SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	2016SYW154
DA Number	DA0341/16
LGA	Ku-ring-gai
Proposed Development	Demolish structures and construct a residential aged care facility, basement parking and landscaping works under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004.
Street Address	144 & 146 Killeaton Street, 1 Yarrabung Road and 1, 3 and 6, College Crescent, St Ives
Applicant	Estia Investments Pty Ltd C/O Peter Hamilton
Owner	Estia Investments Pty Ltd
Number of Submissions	Original DA: 6 submissions Amended DA: Notification not required
Regional Development Criteria (Schedule 4A of the Act)	'General development over $20 million'
List of all relevant s79C(1)(a) matters	• SEPP 55 – Remediation of Land • SREP (Sydney Harbour Catchment) 2005 • SEPP (Housing for Seniors or People with a Disability) 2004 • Ku-ring-gai LEP (Local Centres) 2012 • Ku-ring-gai Local Centres DCP 2016 • Ku-ring-gai Contributions Plan 2010 • Clause 92(1)(b) of the Environmental Planning and Assessment Regulation 2000
Is a Clause 4.6 variation request required?	Yes: The proposal does not comply with clause 40(4) 'Building height' of SEPP (Housing for Seniors or People with a Disability) 2004
Does the DA require Special Infrastructure Contributions conditions (S94EF)?	No
Have draft conditions	Yes

been provided to the applicant for comment? Have any comments been considered by council in the assessment report?	
List all documents submitted with this report for the Panel's consideration	Attachment A – Applicant's clause 4.6 variation request Attachment B – Arborist report Attachment C – Location Sketch Attachment D - Zoning Extract Attachment E – Plans and Elevations Attachment F – Addendum Architects Design Statement
Recommendation	Approval
Report prepared by	Janice Buteux-Wheeler – Executive Assessment Officer
Report date	18 May 2017

PURPOSE OF REPORT

To determine Development Application No. DA0341/16 that proposes to demolish structures and construct a 118 bed residential aged care facility, basement parking for 42 vehicles, associated infrastructure and landscaping works under the provisions of SEPP (Housing for Seniors or People with a Disability) 2004 (hereafter referred to as 'SEPP Seniors').

INTEGRATED PLANNING AND REPORTING

Places, spaces & infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai	Applications are assessed in accordance with state and local plans	Assessments are of a high quality, accurate and consider all relevant legislative requirements

THE PROPOSAL

The application proposes demolition of six dwelling-houses and ancillary structures and construction of a 118 bed residential aged care facility (RACF) under the provisions of SEPP Seniors. The proposed works include:

i. Demolish all existing structures:
   - a two storey brick residence and swimming pool at 144 Killeaton Street
   - a two storey brick residence at 146 Killeaton Street
   - a single storey rendered brick residence, carport and swimming pool at 1 Yarrabung Road
   - a two storey brick residence and swimming pool at 1 College Crescent
   - a single storey brick residence, carport and swimming pool at 3 College Crescent

- a two storey brick residence and swimming pool at 5 College Crescent.

ii. Remove 39 trees and retain 31 trees on site.

iii. Consolidate the six existing allotments

iv. Construct a two level (partially three level) RACF to accommodate a maximum of 118 residents. The maximum number of staff present on the premises at any time will be 36. The building has a flat roof with grey corrugated sheet metal cladding. The walls are proposed to have a mix of face brick and textured blockwork, metal and timber cladding finish. The architectural plans identify a maximum gross floor area of 6,513m^2 which represents a floor space ratio of 0.93:1.

v. The basement level (RL 148.00) incorporates the carpark, kitchen, laundry, workshop, waste room and storage spaces. Fourty-two car parking bays are provided and one space for an ambulance. Access to the basement is via a two lane driveway on the Yarrabung Road frontage. As a consequence of the fall of the site, above this level is an entry foyer, porte cochere, reception, administration facilities, dining room, staff rooms, hairdresser and café.

vi. The ground floor level (RL 152.50) incorporates the lower level of Carehouse Pod 3 (19 beds) and Carehouse Pod 1 (18 beds) and the upper level of Carehouse Pod 2 (18 beds) and Carehouse Pod 4 (18 beds), utilities rooms, plus an activities room, dining/lounge room and sitting rooms. As a consequence of the cross fall of the site, the western side of the ground floor level is located below the existing ground level and the eastern side is located above the existing ground level.

vii. The first floor level (RL 156.00) is located across the south-western corner of the building. The first floor level contains the upper floor level of the Carehouse Pod 3 (23 beds) and Carehouse Pod 1 (22 beds) plus living room, dining area, sitting room, and roof terrace.

viii. It is also proposed to divest the existing stormwater and sewer infrastructure that runs through the site and to extinguish existing easements and create new easements in their place.

THE AMENDMENTS

The revised proposal submitted on 11 April 2017 incorporated the following amendments:

i. Street setbacks: Increased setbacks in the mid-section of the RACF building. The midsection of the College Crescent elevation has been amended to incorporate a large landscape "break" (13m setbacks to College Crescent). The increased setbacks and amended internal layout have resulted in a reduction of bedrooms from 120 to 118 x RACF bedrooms.

ii. Removal of Tree 3: Following a S.34 Conciliation in the Land and Environment Court for the adjoining townhouse development to the west of the subject site (No 142 Killeaton Street), Estia Health has agreed to the neighbours' request to remove Tree 3 *Lophostemon con fertus* (Brushbox) at the Killeaton Street frontage (also known as Tree 29 under the neighbouring DA 233/16).

i. Driveway location: In response to the questions raised by the Sydney North Planning Panel at the briefing held on 22 March 2017 regarding the location of the proposed driveway entry to the RACF basement in proximity to the nearby bus stops in Yarrabung Road, additional information on the location has been provided. In summary: The site analysis revealed that College Crescent was an inappropriate location for the basement entry due to its narrow/quiet residential nature which would be the most impacted by the introduction of large trucks and staff/visitor car movements. Killeaton Street is a busier location and gradients were not as safe for pedestrian/vehicular movement as Yarrabung Road which is less trafficked and with good sight lines. Additionally, Killeaton Street frontage offers a substantial screening from a row of mature street trees which extend along the entire frontage which would be detrimentally impacted by locating a two-way RACF entry.

i. Overland flow sections: Revised drawings introduced a retaining wall along the affected elevations to avoid the façade wall being a wet wall. Additional information (arborist advice) on tree impacts was provided and landscape and civil drawings were updated to reflect the arborist advice.

i. Tree impacts: Amended arborist advice and landscape, civil and architectural plans (including site analysis, site plans, elevations) to reflect proposed removal of Tree 47 and the retention of Tree 48. The northern section of the main terrace has been revised to be elevated on isolated piers within the designated TPZ of Tree 10.

i. *Syncarpia glomulifera* (Turpentine) has been removed from the landscape plan plant schedule.

i. Updated GFA and landscape calculations plans in accordance with SEPP Seniors Living landscape area definitions.

ii. Bus stop access: Revised drawings which incorporate details such as a pram ramp (south of Tree 43) and a bus boarding point on Yarrabung Road.

iii. Dimensions of parking spaces and aisle widths provided on revised architectural drawings. An additional section indicating ceiling clearances and levels to enable headroom required for the 7.2 metres trucks to access the basement loading dock.

iv. Mini bus specifications and clearance requirements are provided.

THE SITE AND SURROUNDING AREA

The site

The site has a total area of approximately 7,066m². It is rectangular in shape and has three road frontages that measure 76m to Killeaton Street, 75m to Yarrabung Road and 81m to College Crescent. The site contains six allotments, six dwelling-houses, five swimming pools and ancillary structures.

The site is located to the east of the St Ives local centre. The site is zoned R2 Low Density Residential and is located at a point of transition on Killeaton Street from high density to low density development. The nearest bus stop is located at the frontage of the site upon Yarrabung Road. The St Ives town centre is a distance of 1km from the site.

The traffic report advises that Killeaton Street carries up to 170 vehicles in the am peak period and 108 vehicles in the pm traffic peak period. Similarly, Yarrabung Road carries up to 199 vehicles in the am peak period and 183 vehicles in the pm peak period.

The highest point of the site is the north-western corner (RL 154.80 AHD) and the lowest point in the north-eastern corner is (RL147.60) the intersection of Killeaton Street and Yarrabung Road. The site falls approximately 8.3 metres down the Killeaton Street frontage, rises 3.8 metres along the Yarrabung Road frontage from the north-eastern corner to the south-eastern corner and rises a further 4.7 metres along the 81 metres long College Crescent frontage from the south-eastern end or corner to the south-western corner. The western boundary of the site has a fall of 1.2 metres between Killeaton Street and College Crescent.

Constraint:	Application:
Visual character study category	1945-1968
Easements/rights of way	Easement for sewer and drainage – lots burdened 144 & 146 Killeaton Street and 1 Yarrabung
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within the vicinity of a heritage item	No
Bush fire prone land	No
Natural Resources Biodiversity	No
Natural Resources Greenweb	Yes: Landscape remnant – 5 College Crescent
Natural Resources Riparian	No
Within 25m of Urban Bushland	No
Contaminated land	No
Within 25m of Classified Road	No
Within 25m of a rail corridor/tunnel	No

Surrounding development

The prevailing character in the immediate vicinity is generally low density single dwellings in open landscaped gardens to the north (Killeaton Street), south (College Crescent) and east (Yarrabung Road). Immediately adjoining lands to the west and south-west comprise R3 Medium Density and R4 High Density which are in a transitional phase. Development in this location includes already constructed 4-6 storey residential flat buildings (No 132-138 Killeaton Street) and approved but not yet constructed 27 x 3 storey townhouses at No 140 Killeaton & No 7-11 College Crescent (DA0131/15) and 10 x 3-storey townhouses at No 142 Killeaton Street (DA0233/16). The site is flanked by roads on three (3) sides and medium to high density on the fourth, western, side.

HISTORY

Pre DA

Two pre-development application consultation meetings were undertaken for the proposed development.

PRE0061/16

A pre DA consultation for, ‘Demolition of existing dwellings and construction of a Residential Care Facility pursuant to SEPP (Housing for Seniors or People with a Disability) 2004’ was held on 25 May 2016. The following key issues were identified to the applicant in relation to the proposal:

- building form, setbacks and elevations
- building height
- water management
- adequate access and parking
- waste
- geotechnical
- tree impacts
- landscaping

The pre DA meeting report was issued to the applicant on 13 July 2016.

Current Application History

Date	Action

25 July 2016	Application lodged.
2 August 2016	The application was notified to neighbouring property owners for a period of 30 days.
19 September 2016	The applicant submits a visual perspective of the development.
21 November 2016	The functions of the Sydney West JRPP were transferred to the Sydney North Planning Panel.
22 December 2016	An assessment letter was sent to the applicant raising issues including: Landscape character, streetscape, setbacks, massing and articulation to College Crescent and Yarrabung Road, tree retention/removal, landscaped area compliance plan, access (demonstrated) in accordance with Clause 26 of the SEPP to and from the bus stop on the opposite side of Yarrabung Road, further detail on overland flow path and tree impacts, details of storm water re-use, parking spaces and aisle widths, headroom for waste collection vehicle and a minibus. The applicant was requested to submit amended plans.
17 February 2017	The applicant had a meeting with Council staff.
23 February 2017	The applicant submits concept sketch changes to respond to the setback concerns for College Crescent.
29 February 2017	Council staff meet and discussed the amendments in a collegiate forum.
09 March 2017	Council staff responded to the applicant on the concept sketch plans.
22 March 2017	Council staff provided a briefing to the SNPP on the status of the DA assessment.
11 April 2017	The applicant submits amended plans and documentation which seeks to address the issues identified in the correspondence of 22 December 2016.

SUBMISSIONS AND COMMUNITY CONSULTATION

In accordance with the notification controls of the Ku-ring-gai Development Control Plan, owners of surrounding properties were given notice of the application. In response, 6 submissions were received.

The following issues were raised in the submissions objecting to the proposal:

The scale and bulk of the development is substantially greater than that of nearby dwellings and is inconsistent with the low density character of the area.

One of the aims of the SEPP is to override Council requirements and allow for development that may be of a significantly greater density than that permitted by the relevant Local Environmental Plan. The proposal, by its nature, is not consistent with that of an R2 zoning, however has been considered against the applicable development standards of the SEPP as indicated within the report. The development satisfies the objectives of the SEPP and is generally within it's scale and bulk provisions.

Additional traffic from visitors, deliveries, shuttle buses, and staff.

The traffic report estimates that the proposal will result in an additional 15 – 21 vehicle trips in the road network peak hour, which represents an increase of 8% in the am peak period and 19.4% in the pm peak period over existing traffic levels for Killeaton Street, and 7% (am) and 11.4% (pm) increase for Yarrabung Road. Additional traffic generated by the development is unlikely to exceed the traffic carrying capacity of Yarrabung Road or Killeaton Street or negatively impact the operation of any nearby intersection.

Building height is excessive and is not compatible with neighbourhood character.

A written request to vary the building height development standard utilising the provisions of clause 4.6 has been provided. The applicant has demonstrated that the proposal meets the “tests” of clause 4.6, and its objectives, being; to provide an appropriate degree of flexibility, and to achieve better outcomes for and from the development.

Council’s Urban Design consultant has concluded that the design of the development is acceptable having regard to building height. The variation has been considered against the planning provisions of SEPP Seniors, the clause 4.6 variation request and meets the aims and objections of these provisions.

Car parking is inadequate and will result in impacts on street parking.

SEPP Seniors requires a total of 30 car parking spaces for a RACF with 36 staff. The development provides 42 car parking spaces and one ambulance space, which is twelve spaces above the requirement of the SEPP. The car parking requirements of SEPP Seniors are non-discretionary development standards, consequently if met it cannot form a reason for refusal.

Noise from operation of facility and construction process, construction impacts.

Construction impacts of vibration, dust, traffic and parking are addressed by Conditions of consent **(Condition 22),** as are noise impacts **(Condition 34)** from the plant associated with the ongoing use of the development.

The electricity substation required is an eyesore.

Electricity substations are essential infrastructure. An electricity substation is proposed within the College Crescent setback. The location of the substation has had regard to maintaining existing canopy trees and planting along College Crescent and is located at a point on College Crescent where there is a 13 metres landscaped setback to the building. The substation is located to minimise streetscape impacts.

The proposed building has a commercial character and does not reference the existing predominant residential character.

The amended proposal includes changes to the articulation and setbacks to break building length. The aesthetic character of the proposal is considered to be appropriate for the site. This is supported by Council’s Urban Design Consultant.

There is insufficient need for further aged care facilities in this area.

SEPP Seniors aims to encourage the provision of Seniors Housing. Seniors Housing is ordinarily prohibited in the R2 Low Density Residential zone, however may be approved where it meets the relevant planning controls of SEPP Seniors. The likely demand for any kind of development proposal is not a matter for consideration in section 79C of the Environmental Planning and Assessment Act 1979.

AMENDED PLANS

The amended plans were not notified as the amendments do not result in a greater environmental impact than the original proposal.

REFERRALS

Urban Design

Council’s Urban Design Consultant assessed the proposal as detailed below:

Urban Character

The design has developed the architectural character of the building and successfully addresses the impacts that can be caused where buildings of this scale are proposed in areas of low density.

The proposal achieves Ku-ring-gai's intended urban character of buildings within a landscaped setting characterized with canopy trees and significant established species.

The site's multiple street frontages minimise the immediate impacts to neighbours by ensuring very generous building separations are achieved, as is ample vegetation to screen and complement the development.

The R3 zoned sites neighbouring the site to the west likewise permit development of a scale that will not adversely impact on the proposed development and neither will the proposed development unreasonably impact on the neighbouring site.

The detailed design resolution of the façades, the materials palette, the composition of all elevations and the proportions of building elements achieves a high quality architectural character for the development.

The proposed design achieves a public address of the streets that results in an acceptable private/public domain interface and a building form that responds to the retained landscape.

Setbacks

Killeaton Street

The prevailing setbacks of all new high density and multi-dwelling development along the southern side of Killeaton Street have achieved a consistent building line of 10 metres minimum (plus 2 metres articulation zone). The proposed setback to Killeaton Street has a range from 6.795 metres to 5.07 metres and is inconsistent but acceptable for the reasons provided below.

It is important to note that the site has three frontages, marks the end of a long suburban block comprising high and medium density housing, reads as a precinct when viewed as a whole and acts as an anchor for the transition to higher density development; effectively defining itself as a small but connected residential block. Additionally, the northern side of Killeaton Street presents a varied building line.

In relation to the proposed setbacks and the built form along Killeaton Street, there is a very generous break of 12 metres in the development which allows views from the public domain of Killeaton Street through the site and into a central garden space (the development being a 'courtyard type' at a large scale). When viewed from Killeaton Street, the break in the building physically divides the massing to appear as two buildings of a scale that responds to the subdivision pattern and low density housing and an arrangement of massing that responds to the higher density development to the west along Killeaton Street.

Topography also assists the proposal. The proposed building steps down the site from its highpoint at the north-western corner to the low point at the north-eastern corner. The ground floor level being the only floor level that extends across the entire site. At the north-western corner, the building appears as 1.5 storeys from Killeaton Street and is visible as 2 storeys at the point where the central courtyard opens as the topography falls. The southern side of the courtyard is then defined by built form appearing as 1.5 storeys stepping down the falling site to being visible as 2 storeys at the Killeaton Street/Yarrabung Road corner. This is in harmony with the surrounding scale of one and two-storey housing.

In relation to the expression of the corner, the architectural expression provides a clear definition so that the massing is clearly differentiated and articulated between that addressing Killeaton Street and that addressing Yarrabung Road; further, there is an expression of space that results in the corner being deferential to the low-scale urban character, is of a built form

that does not dominate over that of the surrounding housing, acknowledging its more public location and appropriately locating communal activities/services.

Yarrabung Road

The site is unique in having three road frontages. Within the context of the existing development pattern, the Yarrabung Road frontage is reflective of the secondary frontage in terms of the application of setback controls. In this regard, the proposed setbacks provide more setback than that typically required for a secondary frontage in an R2 zone (3.8 metres to 4.5 metres). The proposal has setbacks to Yarrabung Road that vary between 5.46 metres to 9.7 metres.

In relation to the setbacks and built form along Yarrabung Road, there is a clear arrangement of massing that is coordinated between the basement and ground floor levels (noting the nominated basement level is at the ground level addressing Yarrabung Road). The porte cochere is located beneath a bay of bedrooms above. Therefore, the main entry building line at the Yarrabung Street level (basement level) is set back approximately 14 metres from the boundary with the hardstand contained wholly within the building line and the driveway crossovers being the only significant areas of hard stand within the setback zone. The basement entry is set back further again.

South of the driveway entry, the Yarrabung Street entry level becomes semi-basement as the topography begins to rise. This accommodates services and plant and is screened behind the existing 2 metres high hedge that is being retained.

The ground floor level above is visible as a 1.5 storey element at the corner of Yarrabung Road and College Crescent. The built form wrapping around the corner again includes a void so that there is a clear definition and expression of the building mass that addresses Yarrabung Road and the massing that addresses College Crescent.

The ground floor reads as a series of clearly defined, single storey (above a recessed podium), bays or pods and are of a scale that is appropriate to the R2 zone

The massing on either side of the ground floor sitting area (located above the driveway entry) provides a well-balanced address to the street. The width-to-depth ratio of the recessed components ensures that the bays are clearly defined, all read clearly, and are of an acceptable scale and proportion.

College Crescent

The setbacks along College Crescent range from 6.03 metres to 7.26 metres to 9.51 metres to 13 metres.

The component with the 13 metres setback accommodates a large living area on both the ground floor and first floor levels which each have dual aspect to the south with views along College Crescent and to the north into the landscaped courtyard. This provides opportunities for sunlight and daylight into the building and for some transparency through the building that will further assist in breaking up the massing and the perceived building length along College Crescent.

The retention of significant trees in combination with the proposed articulation and stepping of the setbacks results in a very successful response to College Crescent.

Western elevation

The proposed setbacks and articulation along the western elevation are satisfactory.

The overall building length is similar to the building lengths of the apartment buildings to the west. There is a substantial depth of articulation and the scale of development appears as a 1.5 storey when viewed from neighbouring properties due to the topography. Suitable

landscaping can be provided and the reading of the bay elements within the design is successful.

Massing

The stepping of the building to respond to the topography assists the articulation of the building mass. This provides vertical articulation to break up the roofs and opportunities to express the facades as smaller elements.

There is a clear architectural expression of 'pods' or bays that are well coordinated with the articulated building mass and that successfully address issues of scale inherent between the typologies of a RACF and detached single storey houses. Refer to the discussion on setbacks above.

Height

A component of 3 storeys is proposed which is acceptable in principle on urban design grounds. The site poses challenges in maintaining the operational requirements of the site to maintain floor levels consistently between storeys due to the large site and sloping topography. The basement rooms that are located beneath the area in height breach are central to the site and are primarily service rooms, which are not impacted by amenity requirements.

The application includes detailed design resolution, that ensures that the third level is not visible from the Yarrabung Road public domain and is clearly subordinate from the 2 storey building mass addressing the street frontages.

The introduction of the roof top terrace is considered to be at the limit of what may be acceptable in exceeding the SEPP requirement of 2 storeys.

Relationship to ground levels

Generally, floor levels and adjacent ground levels work well. Drawing A303 provides a series of site sections describing the relationship of adjacent ground levels and the overland flow channel with internal floor levels. From an urban design perspective, finished ground levels of soil should not be above the internal floor level of adjacent rooms due to defects that permit water ingress into buildings, difficulties remediating, and costs involved.

On the basis of the above, the proposal is considered to satisfy the Design principles in Part 3 of SEPP Seniors and the aims of SEPP Seniors which includes that housing will, 'be of good design'.

Landscaping

Council's Landscape and Tree Assessment Officer provided the following comments:

Tree removal

The development will require the removal of 39 trees – Tree's 3, 4, 5, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 35, 37, 42, 46, 47, 51, 52, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 71, 74, 75, 76, 77, 78.

Of the 31 trees to be removed;

- *5 trees have high landscape amenity*
- *20 trees have a moderate landscape amenity*
- *11 trees are either exempt or weed species*

The 5 trees with a high landscape amenity that are proposed for removal have a fair condition or their structure has been compromised.

Tree retention

The development will retain 31 trees including;

- *11 trees on site – Tree's 10, 33, 34, 36, 38, 48, 67, 68, 70 and*
- *20 trees on Council's nature strip – Trees 1, 2, 6, 7, 8, 9, 23, 28, 30, 31, 32, 39, 40, 41, 43, 44, 45, 49, 50, 69.*

An additional 8 trees are proposed to be transplanted – Trees 25, 29, 53, 54, 55, 56, 72, 73.

Tree impacts

*Tree 10 – Agathis robusta (Queensland Kauri Pine). To minimise impacts on T10 the landscape and architectural plans are to be amended to reflect the proposed location of the overland flow path indicated on the stormwater plans SKC01 Revision P12. A condition will be imposed to address this issue.**(Condition 24)***

Tree 33 – Eucalyptus paniculata (Grey Ironbark). The plans have been satisfactorily amended to address adverse impacts on T33.

*Conditions are recommended requiring to provide tree protection measures and monitoring throughout the development process **(Conditions 17, 18, 19, 20, 50, 71, 72 and 73)**.*

Landscape plan

The landscape plan is acceptable, subject to the following amendments to address Part 21.2 Landscape design of the DCP;

- *To maintain and enhance the streetscape character of Yarrabung Road 1 x Syncarpia glomulifera (Turpentine) of minimum container size 75 litres is to be planted on the Yarrabung Road nature strip between the 2 driveways.*
- *To maintain and enhance the streetscape character of Yarrabung Road and College crescent a Syncarpia glomulifera (Turpentine) of minimum container size 75 litres shall be planted in the south-eastern corner of the site.*
- *At least 4 x trees that attain a minimum height of 10 metres are to be planted in the deep soil areas within the large courtyard between Carehouse Pod 1 and 2.*
- *The courtyards adjacent to Carehouse Pods 2 and 4 are to include at least one (1) garden area that can sustain a medium sized tree in accordance with Item 7 (ii) of Part 23.5 of the KDCP.*
- *The plan is to clearly note the retention of the existing Cupressocyparis x leylandii (Leyland Cypress) located around the south eastern corner of the site.*
- *To allow for the retention of the existing Cupressocyparis x leylandii (Leyland Cypress) the 12 x Callistemon salignus "Greta Balls of Fire' shall be deleted*

***Condition 26** addresses these issues.*

Engineering

Council's Team Leader, Engineering provided the following comments:

Access to facilities and works in the public road

*The plans show locations of the bus boarding point and kerb ramp, and are satisfactory. A footpath will be required to be constructed for the Killeaton Street frontage of the site **(Condition 37)**.*

*Detailed design plans for the new footpath, bus boarding point and kerb ramps are required to be submitted for Roads Act approval prior to issue of the Construction Certificate **(Condition 37)**.*

Water management

For the development to proceed, the existing interallotment drainage easement benefitting the upstream properties must be released and a new easement created over the 375mm diameter pipe which will be laid around the building during construction. A temporary pipe can be provided for the period of excavation and until the new pipe is operational. This is included within conditions of consent ***(Condition 5)****.*

The upstream neighbours must endorse the documentation for the release of the easement, but not for the creation of a new easement. If both are done prior to occupation of the development, then suitable legal disposal of stormwater will always be available. Therefore a deferred commencement condition is not considered to be necessary in this case. It is also noted that no submissions objecting to the relocation of the pipe and easement were received.

*It is understood that re-use of retained roofwater for irrigation is proposed. A 20 cubic metres tank is shown on the drawings, overflowing into the detention tank. The stormwater report states that a 50% reduction in runoff days will be achieved. The calculations and modelling are required to be provided via a condition of consent (****Condition 89****).*

Cross-sections of the overland flowpath have been provided (on TTW Drawing SKC06/P1). The wall closest to the building is not required for floodproofing but appears to be provided to raise the landscaping in the planter bed so that it will be visible to the residents. There are no engineering objections to this. Suitable freeboard is available to the ground floor units with or without the wall.

It is noted that the rock dispersion is shown at the tail-out of the overland flowpath. This is satisfactory.

Traffic and parking

Under the SEPP, the development requires one parking space per 10 beds, one parking space per two employees and one space for an ambulance. The number of car parking spaces (42) in the basement is ample. Parking space dimensions have been provided on the architectural plans and are satisfactory.

The amended plans indicate that the headroom under the porte cochere will be 3.6 metres, and the minibus has a height of 2.285 metres, as such, access will be available for on-site pick up and set down of passengers.

Waste management

*Correspondence has been provided which confirms that a small waste collection vehicle is available for collection within the basement. A minimum headroom of 3.6 metres is demonstrated, which is ample for the size of vehicle shown. A condition requiring all waste to be stored in and collected from the basement is recommended (****Condition 83****).*

Construction traffic management

The traffic report contains a section titled "Indicative Construction Traffic Management Plan". Brief notes are given on construction vehicle routes, site access and Works Zone. This is satisfactory. Yarrabung Road is an alternative suitable location for a Works Zone, being lower.

*A detailed Construction Traffic Management Plan will be required prior to commencement of works (****Condition 12****). Parking restrictions will be required on one side of Killeaton Street between Yarrabung Road and Mona Vale Road, to allow for two way traffic during construction.*

Geotechnical investigation

The site is underlain by clays over sandstone. The report contains recommendations for excavation methods and support, vibration monitoring and groundwater management. This is satisfactory.

STATUTORY PROVISIONS

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 been historically used for residential purposes including dwelling houses. As such, it is unlikely to contain any contamination and further investigation is not warranted in this case

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

Matters for consideration under SREP 2005 include biodiversity, ecology and environmental protection, public access to and scenic qualities of foreshores and waterways, maintenance of views, control of boat facilities and maintenance of a working harbour. The proposal is not subject to the provisions that apply to the assessment of development applications as the site is not located in the Foreshores and Waterways Area.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The application has been submitted pursuant to the SEPP. The relevant provisions are addressed below.

Chapter 3 'Development for seniors housing'

Clause 14 states that the objective of this chapter is:

> *'…to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.'*

Clause 15 of the SEPP states that development on land zoned primarily for urban purposes for the purposes of any form of seniors housing is permitted despite the provisions of any other environmental planning instrument if the development is carried out in accordance with the SEPP. In accordance with clause 15 the proposal is permissible development as the site is located on land that is zoned primarily for urban purposes and development for the purpose of dwelling-houses is permitted.

Clause 18 - Restrictions on occupation of seniors housing allowed under Chapter 3

This clause states that development allowed by Chapter 3 may only be carried out for the accommodation of:

> *(a) seniors or people who have a disability,*
> *(b) people who live within the same household with seniors or people who have a disability,*
> *(c) staff employed to assist in the administration of and provision of services to housing provided under this Policy.*

Consent must not be granted to a development application unless a condition reinforcing the above through a requirement to register a restriction to user on the property title has been imposed ***(Condition 97)***. Subclause (3) of clause 18 states that subclause (2) does not limit

the kinds of conditions that may be imposed on a development consent, or allow conditions to be imposed on a development consent otherwise than in accordance with the Act.

Clause 26 - Location and access to facilities

This clause states that:

> *(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:*
>
> > *(a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and*
> > *(b) community services and recreation facilities, and*
> > *(c) the practice of a general medical practitioner.*

Subclause (2) states:

> *(2) Access complies with this clause if:*
> *(a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:*
> *(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,*
> *(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,*
> *(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or*
> *(b) in the case of a proposed development on land in a local government area within the Sydney Statistical Division—there is a public transport service available to the residents who will occupy the proposed development:*
> *(i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and*
> *(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and*
> *(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive),*
> *and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3),*

Subclause (2) states that compliance with the clause can be achieved in two ways, the site being within 400m of the facilities and services specified in clause 26 (1) or the residents of the development having access to a public transport service that will take the residents to facilities and services specified in clause 26 (1).

As the crow flies, the subject site is approximately 550m of the St Ives local centre and is a walking distance of approximately 830m to access the facilities and services available in the St Ives local centre.

The site is unable to comply with the access requirements in clause 26 (2) (a) as the St Ives local centre is more than 500 metres from the site. The site however does comply with the access requirements of clause 26 (2) (b) as the nearest bus stops are located on the Yarrabung Road frontage of the site (northbound) in direct proximity to the primary access point to the development, and on the opposite side of Yarrabung Road (southbound) within the road frontage of 2B Yarrabung Road. The access pathway to the nearby bus stops can comply with the gradient requirements subject to the addition of pram ramps, footpath and bus boarding point on the kerb (**Condition 37**).

Appendix 3 of the Department of Planning guide to SEPP Seniors lists the following services as those potentially required by clause 26:

Type of service required by clause 26	Examples
Shops, banks and other retail and commercial services	corner shop, local convenience store, public telephone, butcher, general grocery store, other groceries, newsagent, bank, chemist, post office, major shopping centre.
Community services	community information services, libraries (home and branches), council staff
Recreational facilities	cinema, theatre, public parks, swimming pools, senior citizens centre, bowling clubs, neighbourhood centres running social activities

The development is able to achieve access to a diverse range of retail, commercial, community and recreation facilities within the St Ives local centre for residents of the proposed residential care facility.

As the SEPP requires that access to the facilities and services be satisfied by geographical proximity or access to public transport services, it is considered that it is the intention of the SEPP for residents to have access to a wide range of services that the public at large would also be able to access. It is considered that the requirements of clause 26 are met.

Clause 29 - Site compatibility

Clause 29 of the SEPP provides that where a site compatibility certificate is not required the matters listed in clause 25(5) (b) (i) (iii) and (v) must be considered in the assessment of the development application. The consent authority must be of the opinion that the proposed development is compatible with the surrounding land uses having regard to the following criteria of cl.25(5)(b):

> *(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,*
> *(iii) the services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision,*
> *(v) without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development,*

As detailed throughout this report, the proposal has been considered against the criteria listed above and is consistent with these requirements.

Part 3 Design requirements

Clause 30 – Site analysis

This clause requires that the consent authority be satisfied that the applicant has taken into account a site analysis prepared in accordance with the requirements specified in the clause. The site analysis submitted with the application complies with the requirements specified in clause 30 of the SEPP. The consent authority can be satisfied that the applicant has taken into account the site analysis.

Clause 33 - Neighbourhood amenity and streetscape

This clause states:

The proposed development should:

(a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and

(b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and

(c) maintain reasonable neighbourhood amenity and appropriate residential character by:

(i) providing building setbacks to reduce bulk and overshadowing, and
(ii) using building form and siting that relates to the site's land form, and
(iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and

(d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and

(e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and

(f) retain, wherever reasonable, major existing trees, and

(g) be designed so that no building is constructed in a riparian zone.

The proposal is considered to satisfy the requirements of clause, as detailed within the comments of Council's urban design consultant above and throughout this report.

Clause 34 - Visual and acoustic privacy

This clause states that development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:

(a) appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and
(b) ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.

The proposal addresses these requirements by incorporating appropriate setbacks, privacy screening, maintaining existing landscaping and trees to street boundaries, creating new landscaping opportunities and sensitive window locations into the plans.

Clause 35 - Solar access and design for climate

This clause specifies that:

The proposed development should:

(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and

(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction.

Shadow analysis plans for mid winter were submitted to Council as part of the proposal. The shadow plans indicate minor shadowing of the adjacent western properties at 9am mid winter. The arrangement of courtyards on the adjoining approved townhouse developments is such that the principle private open space and living spaces of the adjoining developments will have minimal if any impact on the existing solar access to those properties. The 12 noon impact is confined to the site and College Crescent road pavement. The 3pm shadow is cast onto Yarrabung Road and College Crescent. The proposed development will not create unreasonable overshadowing of the adjoining properties.

The design provides adequate opportunity for residents to access sunlight and daylight both from individual rooms, and particularly from the north facing internal courtyards / terraces, lounge rooms, activity rooms and smaller sunroom dispersed around the development. The café and adjacent ground level terrace at the north-eastern corner of the proposal (facing Yarrabung Road) and the large internal courtyards which adjoin the north-facing living, dining, and activity areas that ensure that residents will have high standard of amenity within the development.

Clause 36 - Stormwater

This clause specifies that:

> *The proposed development should:*
>
> *(a) control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and*
>
> *(b) include, where practical, on-site stormwater detention or re-use for second quality water uses*.

The proposal includes a stormwater detention system which has been designed in accordance with the requirements in the Ku-ring-gai DCP (Local Centres).

Clause 37 - Crime prevention

This clause specifies that:

> *The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:*
>
> *(a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and*
>
> *(b)where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and*
>
> *(c)providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.*

The proposal is consistent with the intent of the above controls, the internal courtyards are overlooked by private rooms and communal areas, the front path is visible from the entry foyer and reception area and a CCTV system is proposed to be installed. These are also limited access points and clearly defined public and private areas with clear sight lines that ensure compliance with this provision.

Clause 38 - Accessibility

This clause specifies that:

The proposed development should:

(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and

(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

The pedestrian entrance to the site is located near the centre of the site frontage in an obvious location. There is a direct line of sight between the front entry at the site frontage and the front entry to the facility. The proposal provides more than the minimum number of car spaces within a basement carpark that has been designed in accordance with the design standards of AS2890.1. The proposal is consistent with the clause requirements.

Clause 39 - Waste management

This clause specifies that:

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities

A waste room of adequate size for the likely number of waste containers is located in the basement. The applicant has submitted an operational waste management plan which details the waste management procedures for the facility. General waste and recyclables is to be separated by staff and collected from the basement by a private contractor. The proposal is therefore consistent with the requirements of this clause.

Clause 40 - Development standards

Standard	**Proposal**	**Compliance**
Site area: 1000m^2	7,066m^2	**YES**
Site frontage: 20m	North - 76.19m South - 76.7m (+9m splay corner) East – 74.65m (+ 8.5m splay corner)	**YES** **YES** **YES**
The height of all buildings in the proposed development must be 8 metres or less	8.9m	**NO**
A building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height.	2 storeys maximum for elevations adjacent to site boundaries. 3 storeys maximum in the central part of the site.	**NO**
A building located in the rear 25% area of the site must not exceed 1 storey in height.	The site, having three street frontages, does not have a readily discernible rear.	**N/A – The site has three street boundaries and a side boundary**

Clause 40(4) Height in zones where residential flat buildings are not permitted

The proposal does not satisfy the SEPP Seniors building height development standard of maximum 8m, the proposal has a building height against the height definition of SEPP Seniors of 8.9m. A clause 4.6 variation request has been lodged in support of the 11% variation to the standard. A detailed assessment is included below.

Clause 4.6 of KLEP (Local Centres) 2012 allows Council to vary development standards in certain circumstances and provides an appropriate degree of flexibility to achieve better design outcomes. Council may grant the exception as the Director-General's concurrence can be assumed where

Clause 4.6 is adopted in accordance with the Department of Planning Circular PS 08–003, dated 9 May 2008.

A request to vary the requirements for the height and storeys development standard, prepared by Smyth Levy & Associates Pty Ltd and dated July 2016, has been submitted addressing the provisions of clause 4.6 of KLEP (Local Centres) 2012 (Attachment A).

In order to demonstrate whether flexibility in applying the development standard is appropriate in this instance, the request has been considered against the provisions of Clause 4.6 below:

Clause 4.6 provision	**Assessment**
Whether the proposed development is consistent with the objectives of the particular standard.	Yes The proposal is consistent with the objectives of the standard in that it does not result in an abrupt change in scale within the streetscape. The location of the height breach and additional storey within the central part of the site does not impinge upon the amenity of adjoining residential development and cannot be readily perceived from the public domain or the adjoining townhouse development. The proposal maintains a two storey (or less) building form at all street frontages and the common boundary with R3 zoned neighbouring properties.
Whether the proposed development is consistent with the objectives for development within the zone.	Yes The first two objectives of the zone are overridden by SEPP Seniors as Seniors Housing is prohibited in the R2 zone and SEPP Seniors allows for development densities significantly greater than that ordinarily permitted by the floor space ratio controls for R2 zoned land. The development is consistent with the aims of SEPP Seniors and it is considered that for the reasons of detailed within this report that the proposed development is consistent with the third objective of the R2 Low Density Residential zone.
Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.	Yes The applicant provides that compliance is unreasonable and unnecessary as all clause 4.6 criteria are satisfied, being that the development achieves the objectives of both the standard and zone (as applicable) and there are sufficient environmental planning grounds to justify the variation.
Whether there are sufficient environmental planning grounds to justify contravening the development standard.	Yes The applicant provides that there are site specific and development specific environmental planning ground/s for the proposed variation, namely: i. The proposed development is consistent with the express objective of the SEPP height standard in that it results in no abrupt changes in scale in the streetscape and the KLEP2012 height objectives which seek to achieve an appropriate height for the area, a transition in scale between the “centre” zoning and the adjoining lower density zone to protect local amenity and to achieve a built form that is compatible with the size of the land. ii. The proposed development achieves a maximum 2 storey townhouse style streetscape presentation to all frontages despite the potential alternative for an

	"institutional" design that might reasonably be generated for a hospital / RACF style building with a permitted 1:1 FSR. Considerable design effort has been undertaken to ensure a high retention of street trees, and retention of all significant (healthy) trees/hedges located within the building setbacks to achieve a well landscaped streetscape character from the outset. iii. The proposed built form siting, design and external appearance of the proposed development are considered to be appropriate, in that it transitions down from the 4-6 storey residential flat buildings, the (future) emerging townhouse developments and complements the 1-2-storey development across the road from the site in the R2 zones. iv. The portion of the building where the additional height occurs is setback toward the middle of the building and is set behind the 1-2 storey height frontages so that despite its existence, the non-compliant portions will not be visible from the street / neighbour properties and there are no impacts on neighbour amenity.
Whether the proposed development is in the public interest.	Yes The proposal is considered to be in the public interest as it is consistent with the zone (as applicable) and development standard objectives.
Whether the proposed development is consistent with objectives of clause 4.6, being, whether by allowing flexibility in the particular circumstances a better outcome for and from the development is achieved.	Yes The applicant has demonstrated that the proposal is consistent with the objectives in that an appropriate degree of flexibility has been applied to permit a contravention of the building height and storeys development standard. Lowering the development would entail additional excavation and would detrimentally impact on significant trees which the applicant has expressly sought to achieve and would impede resident amenity for bedrooms located on the lower accommodation level. The majority of the building is compliant and some parts of the development are well below the 8m/2 storey height (eg at the SE corner). The relocation of building bulk from the street frontages to the centre of this large site where it in imperceptible is a better outcome. The additional height sought is not readily visible from the neighbouring properties or public domain so that it has no detrimental streetscape or amenity impacts on the neighbourhood. By applying an appropriate degree of flexibility, the site can be developed in accordance with the relevant objectives while enabling the site to achieve the aims of the SEPP Seniors policy while maintaining a low scale building within established landscaped setbacks.

The submitted request to vary the development standard is acceptable and flexibility in applying the building height and storeys development standard is considered appropriate in this circumstance.

Clause 46 - Inter-relationship of Part 7 (non-discretionary development standards) with design principles in Part 3

This clause states:

> *(1) Nothing in this Part permits the granting of consent to a development application made pursuant to this Chapter if the consent authority is satisfied that the proposed development does not demonstrate that adequate regard has been given to the principles set out in Division 2 of Part 3.*
>
> *Note.*
> *It is considered possible to achieve good design and achieve density ratios set out in Division 2. Good design is critical to meriting these density ratios.*
>
> *(2) For the avoidance of doubt, nothing in this Part limits the matters to which the Director-General may have regard in refusing to issue a site compatibility certificate*

In accordance with this clause the proposal is considered to satisfy the design principles in clause 33 'Neighbourhood amenity and streetscape' despite being non-compliant with the non-discretionary development standards in clause 48.

Clause 48 - Standards that cannot be used to refuse development consent for residential care facilities

Standard	Proposal	Compliance
Building height: 8m	8.9m	**NO**
Floor space ratio: 1:1	<1:1	**YES**
Landscaped Area: 25m^2 per bed	3188m^2 (>25m^2 per bed	**YES**
Parking: 1 per 10 beds or 1 per 15 dementia beds (12 spaces) 1 for every 2 employees (18 spaces) 1 ambulance space (1 space)	YES – The development proposes 42 parking spaces.	**YES**

Clause 48(a) standards that cannot be used to refuse development consent for residential care facilities – building height

The proposal breaches the SEPP Seniors building height development standard of 8m, the proposal has a building height against the height definition of SEPP Seniors of 8.9m. A detailed assessment of the height breach is provided within the clause 4.6 variation to clause 40(4) of SEPP Seniors is provided above.

Clause 55 - Residential care facilities for seniors required to have fire sprinkler systems

A condition requiring the installation of a fire sprinkler system has been recommended (**Condition 30**).

Ku-ring-gai Local Environmental Plan 2015

Ku-ring-gai Local Environmental Plan 2015 is the statutory LEP for the subject site.

In summary, the objectives of this plan are to:

- guide future development with respect to environmental, social, economic, heritage and cultural outcomes,
- provide housing choice,
- achieve land-use relationships that promote efficient use of infrastructure.

Permissibility

The site is zoned R2 Low Density Residential. The proposed use is defined as *seniors housing* which is a prohibited form of development in the R2 Low Density Residential zone.

The proposal has been submitted pursuant to the provisions of SEPP Seniors. The SEPP applies to the site as it is zoned primarily for urban purposes and dwelling-houses are permitted on land zoned R2 Low Density Residential.

Zone objectives

The objectives of the zone are:

- *To provide for the housing needs of the community within a low 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 housing that is compatible with the existing environmental and built character of Ku-ring-gai.*

The first two objectives are overridden by SEPP Seniors as Seniors Housing is prohibited in the R2 zone and SEPP Seniors allows for development densities significantly greater than that ordinarily permitted by the floor space ratio controls for R2 zoned land. It is considered that, for the reasons detailed within this report, the proposed development is consistent with the third objective of the R2 Low Density Residential zone.

Development standards

The development standards for building height (9.5m) and floor space ratio (0.3:1) in the LEP do not apply to the proposal as they are overridden by the standards for height and floor space ratio in SEPP Seniors.

LEP - Part 5 Miscellaneous provisions

Clause 5.3 Development near zone boundaries

Not applicable to this application.

Clause 5.4 Controls relating to miscellaneous permissible uses

Not applicable to this application.

Clause 5.9 – Preservation of trees or vegetation

Council's Landscape and Tree Assessment Officer is of the opinion that the proposed development will retain all significant trees and vegetation on the site and nature strip.

Clause 5.10 – Heritage conservation

Not applicable to this application.

LEP - Part 6 Additional local provisions

Clause 6.2 - Earthworks

The proposed development is unlikely to 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.

Clause 6.3 - Biodiversity protection

This site is not mapped as an area of biodiversity protection under Council's mapping system.

Clause 6.4 - Riparian land and waterways

The site is not mapped as riparian land under Council's mapping system.

Clause 6.5 - Stormwater and water sensitive urban design

Council's Development Engineer is satisfied that the proposed development has been designed to manage urban stormwater run-off as per the requirements of the LEP & DCP.

Ku-ring-gai Development Control Plan

KU-RING-GAI DEVELOPMENT CONTROL PLAN - COMPLIANCE TABLE		
Section A		
Part 2.1: Site Analysis		
Control	***Proposal***	***Compliance***
Development applications must contain a site analysis that includes: i) a sketch/diagrammatic plan with a legend; and ii) a written component.	An adequate site analysis has been provided.	**YES**
Part 3: Land Consolidation and subdivision		
The proposal is not subject to these requirements as it will not isolate any adjoining sites and lot consolidation is not proposed.	N/A	**N/A**
Part 13: Tree and Vegetation Preservation		
The proposal seeks consent for the removal of trees and works within the roof zone of trees which requires consent under the DCP.	YES Refer to Landscape and Tree Assessment Officer comments**.**	

SECTION B		
Control	***Proposal***	***Compliance***
Part 15: Land Contamination		
Refer to Council's *Contaminated Land Policy 2016* for a list of activities that may cause a site to be considered 'potentially contaminated land', and for requirements for development applications, rezoning and remediation works on contaminated land.	The site history indicates that the site has not been used for a potentially contaminating activity.	**YES**
Part 16: Bushfire Risk		
The site is not bushfire prone land.	N/A	**N/A**
Part 17: Riparian Lands		
The site is not riparian land.	N/A	**N/A**
Part 18: Biodiversity		
The site contains biodiversity significant land.	The site includes canopy remnant mapped areas on 5 College Crescent. The trees relating to the mapping of this area are retained under the proposal.	**YES**
Part 19: Heritage Items and Heritage Conservation Areas		
The site contains a Heritage Item and is adjacent to a Heritage Conservation Area.	N/A	**N/A**
Part 20: Development Near Road or Rail Noise		
The site is not near road or rail noise.	N/A	**N/A**
SECTION C		
Part 21: General Site Design		
Part 21.1: Earthworks and slope		
Control	***Proposal***	***Compliance***
Development must be accommodated within the natural	The floor levels are stepped	**YES**

slope of the land. Level changes across the site are to be primarily resolved within the building footprint. This may be achieved by: i) stepping buildings down a site; and ii) locating the finished ground floor level as close to existing ground level as practicable.	in response to the sloping topography of the site.	
Development is to minimise earthworks on steeply sloping sites. Sites with a slope in excess of 15% may require certification from a geotechnical engineer as to the stability of the slope in regard to the proposed design.	A geotechnical report has been provided as part of the development application. The report contains recommendations for excavation methods and support, vibration monitoring and groundwater management. This is satisfactory.	**YES**
Landscape cut or fill should not be more than 600mm above or below natural ground line.	Cut and fill for landscaping purposes will exceed 600mm however it is considered minor and does not impede planting within the landscape space or alter the general slope of the land.	**YES – acceptable on merit**
A minimum 0.6m width is required between retaining walls to provide adequate soil area and depth to ensure that they do not read as a single level change, and for the viability of landscaping.	YES	**YES**
Existing ground level is to be maintained for a distance of 2m from any boundary.	Excavation is required along the western side boundary to achieve the finished floor levels of the building. The western side setback includes terraced retaining walls including an area for the overland flow path with the 3 closest walls being 1.6 metres from the boundary. A large section of the western elevation of the building is also set back 9.5 metres from the boundary to preserve T70. It is considered that there is sufficient space for planting that will soften the built form minimising impacts on neighbouring properties.	**YES – acceptable on merit**
Grassed embankments are not to exceed a 1:6 slope. Vegetated embankments, planted with soil stabilising species, may be to a maximum of 1:3.	N/A	**N/A**
Fill and excavation are not permitted within sensitive environments, such as riparian lands, bushland, or significant vegetation.	YES	**YES**
Retaining walls, excavated and filled areas shall be located and constructed to have no adverse impact on: • structures to be retained on the site; • structures on adjacent public or private land;	The proposed earthworks within the designated tree protection zones of Tree's 10, 33, 48, 67, 68 and 70 will be within acceptable limits	**YES – acceptable on merit and as conditioned**

• trees to be retained on site or on adjoining sites.	provided that the tree protection measures imposed are carried out.	
Excavated and filled areas are to be constructed so as not to redirect or concentrate stormwater or surface water runoff onto adjoining properties.	N/A	**YES**
The design of the proposal must consider the impacts of altered subsurface/groundwater flows or direction on groundwater dependent ecosystems or species.	N/A	**N/A**
For any dwelling house development, excavation within the building footprint must not exceed 1.0m depth relative to ground level (existing), fill must not exceed 1m relative to ground level, with a maximum level difference across the building footprint of 1.8m.	N/A	**N/A**
Retaining walls on low and medium residential density sites must not exceed 1m in height above existing ground level. Where greater level change over the site is required, the site should be terraced.	YES	**YES**
Part 21.2: Landscape Design		
The site planning and design of developments must:		
i. retain and enhance indigenous vegetation, biodiversity corridors and existing natural features on the site including trees, shrubs and groundcovers, soils, rock outcrops and water features. These provide habitat, breeding sites, food and shelter for a wide variety of life forms and ecological processes that support life and define the character of the locality.	The proposal retains all important trees and vegetation on the site and road reserve.	**YES**
ii. retain the most significant and visually prominent trees and vegetation that contributes to neighbourhood character	The proposal retains all important trees and vegetation on the site and road reserve.	**YES**
iii. retain vegetation and garden fabric such as paths, walls,	Retention of existing landscaping plus new landscaping is proposed.	**YES**
iv. steps, ponds and terraces, that contribute to the heritage significance of the setting of a heritage item or a site within a heritage conservation area;	N/A	**N/A**
v. be located to retain views of public reserves;	The site is not located near a public reserve.	**N/A**
vi. consider subsurface/groundwater flows near bushland	The site is not located near bushland.	**N/A**
vii. Retain habitat within the site including: -- drainage features and damp areas; -- rock outcrops -- hollow-bearing trees; -- areas of leaf litter; -- bushrock.	N/A	**N/A**
The retention of existing appropriate screen planting is encouraged.	Existing hedge, shrub and tree planting within setbacks to neighbouring properties and the street have been retained where possible.	**YES**
Structures (including services) must be located outside the canopy spread of trees to be retained. This applies to street trees, trees on site and on adjoining sites.	Civil details have been provided to ensure the protection of important canopy trees on site.	**YES**
Disturbance of natural soil profiles must be minimised.	YES	**YES**

Existing ground level must be maintained beneath the canopy spread of trees to be retained.	Civil details have been provided to ensure the protection of important canopy trees on site.	**YES**
The introduction of imported soils and disturbance of local seed banks must be avoided wherever possible.	YES	**YES**
Vegetation retention must consider the following: i) healthy specimens that have a high Safe Useful Life Expectancy are to be the first priority for retention; ii) trees within heritage items or heritage conservation areas are to be assessed in terms of heritage significance; iii) mature trees and hollow-bearing trees within biodiversity areas are a priority for retention; and iv) while single trees may be ecologically important in their own right, or as part of a broader community, retaining and planting trees in groups.	An arborist assessment of tree health has been provided and considered in the assessment of the development application.	**YES**
Seasonal temperature control and improved air quality can be achieved through effective landscape design and application of the design principles in design control No. 8.	These provisions have been considered by Council's Landscape and Tree Assessment Officer.	**YES**
Siting and choice of planting must consider the design principles in design Control No. 9.	These provisions have been considered by Council's Landscape and Tree Assessment Officer.	**YES**
Planting beds for screen planting must be of adequate width to allow the plants to flourish.	YES	**YES**
Where development is located close to a reserve, the landscaping design is not to prevent passive surveillance of the reserve.	N/A	**N/A**
The height of planting within the front setback is to allow partial views to and from the dwelling or main building and beyond.	YES	**YES**
Where a property boundary is within 100m of bushland, planting is to consist of not less than 70% locally native tree species and 30% locally native understorey species. Species are to reflect the relevant vegetation communities within the area.	N/A	**N/A**
Where a property boundary is between 100m and 300m from bushland at least 50% of the overall number of trees and shrubs must be locally occurring native species. Species are to reflect the relevant vegetation communities within the area.	N/A	**N/A**
For development on sites where single residential development is permitted, and all property boundaries are greater than 300m from bushland, at least 25% of the overall number of trees and shrubs must be locally occurring native species. Species are to reflect the relevant vegetation communities within the area.	YES – A mix of exotic and natives species is proposed that is in keeping with the landscape character of the local area.	**YES**
The planting of species listed in Council's Weed Management Policy will not be permitted.	The planting of weed species is not proposed.	**YES**
Species used for planting in or directly adjacent to areas with significant vegetation or habitat should be of local provenance.	N/A	**N/A**

Part 22: General Access and Parking		
Part 22.1: Equitable Access		
Control	***Proposal***	***Compliance***
1 For the purpose of this Part "access" is defined as:	An Access Report	**YES**

i) an ability to travel from one point to another in a continuous and independent manner, following a reasonable route; ii) an ability to communicate or obtain information or service from any person, display or facility which is intended to communicate or provide that information or service to any person. 2 Designing for access for all people is encouraged for all development types. 3 Where minor alterations or additions to an existing building are proposed, the alterations must not reduce the accessibility of the building. 4 Applications for development, other than single dwellings, are to demonstrate how access to and within developments meets the requirements of the Disability Discrimination Act 1992 (DDA). 5 Entry access ramps for people with a disability must be located within the site and must not dominate the front façade. 6 The provision of access for all to and within heritage items is to: i) have minimal impact on the significant fabric of the item; ii) be, as far as possible, reversible. 7 Where such access is likely to have a major adverse impact on significant fabric, alternative solutions should be considered. However every effort is to be made to provide equitable access through the main entrance to the building. 8 Building entries are to be clearly visible from the street. Where site configuration is conducive to having a side entry, the path to the entry must be obvious from the street. 9 Ensure pedestrian areas have clear sightlines, are appropriately lit and overlooked by buildings that provide street level activity. 10 Access ways for pedestrians and for vehicles are to be separated. 11 Ensure landmarks, including landmark buildings, are distinctive in form and reinforce the street pattern and topography to enable people to find their way. 12 Buildings are to be sited and designed to avoid obscuring landmark features and views which enable ease of orientation from the street and public open space areas. 13 Ensure all users of the site can find their way within the development. This can be achieved by: i) Designing foyers and orienting reception and information desks so that arriving visitors can be seen; ii) Locating reception and information desks near lifts to enable staff to assist visitors with directions; iii) Dividing large-scale sites into distinctive smaller parts, or zones of functional use, while preserving a ‘sense of place’ and connectivity between spaces; iv) Organising the smaller parts of the development under a simple organisational principle, such as ‘use’ through a zonation plan with a logical and rational structure;	addressing the requirements of the Disability Discrimination Act 1992 was submitted with the application. The access ramp to the front entry does not dominant the front façade. The front entry and foyer is located near the centre of the site where it is clearly visible from the street frontage. The foyer has glazing that will provide views of the entry from inside the building.	

v) Providing frequent directional cues throughout the space, particularly at decision points along routes in both directions; vi) Displaying/using appropriate international symbols for facilities.		
Residential only 14 All Multi Dwelling Housing, Residential Flat Buildings and Shop Top Housing within Mixed Use developments are to provide access to, and between, dwellings and parking in accordance with the *Livable Housing Guidelines* as stipulated in Part 6 Multi Dwelling Housing, Part 7 Residential Flat Buildings and Part 8 Mixed Use Development	N/A	**N/A**
Part 22.2: General Vehicle Access		
1 Except as provided in *Part 14 of this DCP*, car park entry and egress, for developments other than low density residential, must be provided from secondary streets or lanes where these are available.	Access to the carpark is provided from Yarrabung Road and is acceptable.	**YES**
2 The width and number of vehicle access points are to be limited to minimise potential pedestrian/vehicle conflicts. Wherever practicable, commercial and mixed use buildings are to share, amalgamate or provide a rear lane for vehicle access.	One vehicle access point is proposed.	**YES**
3 Vehicle access driveways must be set back a minimum of 10m from street intersections or as specified in *Clause 3.2.3 of AS2890.1* (whichever is the greater).	The access driveway is more than 10m from the nearest intersection.	**YES**
4 Vehicle and pedestrian access to buildings must be separated and clearly distinguished. Vehicle access must be located a minimum of 3m from pedestrian entrances.	Separate vehicle and pedestrian access points are proposed.	**YES**
5 Provide clear sight lines at pedestrian and vehicle crossings.	YES	**YES**
6 The width of any driveway for a low density residential development, as measured at the front site boundary, must not exceed 3.5m.	N/A	**N/A**
7 For all other development types, driveway width is to comply with the table in the DCP. Greater widths will only be considered where it is required by RMS or Australian Standards relating to off-street parking and pedestrian safety.	Driveway width is suitable for two way traffic.	**YES**
8 Long driveways (greater than 30m) are to be avoided. Where they are unavoidable, driveways over 30m long are to be provided with a passing bay.	Driveway length is less than 30m.	**N/A**
9 Vehicles must be able to enter and leave the site in a forward direction.	YES	**YES**
10 Vehicle entries and service areas are to be set back or recessed from the main facade line and integrated into the overall façade design, so as not to dominate the building elevation.	YES	**YES**
11 Vehicle entries, walls and ceilings are to be finished with high quality materials, finishes and detailing, similar to the external facades of the building.	YES	**YES**
12 Service ducts, pipes and storage facilities must not be visible from the street	YES	**YES**
13 External security doors may be provided where necessary. Security doors are to be of high quality material and detail and must blend into the building facade.	No security doors proposed on façade.	**YES**

14 For driveways on sloping sites, where high retaining walls are required on both sides of the driveway, one wall is to be no higher than 1.2m. Where greater level change is required, the retaining wall should be stepped back and softened by landscaping. High solid walls should be relieved by i) change in colour or finish; ii) recessing; and/ or iii) exposed brick or block work.	The proposed basement is entered on grade at Yarrabung Road and does not require retaining walls in excess of 1.2m.	**YES**
Part 22.3 Basement Car Parking		
A logical and efficient structural grid must be provided to the basement car park areas.	YES	**YES**
The minimum height between floor level and an overhead obstruction is to be 2.2m, except for the following: i) 2.5m for parking area for people with a disability; ii) 2.6m for residential waste collection and manoeuvring area; and iii) 4.5m for commercial waste collection and manoeuvring area.	Sufficient height for the community bus and waste collection vehicle has been provided.	**YES**
Where natural ventilation is not possible, a ventilation system for the basement car park is to be provided and designed in accordance with *AS1668.2 The use of ventilation and air conditioning in buildings - Ventilation design for indoor air contaminant control*. Monitoring of CO2 and variable speed fans are to be provided with any basement car park mechanical ventilation systems.	Compliance can be achieved through standard consent conditions.	**YES**
Basements must be fully tanked to prevent unnecessary subsurface or groundwater extraction	The application documentation advises that a waterproofed basement is proposed.	**YES**
Unimpeded access to visitor parking and waste and recycling rooms located within a secure basement parking must be maintained.	Unimpeded access to visitor parking and waste and recycling room is provided.	**YES**
Where ventilation grilles or screening devices are provided they are to be recessed and integrated into the overall facade and landscape design of the development.	The basement is mechanically ventilated, therefore ventilation grilles are not proposed.	**N/A**
Vehicle access ways to basement car parking must not be located in direct proximity to doors or windows of habitable rooms.	Windows to a sitting room are located above the basement ramp, however this is at a different alignment to the building façade at the lower level due to the porte cochere.	**YES**
Where visitor parking is not separated from residential parking by a barrier, a light colour palette is to be used for the interior of the car park and lines of sight are to be open and avoid concealment and entrapment areas.	N/A	**N/A**
Part 22.4: Visitor Parking		
This section applies where visitor parking is required by this DCP. 1 Where visitor parking is required by this DCP, the spaces are to be provided on site and clearly marked. 2 Visitor parking located behind a security grille require an intercom system to gain entry. 3 At least one visitor parking space it to be accessible, designed in accordance with *AS2890.6*.	N/A	**N/A**
Part 22.5: Parking For People With A Disability		
1 Accessible car parking spaces are to be level and	Two accessible car spaces	**YES**

have a continuous path of travel to the building's principal entrance or lift. 2 Accessible car parking spaces are to be identified by a sign incorporating the international symbol specified in AS1428 and be designed in accordance with the provisions of AS2890.6. 3 Appropriate international symbols for the disabled must be displayed/used where appropriate to assist in direction to ramps, lifts etc. 4 Car parking spaces for residential development (excluding single dwellings) are to be designed in accordance with the requirements of the *Livable Housing Guidelines* as stated within Part 6 Multi-Dwelling Housing, Part 7 Residential Flat Buildings and Part 8 Mixed Development. 5 Provision of accessible car parking for non-residential development is to comply with the minimum rates specified in part 22.5 of the DCP, rounded up to the nearest whole number. 6 For other land uses/facilities, the minimum number of spaces should be at least 1%, unless supported by a merit assessment.	have been provided. The application is supported by a Statement of Compliance for Access for People with a Disability	
Part 22.6: Pedestrian Movement Within Car Parks		
Marked pedestrian pathways, with clear sight lines and appropriate energy efficient lighting must be provided in all car parks. See *Austroads Guide to Traffic Management Part 11 - Parking*. 2 Pedestrian pathways, entrances, stairway and lift areas must be clearly visible, conveniently located, well lit and have minimal conflict with vehicular traffic. 3 All pathways and ramps within car parks must conform to the minimum dimensional requirements set out in *AS1428.1*. 4 All pedestrian path surfaces within car parks are to be stable, even and constructed of slip resistant material.	The basement configuration can achieve compliance with these provisions.	**YES**
Part 22.7: Bicycle Parking And Facilities		
Bicycle parking and storage facilities are to be designed in accordance with *AS2890.3* to ensure: i) both wheels and frames can be locked to the device without damaging the bike; ii) easy access from a bicycle lane or roadway with appropriate signage; iii) access paths have a minimum width of 1.5m to accommodate a person pushing a bicycle, and adequate sight lines for safety.	Bicycle parking is not required for residential care facilities.	**N/A**

Part 23 – General Building Design and Sustainability		
23.1: Social Impact		
Control	***Proposal***	***Compliance***
Proposals must consider the impacts of the development on nearby residents and users of the site.	The proposed facility is unlikely to have a significant social impact.	**YES**
A Social Impact Statement will be required in the case of proposals which are likely to have a significant social impact because they are likely: i) To contribute to social inequity; ii) To increase risk to public safety; or	The proposed use is not identified as one that is likely to require the preparation of an SIS.	**YES**

iii) To threaten the existing sense of community identity or cohesiveness.		
23.2: Green Buildings		
This section applies to all buildings that are not required to comply with BASIX standards. All new non-residential development with a floor area of between 2000m^2 and 5000m^2 must achieve a 4 star Green Star rating.	N/A	**N/A**
23.3: Sustainability of building materials		
Development proposals must consider the following in the selection of building materials: i) recycled or recyclable materials with low embodied energy; ii) materials that come from renewable sources; iii) materials that generate a lower environmental cost over time; iv) materials with a low life cycle cost and/or high durability; v) production methods with a low environmental impact.	The selected materials are considered appropriate.	**YES**
Where the use of timber is proposed, only FSC, AFS or PEFC certified timbers may be specified for construction or finishing. Medium Density Fibreboard (MDF) and particleboard must not be specified as a construction material for the development.	Compliance with this requirement could only be determined at CC stage.	**N/A**
The use of alternatives to PVC piping is highly encouraged including Colorbond (above ground only), and HDPE where appropriate.	Compliance with this requirement could only be determined at CC stage.	**N/A**
The use of construction materials and chemicals with toxic components must be avoided, to facilitate recycling and reduce pollution.	Compliance with this requirement could only be determined at CC stage.	**N/A**
Structures must be designed with physical, rather than chemical, termite measures. This can be achieved by: i) appropriate materials and construction design; ii) physical barriers; iii) suspended floor systems.	Compliance with this requirement could only be determined at CC stage.	**N/A**
Low Volatile Organic Compounds (VOC) are to be used throughout the building interior (carpets, paints, adhesives, sealants and all other finishes), and low emission building materials are to be used across the site.	Compliance with this requirement could only be determined at CC stage.	**N/A**
Avoid the use of ozone depleting products and materials, or products and materials manufactured using ozone depleting substances.	Compliance with this requirement could only be determined at CC stage.	**N/A**
Avoid materials likely to contribute to poor internal air quality, such as those generating formaldehyde, or those that may create a breathing hazard in the event of fire, such as polyurethane.	Compliance with this requirement could only be determined at CC stage.	**N/A**
The requirements below apply only to non-residential development: i) use heavy weight building materials, such as concrete, as thermal mass on roofs and/or walls. Where lighter weight materials are used they are to be well insulated. ii) encourage the use of photovoltaic cells which can be mounted as panels, or used as an integrated building cladding or sun shading. iii) use light coloured internal finishes to improve internal reflections and minimise lighting use.	N/A	**N/A**

Part 23.4: Materials and Finishes		
External walls must be constructed of high quality and durable materials and finishes.	The selected materials of face brick, designer blockwork, aluminium panels, timber cladding and weatherboard cladding are consistent with these requirements.	**YES**
Large, unbroken expanses of any single material and finish (rendered or not) to building facades must be avoided.	YES	**YES**
New development is to avoid extensive use of highly reflective or gloss materials on the exterior of buildings.	YES	**YES**
For buildings of 3 storeys and above, a large expanse of sandstone or face brick is not to be used on the upper levels of the buildings.	N/A	**N/A**
The exterior finish material (eg. sandstone or brick) must be integral to the overall building façade design and must not appear to be cosmetic.	YES	**YES**
Highly contrasting coloured bricks are to be restricted to use on building elements such as sills, window heads, string courses and to assist in the division of the building into bays.	The use of highly contrasting coloured bricks is not proposed.	**YES**
When louvres are used, they are to be an integral element in the building façade design.	Louvres as a wall element are not proposed.	**N/A**
Where building cladding is used, consider dual purpose solutions. For example, use of photovoltaic cells mounted on panels used for cladding.	The proposed wall cladding is considered acceptable for the proposed development.	**N/A**
Where additions and alterations are proposed, external materials and finishes must complement the existing building.	N/A	**N/A**
The selection of a colour scheme for new development and in the restoration of existing facades must comply with the following guidelines: i) Base colours for major areas of building façade are to be light in tone (eg. earth tone) with minimal colour intensity (or hue) eg. Off white or grey colours. Larger expanses of bold colour, black and white must be avoided, as these detract from the prominence of other façade details. Contrasting tints, tones and shades are to be restricted to small areas. ii) Highlight colours to window and door mouldings, string courses, parapet details and the like, are to be in sufficient contrast to the base colour. Strong colours to large sections of the building must be avoided. Details should be finished in a matt to semi gloss range. Trim colours for window frames and awning fascias are to be a darker contrast to base and highlight colours. Window frames should be finished in either a semi gloss or full gloss.	YES	**YES**
Part 23.5 Roof Terraces and Podiums		
1 All roof terraces and podiums must provide appropriate building systems to make them trafficable, and to support landscaping. 2 Roof and terrace common open areas are to incorporate sun shading devices, wind screens and facilities such as BBQ and kitchenette area with drinking water to encourage usage. 3 Where artificial lighting is required, energy efficient	The proposal includes a roof terrace which is confined to the centre of the site where it will not generate any overlooking privacy concerns to neighbouring properties or properties on the opposite side of Killeaton Street,	**YES**

lights must be used in conjunction with timers or daylight controls. All light spill is prohibited. 4 Roof terraces and podiums must provide soft landscaping areas that complement the appearance of the building, soften the edges of the building, and reduce the scale of raised terraces and other built elements such as services. 5 Robust and drought tolerant plant material must be used to minimise maintenance and ensure long term survival. 6 Roof terraces and podiums are to be designed for optimum conditions for plant growth by appropriate solar access, soil mix, and the provision of water connections and drainage. 7 Minimum soil provision for a range of plant sizes must be provided.	Yarrabung Road or College Crescent and has been integrated into the design in such a way that it will not be perceived from these locations. The proposed roof terrace has good solar access and can comply with these provisions. Conditions have been recommended requiring garden beds that will sustain larger trees that will be visible above the built form within 2 of the internal podium courtyards.	
Part 23.6: Building services		
All applicants must consult with service providers such as energy, electricity, gas, water, telephone and fire.	Standard conditions of consent require consultation with service providers.	**YES**
Services and structures required by the providers are to be located within basements, or concealed within the facade, with appropriate access. Where this is not possible, the proposal must demonstrate an alternative method of minimising street impact, such as screening with landscape or built elements. Particular care should be taken in mixed use precincts to ensure substations and fire hydrants are not visible from the primary street and principal active street frontages.	The proposed substation is proposed to be screened by and located within a landscaped setting.	**YES**
Ventilation stacks are to be concealed within the building. Where they exhaust at street level (eg. from basements) they should be integrated within the design of the site.	YES	**YES**
All new developments designed to allow for commercial uses must include an internal ventilation shaft to ensure future alterations do not place the shaft in an unsuitable location.	N/A	**N/A**
With the exception of dwelling houses, all buildings must accommodate proposed or future air conditioning units within the basement or on rooftops, with provision of associated vertical/ horizontal stacks to all sections of the building.	The air conditioning units are located in the basement plant rooms.	**YES**
Air conditioning units located within basements must be screened and have adequate ventilation.	N/A	**N/A**
Air conditioning units located on the roof will only be permitted where they are well screened, integrated into the building form and do not result in adverse noise impacts on neighbouring occupants.	The air conditioning units are located in the basement plant rooms.	**YES**
Part 23.7: Waste Management		
General 1. All waste and recycling facilities must comply with the BCA and all relevant Australian Standards. 2 All waste and recycling storage containers must be stored within the boundary of the subject site. 3 All putrescible and non-putrescible waste materials stored in any waste and recycling room or at centralised collection points must be contained in approved rigid containers supplied by the Council.	Compliance with the BCA and Australian Standards is a prescribed condition of the Environmental Planning and Assessment Act.	**YES**

4 During the design of the development, waste must be minimised by: i) using recycled materials, selecting materials that reduce waste or do not require disposal, or can be reused or recycled in the future; and ii) designing with minimal site disturbance by avoiding unnecessary excavation or fill. 5 No compaction equipment is to be used for any sized bin.		
Storage room 6 Sufficient space must be provided within the premises for the storage and manoeuvring of the number of bins required to store the volume of waste and recycling materials. 7 Sufficient space must be provided to adequately house any additional equipment to handle or manage the waste generated. 8 For buildings exceeding four (4) storeys which contain a residential component; where a chute system is proposed, a fully enclosed waste and recycling materials compartment must be provided within each storey of the building. The facility must be designed to contain the waste chute hopper and the number of recycling storage bins equivalent to 2 x 240 litre bins for every 4 units per storey.	YES	**YES**
Access to collection point 9 The location of the waste and recycling room must be conveniently accessible and have unimpeded access for both occupants and collection service operators. In the event that the proposed development is protected by a security system and/or locked gates, the waste and recycling room/s must have unimpeded access for the collection service providers. Where security gates are provided to the development, gates must be accessible by Council's master key. 10 The waste and recycling collection point must be located on a level surface away from gradients and vehicle ramps, with the path of travel being free from any floor obstructions such as steps to allow for the transfer of wheelie bins to and from the storage room to the collection vehicle. 11 The vehicle access road leading to and from the collection point in a waste and recycling room must have a minimum finished floor to ceiling height of 2.6m for residential waste rooms and 4.5m for commercial waste rooms for the entire length of travel within the building. This clearance is to be kept free of any overhead conduits, ducting, services or other obstructions. 12 The Waste Management Plan (WMP) must describe how the waste management system is to be managed and who is responsible for each stage of the process.	Waste is to be collected from the basement by a private contractor.	**YES**
Construction of waste and recycling rooms 13 The floor of any waste and recycling room must be: i) constructed of either concrete which is at least 75mm thick; or other equivalent material; and ii) graded and drained to a floor waste which is connected to the sewer. 14 The walls of any waste room, recycling room and waste service compartment are to be constructed of	Proposal is capable of complying with these provisions through conditions of consent.	**YES**

solid impervious material and shall be cement rendered internally to a smooth even surface coved at all intersections. 15 All waste and recycling rooms must be provided with an adequate supply of hot and cold water mixed through a centralised mixing valve with hose cock. This does not include waste and recycling service compartments located on residential floors of multi occupancy dwellings. **Note**: This control is to aid in cleaning of the area. 16 A close-fitting and self-closing door that can be opened from within the room must be fitted to all waste and recycling rooms. 17 In the event that Council permits the installation of a roller shutter door (under special circumstance only), a sign must be erected in a conspicuous position drawing attention to the fact the door must be kept closed at all times when not in use. 18 All waste and recycling rooms must be constructed to prevent the entry of vermin (eg. no gaps under access doors etc). 19 All waste and recycling rooms must be ventilated by either: i) mechanical ventilation system exhausting at a rate of 5L/s per m2 of floor area, with a minimum rate of 100L/s; or ii) permanent, unobstructed natural ventilation openings direct to the building exterior, not less than one-twentieth (1/20th) of the floor area. 20 Meters and piping are not to be located in the waste and recycling room. 21 All waste and recycling rooms must be provided with artificial light controlled by switches located both outside and inside the rooms. 22 Clearly printed “NO STANDING” signs must be affixed to the external face of each waste and recycling room. 23 Clearly printed signage must be affixed in all communal waste collection and storage areas, specifying which materials are acceptable in the recycling system and identifying the location of waste and recycling storage areas, as well as waste and recycling service compartments. 24 Waste management systems must not be visible from outside the building. Where this is unavoidable and Council is in agreement, it must be designed to be consistent with the overall appearance of the development.		
Part 23.8: General Acoustic Privacy		
Development is to be designed to minimise the impact of external noise sources (eg busy roads, railways, swimming pools, heavy vehicle entries) on the internal and external spaces used by occupants.	The site is not subject to significant external noise sources.	**N/A**
Balconies and other external building elements are to be designed and located to minimise infiltration and reflection of noise onto the facade.	N/A	**N/A**
Buildings must be designed to minimise noise transmission by, but not limited to: i) careful siting and orientation of the building;	YES	**YES**

ii) locating bedrooms away from both internal and external noise generators of a development, eg by using storage or circulation areas as a buffer or grouping room uses according to the noise level generated.		
Measures such as mounding or high solid fencing will only be permitted where they are compatible with the streetscape.	No mounding or high solid fencing is proposed.	**YES**
When designing and siting active open space areas (eg BBQ areas, swimming pools, communal areas etc) regard must be paid to potential noise impacts on adjacent rooms and buildings, such as bedrooms.	The use of the courtyards spaces will be controlled by staff, therefore unacceptable impacts on adjacent bedrooms within the facility are unlikely.	**YES**
The noise level from air conditioning systems is not to exceed the Laeq 15 minute by 5dBA measured at any bedroom window.	Compliance with this control can be achieved by condition.	**YES**
Part 23.9: General Visual Privacy		
1. Private open spaces and principal living spaces of the proposed dwelling/s and adjacent dwellings are to be protected from direct or unreasonable overlooking from all new residential and non-residential developments. Siting and design measures to achieve this include: i) use of distance or slope; ii) appropriate dwelling layout; iii) off-setting windows in relation to adjacent windows; iv) use of obscure glass or highlight windows; v) screening devices such as fences, louvres, translucent screens, perforated panels, trellises and courtyard walls; vi) using louvres/screen panels to windows and balconies; vii) using solid or semi-transparent balustrades or screens to balconies or terraces; viii) off setting balconies in relation to adjacent balconies; ix) using recessed balconies and/or vertical fins between adjacent private balconies; x) using deep sills with planter boxes or incorporating planter boxes into walls or balustrades xi) providing vegetation as a screen between spaces; xii) utilising pergolas or shading devices to limit overlooking of lower building levels or communal and private open space.	The proposal utilises window location, setbacks and landscaping to protect adjacent development from direct or unreasonable overlooking.	**YES**
2 For low density residential development first floor decks, balconies and roof top terraces are not permitted where they unreasonably overlook or would directly overlook principal living spaces or private open space and the impact cannot be adequately mitigated.	The proposal is not low density residential development, however it does not incorporate roof terraces, balconies or decks that would overlook principal living spaces or private open space.	**YES**
3 Continuous transparent balustrades are not permitted to balconies or terraces for the lower 3 storeys.	N/A	**N/A**
Part 23.10: Construction, demolition and disposal		
Environmental Site Management Plan 1 Site disturbance during construction or demolition must be minimised by: i) avoiding excavation beyond the building area;	An adequate Environmental Site Management Plan has been provided.	**YES**

ii) restricting machinery and vehicle movement to the building footprint and access corridor; iii) locating service lines close to the building or within previously excavated areas where possible; iv) locating storage areas to areas outside the tree protection zones of trees to be retained. 2 An environmental site management plan showing tree protection areas, machinery usage zones, storage areas, site sheds and location of stormwater pollution barriers is to be submitted with the application as per Councils DA Guide.		
Waste Management Control 3 A Waste Management Plan (WMP) must be submitted with the application, in accordance with *23R.8 of the DCP.* Evidence such as weighbridge dockets, copies of invoices or some other form of written evidence will be required to be submitted to Council on completion of the development to verify the quantities and destination of waste and recycling materials generated during works (either demolition and or construction). 4 Provide source separation facilities on building sites so that different waste streams may be easily separated during construction and demolition to encourage the reuse and recycling of materials.	An adequate waste management plan has been submitted.	**YES**
Stormwater Quality Control During Construction 5 Manage soil, water and materials on construction sites to prevent erosion, sedimentation and pollution of waterbodies and the natural environment. 6 Manage the quality and quantity of post-construction stormwater runoff from the site to protect downstream ecological communities, to prevent altered nutrient regimes and to reduce litter entering the waterways. 7 Control erosion and sedimentation by: i) minimising the extent of disturbance; ii) rapidly stabilising the disturbed areas; iii) diverting clean runoff around work areas; and iv) trapping eroded sediment as close to the source as is practical. 8 Provide for appropriate management of wastes, chemicals and fuel through: i) Appropriate storage and handling to prevent discharge of pollutants to waterways; ii) On-site containment of waste water from construction activities; iii) Appropriate storage and disposal of waste materials; and iv) Appropriate management and disposal of waste water.	Compliance with these controls can be achieved by a condition of consent.	**YES**
Erosion and sediment control 9 All activities that have the potential to pollute must comply with the requirements of the Protection of the Environment Operations Act 10 All development applications must be accompanied by an 'Erosion and Sediment Control Plan' (ESCP) that describes the measures undertaken at development sites to minimise land disturbance and to control sediment pollution. The ESCP shall be prepared in accordance with "Managing Urban Stormwater, Soil and Construction, 2006 (Landcom)". 11 Disturbance to existing vegetation should be	An erosion and sediment control plan has been provided. Compliance with these controls can be achieved by a condition of consent.	**YES**

minimised when installing controls, especially along watercourses, on highly erosive lands and in high-conservation-value areas. 12 Where land disturbance activities occur in riparian zones (Category 1 and 2) or watercourses, a separate Vegetation Management Plan may be required. This plan is to cover all disturbed lands within the riparian zone. It should address revegetation, bush regeneration and weed control. It should ensure that previously stored topsoil is respread over disturbed lands and the litter layer is restored. Any imported topsoil must be weed free. 13 All disturbed areas should be rehabilitated as soon as possible after excavation or completion of the construction period. This includes, but may not be limited to: i) restoration of all surfaces to their original condition (or as specified); ii) re-establishment of surface stability with suitable cover to achieve a permanent C-factor of less than 0.1 (equivalent to 60 per cent ground cover) within 20 working days from the start of works. 14 Disturbance to existing vegetation should be minimised when installing controls, especially along watercourses, on highly erosive lands and in biodiversity significant areas.		
24 Water Management		
This Part facilitates development in achieving the requirements of the clauses titled 'Stormwater and water sensitive urban design' in KLEP 2015 and KLEP (Local Centres) 2012	Refer to Development Engineer comments	**YES**
25 Notification		
Notification is required to be undertaken in accordance with the provisions in this part of the DCP	The application has been notified in accordance with the requirements of the DCP. The submissions received are addressed above.	**YES**

Section 94 Development Contributions Plan 2010

The development consists of 118 non-private dwellings. The development attracts a section 94 contribution of ***$1,762,611.70*****,** which includes a credit for 6 x 3 bedroom + dwellings, is required to be paid prior to the issue of the Construction Certificate **(Condition 45).**

Development Contributions Plan 2010

Infrastructure Type	***Total***
LGA Wide Local Recreational & Cultural	*$119,340.90*
St Ives TC Local Parks & Sporting Facilities	*$1,092,896.72*
St Ives TC New Roads & Road Modifications	*$0*
St Ives TC Townscape Transport & Pedestrian Facilities	*$558,734.36*
Development Contributions Total	***$1,762,611.70***

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site considered suitable for the proposed development.

PUBLIC INTEREST

The proposal 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. Therefore, it is recommended that the application be approved.

RECOMMENDATION

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

A.THAT the Sydney North Planning Panel, as the consent authority, is of the opinion that the request submitted under Clause 4.6 of KLEP (Local Centres) 2012 to vary the height and number of storeys development standard of Clause 40 of SEPP (Housing for Seniors or People with a Disability) 2004 has met the requirements of clause 4.6(4) KLEP (Local Centres) 2012. Sydney North Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify the variation to the development standard.

AND

B.THAT the Sydney North Planning Panel, as the consent authority, being satisfied that the proposed development will be in the public interest, grant development consent to DA0341/16 for demolition of structures and construction of a residential aged care facility, basement parking landscaping and infrastructure works on land at 144 and 146 Killeaton Street, 1 Yarrabung Road, and 1, 3 and 5 College Crescent, St Ives subject to conditions. Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, this consent lapses if the approved works are not physically commenced within five years of the date of the Notice of Determination.

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
2919 A050 Demolition and Tree Removal Plan Rev DA03	Morrison Design Partnership	2017/04/06
2919 A100 Basement Plan Rev DA03	Morrison Design Partnership	2017/04/06
2919 A101 Ground Floor Plan Rev DA03	Morrison Design Partnership	2017/04/06
2919 A102 First Floor Plan Rev DA03	Morrison Design Partnership	2017/04/06
2919 A103 Roof Plan Rev DA03	Morrison Design Partnership	2017/04/06
2919 A201A Proposed Streetscape Elevations - North Rev DA03	Morrison Design Partnership	2017/04/06
2919 A201B Proposed Streetscape Elevations - South Rev DA03	Morrison Design Partnership	2017/04/06
2919 A201C Proposed Streetscape Elevations	Morrison Design Partnership	2017/04/06

- East Rev DA03		
2919 A202 Proposed Elevations - 1 Rev DA03	Morrison Design Partnership	2017/04/06
2919 A203 Proposed Elevations - 2 Rev DA03	Morrison Design Partnership	2017/04/06
2919 A204 Typical Internal and Courtyard Elevations Rev DA03	Morrison Design Partnership	2017/04/06
2919 A301 Proposed Sections - 1 Rev DA03	Morrison Design Partnership	2017/04/06
2919 A302 Proposed Sections - 2 Rev DA03	Morrison Design Partnership	2017/04/06
2919 A303 Site Sections - 1 Rev DA04	Morrison Design Partnership	2017/04/06
2919 A304 Site Sections - 2 Rev DA02	Morrison Design Partnership	2016/07/22
2919 A305 Comparison Plan and Tree 10 Site Section DA01	Morrison Design Partnership	2017/04/06
Landscape plan LA01 Rev E	Taylor Brammer Landscape Architects Pty Ltd	07/04/17
Landscape plan LA02 Rev E	Taylor Brammer Landscape Architects Pty Ltd	07/04/17
Landscape plan LA03 Rev E	Taylor Brammer Landscape Architects Pty Ltd	07/04/17
Landscape plan LA04 Rev E	Taylor Brammer Landscape Architects Pty Ltd	07/04/17
Landscape plan LA05 Rev E	Taylor Brammer Landscape Architects Pty Ltd	07/04/17
Landscape plan LA06 Rev A	Taylor Brammer Landscape Architects Pty Ltd	27/06/2016
Landscape plan LA07 Rev A	Taylor Brammer Landscape Architects Pty Ltd	27/06/2016
151553 SKC01 Stormwater plan Rev P12	Taylor Thomson Whitting	06/04/17
151553 SKC02 Stormwater details Rev P6	Taylor Thomson Whitting	06/04/17
151553 SKC03 Environmental site management Rev P6	Taylor Thomson Whitting	06/04/17
151553 SKC03 Environmental site management Rev P6	Taylor Thomson Whitting	06/04/17
151553 SKC04 Environmental site management Rev P6	Taylor Thomson Whitting	06/04/17

Document(s)	**Dated**
Colours and finishes schedule 2919 A202 Morrison Design Partnership	2017/04/06
Revised arborist report (Stuart Pittendrigh)	April 2017
151553 Stormwater Report (Taylor Thomson Whitting NSW Pty Ltd)	06/04/17
160143 Acoustics Report (JHA services) Rev B	19/07/16
216138 Access Report (Accessible Building Solutions)	15/06/2016
85320 Geotechnical Report (Douglas Partners)	February 2016
16062 Traffic and Parking Report (Transport and Traffic Planning Associates) Rev D	June 2016
160242 BCA Compliance Report (Blackett Maguire & Goldsmith) Revision 0	27 June 2016
Waste Management Plan (unsigned)	(undated)
Construction Management Plan (RJA Projects)	June 2016

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.	Prepared by	Dated
LA01, LA02, LA03, LA04, LA05 Revision E	Taylor Brammer Landscape Architects P/L	07/04/17

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. Temporary stormwater pipe

During all stages of construction, a temporary pipe shall be provided to convey stormwater runoff from the upstream properties to the street drainage system.

Reason: To protect the environment.

6. Approved tree works

Prior to works commencing the following works shall be undertaken to the specified trees;

- All trees are to be clearly tagged and identified as per the arborist report prior to the removal/pruning of any tree/s on site.
- All root or canopy pruning works shall be undertaken as specified in AS 4373-2007 - Pruning of Amenity Trees.
- All other branches where required shall be tied back and protected during construction, under the supervision of a qualified arborist.

Tree	Approved Tree Works
Tree's 3, 4, 5, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 35, 37, 42, 46, 47, 51, 52, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 71, 74, 75, 76, 77, 78.	Removal
Tree's 25, 29, 53, 54, 55, 56, 72, 73.	Transplantation in accordance with the approved landscape plan

Removal or pruning of any other tree on the site is not approved, excluding species and works exempt under Council's Tree Preservation Order.

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

7. Tree identification

Prior to works commencing the existing trees shall be numbered in accordance with the arborists report and/or the approved plans. Trees shall be clearly tagged with confirmation from the project arborist that all marked trees correspond with those shown on the approved plan.

Reason: To protect existing trees during the construction phase.

8. Notice of commencement

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

Reason: Statutory requirement.

9. Notification of builder's details

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

Reason: Statutory requirement.

10. Dilapidation survey and report (public infrastructure)

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

Public infrastructure

- Full road pavement width, including kerb and gutter, of Killeaton Street, Yarrabung Road and College Crescent over the site frontages, including the full intersections.
- All driveway crossings and laybacks opposite the subject site.

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

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

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

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

11. 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:

- 140 and 142 Killeaton Street
- 7 College Crescent

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.

12. Construction and traffic management plan

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

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

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

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

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

- The site plan shall include tree protection measures for the trees to be retained and certifed by the Project Arborist

If necessary to maintain two way traffic, an application is to be made for construction stage parking restrictions in the surrounding streets (Killeaton Street, Yarrabung Road).

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

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

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

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

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

13. Work zone

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

No loading or unloading must be undertaken from the public road or nature strip unless within a

Works Zone which has been approved and paid for.

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

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

14. 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.

15. 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.

16. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

17. Tree protection fencing

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

Tree/location	Radius in metres
Tree's 10, 33, 34, 36, 38, 48, 67, 68, 70 located on site Tree's 1, 2, 6, 7, 8, 9, 23, 28, 30, 31, 32, 39, 40, 41, 43, 44, 45, 49, 50, 69 / located on Council's nature strip	As indicated on the approved Construction Management Plan or as directed by the Project Arborist

Reason: To protect existing trees during the construction phase.

18. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

19. Tree protection signage

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

- Tree protection zone/No access
- This fence has been installed to prevent damage to the tree/s and their growing environment both above and below ground
- The name, address, and telephone number of the developer/builder and project arborist

Reason: To protect existing trees during the construction phase.

20. Tree protection measures inspection

Upon installation of the required tree protection measures, an inspection of the site by the project arborist and/or 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.

21. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's Waste Management controls in the Ku-ring-gai Development Control Plan.

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

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

Reason: To ensure appropriate management of construction waste.

22. Noise and vibration management plan

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

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

- identification of the specific activities that will be carried out and associated noise sources
- identification of all potentially affected sensitive receivers, including residences, churches, commercial premises, schools and properties containing noise sensitive equipment
- the construction noise objective specified in the conditions of this consent
- the construction vibration criteria specified in the conditions of this consent
- determination of appropriate noise and vibration objectives for each identified sensitive

receiver
- noise and vibration monitoring, reporting and response procedures
- assessment of potential noise and vibration from the proposed demolition, excavation and construction activities, including noise from construction vehicles and any traffic diversions
- description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- construction timetabling to minimise noise impacts including time and duration restrictions, respite periods and frequency
- procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration
- contingency plans to be implemented in the event of non-compliances and/or noise complaints

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

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

23. Project arborist

A project Arborist shall be commissioned prior to the release of the Construction Certificate to ensure all tree protection measures are carried out in accordance with the conditions of consent.

The project arborist shall have a minimum AQF Level 5 qualification with a minimum of 5 years experience. Details of the arborist including name, business name and contact details shall be provided to the Principal Certifying Authority with a copy to Council.

Reason: To ensure the protection of existing trees

24. Amendments to approved landscape and architectural plans

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

Plan no.	Prepared by	Dated
Job no: 16-088 Plan no's: LA01, LA02, LA03, LA04, LA05 Revision E	Taylor Brammer Landscape Architects P/L	07/04/17
Project no: 2919 Plan no's: A100 Revision DA03 Plan no's: A101 Revision DA04	Morrison Design Partnership Architects	06/04/17

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

i. To minimise impacts on T10 - *Agathis robusta* (Queensland Kauri Pine) the landscape and architectural plans are to be amended to reflect the proposed location of the overland flow path indicated on the stormwater plans SKC01 Revision P12 dated 06/04/17.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the above plans have been amended as required by this condition.

Reason: To ensure the protection of existing trees.

25. Amendments to approved stormwater plans

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

Plan no.	Prepared by	Dated
Job no: 151553 Drawing no: SKC04 Revision: P12	Taylor Thomson Whitting	06/04/17

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

i. To provide sufficient deep soil area for tree planting within the courtyard between Carehouse Pod 1 and 2, the notation in relation to "the fill" is to be deleted

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the above plans have been amended as required by this condition.

Reason: To ensure adequate landscaping of the site.

26. Amendments to approved landscape plan

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

Plan no.	Prepared by	Dated
LA02, LA03, LA04, LA05 Revision E	Taylor Brammer Landscape Architects P/L	07/04/17

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

i. To maintain and enhance the streetscape character of Yarrabung Road, 1 x *Syncarpia glomulifera* (Turpentine) of minimum container size 75 litres is to be planted on the Yarrabung Road nature strip between the 2 driveways.
ii. To maintain and enhance the streetscape character of Yarrabung Road and College Crescent, a *Syncarpia glomulifera* (Turpentine) of minimum container size 75 litres shall be planted in the south eastern corner of the site.
iii. At least 4 x trees that attain a minimum height of 10 metres are to be planted in the deep soil areas within the large courtyard between Carehouse Pod 1 and 2.
iv. The courtyards adjacent to Carehouse Pods 2 and 4 are to include at least one (1) garden area that can sustain a medium sized tree in accordance with Item 7 (ii) of Part 23.5 of the KDCP.
v. The plan is to clearly note the retention of the existing *Cupressocyparis x leylandii* (Leyland Cypress) located around the south-eastern corner of the site.
vi. To allow for the retention of the existing *Cupressocyparis x leylandii* (Leyland Cypress), the 12 x *Callistemon salignus "Greta Balls of Fire'* shall be deleted

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

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

Reason: To ensure adequate landscaping of the site.

27. 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.

28. 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.

29. 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.

30. Fire sprinkler

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the applicant has provided design detail for the installation of the required fire sprinkler system in accordance with the provisions of Clause 55 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Reason: To ensure the ongoing safety of residents, in accordance with the requirements of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

31. Access for people with disabilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain and all car parking areas on site to all areas within the building and communal 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.

32. 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 within the canopy spread of any tree

protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Alternatively if underground services must be located within the canopy spread of any protected tree/s the plan shall be endorsed by the project arborist outlining any tree protection measures required. A plan detailing the routes of these services and trees protected under Council's Tree Preservation Order shall be submitted to the Principal Certifying Authority.

Reason: To ensure the protection of trees.

33. Landscape plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a Landscape Architect or qualified Landscape Designer.

Note: The Landscape Plan must be submitted to the Principal Certifying Authority.

Reason: To ensure adequate landscaping of the site.

34. Noise from plant in residential zone

Where any form of mechanical ventilation equipment and plant including but not limited to car park/kitchen/garbage/toilet exhaust, roller shutter doors, air conditioners and lifts are 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 - 7.00 am) when measured at the boundary of the site.

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.

35. 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.

36. 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”
- the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions
- 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.

37. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council’s Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the following infrastructure works required in (enter street name) Street:

- Footpath along the Killeaton Street frontage of the site (to be designed around street trees)
- Bus boarding points and kerb ramps to provide access to facilities

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council’s adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council’s Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reason: To ensure that the plans are suitable for construction purposes.

38. 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.

39. 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.

40. 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.

41. Design of food preparation and storage areas

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

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

Reason: To ensure compliance with standards for food premises.

42. Garbage and recycling facilities - commercial premises

An enclosed area shall be provided on the property that adequately contains the garbage and recycled waste bins. The garbage storage area shall be covered and all internal walls rendered and coved at the floor/wall intersection, the floor is to be graded and appropriately drained to the sewer and a tap is located in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

Reason: To protect residential amenity and prevent environmental pollution.

43. Consolidation of lots

Prior to issue of the Construction Certificate the applicant must consolidate the existing Torrens title lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To ensure continuous structures will not be placed across separate titles.

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

44. Infrastructure damage security bond and inspection fee

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

(a) All work or activity undertaken pursuant to this development consent 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 consent 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 damage security bond and infrastructure inspection fee must be paid to 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 damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will 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 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 damage security bond 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 damage security bond and infrastructure inspection fee" means the Infrastructure damage security bond and infrastructure inspection fee as 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.

45. Section 94 Contributions - Centres.

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

Key Community Infrastructure	**Amount**
LGA Wide Local Recreational & Cultural	$119,340.90
St Ives TC Local Parks & Sporting Facilities	$1,092,896.72
St Ives TC New Roads & Road Modifications	$0
St Ives TC Townscape Transport & Pedestrian Facilities	$558,734.36
Total:	**$1,762,611.70**

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:

46. 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.

47. 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

- if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

    (a) protect and support the building, structure or work from possible damage from the excavation, and
    (b) where necessary, underpin the building, structure or work to prevent any such damage.

Reason: Statutory requirement.

48. Hours of work

Demolition, 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 using machinery must be limited to between 7.00am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm. No excavation using machinery is to occur on Saturdays, Sundays or public holidays.

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.

49. Vibration

Vibration emitted from activities associated with the demolition, excavation, construction and fitout of buildings and associated infrastructure shall satisfy the values referenced in Table 2.2 of the Environment Protection Authority Assessing Vibration - a Technical Guideline.

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

50. Landscape works near trees

To avoid tree impacts all landscape works such as soil preparation, soil spreading, mulching and planting shall be carried out by hand within the specified radius of the following trees.

Tree	**Radius in metres**
Tree's 10, 33, 36, 38, 48, 67, 68, 70	5 metres

Reason: To protect existing trees.

51. 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.

52. 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.

53. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with best practice objectives of AS 2436-2010 and NSW Environment Protection Authority Interim Construction Noise Guidelines and the recommendations of the approved noise and vibration management plan.

Reason: To protect the amenity of surrounding residents and other properties during the construction process.

54. 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.

55. 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.

56. Further geotechnical input

The geotechnical and hydro-geological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Douglas Partners dated February 2016. Over the course of the works, a qualified geotechnical/hydro-geological engineer must complete the following:

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

Reason: To ensure the safety and protection of property.

57. Compliance with submitted geotechnical report

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

Geotechnical aspects of the development work, namely:

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

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Douglas Partners dated February 2016. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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.

64. Approval for rock anchors

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

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

65. 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.

66. 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.

67. 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.

68. Temporary rock anchors

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

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

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

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

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

69. 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.

70. Sydney Water Section 73 Compliance Certificate

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

Reason: Statutory requirement.

71. Arborist's report

The tree/s 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 including date, brief description of the works inspected, and any mitigation works prescribed.

All monitoring shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.

Tree/location	Time of inspection
Tree's 10, 33, 34, 36, 38, 48, 67, 68, 70 / located on the site Tree's 1, 2, 6, 7, 8, 9, 23, 28, 30, 31, 32, 39, 40, 41, 43, 44, 45, 49, 50, 69 / Located on Council's nature strip	At the commencement of excavation works for the basement parking area and stormwater works followed by 2 weekly inspections until the completion of the subject works. Monthly inspections are to be carried out during the remaining construction stages and until the completion of all works on site. The project arborist shall ensure that all tree protection measures noted on the approved plans and in the conditions of consent are carried out.

- 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.

72. Trees on nature strip

Removal/pruning of the following tree/s from Council's nature strip as specified in the following table shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability and professional indemnity insurance amounting to a minimum cover of $20,000,000. All pruning works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum AQF Level 3 qualification as specified in AS 4373-2007 - Pruning of Amenity Trees.

Tree
Tree 37

Reason: To ensure protection of existing trees.

73. Treatment of tree roots

If tree roots and branches 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 AQF Level 3 qualification. All root and branch pruning works shall be undertaken as specified in AS 4373-2007 - Pruning of Amenity Trees.

Reason: To protect existing trees.

74. 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.

75. Supervision of transplanting

Transplanting of the following trees/shrubs shall be directly supervised by an experienced arborist/horticulturist with a minimum AQF Level 3 qualification...

Tree	**Transplant to**
Trees 25, 29, 53, 54, 55, 56, 72, 73	As indicated con the approved landscape plan

Reason: To protect the trees during transplanting.

76. 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.

77. Canopy replenishment trees to be planted

The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

Reason: To maintain the treed character of the area.

78. 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:

79. Construction of food preparation and storage areas

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the construction of the premises is in accordance with the requirements of the Food Act 2003, Food Standards Code 3.2.3 *Food Premises and Equipment* and Australian Standard 4674-2004 *Design, Construction and Fit-out of Food Premises*.

Reason: To ensure compliance with standards for food premises.

80. Acoustic measures

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the acoustic measures as recommended by JHA Services in Acoustic Report (Rev B) dated 19 July 2016 have been installed. Written advice from an acoustic engineer is to be submitted to the Principal Certifying Authority confirming that the acoustic measures achieve the noise objectives specified in the acoustic assessment.

Reason: To protect the amenity of occupants and surrounding residents.

81. Garbage and recycling facilities

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the waste storage area has been installed, is of a size to adequately contain the waste bins, has rendered internal walls that are coved at the floor/wall intersection, has a floor that is graded and drained to the sewer and is provided with a tap with hot and cold water to facilitate cleaning.

Reason: To protect residential and environmental amenity.

82. Release of interallotment drainage easement and creation of a new drainage easement

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that the interallotment drainage easement benefitting the upstream property owners has been released and a new easement created over the new 375mm diameter pipe.

Reason: To provide for the legal passage of stormwater drainage from the upstream properties.

83. Waste arrangements

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that a contract or contracts is/ are in place for the collection of all waste from the waste storage area in the basement.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

84. 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.

85. Microbial control (Legionella)

The installation and maintenance of hot water / warm water systems shall be in accordance with the requirements of the Public Health Act and Regulations, AS/NZS 3666 - 2002: 'Air Handling and Water Systems of Buildings - Microbial Control'.

Note: Prior to the issue of any Occupation Certificate and following completion, installation and testing of all hot water / warm water systems, the Principal Certifying Authority shall be satisfied that systems meet with the requirements of the Public Health Act and Regulations, AS/NZS 3666 - 2002: 'Air Handling and Water Systems of Buildings - Microbial Control'.

Reason: Statutory requirement and to protect the health and amenity of the occupants of the premises.

86. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

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

87. 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.

88. 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 Part 24R.8 of Ku-ring-gai Development Control Plan). 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.

89. 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 Ku-ring-gai Development Control Plan have been achieved (including rainwater re-use to achieve a 50% reduction in runoff days)
- retained water is connected and available for use
- all grates potentially accessible by children are secured
- components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

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

Reason: To protect the environment.

90. WAE plans for stormwater management and disposal

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.

91. 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 Part 24R.8 of Ku-ring-gai DCP). 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.

92. 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.

93. Certification of as-constructed driveway/carpark

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

- the vehicular headroom requirements of:
  - Australian Standard 2890.1 - "Off-street car parking",
  - The Seniors Living SEPP (as last amended) for accessible parking spaces, 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.

94. 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.

95. Construction of works in public road - approved plans

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

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

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

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

96. 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.

97. Restriction on land title - seniors living development

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

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

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

98. Garbage and recycling facilities - commercial premises

An enclosed area shall be provided on the property that adequately contains the garbage and recycled waste bins. The garbage storage area shall be covered and all internal walls rendered and coved at the floor/wall intersection, the floor is to be graded and appropriately drained to the sewer and a tap is located in close proximity to facilitate cleaning. Details of the waste storage area indicating compliance with the above shall be provided to the Principal Certifying Authority (PCA) prior to issue of the Occupation Certificate.

Reason: To protect residential amenity and prevent environmental pollution.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

99. Garbage and recycling facilities

All waste and recycling bins associated with the premises are to be stored within the designated internal waste storage area.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

100. Waste storage and collection

At all times, all storage of waste, collection of waste, and loading and unloading of waste collection vehicles in connection with the use of the premises shall be wholly within the basement. Occupiers of the building shall not at any time store waste collection receptacles or any form of waste external to the building/ basement.

Reason: To prevent pollution of the environment, ensure safe traffic movement and to protect the amenity of the area.

101. Waste collection contractor

Prior to the issue of an Occupation Certificate, the applicant must submit to Council and the Principal Certifying Authority details of the waste contractor engaged to service the building. These details are to include name, contact phone number, copy of the waste collection contract, and details of the vehicle that will be used to service waste collection for the building.

Reason: To ensure safe traffic movement and neighbourhood amenity.

102. 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.

103. Noise control - plant and machinery

All noise generating equipment associated with mechanical ventilation systems, plant and machinery shall be located and/or soundproofed so the equipment is not audible within a habitable room in any residential premises between the hours of 10.00pm and 7am. The operation of the equipment outside these restricted hours shall emit a noise level of not greater than 5dB above the background when measured at the nearest residential occupancy. The background (LA90, 15 min) level is to be determined without the source noise present.

Reason: To protect the amenity of surrounding residents.

104. 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.

Reason: To ensure adequate provision of visitor parking spaces.

105. Loading and unloading

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

Reason: To ensure safe traffic movement.

Janice Buteux-Wheeler *Executive Assessment Officer*	*Michael Miocic* *Director Development & Regulation*