure is deficient and unable to cater for the proposal given the existing traffic flows and uses within the area

Councils' Development Engineer assessed the proposal in relation to traffic generation and the provision of off street car parking. The Engineer concluded that minimal traffic volume would be generated during the peak times in terms of the road capacity and that the increase in traffic flows is not expected to have a significant effect on the existing road network and intersection capacities.

Construction traffic and parking will adversely affect residents

Council's Development Engineer recommended a condition of consent which requires the submission of a Construction and Traffic Management Plan prior to the issue of a Construction Certificate (**Condition 9)**.

Concern that a large number of 2 bedroom apartments may not have sufficient parking available

The proposal complies with Council's off street car parking rates as prescribed by the Local Centres Development Control Plan. Refer to Engineering comments.

The proposal is in close proximity to a major intersection which may result in safety issues in terms of sight lines

As noted above, Council's Development Engineer has indicated that traffic flows are not expected to have a significant effect on the existing road network and intersection capacities. No issues with sight lines are expected.

Inadequate car parking spaces

The proposal complies with the required off street car parking rates (including visitor spaces) specified in the Local Centres DCP. Refer to Engineering comments below.

Loss of privacy to 10/95 Killeaton Street

The proposal is located approximately 40 metres from 95 Killeaton Street which is situated on the opposite side of Mona Vale Road. The building separation controls require a minimum of 12 -18 metres to alleviate privacy concerns. The proposal is therefore acceptable in this regard.

The proposal will impact upon the existing streetscape through a loss of vegetation

The plans have been amended to retain significant vegetation, particularly around the front boundary of this site. Council's Landscape Assessment Officer has assessed the proposed tree and considers it to be acceptable. Refer to Landscape comments below.

Excessive bulk

The proposal complies with height, maximum floor space and building separation controls. It is not considered that the building is too bulky.

Request for an increase in the frequency of the 194 bus service

Council has no power relating to bus service provision as it falls under the jurisdiction of the state government.

Noise during construction will impact upon the primary school, church and nearby child care centres

Noise during construction is inevitable. However a standard condition of consent which restricts hours of construction for the protection of adjoining uses/properties is recommended (**Condition 44).**

Amended plans dated July 2015

The second set of amended plans were also notified. Submissions from the following were received:

1. *Geoff Rich, 17 Kenthurst Road, St Ives*
2. *Samia Mehfooz and Asim Sohail, 132/132-138 Killeaton Street, St Ives*

The submissions did not raise any additional issues beyond those identified above.

INTERNAL REFERRALS

Engineering

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

> ***Stormwater disposal***
>
> *The subject site is relatively flat, with a moderate fall from the south-eastern corner towards the north western corner (Mona Vale Road) by approximately 3.3 metres across the site.*
>
> *The stormwater plans shows a combined on-site detention and retention tank comprising 265 cubic metres and 8,000 litres of storage, respectively, located at the north western corner of the lower basement 1. The overflow from the on-site detention and retention tank facility is to be conveyed to the existing kerb inlet pit in Mona Vale Road via a new 300mm diameter pipe. It appears that the consulting engineer has over designed the OSD system in order to ensure that the discharge from the site post-development to the Roads and Maritime drainage system is less than the pre-development flows as required by RMS. The OSD requirements described in Volume C Part 4B.5 of the DCP have been satisfied.*
>
> *A revised BASIX Certificate has been submitted, with the water commitments requiring a central water tank (rainwater or stormwater) of 8,000 litres to collect runoff from at least 300 square metres of roof area and irrigation of 700 square metres of common landscaped area on the site.*

An additional rainwater tank of 10,000L for the Building B is to be provided within the garbage room within Basement 1. As such, a total of 18,000 litres of retention is proposed for all ground landscaping purposes as well as for toilet flushing, laundry use and irrigation to Building B ground, Level 1 and Level 2. According to the Stormwater Management Plan Ref: 14160-001-swmp-Rev B dated July 2015 prepared by ABC Consultants, the 50% reduction in runoff days required under Volume C Part 4B.3 of the DCP will be achieved.

A pump-out system, with storage capacity of 8.62 cubic metres, has been provided within the basement carpark to drain the driveway area of 67square metres with the rising main directed to the detention tank. The pump-out tank has been sized in accordance with the Local Centres DCP requirements.

The design has provided a proprietary gross pollutant trap (GPT) 'Stormwater360 - Enviropod' located within all surface inlet pits together with Stormfilters located within the detention system to capture litter, debris and other pollutants prior to connection into Council's public drainage system. The stormwater treatment standards / targets outlined in Council's Local Centres DCP Volume C Clause 4B.6 would be achieved by the proposed treatment train.

Council's Landscape Services have conditioned that the stormwater plan be amended to delete the stormwater line and associated pits located within the landscaped front setback to preserve the health and condition of the existing trees on site. In this instance, there is no objection to the stormwater runoff captured from the pathways being managed by way of rainscaping to direct the water into vegetated areas for infiltration.

Traffic generation

According to the applicant's traffic engineer, the development would generate approximately 14 and 11 peak hour vehicle trips, respectively for the am and pm. However, the new guidelines are based on high density residential unit sites within the Sydney metropolitan area close to railway stations. Given that the subject site is not within close proximity to a railway station, the traffic generation rates would be similar to a regional area (0.53 for am, 0.41 for pm).The rates would represent one vehicle trip every 2 and 3 minutes during the am and pm peak hours. This is considered to be a minimal traffic volume. The increase in traffic flows is not expected to have a significant effect on the existing road network and intersection capacities.

Vehicular access and accommodation arrangements

The site is zoned 'R4' under the Local Centres LEP. The parking provisions have been determined using Ku-ring-gai Council Local Centres Development Control Plan for residential flat buildings. The site is located more than 400m walking distance from a railway station. The following parking provisions have been adopted:

Ku-ring-gai Council Local Centres DCP Volume C Clause 2R.2 'Car Parking Rates'

Residential Flat Building	***Parking Space Requirement***
1 bedroom unit	*1 space per unit*
2 bedroom unit	*1 space per unit*
3 bedroom unit	*1.5 spaces per unit*
Visitor car spaces	*1 space per 4 units*

18 x 1 bedroom = 18 x 1 space/unit = 18 spaces
47 x 2 bedrooms = 47 x 1 space/unit = 47 spaces
9 x 3 bedrooms = 9 x 1.5 spaces/unit = 13.5 spaces
74 units - visitor space/4 dwellings = 18.5 visitor spaces
Total parking spaces required = 97 spaces.

The development proposes 99 off-street parking spaces, comprising 73 residents' spaces (including 8 adaptable spaces) and 18 visitor spaces.

A service loading bay has been provided within the basement parking area adjacent to the garbage room. The required loading bay dimensions of 3.5m x 6m have been satisfied. The loading bay can also be used as a garbage collection point.

The adaptable parking space complies with AS2890.6:2009 with regard to having a minimum width of 2.4m plus 2.4m shared area. This is also referred to within the access consultant's report.

Vehicular access to the car parking facility is to be provided via a new combined 6m wide entry / exit driveway on the north-eastern corner of the site. The driveway clear width satisfies the requirements of Volume C Clause 2.2 of the DCP.

Swept paths have been undertaken of the ramp intersections using the B99 vehicle. As discussed with the traffic consultant, the intersections have been designed for use by one vehicle at a time as permitted under Section 2.5.2 (c) of AS 2890.1:2004. Convex mirrors will be strategically placed to enhance sightlines to any vehicle on the ramp.

A longitudinal section has been submitted, demonstrating that a clear head height of 2.6m can been provided on the access ramp and also throughout the basement carpark. This has also been verified by the applicant. The turning, manoeuvrability and driveway grade of 20% for the small waste collection vehicle now complies with Ku-ring-gai Local Centres Volume C Part 3.4 of the DCP.

Waste collection

A waste collection area is shown which is readily accessible by the small waste collection vehicle The development allows a garbage truck to enter and depart the garbage/room recycle storage area in a forward direction.

The proposed 74x240L bins for waste, paper and recycling satisfies the minimum bin requirements.

The requirements of Volume C Part 3.4 of the Local Centres DCP have been satisfied.

Construction management

An indicative Construction Traffic Management Plan (CTMP) has been depicted on the Environmental Site Management Plan, showing site entry and exit, truck routes and turning paths for vehicles entering and leaving the site for all stages of the development. The construction vehicle specified is the 12.5m HRV during the construction stage. It is conditioned that a work zone be provided along the site frontage of Killeaton Street together with a 'No Parking' restriction opposite the access for the construction period **(Condition 10)**.

The construction traffic management plan submitted with the DA would need to be updated and also include necessary Traffic Control Plans (TCP) and must be submitted for review by Council's Development Engineer prior to the commencement of any works on site.

Impacts on Council infrastructure

A road opening permit for the new stormwater pipeline to the existing kerb inlet pit along the road reserve is required.

Geotechnical investigation

The preliminary investigation was undertaken based on three boreholes. The boreholes were drilled into weathered rock to depths up to 10.5m, using diamond core drilling equipment. The results identified subsurface conditions comprising a thin layer of silty sand and silty clays. These clays merge into stiff clay, becoming very stiff to hard silty clay/shaly clay to depth of 3.2m to 3.5m. Laminite was also encountered to depths of approximately 5.5m to 6.2m to high strength sandstone to depths up to 8.2m below the natural surface. The report suggests that groundwater is not expected to be encountered with the proposed depths of basement excavation.

The DA has been referred to the NSW Office of Water advised that a tanked basement is required. The General Terms of Approval for construction dewatering has been provided.

Prior to any demolition or excavation taking place on site, a dilapidation report is to be submitted which is to include a survey of adjoining dwellings and outbuildings **(Condition 8)**.

All other recommendations during the construction phase are to be carried out as specified within the report.

Landscaping

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

Deep soil landscape area (Part 7A.4 Volume A Ku-ring-gai (Local Centres) DCP)
Site area (4575m^2)

Proposed deep soil area 50% (2291m^2) - 50% required

Tree impacts
An arborist report, prepared by Footprint Green, dated 13/10/14, has been submitted. The tree numbers refer to this report.

Trees to be removed
The arborist assessment of the trees to be removed (for reasons of low significance) is considered satisfactory and there is no objection to the removal of

the following trees, Tree 2, 3, 4, 5, 312, 313, 314, 535, 539, 606, 615, 616, 618, 667, 668, 900, 901, 904, 907-909 (19 trees).

Tree 619/ Ulmus parvifolia (Chinese Elm) This tree is located on the southern boundary. The arborist considers the tree of high significance, however the tree

exhibits decay and dieback that reduces the preference for retention. There is no landscape objection to the removal of this tree.

Street trees to be removed
The arborist assessment of the street trees to be removed for reasons of poor health and condition is considered satisfactory and there is no objection to the removal of the following trees, Tree 196, 912 and 913.

Trees to be retained
Ten existing trees are to be retained within the site. The trees are exotic and non-local native garden plantings.

Tree 538/ Nyssa sylvatica (Tupelo) This tree is located within the frontage to Killeaton Street. The proposed basement excavation is approximately 5.2 metres from the tree. The tree will require minor canopy pruning to provide building clearance. The level of impact is acceptable.

Tree 713/ Eucalyptus racemosa (Flooded Gum) This tree is located within the frontage to Mona Vale Road at the corner with Killeaton Street. The proposed basement excavation is approximately 7.5 metres from the tree. The tree will require minor canopy pruning to provide building clearance. To preserve the health and condition of this tree, the stormwater line and associated pits located within the landscaped front setback are to be deleted **(Condition 65)**.

Tree 714/ Eucalyptus grandis (Large Scribbly Gum) This tree is located within the frontage to Mona Vale Road at the corner with Killeaton Street. The proposed basement excavation is approximately 8.0 metres from the tree. The tree will require minor canopy pruning to provide building clearance. The level of impact is acceptable.

Tree 7/ Syncarpia glomulifera (Turpentine) This tree is located at the south-western corner of the site, within the adjoining site. The proposed front fence, including three new piers is located within the tree protection zone. However, the level of impact is acceptable.

Street trees to be retained
Tree 192/ Liquidambar formosana (Liquidambar) This tree is located on the nature strip along Killeaton Street. The proposed driveway crossing is 2.8m from the tree. Excavation for the piers, of the proposed front fence is within the tree protection zone. The proposed impacts would be acceptable, subject to conditions.

Tree 195/ Liquidambar formosana (Liquidambar) This tree is located on the nature strip along Killeaton Street. The proposed driveway crossing is 3.4m from the tree. Excavation for the piers of the proposed front fence is within the tree protection zone. The proposed impacts would be acceptable, subject to conditions **(Condition 20)**.

Tree 197/ Liquidambar formosana (Liquidambar) This tree is located on the nature strip along Killeaton Street. Excavation for the piers of the proposed front fence is within the tree protection zone. The proposed impacts would be acceptable, subject to conditions.

Tree 311/ Liquidambar formosana (Liquidambar) This tree is located on the nature strip along Killeaton Street. Excavation for the piers of the proposed front fence is within the tree protection zone. The proposed impacts would be acceptable, subject to conditions.

Tree 536/ Liquidambar formosana (Liquidambar) This tree is located on the nature strip along Killeaton Street. Excavation for the piers of the proposed front fence is within the tree protection zone. The proposed impacts would be acceptable, subject to conditions.

Tree 669/ Liquidambar styraciflua (Liquidambar) This tree is located on the nature strip along Killeaton Street. Excavation for the piers of the proposed front fence is within the tree protection zone. The proposed impacts would be acceptable, subject to conditions.

Communal open space (Part 7C.1 Volume A Ku-ring-gai (Local Centres)DCP)
The development is required to provide at least 10% of the site as communal open space or 458 m^2 with at least one single area with a minimum area of 80m^2 and a minimum dimension of 8m. At least 50% of the primary communal open space must receive direct sunlight for at least 3 hours between 9am and 3pm on 21 June.

The proposal provides a principal communal open space between Building A and B connecting to an area that runs along the rear building setback. The area complies with the minimum 8m width and includes an area of active lawn as well as a BBQ area with seating.

A further area has been provided along the Mona Vale Road frontage. The area provides passive recreation for residents and is accessible from the front and side entry paths. An accessible path is provided, linking from the central entry path to seating within the space.

The communal open spaces are considered to have been integrated with the significant natural features of the site and provide both amenity and opportunities for casual surveillance.

Private open space (Part 7C.2 Volume A Ku-ring-gai (Local Centres) DCP)
The private courtyards have compliant setbacks from the street boundary (8m minimum requirement - 7A.1 Control 12 -DCP Local Centres).

Landscape plan
Screen planting
Southern boundary – Callistemon viminalis 5m, Elaeocarpus eumundii 5m, Acmena smithii 'Minor' 5m
Eastern boundary - Acmena smithii 'Minor' 5m, Elaeocarpus reticulatus 5m,
South-western boundary - Waterhousea 'Sweeper' 5m

BASIX compliance
The BASIX certificate area is consistent with the Landscape BASIX compliance plan for common area landscapes and individual dwellings.

Stormwater plan
The proposed stormwater line within the front setback is to be deleted by condition to avoid major encroachments within the tree protection zone of Tree 714 **(Condition 20)**.

Conclusion
The proposal is acceptable, subject to conditions.

Ecology

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

Ecology comments

This ecological review of the study area was based on the results of a desktop review and a site inspection by John Whyte, Ecological Assessment Officer of Ku-ring-gai council in November 2014.

During the site inspection, Sydney Turpentine Ironbark Forest (STIF) listed as an Endangered Ecological Community (EEC) under the Threatened Species Conservation Act 1995, was identified.

The STIF comprised of a number of T7, T404 &T838 - Syncarpia glomulifera (Sydney Turpentine) & T620 Pittosporum undulatum (Sweet Pittosporum). All of the aforementioned trees were located outside of the subject property.

Environmental controls

The vegetation within the frontage of No 24 Killeaton Street has been mapped as an area of biodiversity significance under the Town Centres LEP (2013). This area does not contain any native endemic trees and therefore has been incorrectly mapped. No further consideration against the biodiversity significance clauses under the Town Centres LEP 2013 is considered to be necessary.

Impacts of the proposal

The proposal does not propose the removal of any trees that comprise part of the onsite Sydney Turpentine Ironbark Forest or from the area identified as "biodiversity significance".

An impact assessment (7-part test) has been prepared to assess the impacts of the proposal upon STIF community in accordance with section 5A of the Environmental Planning & Assessment Act 1979. The impact assessment is considered to be satisfactory in that the proposal will not result in a significant impacts upon the onsite STIF.

Conclusion

The proposal RFB is acceptable ecological grounds.

Building

Council's Building Surveyor is satisfied the proposed development will be compliant with the requirements of the Building Code of Australia and the access to premises standards, subject to conditions.

Health

Council's Environmental Health Officer has no objection to the proposal, subject to conditions.

EXTERNAL REFERRALS

Urban design

Council's Urban Design Consultant has reviewed the application against the provisions of SEPP 65 and has provided the following comments:

Principal 1 - Context

The proposed development in located in an area undergoing significant change with respect to the scale of development. Adjoining the site to the east is the recently constructed 5 and 6 storey residential flat building. To the rear of the site are playing fields of the Corpus Christi Catholic School

The proposed development is consistent in scale with other development that is being proposed in the vicinity and is consistent with the form of development anticipated by the land use zone.

The site is screened from Mona Vale Road by existing vegetation including large trees. These trees are intended to remain as part of the proposed development which will assist in the proposed development fitting well into the established context of residential flat buildings within a landscaped setting.

Principal 2 - Scale

(i). The scale height and bulk of the development is consistent with the form of development anticipated by the planning controls and new development within the vicinity.

(ii). The proposed development is broken into two separate buildings that reduces the bulk and scale as presented to the street and allows for a vegetated view corridor between the buildings to the school grounds beyond.

(iii). The recessed top floor establishes a height of 4 storeys to the street.

(iv). *The two separate built forms also serves to reflect the existing subdivision pattern of the street by maintaining multiple buildings viewable from the street*

(v). *The proposed development will sit comfortably within the existing and future character.*

Principal 3 - Built form

The development is broken into two buildings, with the pedestrian entry centrally located on the site. This is an appropriate strategy given the dimensions of the site and allows the built form to maximise access to daylight and ventilation.

The square floor plate, that exceeds the maximum dimensions of building depth recommended by the rules of thumb, has apartments located around a central core each of which will have reasonable amenity with respect to daylight access. The number of external corners ensures that 70% of apartments are cross ventilated.

Alternate strategies for built form layout that would comply with the building depth would likely result in reduced amenity due to the orientation of the site.

Principal 4 - Density

The density is consistent with the adjoining recently completed residential flat buildings.

(i). *The number of dwellings is generally appropriate for the scale of development.*

(ii). *The development provides for a mix of apartment sizes and types which is appropriate for the location.*

(iii). *The proposed development also demonstrates satisfactory amenity with respect to daylight and cross ventilation.*

Principal 5 - Resource, Energy and Water efficiency

The proposed development is satisfactory with respect to the measures demonstrated that can contribute to a reduced environmental footprint including:

(i). *The apartment layouts provide satisfactory amenity through cross ventilation (73%) and solar access (70%) reducing the reliance on heating and cooling systems*

(ii). *The BASIX certificate identifies rainwater tanks with reuse, solar boosted gas hot water*

(iii). *Windows are provided with awnings and screens for solar control*

(iv). *Extensive landscaping will assist in moderating the climate around the building*

Principal 6 - Landscape

(i). *The significant tress located within the front setback are proposed to be retained ensuring an established street character on completion of the development*

(ii). *The landscape is generally located around the perimeter of site with a central communal space and entry area between the two buildings. Useful communal space is provided off the central space and within the front setback.*

(iii). *Provision for seating and a BBQ is made within the rear setback which is considered adequate for a development of this scale.*

Principal 7 - Amenity

The proposed apartments will have satisfactory amenity demonstrated in part by the solar access (70%) and cross ventilation (73%) performance:

(i). *Apartments will have good access to daylight.*

(ii). *Private outdoor spaces are typically generous in size and are of a usable proportion.*

(iii). *The separation between buildings is adequate to provide visual and acoustic privacy between apartments.*

(iv). *Storage has been identified within the apartments and also within the basement. Apartment sizes are large enough to accommodate future residents possessions adequately.*

Principal 8 - Safety and security

(i). *A clear view is provided from the street to the central circulation space. This spaces is also provided with passive surveillance from the apartments within the development.*

(ii). *Measures have also been identified to that assist with security for the resident's including intercom and security control.*

(iii). *The landscape planting proposed is of a scale that seeks a balance between privacy for ground floor units and passive surveillance of the common areas.*

Principal 9 - Social dimensions and housing affordability

(i). *Adaptable apartments have been provided to a mix of one and two bedroom apartments.*

(ii). *A mix of unit types, configurations and sizes is provided that allows for a broad cross section of the community to be accommodated.*

(iii). *Central communal spaces are provided that encourage the interaction of the residents that is appropriate for this scale of development, including the incorporation of seating and BBQ spaces.*

(iv). *The proposed development is in close proximity to the St Ives Town Centre and the commercial and retail amenities provided there and access to public transport is provided ensuring connectivity and avoiding isolation.*

Principal 10 - Aesthetics

The proposed development presents with a high quality architectural aesthetic with a good balance of articulation and form.

(i). The building has been broken into a base middle and top. The base incorporates a number of random rubble sandstone walls and recessed balconies and courtyards to give the impression that the main blocks of the building are floating above the ground.

(ii). Strong horizontal segments are featured on all elevations which appear to reduce the verticality of the building. On all facades, the design intent is to make the building seem less bulky on the upper levels.

(iii). A rounded corner to the north-western corner of the development responds to the rounded frontage at the Killeaton Street and Mona Vale Road corner.

(iv). The aesthetic and architectural response is highly responsive to the environmental context and presents a balanced and simple outcome. The use of a minimal palette of materials, textures and colours will provide a simple and timeless character to the building.

NSW Office of Water

The application was referred to the NSW Office of Water as ground water dewatering is required during construction. The Office of Water provided the following comments:

A controlled Activity Approval is not required for this development.

Insufficient Information was attached in relation to aquifer interference so General terms of approval for Construction Dewatering are now attached.

The conditions required under the general terms of approval have been included within the attached conditions of consent (**Condition 96**).

Roads and Maritime Service of NSW

The application was referred to the New South Wales Roads and Maritime Service under the provisions of Clause 104 of SEPP Infrastructure. The comments of the RMS are included in **Condition 97**.

STATUTORY PROVISIONS

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

SREP 2005 applies to the site as the site is located in the Sydney Harbour Catchment. The Planning Principles in Part 2 of the SREP must be considered in the preparation of environmental planning instruments, development control plans, environmental studies and master plans. The proposal is not affected by the provisions of the SREP which relate to the assessment of development applications as the site is not located in the Foreshores and Waterways Area as defined by the Foreshores and Waterways Area Map.

State Environmental Planning Policy No. 55 - Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and, as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

State Environmental Planning Policy (Infrastructure) 2007

The property has a frontage to a classified road, being Mona Vale Road. Consideration is required pursuant to Division 17 Clause 101, 102, and 104 of the SEPP.

Clause 101 of the SEPP states:

101 Development with frontage to classified road

(1) The objectives of this clause are:
(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:
(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
(i) the design of the vehicular access to the land, or
(ii) the emission of smoke or dust from the development, or
(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Clause 102 of the SEPP states:

102 Impact of road noise or vibration on non-road development

(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

(a) a building for residential use,
(b) a place of public worship,
(c) a hospital,
(d) an educational establishment or child care centre.

(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines

that are issued by the Director-General for the purposes of this clause and published in the Gazette.

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

*(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.*

To address the above requirements, the applicant has submitted an acoustic assessment, prepared by Resonate Acoustics. The report includes recommended construction techniques and states that the proposal will achieve the above mentioned noise guideline requirements, subject to those construction techniques. The proposal is therefore considered to be satisfactory in this respect, subject to condition (**Condition 30)**.

As noted above, the application was referred to the NSW RMS under the provisions of Clause 104 of the SEPP. RMS have advised of their acceptance of the application.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted (Certificate number 581655M_02, dated 23 July 2015). The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

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

SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Residential Flat Design Code (RFDC), for assessing 'good design'. The proposal was assessed against SEPP 65 considerations by Council's Urban Design consultant and found to be acceptable.

Clause 50(1A) of the EPA Regulation 2000 requires the submission of a design verification statement from the building designer at lodgement of the development application. This documentation has been submitted and is satisfactory.

On 23 September 2014, the Department of Planning and Environment exhibited the proposed changes to SEPP 65 which includes the refinement of the RFDC to produce an Apartment Design Guideline.

The changes to SEPP 65 were notified on the NSW legislation website on 19 June 2015, and commenced on 17 July 2015.

The changes to SEPP 65 include savings provisions. For apartment development applications lodged prior to 19 June 2015, the Residential Flat Design Code applies.

The subject application was lodged on17 October 2014. Notwithstanding the savings provision, these amendments have been considered in the assessment of the application. The proposal is generally consistent with amended SEPP 65 and the Apartment Design Guideline, as is largely reflected in the RFDC assessment.

The following consideration has been given to the requirements of the SEPP and Design Code

Residential Flat Design Code:

The Residential Flat Design Code (RFDC) supports the ten design quality principles identified in SEPPP 65. Council's Urban Design consultant is satisfied with the proposed development as discussed above and the application is also considered satisfactory having regard to an assessment against the RFDC guidelines as provided in the below compliance table.

RFDC Compliance Table

	Guideline	***Compliance***
PART 02 SITE DESIGN		
Site Configuration		
Deep Soil Zones	A minimum of 25 percent of the open space area of a site should be a deep soil zone (1143.75m²); more is desirable. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances, stormwater treatment measures must be integrated with the design of the residential flat building.	YES (50%)
Open Space	The area of communal open space required should generally be at least between 25 and 30 percent of the site area. Larger sites and brown field sites may have potential for more than 30 percent (1143.75m²).	YES (1622m² - 35%)
Planting on Structures	In terms of soil provision there is no minimum standard that can be applied to all situations as the requirements vary with the size of plants and trees at maturity. The following are recommended as minimum standards for a range of plant sizes: Medium trees (8 metres canopy diameter at maturity) - minimum soil volume 35 cubic metres - minimum soil depth 1 metre - approximate soil area 6 metres x 6 metres or equivalent.	YES
Safety	Carry out a formal crime risk assessment for all residential developments of more than 20 new dwellings. Reinforce the development boundary to strengthen the distinction between public and private space Optimise the visibility, functionality and safety of building	YES

	Guideline	***Compliance***
	entrances Improve the opportunities for casual surveillance. Minimise opportunities for concealment Control access to the development.	
Visual Privacy	Refer to Building Separation minimum standards	YES (acceptable privacy and building separation outcomes - refer to urban design comments).
Pedestrian Access	Identify the access requirements from the street or car parking area to the apartment entrance.	YES
	Follow the accessibility standard set out in Australian Standard AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20 percent of dwellings in the development.	YES
Vehicle Access	Generally limit the width of driveways to a maximum of six (6) metres.	YES (6 metres)
	Locate vehicle entries away from main pedestrian entries.	YES
PART 03 BUILDING DESIGN		
Building Configuration		
Apartment layout	Single-aspect apartments should be limited in depth to 8 metres from a window.	NO (10.5m)
	The back of a kitchen should be no more than 8 metres from a window.	YES (8m)
	The width of cross-over or cross-through apartments over 15 metres deep should be 4 metres or greater to avoid deep narrow apartment layouts.	YES (4.0m)
Apartment Mix	Provide a diversity of apartment types, which cater for different household requirements now and in the future.	YES
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres. Developments which seek to vary from the minimum standards must demonstrate that negative impacts from the context-noise, wind – can be satisfactorily mitigated with design solutions.	YES
Ceiling Heights	The following recommended dimensions are measured from finished floor level (FFL) to finished ceiling level	YES (2.7m)

	Guideline	***Compliance***
	(FCL). These are minimums only and do not preclude higher ceilings, if desired in residential flat buildings or other residential floors in mixed use buildings: In general, 2.7 metres minimum for all habitable rooms on all floors, 2.4 metres is the preferred minimum for all non-habitable rooms, however 2.25 metres is permitted. For two storey units, 2.4 metres minimum for second storey if 50 percent or more of the apartment has 2.7 metres minimum ceiling heights.	
Ground Floor Apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. This relates to the desired streetscape and topography of the site.	YES.
	Provide ground floor apartments with access to private open space, preferably as a terrace or garden.	YES
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight. Exceptions may be allowed: for adaptive reuse buildings where developments can demonstrate the achievement of the desired streetscape character and entry response where developments can demonstrate a high level of amenity for common lobbies, corridors and units, (cross over, dual aspect apartments).	YES (refer to Urban Design comments)
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: - studio apartments 6m³ - one-bedroom apartments 6m³ - two-bedroom apartments 8m³ - three plus bedroom apartments 10m³	YES (refer to Urban Design comments)
Building Amenity		
Daylight Access	Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable.	YES (70%)
	Limit the number of single-aspect apartments with a southerly aspect (SW-SE) to a maximum of 10% of the total units proposed. Developments which seek to vary from the minimum standards must demonstrate how site constraints and orientation prohibit the achievement of	YES (8%)

	Guideline	***Compliance***
	these standards and how energy efficiency is addressed (see Orientation and Energy Efficiency).	
Natural Ventilation	Building depths, which support natural ventilation typically range from 10 to 18 metres.	NO (27.5m maximum)
	Sixty percent (60%) of residential units should be naturally cross ventilated. Twenty five percent (25%) of kitchens within a development should have access to natural ventilation.	YES (73%) YES (25%)
Building Performance		
Waste Management	Supply waste management plans as part of the development application submission as per the NSW Waste Board.	YES
Water Conservation	Rainwater is not to be collected from roofs coated with lead- or bitumen-based paints, or from asbestos- cement roofs. Normal guttering is sufficient for water collections provided that it is kept clear of leaves and debris.	YES

An assessment of the variations to the design controls identified in the compliance table is provided below.

Apartment layout

Single aspect apartments within the development have a depth that is greater than 8 metres. The applicant has argued that the areas that are greater than 8 metres from a window are non-habitable such as laundry and bathrooms and that the proposal meets or exceeds the minimum solar access and natural ventilation requirements. The applicant's justifications are accepted.

Natural Ventilation

The proposed building depth of 27.5 metres (maximum) does not meet the maximum 18 metres rule of thumb as contained within the RFDC. Council's Urban Design Consultant has commented upon this aspect of the design as follows:

"The square floor plate, that exceeds the maximum dimensions of building depth recommended by the rules of thumb has apartments located around a central core, each of which will have reasonable amenity with respect to daylight access. The number of external corners ensure that 70% of apartments are cross ventilated.

Alternate strategies for built form layout that would comply with the building depth would likely result in reduced amenity due to the orientation of the site

The proposal is considered satisfactory in this respect.

Local Content

Ku-ring-gai LEP (Local Centres) 2012

Zoning and permissibility:

The site is zoned R4 – High Density Residential. The proposed development is defined as a residential flat building and is permissible with consent.

Residential zone objectives:

The objectives for the R4-High Density Residential zone are:

- *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 housing close to public transport, services and employment opportunities*

The proposed development would meet the above zone objectives.

Development standards:

Development standard	Proposed	Complies
Building height: 17.5 m	16.5m	**YES**
Floor space ratio: 1.3:1	1.297:1	**YES**
Minimum Lot Size : 1200m²	4575m²	**YES**
Minimum street frontage: 30m	104m	**YES**

Clause 5.9 – Preservation of trees or vegetation

Council's Landscape Development Officer is satisfied that the proposed development will not unduly impact upon any existing significant trees or vegetation, subject to conditions.

Clause 5.10 – Heritage conservation

The site does not contain a heritage item and is not in the immediate vicinity of any heritage items or within a heritage conservation area.

Clause 6.1 – Earthworks

The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics. Council's Development Engineer has reviewed the Geotechnical report submitted with the application and deemed its recommendations to be satisfactory.

Clause 6.2 - Stormwater and water sensitive urban design

Council's Development Engineer is satisfied that the proposed development has been designed to control stormwater run-off as per the requirements of the LEP, subject to conditions.

Clause 6.3 Biodiversity protection

The site is mapped as containing vegetation that is of biodiversity significance. Council's Ecological Assessment Officer has reviewed the proposal in this respect and deemed it satisfactory.

Clause 6.5 – Site requirements for multi dwelling housing and residential flat buildings

Clause 6.5 stipulates that:

> *"Development consent must not be granted for the erection of multi dwelling housing or a residential flat building on a lot unless the lot has an area of at least 1200 square metres and at least 1 street frontage of not less than:*
> *(a) if the area of the lot is less than 1,800 square metres—24 metres, or*
> *(b) if the area of the land is 1,800 square metres or more—30 metres"*

The subject site has an area of 4575m^2 and a frontage of 104 metres to the Killeaton Street/Mona Vale Road. The site meets the 1200m^2 minimum site requirement and the 30 metres minimum frontage requirement for a residential flat building.

POLICY PROVISIONS

Policy Provisions (DCPs, Council policies, strategies and management plans)

Ku-ring-gai Local Centres Development Control Plan

Ku-ring-gai Local Centres Development Control Plan

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Volume A		
Part 3 Land amalgamation and subdivision		
Lot amalgamation is to avoid creating: A primary street frontage less than that required by KLEP (Local Centres) 2012 A lot size less than that required by KLEP (Local Centres) 2012	The proposed amalgamation would not result in an isolated site given adjoining zonings	YES
Part 7 Residential flat development controls		
7A – Site design		
7A.1 Building Setbacks		
10 Metres to Killeaton Street and Mona Vale Road	10m	YES
A 2m articulation zone must be provided behind the street setback with no more than 40% of the zone occupied by the building.	<40%	YES
The building line is to be parallel to the prevailing building line in the street.	YES	YES

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
A minimum side setback of 6m is required up to the fourth storey.	6m	YES
A minimum side setback of 9m is required for the fifth storey and above.	6.0m (minimum)	NO
For building of 3 storeys or less on sites less than 1800m2 a minimum side setback of 3m is required.	N/A – 5 storey building	N/A
Side setback areas behind the building line are not to be used for driveways or vehicular access into the building.	Side setbacks adjacent to the residential flat buildings do not contain a driveway	YES
Driveways must be set back a minimum of 6m from the side boundary within the street setback to allow for deep soil planting.	The driveway has a 6m setback from the side boundary	YES
Basements must not encroach into the street, side and rear setbacks.	No encroachments	YES
Ground floor terraces and courtyards must have a minimum setback of 8m from the street boundary	8.0m	YES
Ground floor terraces and courtyards must have a minimum setback of 4m from the side and rear boundaries	6m	YES
A maximum of 15% of the total area of the street setback is to be occupied by private terraces and courtyards	<15%	YES
7A.2 Building separation		
The minimum separation between residential buildings on the development sites and the adjoining sites must be: Up to 4th storey 12m between habitable rooms/balconies 9m between habitable rooms/balconies and non-habitable rooms 6m between non-habitable rooms From 5th to 7th storey 18m between habitable rooms/balconies 9m between habitable rooms/balconies and non-habitable rooms 6m between non-habitable rooms	12m 18m	YES YES
7A.3 Site coverage		
The site coverage may be up to a maximum of 35% of the site area providing that the deep soil landscaping requirements in Part 7A.4 can be met.	35%	YES
Where a site incorporates an access handle the site coverage must not exceed 35% of the total site area less 35% of the access handle.	No access handle	N/A
7A.4 Deep soil landscaping		
Residential flat development must have a minimum deep soil landscaping area of 40% for a site area less than 1800m^2 and 50% for a site area of 1800m^2 or more	50%	YES

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Lots with the following sizes are to support a minimum number of tall trees capable or attaining a mature height of 13m on shale transitional soil and 10m on sandstone derived soils 1200m^2 of less / 1 per 400m^2 of site area 1201-1800m^2 / 1 per 350m^2 of site area 1801m^2 or more / 1 per 300m^2 of site area 16 trees required	18 trees proposed	YES
At least 50% of all tree plantings are to be locally occurring trees and spread around the site.	At least 50% of the proposed tree plantings are locally occurring trees	YES
7B – Access and parking		
Residential flat developments must provide on-site car parking within basements	A basement car park is proposed	YES
Basement car park areas must be consolidated under building footprints.	The basement car park is located under the building footprint	YES
The basement car park must not project more than 1m above existing ground level to the floor level of the storey immediately above.	0.6m	YES
Direct internal access must be provided from the basement car park to each level of the building	Lift access from the basement to all floors of the residential flat building has been provided	YES
For residential flat developments not within 400m of a railway station the car parking rates for the following apartment types apply: One bedroom: 1 spaces Two bedroom:1 spaces Three bedroom:1.5` spaces	73 residential spaces	YES
For every 4 apartments one visitor car space is required. At least one visitor car space is to comply with the dimensional and location requirements of AS2890.6	18 spaces	YES
One visitor car space is to be provided with a tap to make provision for on-site car washing	Not shown, however able to be conditioned.	YES
Each adaptable housing dwelling is to be provided with at least one car space which complies with the dimensional and locational requirements of AS2890.6	YES	YES
A space to the temporary parking of service and removalist vehicles is to be provided. The space is to have a minimum dimension of 3.5m x 6m and minimum manoeuvring area 7m wide.	YES	YES
A minimum of 1 bicycle space per 5 units shall be provided within the residential car park area	YES	YES
A minimum of 1 bicycle space per 10 units shall be provided for visitors in the visitor car park area	YES	YES
7C - Building design and sustainability		
7C.1 - Communal Open Space		

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
At least 10% of the site area must be provided as communal open space with a minimum dimension of 5m (457.5m²)	1622m² (based on minimum dimensions)	YES
A single parcel of communal open space with a minimum area of 80m^2, minimum dimensions of 8m and 3 hours solar access to 50% of the space on 21 June must be provided	486m²	YES
The communal open space must be provided at ground level behind the building line	YES	YES
Shared facilities such as BBQs, shade structures, play equipment and seating are to be provided in the communal open space	YES	YES
7C.2 – Private open space		
Ground floor and podium apartments are to have a terrace or private courtyard with a minimum area of 25m^2	>25m^2	YES
All apartments not at the ground floor or podium level are to include private open space with a minimum area (internal dimension) of:: - 10m^2 – 1 bedroom apartment - 12m^2 – 2 bedroom apartment - 15m^2 – 3 bedroom or larger apartment	1 bedroom min. 10m^2 2 bedroom min. 12m^2 3 bedroom min. 15m^2	NO (7.5m²) YES YES
The primary outdoor open space must have a minimum dimension of 2.4m	2.4m	YES
The primary private open space is to have direct access from the main living areas	All outdoor spaces are accessed from the main living area	YES
Private open space for ground and podium level apartments is to be differentiated from common areas by: A change in level Screen planting, such as hedges and low shrubs A fence wall to a maximum height of 1.8m, any solid wall component is to be a maximum height of 1.2m with 30% transparent component above plus gate to the common area.	Changes in level, planting and fencing are used to differentiate ground level private open space from common areas. Where fencing above 1.2 metres is proposed, transparent elements will be used.	YES
7C.3 – Solar access		
A minimum of 70% of apartments in each building must receive at least 3 hours direct sunlight to living rooms and adjacent private open space between 9am and 3pm on 21 June	70%	YES
A minimum of 50% of the common open space for residents use must receive direct sunlight for 3 hours between 9m and 3pm on 21 June	>50% of the common open space will receive 3 hours solar access	YES
The number of single aspect apartments with a southerly aspect (SW to SE) is limited to 10% of the total number of apartments proposed in each building.	8%	YES
All developments must allow the retention of 3 hours sunlight between 9am and 3pm on 21 June to living areas and the principal portion of the private and communal open space of existing residential flat buildings and multi-dwelling housing	No adjoining residential zones	YES

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
on adjoining lots and any residential development in adjoining lower density zones		
Developments must allow the retention of a minimum 4 hours direct sunlight to all existing neighbouring solar collectors and solar hot water services	No impact on neighbouring solar collectors and solar hot water services	YES
All developments must utilise shading and glare control	Shading devices are proposed	YES
7C.4 – Natural Ventilation		
All habitable rooms are to have operable windows or doors	operable windows and doors provided	YES
At least 60% of apartments must have natural cross ventilation	73%	YES
At least 25% of kitchens are to be immediately adjacent to an operable window	25%	YES
Cross ventilation is not to be dependent on skylights or open corridors where it would impact on privacy	No reliance on windows to open corridors or skylights	YES
7C.5 – Apartment depth and width		
Dual aspect apartments are to have a maximum internal plan depth of 18m from glass line to glass line	<18m	YES
Single aspect apartments are to have a maximum internal plan depth of 8m from glass line to internal face of wall of habitable area	10.5m	NO
The width of dual aspect apartments over 15m deep must be 4m or greater to avoid deep narrow apartment layouts	<15m	YES
All kitchens must not be located more than 8m to the back wall of the kitchen from an external opening	All kitchen are within 8m on an external opening	YES
7C.6 – Apartment mix and sizes		
A range of apartment sizes and types must be included in the development	1, 2 and 3 bedroom apartments proposed	YES
One bedroom and studio apartments are to have a minimum floor area of 38.5m^2	52m²	YES
Two bedroom apartments are to have a minimum floor area of 70m^2	71m^2 min.	YES
Three bedroom apartments are to have a minimum floor area of 95m^2	90m^2 min.	NO
A mix of 1, 2 and 3 bedroom apartments are to be provided on the ground level	A mix of 2 and 3 bedroom apartments are provided at the ground level	YES
At least one apartments for each 10 apartments is to be designed as adaptable housing Class C	8 adaptable apartments have been provided	YES
At least 70% of apartments in the development are to be visitable	70%	YES
7C.7 – Room sizes		

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Living areas in apartments with two or more bedrooms are to have living areas with a minimum internal plan dimension of 4m	>4m	YES
Living areas in one bedroom apartments are to have a minimum internal plan dimension of 3.5m	3.7m	YES
Bedrooms in one and two bedroom apartments must have minimum internal plan dimension of 3m (excluding wardrobes)	3m min.	YES
In apartments with 3 or more bedrooms at least two bedrooms are to have minimum internal plan dimension of 3m (excluding wardrobes)	3m min.	YES
Built in wardrobes are to be provided to all studio apartments, to all bedrooms in one and two bedroom apartments and to at least two bedrooms in apartments of three or more bedrooms	Built in wardrobes have been provided.	YES
7C.8 – Building entries		
Buildings must address the street either: with main entrances to lift lobbies directly accessible and visible from the street; or with the path to the building entry readily visible from the street where site configuration is conducive to having a side entry.	The entrance to the building is visible from the street and directly accessible via the pathways to be provided.	YES
Buildings with facades over 18m long must have multiple entries.	The facades of the building is greater than 18m and one entry has been provided.	NO
Building entry must be integrated with building facade design. At street level, the entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification.	The entries to the building are identified through awnings and a distinct indent within the buildings front façade	YES
All entry areas must be well lit and designed to avoid any concealment or entrapment areas. All light spill is prohibited.	The entry area does not contain concealment or entrapment areas. Light spill will be minimised by the proposed awnings.	YES
Lockable mail boxes must be provided close to the street. They must be at 90 degrees to the street and to Australia Post standards and integrated with front fences or building entries.	Mailboxes are located at the front boundary of the site but are not located 90° to the street.	YES
On large development sites comprising multiple building blocks, clear entries, sightlines and way-finding signs are to be provided.	One building proposed with clear entry locations.	YES
7C.9 Internal Common Circulation		
The design of internal common circulation space must comply with the provisions in *AS1428.1* and *AS1428.2* to provide adequate pedestrian mobility and access.	An access report which demonstrates compliance with the standards has been provided.	YES

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
All common circulation areas including foyers, lift lobbies and stairways must have: i) appropriate levels of lighting with a preference for natural light where possible; ii) short corridor lengths that give clear sight lines; iii) clear signage noting apartment numbers, common areas and general direction finding; iv) natural ventilation; v) low maintenance and robust materials.	Appropriate lighting, sight lines, way finding, ventilation and materials to be available to lift lobbies and foyers.	YES
Where artificial lighting is required energy efficient lights are to be used in conjunction with timers or daylight controls.	This issue is addressed by the BASIX certificate	YES
All single common corridors must: - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies	Corridor serves a maximum of 8. All corridors are at least 1.8m wide at lift lobbies and 1.5m wide elsewhere.	YES
7C.10 Building facades		
Street, side and rear building facades must be modulated and articulation with wall planes varying in depth by not less than 0.6m. No single wall plane is to exceed 81m^2 in area.	Building is well articulated	YES
The continuous length of a single building on any elevation must not exceed 36m. The length of a single building elevation facing the side or rear may exceed 36m providing that: The façade is recessed to an adequate depth and width to appear as distinctive bays or wings The recess is common area with landscaping which includes at least one medium tree with an 8m canopy diameter at maturity	Max 33m	YES
Air conditioning units must not be located on the building façade or with the private open space	Plant rooms are located in the basement.	YES
Balconies that run the full length of the building façade are not permitted	No balconies that run the full length of the building façade are proposed	YES
Balconies must not project more than 1.5m from the outermost wall of the building facade	1.5m	YES
Windows to a habitable room are to be situated to encourage opportunities for passive surveillance to the site and on site areas surrounding the building	Windows to a habitable room are located to provide for passive surveillance to the site and on site areas surrounding the building	YES
7C.11 – Building storeys		

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Sites with the following maximum building heights under the Ku-ring-gai LEP (Local Centres) are to have a maximum number of storeys above the basement as follows: 11.5m = 3 storeys 14.5m = 4 storeys 17.5m = 5 storeys 23.5m = 7 storeys	The site is subject to a height limit of 17.5m and the building has a height of 5 storeys.	YES
7C.12 – Ground floor apartments		
The finished ground level outside the living area at the building line of a ground level apartment must not be more than 0.9m below existing ground level.	0.2m Max	YES
Where the finished ground level outside the living area at the building line is more than 0.5m, the private open space must be level for a minimum of 2.4m from the living area.	NA	NA
No obstructions, such as retaining walls or fences, are permitted to project beyond a 45˚ control plane, (10am sun angle at 23 March) drawn from the finished ground level outside the living area at the building line to the end of the private open space. Plants may project beyond the 45˚ control plane.	No obstructions that will prohibit solar access	YES
7C.13 – Top storey design and roof forms		
The gross floor area of the top storey is not to exceed 60% of the gross floor area of the storey immediately below.	73%	NO
The top storey of a building is to be set back from the outer face of the floors below on all sides (roof projection is allowed beyond the outer face of the top storey).	YES	YES
The upper storeys of residential buildings are to be articulated with differentiated roof forms, maisonettes or mezzanine penthouses and the like.	An appropriate form roof is proposed	YES
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. These elements include lift overruns, plant equipment, chimneys, vent stacks, water storage, communication devices and signage.	The lift overruns and air-conditioning compressor units have adequately integrated into the design of the buildings.	YES
Roof design must respond to solar access, for example, by using eaves and skillion roofs.	The eaves of the skillion roofs will provide sun protection to the windows on the top floor level.	YES
Where solar panels are provided they must be integrated into the roof line.	Solar panels are not proposed.	YES

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
Lightweight pergolas, privacy screens and planters are permitted on the roof, provided they do not increase the bulk of the building, create visual clutter or impact on significant views from adjoining properties.	The proposed structures to be provided at the roof level will not create visual clutter or impact significant views	YES
7C.14 – Internal ceiling heights		
The minimum ceiling height for a habitable room shall be 2.7m	2.7m min.	YES
The minimum ceiling height for a non-habitable room shall be 2.25m	2.7m min.	YES
7C.15 – Visual privacy		
Buildings must be designed to ensure privacy for residents of the development and of the neighbouring site. The use of offset balconies, recessed balconies, vertical fins, solid and semi-transparent balustrades, louvres/screen panels and planter boxes is encouraged.	Privacy for residents of the development and neighbouring sites has been considered. Recessed balconies and vertical fins have been utilised.	YES
Privacy for ground floor apartments should be achieved by the use of a change in level and/or screen planting.	Changes in level, fencing and landscaping used to achieve privacy	YES
Continuous transparent balustrades are not permitted to balconies or terraces for the lower 3 storeys.	No continuous balconies across the facades	YES
Screening between apartments must be integrated with the overall building design.	Screening devices are integrated into the design of the building	YES
Landscaped screening must be provided to adjoining sites.	Landscape planting has been provided adjacent to the site boundaries	YES
7C.16 - Storage		
Storage space shall be provided at the following minimum volumes: - $6m^3$ for studio and one bedroom apartments - $8m^3$ for two bedroom units - $10m^3$ for two bedroom units - $12m^3$ for units with three or more bedrooms At least 50% of the required storage space must be provided inside the apartment.	Storage provision complies with these requirements.	YES
7C.17 – External air clothes drying facilities		
Each apartment is required to have access to an external air clothes drying area, e.g. a screened balcony, a terrace or common area.	External clothes drying areas have not been nominated	NO
External air clothes drying areas must be screened from public and common open space areas.	External clothes drying areas have not been nominated	NO

COMPLIANCE TABLE		
Development control	**Proposed**	**Complies**
7C.18 - Fencing		
Front fences and walls (to a public street) and side fences in the street setback must not be higher than: i) 0.9m if of closed construction (such as masonry, lapped and capped timber or brushwood fences); or ii) 1.2m if of open construction (such as open paling and picket fences). **Note**: Open fencing includes: panels set into a timber frame or between brick piers, where any solid base is not taller than 0.9m, and panels are spaced pickets, palings, or lattice.	1.2m front fence with masonry columns and powder coated aluminium infill	YES
Closed front fences with a maximum height of 1.8m may be considered where the site fronts a busy road or other sources of undesirable noise. These fences are to be set back at least 2m from the front boundary and screened by landscaping. **Note**: Rendered masonry boundary walls are generally inappropriate to the landscape character of Ku-ring-gai.	NA	N/A
Fences and walls must step down and follow the natural contours of the site.	Fence provides adequate steps	YES
All fencing must be designed to highlight entrances, and be compatible with buildings, letterboxes and garbage storage areas.	An opening in the front fence identifies the location of the pedestrian entry to the site	YES
External finishes for fencing must be robust and graffiti resistant.	The design of the fence is not an attractive graffiti canvas and is easily repainted if graffiti does occur	YES

The non-compliances with DCP controls are assessed as follows:

Volume A

7A.1 Building setbacks

The fifth storey of the building is required to have a minimum 9 metres setback to a side boundary. Building A has a non-compliance in this respect, with the south-western balcony having a 6 metres setback. Furthermore, elements of the 5th storey of the building associated with units A33 and A37 have a nominated setback of 7.5 metres (at worst). Building B has two areas of balcony with a setback of 7.0 and 7.850 metres, respectively, relating to the western boundary. The applicant has argued that the variations are minor, the side setback adjoins a Sp2 – Educational Establishment zone, adequate separation is provided and no amenity impacts occur as a result of the non-compliance.

In relation to Building A, the building on the adjoining site associated with the church is an office and presbytery. The elements of the proposed building which are located within the 9 metres setback are not considered to result in any impacts given the very minor nature.

However, the balcony area could potentially result in impacts and it is therefore recommended that a planter box be provided to assist in this regard **(Condition 21).**

In relation to Building B, the northern-most area of balcony non-compliance (setback of 7 metres) adjoins a garage located at 130 Killeaton Street. The balcony complies with the building separation controls as a garage is non-habitable. This component of the design is accepted. The southern area of balcony non-compliance (setback of 7.850 metres) adjoins habitable windows on the building at 130 Killeaton Street. It is recommended that this area of the balcony be converted to a plater box to create compliance with the 9 metre setback requirement and mitigate any privacy concerns (**Condition 21).**

7C.2 – Private open space

Apartment A30 does not meet the minimum 10m² required for private open space as required by the DCP (7.5m² proposed). The applicant has argued that the proposal is acceptable and the balcony is accessible from the main living area and has a north-east orientation, receiving good levels of solar access. A review of the plans has indicated that, in order comply in this respect an area would have to be taken out of either the main bedroom or the living space to enlarge the balcony. Both of these options would be undesirable. Given the non-compliance relates to only one unit, it is not considered further amendments are warranted.

7C.5 - Apartment depth and width

The non-compliance with apartment depth provisions has been addressed above under the SEPP 65 and Residential Flat Design Code assessment and is considered to be acceptable.

7C.6 – Apartment mix and sizes

The 3 bedroom apartment within the proposal (with the exception of one) do not meet the minimum 95m²apartment size as required by the DCP, with the proposed sizes ranging between 90-93m². The applicant has designed the apartments in this respect to meet the new Apartment Design Guide associated with the amended SEPP 65 which stipulates a minimum 90m² apartment size. The proposal is accepted in this regard.

7C.8 – Building entries

The DCP stipulates that, where a building facade is longer than 18 metres, multiple entries must be provided to that building. Building A has a facade that is greater than 18 metres as it addresses Killeaton Street and Mona Vale Road. It is not considered that a second entry is required in this instance as the main entry to the building is not located at the front facade as is typical, but through a large entry courtyard that grants access to both Building A and B. The objectives of the control are therefore considered to be met.

7C.13 – Top storey design and roof forms

The DCP stipulates that the top floor of a proposed building is to be a maximum of 60% of the floor area of the storey immediately beneath it. The proposal would result in a top floor of 73%. The applicant is aware of the non-compliance and has argued that the upper level of the building is recessed on all sides, that the variation does not result in an

unacceptable visual scale and does not give notice to overshadowing or overlooking impacts on the adjoining SP2 zoned properties.

Council's Urban Design Consultant has indicated that the building is of a high architectural standard. It is noted that the building is 1 metre lower than the maximum height control and complies with floor space ratio and deep soil provisions. The proposal is therefore acceptable in this respect.

7C.17 – External air clothes drying facilities

The plans have not nominated any external air drying facilitates as required by the above mentioned control of the DCP. This issue may be resolved by a condition of consent **(Condition 25).**

Volume B

The site is within the St Ives Centre Urban Precinct. There are no relevant provisions specifically for this site contained within Volume B of the DCP.

Part 2 – Site design for water management

Council's Development Engineer is satisfied that the proposed development has been designed to control stormwater run-off as per the requirements of the DCP, subject to conditions.

Part 3 – Land contamination

The subject site has a history of residential uses and is not considered to be contaminated. The proposal is satisfactory in this respect.

Volume C

Part 1 – Site design

This part relates to earthworks and landscape design.

The proposed development incorporates earthworks, particularly those needed to accommodate the basement car parking. These works are effectively integrated into the natural topography of the site and are consistent with the requirements of this part.

Additionally, the landscaping works of the proposed development will complement the character of the surrounding area. The plantings are sited in a manner that will achieve amenity for the users of the site and neighbouring properties.

Part 2 – Access and parking

Access and parking aspects of the proposed development are acceptable as discussed above by Council's Development Engineer (internal referrals).

Part 3 – Building design and sustainability

The proposal satisfies the relevant provisions of building design and sustainability. The

following considerations are noted in particular:

- 3.4 – Waste management

  A waste management plan prepared in accordance with the DCP has been submitted and is acceptable.

- Part 3.5 and 3.6 – Acoustic privacy and visual privacy

  The applicant has submitted an acceptable acoustic impact report detailing the measures to be implemented to protect resident amenity from noise sources both on and off the site. Council's Environmental Health Officer has no objection to the development having regard to acoustic privacy, subject to conditions.

  The visual privacy impacts of the development have been assessed having consideration of the controls set out under SEPP65 and LEP (Local Centres) 2012 and the underlying DCP. Any likely impacts are acceptable in this regard.

- Part 3.7 – Materials, finishes and colours

  The applicant has submitted a materials and finishes board. The proposed materials and finishes to be used are acceptable.

Part 4 – Water management

Council's Development Engineer is satisfied that the proposed development has been designed to control stormwater run-off as per the requirements of the DCP, subject to conditions.

Part 5 – Notification

The application has been notified in accordance with the requirements of the DCP. The submissions received are addressed above.

Section 94 Development Contributions Plan 2010

The development would attract a section 94 contribution of $1,917,352.11 **(Condition 41).**

LIKELY IMPACTS

The likely impacts of the development have been considered within this report and are deemed to be acceptable.

SUITABILITY OF THE SITE

The site is considered to be suitable for a residential flat building development.

ANY SUBMISSIONS

All submissions received have been considered in the assessment of this application.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant environmental planning instruments and by Council ensuring that any adverse impacts on the surrounding area are minimised. The proposal has been assessed against the relevant environmental planning instruments and policy provisions and is deemed satisfactory, subject to conditions.

The proposed development is considered to be in the public interest.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory.

RECOMMENDATION

THAT the Sydney West Joint Regional Planning Panel, as the consent authority, grant development consent to DA0423/14 for the demolition of all buildings and associated structures and construction of two residential flat buildings containing a total of 74 apartments, basement parking and landscaping works, on land at 124-128 Killeaton Street, St Ives, for: for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
DA-0.00, DA-0.01, DA-0.02, DA-0.03, DA-1.01, DA-1.02, DA-1.03, DA-1.04, DA-1.05, DA-1.06, DA-1.07, DA-2.01, DA-2.02, DA-2.03, DA-2.04, DA-3.01, DA-3.02, DA-3.03, DA-5.01, DA6.03, DA-7.01, DA-7.02, DA-7.03	marchesepartners	08/07/2015
Landscape Plans, L01G, L02G, L03, L04F	Jane Britt Design	Oct 2014 (F) 08/07/15 (G) 08/07/2015
C04.01 (C) 28.07.15, C04.11 (c) 28.07.15, C0.01 (c) 28.07.15,	Abc Consultants	28.07.15 16.06.15

C03.11 (C) 04.09.15, C02.01 (C) 28.07.15, C02.11 (C) 28.07.15, C01. - (A) 28.07.15, C01.01 (B) 16.06.15, C03.01 (D) 04.09.15		

Document(s)	**Dated**
Access report , prepared by ergon consulting	17 October 2014
Basix certificate No. (581655M_02)	23 July 2015
Stormwater Management Plan Ref: 14160-001-swmp-Rev B, prepared by abc Consultants	July 2015
Acoustic Report, prepared by Resonate Acoustics	16 October 2014
Arboricultural impact assessment, prepared by Footprint Green	13 October 2014
Flora and Fauna report, prepared by Footprint Green	13 October 2014
Geotechnical report, prepared by Douglas Partners Ref: 84348.00	October 2014
Statement of Environmental Effects, prepared by Gary Chapman Planning as further amended by correspondence dated 28 July 2015	17 October 2014 28 July 2015

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

2. Inconsistency between documents

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

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

3. 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**
L01G, L02G and L04F	Jane Britt Design	8/07/15
L03	Jane Britt Design	October 2014

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

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

4. 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.

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

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

Reason: Statutory requirement.

7. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- full road pavement width, including kerb and gutter, of Mona Vale Road and Killeaton Street over the site frontage, including the full intersection.
- all driveway crossings and laybacks opposite the subject site.

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

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

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

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

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: 130 Killeaton Street
17-21 Link Road

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. 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 TMP applies to all persons associated with demolition, excavation and construction of the development.

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

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

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

- demolition
- excavation
- concrete pour
- construction of vehicular crossing and reinstatement of footpath

- traffic control for vehicles reversing into or out of the site

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

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

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

10. Work zone

A work zone shall be provided along the site frontage together with a 'No Parking' restriction opposite the access for the construction period. The applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

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

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

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

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

11. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To reduce or eliminate the transport of sediment from the construction site onto public roads.

12. Sediment controls

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the Landcom manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

13. 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.

14. Marking of trees to be removed

All trees that are to be removed are to be clearly marked on site by the Project Arborist in accordance with the approved plans. All other trees are to be retained.

Reason: To protect existing trees during the construction phase.

15. Tree protection fencing

To preserve the following existing trees located within the road reserve and the existing trees located on site, no work shall commence until the area beneath their canopy is fenced off as per the specified radius for following street trees and as per the approved environmental site management plan for trees on site, to prevent any activities, storage or the disposal of materials within the fenced area. The fencing shall be maintained intact until the completion of all demolition/building work on site.

Schedule	
Tree/location	**Radius from trunk**
Tree 197 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	5.8m
Tree 311 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	6.6m
Tree 536 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street	6m
Tree 669 / *Liquidambar styraciflua* (Liquidambar) located on the nature strip along Killeaton Street	7.8m

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. Ground protection shall be in accordance with AS4970-2009 Protection of trees on development sites.

Reason: To protect existing trees during construction phase.

16. Tree protection fencing excluding structure

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

Schedule	
Tree/Location	**Radius in metres**
Tree 192 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	6m
Tree 195 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	4.8m

Reason: To protect existing trees during the construction phase.

17. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

18. 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.

19. 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.

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

20. Amendments to approved engineering plans

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

Plan no.	Drawn by	Dated
Ground Stormwater Drainage Plan C04.01 Revision C	ABC Consultants	28/07/15

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

1. To preserve the health and condition of the following existing tree the stormwater line and associated pits located within the landscaped front setback is to be deleted. Where required for the minimal areas of hard surfacing, stormwater is to be managed by way of rainscaping to direct the water into vegetated areas for infiltration.

Schedule	
Tree/location	**Radius from trunk**
Tree 714 / *Eucalyptus grandis* (Large Scribbly Gum) located within the frontage to Mona Vale Road at the corner with Killeaton Street.	12m

2. The stormwater plan are to be in accordance with the approved architectural plans including showing the approved extent of private courtyards in the front setback

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

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

21. Privacy/visual amenity

To ensure that privacy and visual amenity is maintained to the adjoining property at 130 Killeaton Street, St Ives, the following measure shall be implemented:

- The area that is clouded in red on the eastern balcony of the approved Level 4 plan associated with Apartment B72 is to be converted into a planter box to a height of

1.0 metres (when measured from the finished floor level of the balcony) a width of 0.6m and planted with a suitable dense foliage shrub species.

To ensure that privacy and visual amenity is maintained to the adjoining property at 263 Mona Vale Road, St Ives the following measure shall be implemented:

- The area that is clouded in red on the western balcony of the approved level 4 plan associated with apartment A37 is to be converted into a planter box to a height of 1.0 metres (when measured from the finished floor level of the balcony), a width of 0.6m and planted with a suitable dense foliage shrub species.

Reason: To maintain neighbour amenity.

22. 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.

23. 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.

24. 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.

25. Air drying facilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Amenity & energy efficiency.

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 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 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 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 Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, [a minimum of 8], 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. Noise from road and rail (residential only)

Prior to the issue of the Construction Certificate, the Certifying Authority shall submit evidence to Council demonstrating that the development will be acoustically designed and constructed to ensure that the following LAeq levels are not exceeded:

(a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Plans and specifications of the required acoustic design shall be prepared by a practicing acoustic engineer and shall be submitted to the Principal Certifying Authority.

Reason: To minimise the impact of noise from the adjoining road or rail corridor on the occupants of the development.

31. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm –6.00 am) when measured at the boundary of the site.

C1. Note: A certificate from an appropriately qualified acoustic engineer is to be

submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

32. Location of plant (residential flat buildings)

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

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

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

33. Driveway crossing levels

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

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

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

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

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

34. 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** (Volume C Part 3.4 of the Local Centres DCP 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.

35. Car parking allocation

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

resident car spaces	73
visitor spaces	18
total spaces	92

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.

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 Construction Certificate.

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

36. Number of bicycle spaces

The basement car park shall be adapted to provide 10 bicycle spaces in accordance with the Local Centres DCP. 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 a Construction Certificate.

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

37. Energy Australia requirements

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

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

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

38. Utility provider requirements

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

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

39. Underground services

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

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

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

40. 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.

41. Section 94 Contributions - Centres.
(For DAs determined on or after 19 December 2010)

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

Development Contributions Plan 2010

Infrastructure Type	**Total**
LGA Wide Local Recreational & Cultural	$129,436.41
St Ives TC New Roads & Road Mods	$54,973.90
St Ives TC Local Parks & Sporting Facilities	$1,126,946.59
St Ives TC Townscape Transport & Pedest Fac	$605,995.21
Development Contributions Total	**$1,917,352.11**

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

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

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

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

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

42. 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.

43. 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.

44. 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.

45. 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.

46. Demolition of existing site structures

To preserve the health and condition of existing trees to be retained, all demolition of existing building and landscape structures including tree removal, are to be undertaken within the access restricted to the existing driveways and building platforms. Where vehicular access is required across existing soft landscape area, temporary ground protection capable of supporting the vehicles is to be constructed in accordance with Section 4.5.3, AS4970-2009 Protection of trees on development sites.

Reason: To protect trees to be retained on site.

47. 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.

48. Engineering fees

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared

at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reason: To protect public infrastructure.

49. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

50. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

51. 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.

52. 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.

53. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the **Geotechnical Investigation Report** prepared by **Douglas Partners dated October 2014**. 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.

54. 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.

55. 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.

56. 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.

57. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

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

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

Reason: To protect public places.

58. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

59. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m^2
- are removed within 14 days of the completion of all construction works

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

60. 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.

61. 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.

62. 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.

63. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

64. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

65. Arborist's report

The trees to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the project arborist to the Principal Certifying Authority are required at the following times or phases of work. All reports should include dated, a brief description of the trees inspected, and any mitigation works prescribed. An arborist report prepared by Footprint Green, dated 13/10/14, has been submitted. The tree numbers refer to this report.

Schedule	
Tree/location	**Time of inspection**
Tree 538 / *Nyssa sylvatica* (Tupelo) located within the frontage to Killeaton Street.	• demolition • excavation for basement • hand excavation for services within the tree protection zone.

Tree 713 / *Eucalyptus racemosa* (Flooded Gum) located within the frontage to Mona Vale Road at the corner with Killeaton Street.	• demolition • excavation for basement • hand excavation for services within the tree protection zone.
Tree 714 / *Eucalyptus grandis* (Large Scribbly Gum) located within the frontage to Mona Vale Road at the corner with Killeaton Street.	• demolition • excavation for basement • hand excavation for services within the tree protection zone.
Tree 7 / *Syncarpia glomulifera* (Turpentine) located at the southwest corner of the site, within the adjoining site.	• demolition of front fence

All works as recommended by the project arborist are to be undertaken by an experienced arborist with a minimum AQF Level 3 qualification.

Reason: To ensure protection of existing trees.

66. 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 an AQF level 3 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 the Project Arborist.

Schedule	
Tree/location	**Tree works**
Tree 538 / *Nyssa sylvatica* (Tupelo) located within the frontage to Killeaton Street.	Minor canopy reduction to provide clearance to the building
Tree 713 / *Eucalyptus racemosa* (Flooded Gum) located within the frontage to Mona Vale Road at the corner with Killeaton Street.	Minor canopy reduction to provide clearance to the building
Tree 714 / *Eucalyptus grandis* (Large Scribbly Gum) located within the frontage to Mona Vale Road at the corner with Killeaton Street.	Minor canopy reduction to provide clearance to the building

Reason: To protect the environment.

67. 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.

68. Hand excavation

All excavation, excluding for basement, within the specified radius of the trunk(s) of the following tree(s) shall be hand dug. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any hand excavation.

Schedule	
Tree/location	**Radius from trunk**
Tree 7 / *Syncarpia glomulifera* (Turpentine) located at the south-west corner of the site, within the adjoining site.	12.4m
Tree 192 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	6m
Tree 195 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	4.8m
Tree 197 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	5.8m
Tree 311 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street.	6.6m
Tree 536 / *Liquidambar formosana* (Liquidambar) located on the nature strip along Killeaton Street	6m
Tree 538 / *Nyssa sylvatica* (Tupelo) located within the frontage to Killeaton Street.	4.8m
Tree 669 / *Liquidambar styraciflua* (Liquidambar) located on the nature strip along Killeaton Street	7.8m
Tree 713 / *Eucalyptus racemosa* (Flooded Gum) located within the frontage to Mona Vale Road at the corner with Killeaton Street.	8.3m
Tree 714 / *Eucalyptus grandis* (Large Scribbly Gum) located within the frontage to Mona Vale Road at the corner with Killeaton Street.	12m

Reason: To protect existing trees.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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:

74. Easement for waste collection

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

generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

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

75. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 581655M_02 have been complied with.

Reason: Statutory requirement.

76. Clotheslines and clothes dryers

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

Reason: To provide access to clothes drying facilities.

77. Mechanical ventilation

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

1. The installation and performance of the mechanical systems complies with:

    - The Building Code of Australia
    - Australian Standard AS1668
    - Australian Standard AS3666 where applicable

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

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

Reason: To protect the amenity of surrounding properties.

78. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works 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.

79. 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, have been undertaken in accordance with the approved plan(s) and conditions of consent. All monitoring reports shall be provided to the Principal Certifying Authority prior to the release of the Occupation Certificate.

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

80. Accessibility

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

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

Reason: Disabled access & services.

81. Retention and re-use positive covenant

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

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to Council's Local Centres DCP Volume C Part4R.9). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

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

Reason: To protect the environment.

82. Certification of drainage works

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 Council's Local Centres DCP Volume C Part 4B.5 respectively, have been achieved
- retained water is connected and available for use
- basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Council's Local Centres DCP Volume C Part 4R.6
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

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

Reason: To protect the environment.

83. 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.

84. Basement pump-out maintenance

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified professional and provided to the Principal Certifying Authority.

Reason: To protect the environment.

85. 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 Council's Local Centres DCP Volume C Part 4R.9). 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.

86. 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.

87. 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" and the Seniors Living State Environment Planning Policy in terms of minimum parking space dimensions

- finished driveway gradients and transitions will not result in the scraping of the underside of cars

- 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”,
  - The Seniors Living SEPP (as last amended) for accessible parking spaces,
  - **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.

88. 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.

89. Infrastructure repair

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

Reason: To protect public infrastructure.

90. Fire safety certificate

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

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

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

91. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 2005 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

92. No door restricting internal waste collection in basement

At all times, the basement garbage storage and collection area is to be accessible by Council's Waste Collection Services. No doors, grilles, gates or other devices shall be provided in any location which would prevent this service. Where a gate, door or the like is to be erected, unimpeded access to the garbage collection point is to be provided by other means through written agreement with Council's Waste Collection Services.

Reason: To facilitate access to the garbage collection point.

93. Noise control – plant and machinery

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

Reason: To protect the amenity of surrounding residents.

94. 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. These requirements are to be 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 (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces

Reason: To ensure adequate provision of visitor parking spaces.

95. Annual fire safety statement

Each 12 months after the installation of essential fire or other safety measures, the owner of a building must cause the Council to be given an Annual Fire Safety Statement for the building. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

Reason: To ensure statutory maintenance of essential fire safety measures.

INTEGRATED REFERRAL CONDITIONS:

96. Office of Water

GENERAL TERMS OF APPROVAL FOR CONSTRUCTION DEWATERING

These terms do not represent any form of authorisation for the extraction of groundwater.

These terms require an appropriate response from the Applicant in recognition that an aquifer interference will occur in an important groundwater resource.

General

1. An authorisation shall be obtained for the take of groundwater as part of the activity.

   - Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application. The authorisation shall be subject to a currency period of 12 months from the date of issue and will be limited to the volume of groundwater take identified.

2. The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any watertable watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high watertable elevations to prevent potential future inundation.

3. Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and:

   A. any groundwater mounding at the edge of the structure shall be at a level not greater than 10 % above the level to which the watertable might naturally rise in the location immediately prior to the construction of the structure; and
   B. any elevated watertable is more than 1.0 m below the natural ground surface existent at the location immediately prior to the construction of the structure; and
   C. where the habitable structure is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.

4. Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.

5. DPI Water requires documentation (referred to as report') comprising measurements, maps, borelogs, calculations, results, discussion and justification for various matters related to the dewatering process. Information will be required at several stages: prior to construction commencing (initial report - which will accompany the application for the authorisation), at any time when an authorisation renewal is required or a significant change in activities occurs (intermediate report); and at the completion of dewatering and related operations (completion report). Reports need to be submitted to DPI Water at Parramatta Office, in a format consistent with electronic retrieval without editing restrictions; raw data should be presented in Excel spreadsheets without editing restrictions.

Prior to excavation

6. The following shall be included in the initial report:

   (a) measurements of groundwater levels beneath the site from a minimum of three relevant monitoring bores, together with details of the bores used in the assessment including borelogs and three-dimensional identification information.

(b) a map of the site and its immediate environs depicting the watertable (baseline conditions) shown relative to the topography and approved construction footprint from the surface level and below. An assessment of the potential variation in the watertable during the life of the proposed building together with a discussion of the methodology and information on which this assessment is based.
(c) details of the present and potential groundwater flow paths and hydraulic gradients in and around the site; the latter in response to the final volumetric emplacement of the construction.
(d) a schedule for the ongoing water level monitoring and description of the methodology to be used, from the date of consent until at least two months after the cessation of pumping.[DPI Water prefers that monitoring be undertaken on a continuous basis using automatic loggers in boreholes.]

7. The applicant shall assess the likely impacts of the dewatering activities on other groundwater users or structures or public infrastructure; this assessment will include an appropriate bore, spring or groundwater seep census and considerations relevant to potential subsidence or excessive settlement induced in nearby buildings and property, and be documented together with all calculations and information to support the basis of these in the initial report.

8. Groundwater quality testing of samples taken from outside the footprint of the proposed construction, with the intent of ensuring that as far as possible the natural and contaminant hydrochemistry of the potential dewatered groundwater is understood, shall be conducted on a suitable number of samples and tested by a NATA-certified laboratory. Details of the sampling locations and the protocol used, together with the test results accompanied by laboratory test certificates shall be included in the initial report. An assessment of results must be done by suitably qualified persons with the intent of identifying the presence of any contaminants and comparison of the data against accepted water quality objectives or criteria for the intended dewatering purpose. In the event of adverse quality findings, the Applicant must develop a plan to mitigate the impacts of the hydrochemistry on the dewatered groundwater and present the details of all assessments and plans in the initial report.

9. Groundwater quality testing generally in accordance with Clause 8, shall be undertaken on any anniversary or other renewal or alteration of any dewatering authorisation.

10. A reasonable estimate of the total volume of groundwater to be extracted shall be calculated and included in the initial report; together with details and calculation methods for the parameters and supporting information to confirm their development or measurement (e.g. permeability predicted by slug-testing, pump-testing or other means).

11. A copy of a valid development consent for the project shall be provided in the initial report.

12. The method of disposal of pumped water shall be nominated (i.e. reinjection, drainage to the stormwater system or discharge to sewer) and a copy of the written permission from the relevant controlling authority shall be provided in the initial report. The disposal of any contaminated pumped groundwater (sometimes called

"tailwater") must comply with the *provisions of the Protection of the Environment Operations Act 1997* and any requirements of the relevant controlling authority.

13. Contaminated groundwater (i.e. above appropriate NEPM 2013 thresholds) shall not be reinjected into any aquifer. The reinjection system design and treatment methods to remove contaminants shall be nominated and included in the initial report and any subsequent intermediate report as necessary. The quality of any pumped water that is to be reinjected must be demonstrated to be compatible. with, or improve, the intrinsic or ambient groundwater in the vicinity of the reinjection site.

During excavation

14. Engineering measures designed to transfer groundwater around and beneath the basement shall be incorporated into the basement construction to prevent the completed infrastructure from restricting pre-existing groundwater flows.

15. Piping, piling or other structures used in the management of pumped groundwater shall not create a flooding hazard or induce mounding of groundwater. Control of pumped groundwater is to be maintained at all times during dewatering to prevent unregulated off-site discharge.

16. Measurement and monitoring arrangements to the satisfaction of DPI Water are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.

17. Pumped groundwater shall not be allowed to discharge off-site (e.g. adjoining roads, stormwater system, sewerage system, etc) without the controlling authority's approval and/or owner's consent/s. The pH of discharge water shall be managed to be between 6.5 and 8.5. The requirements of any other approval for the discharge of pumped groundwater shall be complied with.

18. Dewatering shall be undertaken in accordance with groundwater-related management plans applicable to the excavation site. The requirements of any management plan (such as acid sulfate soils management plan or remediation action plan) shall not be compromised by the dewatering activity.

19. The location and construction of groundwater extraction works that are decommissioned are to be recorded in the completion report. The method of decommissioning is to be identified in the documentation.

20. Access to groundwater management works used in the activity is to be provided to permit inspection when required by DPI Water under appropriate safety procedures.

Following excavation

21. Following completion of the dewatering operations, the applicant shall submit to DPI Water, Parramatta Office, the completion report which shall include:

(a) detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and comparison to the baseline conditions; and(b) a watertable map depicting the aquifer's settled groundwater condition and a

(c) a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.

22. The completion report is to be assessed by DPI Water prior to any certifying agency's approval for occupation or use of the completed construction.

97. Roads and Maritime Services

1. A strip of land has previously been dedicated as Public Road by private subdivision along the Killeaton Street frontage of the subject property, as shown by yellow colour on the attached Aerial -"X".

2. Council should ensure that post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge.

3. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

   Details should be forwarded to:
   The Sydney Asset Management
   Roads and Maritime Services
   P0 Box 973 Parramatta CBD 2124.

   A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114 or Fax: 8849 2766.

4. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Mona Vale Road.

5. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD201 2/001.

   The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

   The report and any enquiries should be forwarded to:

   Project Engineer, External Works
   Sydney Asset Management

Roads and Maritime Services
P0 Box 973 Parramatt a CBD 2124.

Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

6. The car parking provision is to be to Council's satisfaction.

7. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 -2002 for heavy vehicle usage.

8. The required sight lines to pedestrians or other vehicles in or around the car park or entrances should not be compromised by landscaping, signage, fencing or display materials. Minimum sight lines for pedestrian safety are outlined in AS2890.1 (Figure 3.3).

9. All vehicles are to enter and leave the site in a forward direction.

10. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

Grant Walsh
Executive Assessment Officer

Richard Kinninmont
Team Leader Development Assessment

Corrie Swanepoel
Manager Development Assessment

Michael Miocic
Director Development and Regulation

ATTACHMENTS:

A1 – Zoning Extract	2015/313600
A2 – Location Sketch	2015/313598
A3 – Architectural Plans	2015/198079
A4 – Landscape Plans	2015/198046

A5 – Hydraulic Plans	2015/198060
A6 – Stormwater Management Plan Report	2015/198053
A7 – Traffic and Car Parking Assessment	2015/198039
A8 – BASIX Certificate	2015/198030
A9 – Access Report	2014/263293
A10 – Acoustic Report	2014/263296
A11 – Arboricultural Report	2014/263298
A12 – Flora and Fauna Report	2014/263302
A13 – Geotechnical Report	2014/263307