

SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

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| Panel Reference | 2017SNH008 |
| DA Number | DA0651/16 |
| LGA | Ku-ring-gai |
| Proposed Development | Demolition of existing structures and construction of a two level basement car park for commuter and short term parking, a public park, café, gazebo, water feature, road works and associated civil works and landscaping |
| Street Address | 8 & 10 Tryon Road, 3 & 5 Kochia Lane, Chapman Lane and Kochia Lane, Lindfield |
| Applicant/Owner | DEM (Aust) Pty Ltd / Ku-ring-gai Council |
| Number of Submissions | 101 submissions (including pro-forma letters) and a petition of 1,931 signatures |
| Regional Development Criteria (Schedule 4A of the Act) | Council application with a CIV of greater than \$5 million |
| List of all relevant s79C(1)(a) matters | <ul style="list-style-type: none"> • SEPP 55 – Remediation of Land • SREP (Sydney Harbour Catchment) 2005 • SEPP (Infrastructure) 2007 • Ku-ring-gai LEP (Local Centres) 2012 • Ku-ring-gai Local Centres DCP • Development Contributions Plan 2010 |
| Is a Clause 4.6 variation request required? | No |
| Does the DA require Special Infrastructure Contributions conditions (S94EF)? | No |
| Have draft conditions been provided to the applicant for comment? Have any comments been considered by council in the assessment report? | The conditions were provided to the applicant at the same time that the report was provided to the Panel, accordingly no comments from the applicant have been considered in the assessment report. |

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| List all documents submitted with this report for the Panel's consideration | Attachment A: Zoning extract Attachment B: Letter to Applicant dated 12 May 2017 Attachment C: Plans and elevations |
| Recommendation | Approval |
| Report prepared by | Kerry Gordon – Kerry Gordon Planning Services |
| Report date | 11 September 2017 |

EXECUTIVE SUMMARY

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| Property | 8 & 10 Tryon Road and 3 & 5 Kochia Lane, Lindfield and Chapman Lane, Kochia Lane and an unnamed lane, Lindfield |
| Lot & DP | Lots 1 & 2 in DP 219628, Lot 5 in DP 219146, Lot 12 in DP 225925 and Lot 31 in DP 804447. |
| Proposal | Demolition of existing structures, earthworks, construction of two levels of basement parking, a public plaza, café, gazebos, roadworks and associated landscaping. |
| Development Application No. | DA 0651/16 |
| Ward | Roseville |
| Applicant | DEM (Australia) Pty Ltd |
| Owner | Ku-ring-gai Council |
| Date lodged | 22 December 2016 |
| Issues | Number of parking spaces, traffic impacts |
| Submissions | One hundred and one plus petition |
| Land & Environment Court | N/A |
| Recommendation | Conditional approval |
| Assessment Officer | Kerry Gordon – Planning Consultant |
| LEGISLATIVE REQUIREMENTS: | |
| Zoning | B2 Local Centre |
| Permissible under | Ku-ring-gai Local Environmental Plan (Local Centres) 2012 |
| Relevant legislation | SEPP 55, SEPP (Infrastructure) 2007, SREP (Sydney Harbour Catchment) 2005, Ku-ring-gai Local Centres DCP |
| Integrated development | No |

DA History

| DATE | EVENT |
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| 22/12/2016 | The DA was lodged. |
| 17/01/2017 | The DA was notified and advertised for 30 days. |
| 10/01/2017 | Response to referral received from RMS |
| 6/03/2017 | Applicant requested to provide a concept plan for the shared zone, including a signage plan |
| 13/03/2017 | Concept plan for the shared zone provided by Applicant |
| 28/04/2017 | Response to referral received from WaterNSW |
| 1/05/2017 | Initial assessment report provided by Traffix. |
| 12/05/2017 | A letter (Attachment B) was sent to the applicant requesting amended plans and additional information. The main issues identified in the letter included requiring additional information to establish commuter parking demand, to identify how on-street parking would become available for short term parking, the cumulative impact of traffic, assess safety for cyclists, drainage design, landscape design and GFA calculation. Amendments were required for parking layout, entrance to Kochia Lane and car park from Milray Street, pedestrian movement and solar panel design. |
| 22/05/2017 | Meeting with Applicant to discuss letter issued by Council dated 12/05/2017 |
| 25/05/2017 | The Applicant was asked to confirm that the number of WC's provided was sufficient for the café use |
| 30/5/2017 | Applicant response to WC issue received |
| 1/06/2017 | Amended car park layout provided by Applicant |
| 14/06/2017 | The Panel briefing meeting was held |
| 16/06/2017 | Applicant asked for additional survey of use of short term parking after Panel briefing request |
| 26/06/2017 | Swept path analysis provided by Applicant |
| 29/06/2017 | Amended plans and information provided by Applicant, including updated traffic report |

THE SITE AND SURROUNDING AREA

The site:

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| Visual character study category: | 1920-1945 |
| Easements/rights of way: | No |
| Heritage Item: | No |
| Heritage conservation area: | No |
| In the vicinity of a heritage | Yes, adjoins Item 41 – 1-21 Lindfield Avenue – row of shops. |
| Bush fire prone land: | No |
| Endangered species: | No |
| Urban bushland: | No |
| Contaminated land: | No |

Site description:

The site is known as Nos. 8 & 10 Tryon Road and Nos. 3 & 5 Kochia Lane, Lindfield and includes Chapman Lane, Kochia Lane and an unnamed lane. The site has a legal description of Lots 1 & 2 in DP 219628, Lot 5 in DP 219146, Lot 12 in DP 225925 and Lot 31 in DP 804447.



Figure 1 Aerial view illustrating site location (Source: KMC)

The site is an irregular shape (see aerial photograph) and has a frontage to Tryon Road of 44.81m, to Milray Street of 16.41m and to Chapman Lane of 41.18m. The site is currently occupied by an at grade council short term car park, Chapman Lane and Kochia Lane. Kochia Lane is currently constructed at a higher level than Milray Street and is closed at this point.

Surrounding development:

The subject site is surrounded by a mixture of residential, retail and special uses and the area is undergoing significant change with recently approved and constructed retail/commercial and residential development.

Immediately adjoining the site to the north is a relatively recent residential flat building development known as No. 2 Milray Street, which has frontage (and vehicular access) from Milray Street, with pedestrian frontages to Kochia Lane and Havilah Lane. To the north-west of the site is retail/commercial development known as No. 2 Kochia Lane which has vehicular access from Havilah Lane and a frontage with pedestrian access to Kochia Lane. Surrounding No. 2 Kochia Lane to the north and west is a recently approved (and currently under construction) development site known as Aqualand, to be developed as a retail/commercial development with a supermarket and apartments.

Opposite the site, to the east, in Milray Street are residential properties of medium and low density and a site with approval for redevelopment with medium density dwellings. Adjoining the site in Milray Street, on the corner of Tryon Road, is the Lindfield Centre, a retail/commercial development.

Opposite the site, to the south, in Tryon Road are St Alban's Anglican Church and residential flat buildings.

Adjoining the site to the west, are a series of older style 2 and 3 storey shop top retail premises known as Nos. 1-21 Lindfield Avenue which have frontage to Lindfield Avenue and back onto Chapman Lane, which provides vehicular and, in some cases, pedestrian access to the properties.

BACKGROUND TO THE PROPOSAL

The proposal, known as the Lindfield Village Green, is guided by a Concept Plan that was a result of a design competition held in 2014. The Preferred Concept Plan was prepared by JMD Design and Tonkin Zulaikha Greer. The Concept Plan was incorporated into Part 14 'Urban Precincts and Sites' of the draft Ku-ring-gai Local Centres DCP. The final DCP was adopted by Council on 14 June 2016 and came into force on 24 June 2016. In June 2016, DEM (Aust) Pty Ltd was appointed by Council to undertake the refinement and development of the Preferred Concept Plan.

THE PROPOSAL

Application is made for the demolition of existing structures and construction of a two level basement car park for commuter and short term parking, a public park, café, gazebo, water feature, associated road and civil works and landscaping as described following.

A two level basement car park is proposed with the lower level providing 100 commuter parking spaces for Lindfield Railway Station and the upper level providing 81 short term Council car parking spaces to support the surrounding Lindfield Village.

The basement car park is to be accessed from Kochia Lane which is to be lowered and opened to Milray Street, providing access to both the car park and for the continuation of the lane which is to turn into Havilah Lane, also servicing the Lindfield Centre. The south-western portion of Kochia Lane (past Havilah Lane) is to become pedestrianised, with a small portion to become a "shared zone". Chapman Lane is

also to become a “shared zone”, retaining vehicular access to the rear of Nos. 1-21 Lindfield Avenue and for garbage collection. As such the proposal also involves changes to the road network, including a partial road closure.

An at-grade public park is proposed to include the following elements (see artist’s impression following):

- Café at the western corner with indoor and outdoor seating;
- Public toilet incorporated into the café building;
- Two gazebos;
- Water feature; and
- Associated civil works and landscaping.



Artist's impression viewed from Tryon Road

COMMUNITY CONSULTATION

In accordance with the Ku-ring-gai Local Centres Development Control Plan, owners of surrounding properties were given notice of the application. In response, one hundred and one submissions from the person identified in the attached list and a petition with 1,931 signatures were received. The issues raised in the submissions are summarised and addressed following.

Inadequate provision is made for short term parking with 136 spaces being reduced to 80 spaces

Comment: The current on-site short term parking provision is 135 spaces. Hence, there is a net reduction of 54 (135 less 81) short term spaces under the proposal. The development also creates a demand for 10 spaces for the café for which no specific provision is made, so that there is a reduction of 64 short term spaces. This may increase slightly if there is any loss of parking associated with the proposed raised threshold at the main access onto Milray Street. This is a significant actual net reduction in short term parking supply and for the status quo to be maintained, these

64 spaces could be readily replaced by converting 64 unrestricted on-street spaces to short term spaces, by signposting.

Based on the Cardno surveys undertaken in November 2016, the peak demand associated with the available 135 short term spaces is currently 112 spaces, resulting in a minimum of 23 unused spaces. Hence, based on a demand analysis, the shortfall will reduce from 64 spaces to 41 spaces (64 less 23) based on surveys. Similarly, these can be replaced by converting 41 on street unrestricted spaces to short term spaces.

It is therefore recommended that to maintain the status quo, 41 additional on-street spaces be signposted as short term parking spaces during business hours, so that there is no change in short term parking availability overall. When added to the existing 86 on-street short term spaces in the locality, this results in a total of 127 short term spaces in the LVG locality. It is noted that these 41 spaces represent 23% of the existing 183 on-street unrestricted parking spaces, so that impacts on residents will be moderate and generally very localised. Clearly, this is a matter that can be reviewed by the Local Traffic Committee at any time in the future and the on-street parking adjusted (increased or decreased) as appropriate and in response to any sustained changed circumstances. That is, Council has the ability to respond flexibly to changing conditions. Similarly, Council has the ability to implement a resident parking scheme, should any issues arise for residents. Having regard for the above, the short term parking arrangements are considered satisfactory. A condition of consent requiring the applicant to seek approval from the Local Traffic Committee for installation of signage to provide for 41 additional on-street short term parking spaces prior to commencement of works is recommended. **(Condition 19)**

How many short term spaces will become available on the adjoining streets?

Comment: See above comments.

Parking provision needs to be considered in light of approved Harris Farm, Aqualand and other new/approved developments

Comment: The approvals for nearby sites included parking and as such they are not relevant to the assessment of the application from a parking provision perspective.

The car park does not provide for future needs in terms of parking

Comment: As the project does not propose additional land use intensity and does not of itself attract parking under the DCP (other than in relation to the café), it is appropriate that the LVG be assessed on the basis of existing parking conditions, as would be expected with any other developer. To the extent that future parking needs should be considered, this is a matter for Council. It is however noted that any additional parking would bring with it associated traffic impacts and in circumstances where submissions already raise concerns about traffic conditions, this would suggest that any future increase in parking be treated cautiously. See above comments in relation to flexibility of changes to on-site parking spaces. It is noted that the provision of additional commuter parking also frees up spaces currently used on-street for commuter parking.

The traffic report is flawed as it relies on a single day of parking survey which under-reports the usage and does not reflect peak usages

Comment: It is noted that a single weekday parking survey was undertaken by Cardno on Wednesday 12th October 2016 between 6am and 5pm. Of course, more surveys (on more days) would provide more accurate information than this single sample day. However, surveys need to be attuned to provide answers to particular questions. In this case, the survey was presumably undertaken to provide a 'base line' assessment against which the Project could be assessed and at the time the survey was undertaken, it is possible that a parking strategy for the LVG had not been established, so that the surveys provided relevant information. For example, low levels of utilisation of available parking may have provided an opportunity to provide less parking than is currently available or proposed.

It has demonstrated that parking supply could not be reduced and indeed, it has been increased under the Project. In this context, additional surveys would simply reinforce a decision that has already been taken and accordingly, no further utilisation surveys are considered necessary. However, surveys to gain an understanding of the existing commuter parking demands are a separate matter, with the expectation that on-street commuter parking demands in the locality (length of stay surveys) may need to be undertaken.

An additional traffic survey was conducted and the Traffic Consultant is of the opinion that adequate information now exists to assess the application.

The car park is also used by patrons of the Church opposite in Tryon Road for funerals, weddings, etc outside of their use on Sundays which increases use of the car park

Comment: It is accepted that parking demands associated with the Church on Tryon Road may increase demands above the surveyed levels. It is considered however that the decision to maintain (or increase) short term supply renders additional surveys unnecessary. It is considered that peak times associated with the Church are generally expected to occur during off-peak times, more notably on Sundays where ample parking will be available. Further, the increase in commuter parking onsite will similarly free up on-street parking for such uses, it being noted that short term parking is to be provided at the rate assessed as being consistent with the demand identified in traffic surveys.

The proposal will increase traffic and introduce truck movements into Havilah Lane, Milray Street and Havilah Road changing their nature to collector roads

Comment: The assessment by the Traffic Consultant is that the road system has the capacity to support the proposal. The revised analysis shows generally acceptable environmental amenity impacts having regard for the nature of the affected roads, which it is accepted are not exclusively 'residential' streets but rather streets within a town centre (mixed use) environment. The only potentially substantive issue relates to increased volumes on Milray Street, due to the main carpark access being relocated onto this frontage. On the section of Milray Street south of the main site access, volumes will increase to 237 veh/hr in the AM peak and 278 veh/hr in the PM peak. While the increase is significant in relative terms, in absolute terms they remain below the environmental amenity threshold even of an exclusively residential street and are therefore acceptable. In addition, the environmental amenity will be improved by the low traffic speed along this section, assisted also by the proposed raised platform at the main access, which is in effect a

traffic calming device. The section of Milray Street north of the proposed development will result in volumes of 140 veh/hr in the AM peak and 163 veh/hr in the PM peak. These are similarly well below the environmental threshold (noting that this section of Milray Street is residential) and are considered acceptable.

No assessment of the increase in traffic on the surrounding roads due to the development and approved and recently constructed developments has been carried out to determine if the street network can cope with the load. An assessment of the capacity of the following intersections has not been carried out

- **Milray Street/Tryon Road;**
- **Havilah Lane/Havilah Road;**
- **Tryon Road/Lindfield Avenue; and**
- **Pacific Highway/Havilah Road/Balfour Road.**

Comment: Cardno has now provided updated traffic surveys and these were undertaken on Wednesday 24th May 2017 at the most critical intersections during both peak periods. The surveys are accepted as being suitable for assessment purposes and based on the results, the analysis is not sensitive to minor changes that may occur on different days of the week; or of seasonal variations. A revised traffic assessment report has been prepared. The revised report includes updated trip distributions in Appendix F. These are accepted as being reasonable. Based on the above surveys and distributions, the intersections examined all operate at level of service A during both peak periods under future conditions and have been demonstrated to perform with good levels of service under existing (2017) traffic volumes.

The operation of the road network, including the proposed new access via Milray Street, has been demonstrated to be acceptable, with generally good levels of service. The intersection of Lindfield Road with Tryon Road has not been re-assessed in the report and reliance is still made on the 2027 modelled scenario undertaken in the 2014 PeopleTrans report, with this intersection being signal controlled. While the current unsignalised (priority) intersection presently operates well at Level of Service A and while performance is likely to be satisfactory post-development under the existing priority control, this requires confirmation. The timing of these signals also requires further consultation and assessment between Council and RMS, although this is a matter that is of a strategic nature and not a matter that should be the responsibility of the applicant in the context of this development application.

Interim parking arrangements during construction have not been adequately addressed

Comment: It is noted that this assessment will form part of the Construction Traffic and Pedestrian Management Plan) CTPMP. This will be based on the principles outlined in Section 6.9.1 of the Cardno TIA report. The strategy indicates that in response to an existing peak on site demand for 112 short term spaces (from surveys), 62 temporary on-street spaces will be provided. Reliance will also be made on underutilised spaces in Lindfield Avenue. In summary, there will be a shortfall of up to 50 spaces at some times on that day. It is expected that demands on other days (such as Fridays and Saturday mornings) will be higher and the shortfall therefore more than 62 spaces. In addition, the construction workforce will itself create additional demands, so that the shortfall is expected to be significantly higher and

may approach 100 spaces. This will impact adversely on existing businesses and underscores the need to pursue an 'aggressive' approach to the adopted construction parking methodology, including:

- Maximising on-street car parking (whether temporary or otherwise) through revised layouts where possible
- Maximising on-site parking for workers generally delivering the parking station as soon as practicable.
- Managing workforce demands through ride sharing and public transport initiatives.

Safety concern with the location of the car park entry off Milray Street for vehicles and pedestrians given:

- combined with entrance to Kochia Lane;
- will need to cater for trucks;
- adjoins entrance to car park of 2-6 Milray Street;
- new townhouses proposed opposite with entrance opposite;
- entrance to other high rise developments in proximity;
- high wall to 2-6 Milray Street blocking sight distance to Milray Street;
- high pedestrian use of Kochia Lane at that point to access train station;
- high pedestrian use of footpath in Milray Street that will need to cross the entry driveway; and
- pedestrians use carriageway of Milray Street when exiting from parked cars on the western side of road due to steepness of nature strip.

Comment: Discussions occurred with the applicant with a view to amending the design of this intersection, car park entry and pedestrian footpath treatment. The proposed amended layout at this intersection as shown in the amended plans incorporates the traffic engineer's design recommendations and is now supported. Consideration will need to be given to the removal of parking locally to permit the required truck manoeuvres to be undertaken, notably the left turn entry movement by an 11m rigid truck. A condition of consent is recommended requiring the applicant to seek the approval of the Local Traffic Committee to remove parking necessary to permit the access by an 11m rigid truck prior to the issue of an occupation certificate.
(Condition 73)

Impact of closure of Kochia Lane next to 2-6 Milray Street means there will be no access to fire hydrants

Comment: No. 2 Milray Street retains its vehicular access to Milray Street and also retains its frontage to Havilah Lane. AS2419.1:2005 requires a maximum distance of 20m from the hydrant to hardstand for a fire truck. The survey identifies a distance of 13.5m from the hydrant on the eastern end of the southern boundary of No. 2 Milray Street to Havilah Lane, thus satisfying this requirement. Further, in the event of an emergency the reconstructed Kochia Lane and/or entrance into the car park could be blocked by emergency vehicles, allowing adequate access.

Closure of Kochia Lane prevents access to adjoining developments from Kochia Lane by car for deliveries, removalists and emergency vehicles

Comment: No. 2 Milray Street retains its vehicular access to Milray Street and also retains its frontage to Havilah Lane allowing appropriate access by removalists and delivery vehicles. See above comments in relation to emergency vehicles.

Inadequate number of accessible spaces given high elderly demographic and location of medical centre

Comment: The proposal is to provide for short term parking for use by all users of Lindfield Village. It is not intended as a car park for the exclusive use of patrons of the medical facilities in the Lindfield Centre. Accessible parking spaces are provided in the basement car park in accordance with the DCP and lift access is provided, ensuring appropriate paths of travel are retained. Further, the “kiss and drop” zone provide access in closer proximity to the Lindfield Centre.

Three ‘kiss and drop’ spaces inadequate given high elderly demographic

Comment: The “kiss and drop” zone allows access in close proximity to the existing medical uses within the Lindfield Centre for the elderly and others with mobility issues. The spaces are not intended as parking spaces and as such will be quick turnover spaces. The three spaces provided is likely to be the optimal outcome acknowledging the limited opportunities for other convenient on-street (at-grade) spaces to be provided on this constrained site. Subject to signposting as set-down/pick-up spaces only (not parking), these 3 spaces will provide a high capacity facility.

Concentration of all traffic at one entry point is inappropriate and dangerous

Comment: The projected traffic volumes are able to be accommodated based on the available modelling. See previous comments about suitability of access point and car park entrance.

Raised pedestrian crossing is required in Milray Road near Kochia Lane

Comment: It is unlikely that the required Roads and Maritime Services ‘warrants’ for signals will be met for a crossing (these warrants relate to the need for sustained volumes of both traffic and pedestrian volumes over particular periods). However, the need for a raised traffic calming device in Milray Street, north of Kochia Lane (rather than a raised crossing), is considered worthy of consideration, to discourage traffic infiltration along Milray Street, particularly left turn exiting traffic. See previous comments about suitability of amended design for pedestrian safety.

3T limit should be placed on Havilah Road

Comment: This is a matter for the Local Traffic Committee in the context of traffic conditions generally. It is however noted that trucks servicing the site will need to exit onto Havilah Road notwithstanding any load limit and this is lawful even with a 3 tonne limit, as there is no alternative route available.

One way traffic is inappropriate

Comment: This is not agreed and one-way traffic movement is safer than two way movement where there are high pedestrian concentrations.

2-8 Kochia Lane loses its street frontage removing access for removalists, deliveries and emergencies

Comment: The development at No. 2 Kochia Lane retains its street access to Havilah Lane which currently provides access to the car park of that development. Further, the portion of Kochia Lane immediately adjoining part of the frontage of the property is to be a “shared zone” and as such still permits access. Further, pedestrian access is retained to the entire Kochia Lane frontage of the property.

Milray Street/Kochia Lane intersection design is confusing and dangerous

Comment: See previous comments about redesign and the suitability from a viewpoint of safety. It is noted that the applicant proposes to provide signage indicating the number of spaces available in the commuter and short term basement car park such that potential users will be informed of the availability prior to entering the car park, assisting to reduce traffic movements.

The state of Havilah Lane is inadequate for the traffic, is too narrow, lacks footpaths

Comment: Havilah Lane is sufficiently wide to accommodate one-way flow and it already performs this role.

Trucks can't turn from Havilah Lane into Havilah Street without mounting the kerb

Comment: This is an existing concern that is a matter for Council's Traffic Committee independently of this application. It is evident that road safety benefits would be achieved if this intersection was improved, including the completion of kerb and guttering and the possible associated relocation of the existing utility pole.

Traffic lights are required at the intersection of Milray Road/Tryon Road

Comment: The modelling undertaken demonstrates that signals are not required at this intersection.

Havilah Lane needs two accesses for safety if one is blocked

Comment: The operation of Havilah Lane is essentially unchanged under the project. The one-way flow is commonplace and carries an associated potential for blocking in the event of an emergency. In these circumstances, any incident would be managed by NSW Police.

Sight lines from Milray Road to Tryon Road are hindered by parked cars and this danger will be made worse with increased traffic

Comment: This is a concern with the existing road network and is not a problem raised due to the proposal. As such it is not a matter for consideration in the assessment of the application.

Events held on Lindfield Village Green will also attract a parking demand that hasn't been considered

Comment: It is assumed that any events that require approval will be subject to the preparation of a Traffic Management Plan to be assessed by Council. To the extent that regular events may occur under current consents, it is noted that these have not been considered. While no overall change in parking conditions is proposed

for events that may already occur, consideration should be given to the preparation of an event management plan that makes use of commuter parking spaces where possible.

Should provide an additional level of short term parking (or two)

Comment: The assessment process for a development application does not allow consideration of alternative designs but rather requires consideration of whether the proposed design is acceptable.

Closure of a public road requires the consent of adjoining property owners and this won't be given

Comment: Whilst there is a legal process to close a public road, it is not required to obtain the consent of adjoining land owners.

The radii of the ramps in the car park needs to be increased to ensure ease of access

Comment: Concerns were discussed with the applicant in relation to a number of design issues within the car park. The proposed amended plans incorporate the Traffic Consultant's design recommendations and are now supported.

Milray Street should be made a cul-de-sac at Kochia Lane entrance

Comment: The assessment process does not permit the consideration of alternative designs but rather requires an assessment of whether the submitted proposal is acceptable.

Stop sign near 43 Lindfield Avenue close to Havilah Road intersection doesn't function well and should be signalised

Comment: This is a concern with the existing road network and is not a problem raised due to the proposal. As such it is not a matter for consideration in the assessment of the application.

Access to the car park should be provided off Chapman Lane or Tryon Road

Comment: The assessment process for a development application does not allow consideration of alternative designs but rather requires consideration of whether the proposed design is acceptable. The Traffic Consultant has determined that the provision of access to the car park off Kochia Lane via Milray Street is an acceptable access point from a traffic viewpoint and that the design is in accordance with relevant Australian Standards and is safe.

Parking study needs to look at needs of commuters

Comment: The need for commuter parking has previously been studied by the state government who have formed the opinion that there is a demand for additional commuter parking at Lindfield.

Parking needs to be removed on the western side of Nelson Road, north of Havilah Road for increased sight distance

Comment: This is a concern with the existing road network and is not a problem raised due to the proposal. As such it is not a matter for consideration in the assessment of the application.

Inaccurate advertising as it is not proposing 180 spaces but rather a reduction in short term parking

Comment: The proposal seeks to replace the existing 135 onsite short term parking spaces with 181 parking spaces, comprised of 81 short term and 100 commuter parking spaces. The intention of the amended proposal is that on-street parking spaces surrounding the centre that are currently used as commuter parking will therefore become available for short term parking, resulting in an overall gain of parking in the area. The nearby on-street parking spaces which are currently not time limited are intended to be provided with time limitations by way of parking restrictions such that they will be available for short term parking, subject to approval by the Local Traffic Committee.

Park will be impacted by road noise

Comment: The location of parks adjoining roads is common place and it is not considered that the road noise from the adjoining roads will detrimentally impact the amenity of the park.

Should be artificial turf not grass

Comment: The provision of turf rather than artificial turf is considered superior to allow appropriate biodiversity on the site and provide an improved experience to users. The provision of turf rather than artificial turf will also be aesthetically more pleasing to users of the park.

Loss of trees in Milray Street

Comment: The proposal will result in the loss of vegetation (including 8 trees) in proximity to the intersection of Milray Street and Kochia Lane to facilitate the excavation of the ground to provide a vehicular connection between the two streets. The newly constructed Kochia Lane will be replanted with 11 trees in proximity to those lost. Whilst this will impact the outlook of adjoining properties in the short term, in the long term the outlook will be improved by superior landscaping.

Air pollution

Comment: The provision of a car park in the basement is not likely to generate any additional air pollution over the existing above ground car park.

No need for the cafe

Comment: Whether there is a demand for a café in the area is not a matter for consideration in assessing the application, but rather a matter for the applicant.

Will result in increased crime/underground car park not safe

Comment: There is no evidence to suggest that the provision of an underground car parking will result in an increase in crime. It is recommended that a condition of consent require the provision of CCTV coverage to the car park. **(Condition 73)**

Design of Village Green is too modern

Comment: The design of the café and furniture in the park is modern in character with simple lines and will not compete for attention with the adjoining heritage items. This has been assessed as being appropriate by Council's Heritage Advisor.

Village Green will be full of litter and difficult to maintain

Comment: The Village Green will be a Council managed park and will be maintained as for other parks in the municipality. There is nothing to suggest that the park or proposed cafe are likely to result in any increase in litter or that it won't be appropriately maintained.

Will have cost overrun because it has inadequate contingencies

Comment: The costing of the development is not a relevant consideration for the assessment of the application, but rather is a matter for Council and the state government.

Exits to the car park are poorly located

Comment: See previous discussion of the amended design for the entry/exit of the car park.

Loss of outlook

Comment: Whilst the outlook from a number of properties will change, the proposal incorporates significant landscape elements and over time will result in an attractive outlook for all adjoining and nearby properties.

Overlooking

Comment: The development is either underground or at ground level and as such will not afford any significant change in overlooking compared to the existing situation.

Shouldn't use Council funds for commuter parking

Comment: Whilst the suitability of using Council funds for a commuter car park is not relevant to the assessment of the application, it is noted that the state government is providing funds towards the provision of the commuter car parking component of the proposal.

Amended Plans

In accordance with the criteria in Part 25.3 of the DCP, Council's Development Assessment Team Leader determined that notification of the amended plans was not required as the amendments were unlikely to detrimentally affect the enjoyment of adjoining or neighbouring land.

INTERNAL REFERRALS

Development Engineer

Council's Development Engineer provided the following comments in relation to the original application.

The following comments relate to the water management and civil design components of the development.

More information is required, listed below.

Water management

The strategy is for re-use of runoff from landscaped areas for irrigation, with treatment and detention of road and path runoff.

The report and plans provide conceptual information only such as layout of pipes and volume of tanks, but no pipe diameters or level information. Reference should be made to Council's DA Guide as well as Part 24E and Part 24R.6 of Ku-ring-gai Local Centres DCP for the level of detail expected for DA assessment.

For example, there are no sections through the detention tank, so it is not possible to be sure that gravity drainage to the street drainage system is possible without the tank being impractically shallow. The tank is shown as being within the basement on the architectural plans but just below the entry road on the civil plans. If the tank were to be within the basement, then the invert level could be too low to drain to the street drainage system.

A pollutant trap is indicated in Section 3.3.1 of the Civil Design Report, but is not shown on the plans.

No details are provided of the drainage system from the Lindfield Centre, which is to be connected to the new system.

Stormwater runoff from the buildings at 1-21 Lindfield Avenue is currently discharged to the gutter in Chapman Lane. The plans do not show how this will be managed.

The plans should show surface and invert levels for all tanks, pits and pipes, as well as pipe diameters.

Section 3.3.11 of the Civil Design Report states that pipes greater than 900mm diameter will be rubber band jointed. Council requires all reinforced concrete pipes to be rubber ring jointed.

Civil works

There are no levels or dimensions on the civil plans and insufficient detail on the architectural plans. It is not possible to determine that design gradients for roads and footpaths will comply with Section 3.2.6 of the Civil Design Report.

The footpath in Milray Street will have to be lowered by some 700mm. Kerb ramps as shown on the civil plans will not be sufficient to accommodate this change in level. The plans are to show the extent of footpath regrading required to maintain

pedestrian access and any battering or retaining structures required in the nature strip.

Services such as the Telstra pit and stormwater pit in Milray Street will conflict with the new entry road. The plans are to show how these services will be managed. The Telstra line may have to be lowered. This can be prohibitively expensive.

Chapman Lane – the basement appears to extend to the face of the kerb. The shared zone plan states that there will not be a kerb retained in Chapman Lane. At present the businesses at 1-21 Lindfield Avenue place waste containers on the narrow footpath for collection. Council's commercial waste collection vehicle is 11 metres long and has a gross vehicle mass of 22 tonnes.

The plans do not show how waste will continue to be collected from these businesses and do not demonstrate that the new Chapman Lane will be able to accommodate vehicles of this size, either geometrically or structurally.

Geotechnical investigation

The site is underlain by clay over shale, extremely weathered to about 9 metres, then less weathered but still only low strength. Sandstone was encountered below the shale.

Section 3.3.10 of the Civil Design Report states that the carpark is to be designed as a tanked basement. This is compliant with Part 22.3-4 of the Local Centres DCP. WaterNSW has advised that no general terms of approval are required for construction dewatering.

The structures at 1-21 Lindfield Avenue extend to the rear boundaries, although this is not clear from the survey plan. These may be founded on clay rather than rock, and there may be a need for some underpinning. Section 5.6.5 of the geotechnical report anticipates further consideration of the development by the geotechnical engineer prior to commencement of bulk excavation, including assessment of any need for underpinning of adjacent structures.

The following information is required:

- *Civil and architectural plans are to show sufficient existing and proposed levels, and dimensions for the new works. Reference should be made to Council's DA Guide as well as Part 24E and Part 24R.6 of Ku-ring-gai Local Centres DCP for the level of detail expected for DA assessment.*
- *The footpath in Milray Street will have to be lowered by some 700mm. Kerb ramps as shown on the civil plans will not be sufficient to accommodate this change in level. The plans are to show the extent of footpath regrading required to maintain pedestrian access and any battering or retaining structures required in the nature strip. The plans are also to show how services such as Telstra and stormwater pits etc will be managed.*
- *The transition into the Lindfield Centre is particularly important – there are grated drains at the entrance to the businesses along the southwestern side of the building and the plans should show how runoff will be managed without entering these premises. Grading is preferable to a grated drain which requires maintenance and may affect access.*

- Continued access to the parking areas for 1-21 Lindfield Avenue as well as the Lindfield Centre must be demonstrated on the plans.
- The Civil Design Report refers to Ku-ring-gai Council Road Design Guidelines. This reference should be amended to General Specification for the Construction of Road Works and Drainage Works in Ku-ring-gai.
- The Civil Design Report refers to Soil Erosion and Sediment Control – Institution of Engineers, Australia. This is a Queensland document and the reference should be amended to Managing Urban Stormwater: Soils and Construction – Landcom 2004.
- At present the businesses at 1-21 Lindfield Avenue place waste containers on the narrow footpath for collection. Council's commercial waste collection vehicle is 11 metres long and has a gross vehicle mass of 22 tonnes. The plans do not show how waste will continue to be collected from these businesses and do not demonstrate that the new Chapman Lane will be able to accommodate vehicles of this size, either geometrically or structurally.
- Dimensioned plans of the on site detention and irrigation tanks, including levels, and pipe diameters and pit surface and invert levels. The connection of the existing system in the Lindfield Centre is to be clearly shown.
- All concrete pipes are to be rubber ring jointed. Part 3.3.11 of the Civil Design Report should be amended.
- Water quality measures are to be shown on the plans and modelling results provided to support the rainwater re-use and water treatment strategies. Treatment additional to the proposed gross pollutant trap may be required (eg by a proprietary product).

The applicant has submitted amended plans and documentation and the following comments were received in response from the Development Engineer.

The civil design report has been updated, only to include the items listed in my previous report, not to address the identified overall general conceptual nature of the civil documentation. Additional details have been provided on the architectural and landscape plans, just sufficient for conditions to be recommended.

The entrance from Milray Street has been more carefully designed to include a raised threshold, which means that the substantial footpath regrading which was anticipated will not now be required. However, there are corrections to the levels and dimensions required, as the details were prepared by the architect and landscape architect and not the engineer.

The transitions to the threshold are shown as being around a metre at 1:12 (8%) when Council's standard detail requires at least 1.5 metres at 1:20 (5%).

The section on DEM Drawing Ia-2301 A01 shows the footpath crossfall at 1:20 when it should be at 1:40.

After careful consideration, it would appear that these can be amended on the CC/Roads Act plans. The recommended conditions require the construction level detail to be checked by the designing engineer and traffic engineer to confirm that suitable

vehicular access will be available for vehicles entering and leaving Kochia Lane eastbound as well as 11 metre trucks entering and leaving the Lindfield Village Green site.

For all the works in public roads, Kochia Lane, Milray Street and Chapman Lane, construction level plans will have to be approved by Council's Director Operations under Section 138 of the Roads Act 1993. Plans, with specifications etc, suitable for construction, are required and a suitable condition is recommended. **(Condition 31)**

The plans now show how the existing shops in the Lindfield Centre will be protected from overland flow, by means of a level section in front with a central grated drain. Additional details on Drawing Ia-0610 A01 show that the existing levels along the Chapman Lane boundary will be maintained for continued access to 1-21 Lindfield Avenue.

Because the detention and retention systems will be in the public road, a positive covenant is not considered necessary for their protection, since their maintenance will remain with Council.

It appears that a Section 73 Certificate from Sydney Water is required, because of the proposed new café (restaurant in Table B of Sydney Water's Types of development that need a section 73 certificate). **(Condition 60)**

The construction management plan should show how services etc will be maintained to the businesses which will remain (1-21 Lindfield Avenue, 2 Kochia Lane and the Lindfield Centre).

Landscape and Tree Assessment Officer

Council's Landscape and Tree Assessment Officer provided the following comments in relation to the original application.

The proposal is not supported in the current form,

1. Inadequate provision of high quality streetscapes – Objective 8 14E.11 Section B Ku-ring-gai Local Centres DCP

A larger buffer to the adjoining residential zoning should be provided. The driveway entrance from Milray Street is to be narrowed and greater separation is to be provided to the public footpath/cycleway along Kochia Lane. Clarification of the purpose and direction of the proposed ramp and stairs at the north-eastern corner of the Lindfield Centre is to be provided.

2. Inadequate provision of public amenity – Control 2 vii) 14E.11 Section B Ku-ring-gai Local Centres DCP

- i. At least one gazebo should have a roof to protect users of the Village Green, including performers, from sun or rain.*
- ii. To maximise pedestrian connectivity through the site, connecting path/steps between the gazebo/western pathway and the path running along the western elevation of the Lindfield Centre should be provided (refer cover sheet illustration, Dwg. ar-cv00, 22/12/16). Grades are to be demonstrated if either of the gazebos are accessible from primary entrance points.*

- iii. *The proposed lightwell/planter has restricted access through the site and provided two pinch points created by the lift and water feature. This would be exacerbated by the likelihood of people and prams/trolleys. Those waiting for the lift are also now in the path of travel of pedestrians walking along the eastern side of the Café pavilion along an identified pedestrian desire line connecting to Havilah Lane. The configuration of elements should be modified to provide clear and direct access through Coolth plaza.*
- iv. *The planter on the eastern side of the Coolth Plaza Pavilion is considered too small for the proposed tree planting as well as too close to the roof structure.*
- v. *The proposed planters to the surrounds of the café are within the eaves and are unlikely to be viable.*

Further information is to be provided to enable assessment.

- 1. *A set of plans at 1:100 scale should be provided. The level detail on the plans are illegible due to the paving textures. Grades are to be such as to demonstrate that principle paths are accessible*
- 2. *Insufficient information has been provided to demonstrate the acceptable integration of the proposed pedestrian walkways and public domain works with existing infrastructure along the site boundaries as indicated on the Site Plan. It is assumed that some existing structures that cross over into the subject site, such as the existing garden beds that run along the western elevation of the Lindfield Centre, will require demolition within the adjoining property(refer SK-005, 13/12/16, Bird).*
- 3. *Proposed areas of on-slab and off-slab soil mediums are to be shown. Specification for the structural soil, free draining material and on-slab drainage is to be provided including details of the drainage layer. It is unclear how the battered structural soil for Chapman Lane is to be compacted without adversely impacting the adjoining planting including canopy trees. (Typical section Civil Design Report, Robert Bird, 20/12/16 and Section 2, ar-0201, DEM). The path to the eastern gazebo is shown without a batter. The Civil Design section should indicate the grated trench drain to Chapman Lane as per the Stormwater plan.*
- 4. *An undated draft structural report has been provided, recommending a contiguous piled wall to the two level basement. The typical sections through the boundary walls shows the piling wall only up to the basement roof i.e. 2 metres below existing grade. The detail should indicate the site boundary and the means as to how the adjacent levels to adjoining properties are to be retained. The walls include an architectural facing wall and drainage cavity/spoon drain inside the shoring wall (SK-005, 13/12/16, Bird). This is inconsistent with the architectural plans that show carspaces directly adjacent the shoring wall. The report refers to 'optimised apartment layouts'(p5 Section 3.3, Robert Bird Group)*
- 5. *Insufficient levels and dimensions have been provided to enable assessment of the water feature. The water feature proposed in Kochia Lane It is considerably larger than the one proposed in Kochia Lane in the LVMP and its relocation has reduced the grass area. The surrounds to the water feature and bridge are considered insufficient to prevent wear and tear on the adjacent grass. It is also unfortunate that arriving from the train via Kochia Lane, to reach the grass*

area, one has to travel almost halfway along Chapman Lane and at that point you have to avoid light wells, benches and trees.

6. *Additional bollards are to be provided at vehicle turning areas at the northern end of Chapman Lane and to the eastern edge of the Coolth Plaza. The latter could be achieved through planters.*
7. *Details of proposed retaining walls are to be provided including materials and top of wall levels. This is also required to demonstrate viable soil depths/volumes for proposed plantings on-slab and gradients for garden beds for example on either sides of the proposed driveway entrance.*
8. *Section 1 of the driveway is to show existing driveway and correct details of the road reserve (dwg. ar2100).*
9. *Proposed planting of high water use species such as Flindersia and Harpullia that have large seed pods are to be substituted with hardy low water use species.*
10. *The proposed planting (Trachlespernum jasminoides) on the pergola structures should be substituted with a non-sap producing deciduous species.*
11. *The proposed planters to the rear of the café are within the large eaves of the pavilion and are unlikely to be viable. Planters to Chapman Lane should be provided to enhance the streetscape and provide traffic calming solutions.*
12. *Planting details are to be provided.*

The applicant has since submitted amended plans and documentation and the following comments were received in response from the Landscape and Tree Assessment Officer.

Consistent with the Lindfield Village Green Masterplan (LVMP) – Objective 1 14E.11 Section B Ku-ring-gai Local Centres DCP

The proposal is to be consistent with the Lindfield Village Green Masterplan (Objective 1 14E.11 Section B Ku-ring-gai Local Centres DCP).

Response: *The proposal is generally consistent with the layout of the Lindfield Village Green Masterplan (LVMP).*

Provision of public domain works that enhance connectivity between the railway station and the Village Green site – Objective 4 14E.11 Section B Ku-ring-gai Local Centres DCP

Response: *The proposal provides a pedestrian walkway between Lindfield Avenue and Havilah Lane as well as new footpaths to Kochia Lane and Chapman Lane (2(iii) and (iv) 14E.11 Section B Ku-ring-gai Local Centres DCP). Pedestrian safety in shared zones has been considered acceptable by Council's traffic consultant.*

The proposal sits within an existing urban environment of footpaths, garden beds, kerbs and roads.

Recommended condition 1:

Provision of high quality streetscapes – Objective 8 14E.11 Section B Ku-ring-gai Local Centres DCP

Response: The proposed vehicular entrance from Milray Street has been widened and relocated further north of that approved under the LVMP. The proposed 9 metres width of the driveway and associated retaining walls will result in the loss of the majority of the existing landscape frontage to Milray Street. A raised crossing to Milray Street is proposed to more closely relate to existing pedestrian footpath grades within the nature reserve. To preserve the streetscape tree planting is proposed within garden beds on either sides of the entrance. A proposed ramp and stairs at the north-eastern corner of the Lindfield Centre is to be provided to maintain existing access.

Provision of public amenity – Control 2 vii) 14E.11 Section B Ku-ring-gai Local Centres DCP

The following features within the Village Green should be provided,

- i. Gazebos and pavilions on the northern edge of the park

Two accessible 'gazebos' have been provided within the park, both with seating. The smaller eastern gazebo is integrated with the fire stairs from the basement as well as acting as a ventilation stack for the carpark. Both gazebos have a pergola structure for climbers (*Vitis vinifera* (Ornamental Grape)). The proposed planters to the surrounds of the Café are within the eaves and are proposed to have irrigation.

Response: The recommendation to include a roof to at least one of the gazebos to provide weather protection for users of the Village Green was not accepted by the applicant as the open decorative steel work was consistent with the master plan.

The recommendation to connect the eastern gazebo and the path running along the western elevation of the Lindfield Centre (refer cover sheet illustration, Dwg. ar-cv00, 22/12/16) was not accepted by the applicant due to an inability to provide equitable access.

The proposed planters to the surrounds of the café are within the eaves and are proposed to have irrigation. Details are to be provided prior to Construction Certificate by **Condition 24**.

- ii. Plaza area within the northern portion of the park

The plaza within the northern section of the park includes a pavilion with lift and stair access to the basement carpark. Seating to the plaza is provided by low seating walls and several reinforced cast stone seating elements. The plaza is approximately 750mm below the seating terrace of the Café Pavilion. The roof details have been modified from the LVMP to delete the steel detailing and planters.

Response: The configuration of elements provides both amenity and clear and direct access through the plaza.

A planter associated with a lightwell has been introduced on the eastern side of the Coolth Plaza Pavilion and acts as a buffer to the vehicle access to Havilah Lane.

- iii. Open grass areas on the southern portion of the park to capture solar exposure

Response: A sloping grass area has been provided on the southern portion of the park. The area is to be constructed over the basement as a bioretention area and a typical section has been provided indicating the on-slab construction (Civil Design Report, Robert Bird, 7/06/17). Details of separation of the structural soil to Chapman Lane and the bioretention media is to be provided prior to the Construction Certificate by condition. Similarly, the specification for the structural soil, free draining material and on-slab drainage is to be provided including details of the drainage layer by condition. **(Condition 24)**

- iv. Landscape features including a water feature, pavilions, water sensitive urban design gardens

The water feature includes a pool with jets and planting and is a significant feature in the Village Green in excess of approximately 5 metres width at its widest point. The proposed use of planters for on-slab material as biofiltration for irrigation water is commendable. The pavilions are discussed above.

Response: The water feature is considerably larger than the water feature proposed in Kochia Lane in the LVMP and its relocation has reduced the grass area. The perimeter paved area has been enlarged to reduce wear and tear on the surrounding lawn. The detailed design including detailed sections and material specification for the water feature are to be provided by condition satisfying both safety and maintenance issues such as avoidance of sharp edges and slippery surfaces and adequate leaf screening. A risk assessment of the water feature is outside the expertise of this assessment.

Provide tree planting on the plaza, street and Village Green (Refer to Figure 14E.11-7 (Lindfield Masterplan) (Control 2 vii) 14E.11 Section B Ku-ring-gai Local Centres DCP).

Response: Proposed tree planting has been provided in keeping with the landscape character of the Lindfield masterplan.

Significant Existing Trees – Clause 5.9, Ku-ring-gai Local Centres DCP

Existing vegetation retained within the Tryon Road and Milray Street frontages.

To ensure that the landscape character of Ku-ring-gai is retained, the existing street trees should be retained where possible.

Response: The basement is shown set back outside of the tree protection zone of existing street trees located within nature strip on Tryon Road. The typical section through the basement wall indicates an architectural facing wall and drainage cavity/spoon drain inside the shoring wall (SK-005, 7/06/17, Bird). This is inconsistent with the architectural plans that show car spaces directly adjacent the shoring wall.

The landscape plans are to be amended to include the numbering of existing trees to be removed and retained in accordance with Section 8.6.1 and 8.6.2, Development Application Design Report, DEM, June 2017. **(Condition 24)**

- Tree A/ *Lophostemon confertus* (Brushbox) located closest to Chapman Lane within nature strip on Tryon Road
- Tree B/ *Lophostemon confertus* (Brushbox) centrally located within nature strip on Tryon Road

- Tree C/ *Lophostemon confertus* (Brushbox) located located closest to Lindfield Centre within nature strip on Tryon Road

Fifteen (15) trees are proposed to be removed for the development (p31, Development Application Design Report, DEM, June 2017) including two (2) street trees *Platanus x hybrida* (Plane Tree) and three (3) *Callistemon* sp. (Bottlebrush) located in the front setback to the existing Council carpark. There is no landscape objection to the removal of these trees. The proposed planting of four (4) *Stenocarpus sinuatus* (Firewheel Tree) along the northern elevation of the Lindfield Centre are to be substituted with deciduous canopy species such as *Platanus x hybrida* (Plane Tree) or similar. **(Condition 24)**

Conclusion

The proposal is acceptable, subject to conditions.

Environmental Health

Council's Environmental Health Officer provided the following comments:

The information provided has been reviewed and it is noted that the DA assessment issues document prepared by DEM did not include a response in relation the concerns raised about the toilet facilities proposed to be provided to the cafe.

*As raised in previous correspondence, there is concern that the number of toilets proposed in the café is inconsistent with toilet facilities provided in other commercial food businesses and may be inadequate for the number of patrons the café is likely to accommodate. It is requested that an appropriate condition requiring compliance with BCA requirements is included in the consent. **(Condition 39)***

It is understood that a condition is be applied requiring submission of a separate development application in relation to the proposed café. As such, no conditions related to the fit-out of the proposed food business have been included.

The proposed works incorporates 6, 7a and 10b classifications under the BCA. It is noted that travel distances exceed the DTS provisions of the BCA and that a fire engineered alternate solution would be required. In its capacity as applicant, Council may wish to ensure this can be obtained and that the proposed certifier is prepared to accept it as part of the CC process.

Heritage

Council's Heritage Advisor provided the following comments:

Heritage status

The site contains heritage listed buildings, (Nos.1-15 Lindfield Avenue) in the (Local Centres) KLEP2015.

Clause 5.10 of the Local Centres LEP requires that before granting consent to the proposed works Council must consider the effect of the works on the heritage item, nearby items or conservation area concerned.

Statement of Significance

"No 1-21 Lindfield Avenue is a highly significant Inter-War Spanish Mission styled residential/commercial development with Romanesque styled influences. It demonstrates many distinctive and original features and, as such, has a rarity value in Ku-ring-gai, and is likely to have a rarity value beyond Ku-ring-gai."

Its rarity value is enhanced by the fact that it is the earliest commercial /residential complex built in Ku-ring-gai, and probably the earliest three-storey complex. Its distinctive architecture provides important facades on all four sides of the building, and provides excellent views from its roof terrace, accessible to flats built in the north and south wings.

It holds a dominant position in relation to the Federation era Lindfield railway Station and to the earlier two storey commercial/residential developments to the north, and complements the Federation and Inter-war styled domestic buildings which characterise Lindfield.

The development also provides evidence of the homogeneity of the Lindfield community in the first thirty years of the twentieth century and expresses a robust confidence in building patterns which evolved in the inter-war years."

SEE Assessment of the Heritage Significance of "The Ramsey Buildings" 1-21 Lindfield Ave, Lindfield by Robert A. Moore Pty Ltd. August 2008.

The subject site encompasses an area that is used for various public purposes including parking, pedestrian and vehicular access. While the site also includes various buildings (the Lindfield Centre and the heritage listed 'Commercial Block' at 1-21 Lindfield Avenue), no works are proposed to these buildings and as such, the following description is only concerned with the areas where the proposed works will occur

Controls

| DEVELOPMENT IN THE VICINITY OF HERITAGE ITEMS OR HERITAGE CONSERVATION AREAS (HCAS) | |
|--|----------|
| Development Controls | Complies |
| 19F.1 Local Character and Streetscape | |
| General | |
| 1. All development in the vicinity of a Heritage Item or HCA is to include a Heritage Impact Statement. | Yes |
| 2. Development on sites that either directly adjoin or are in the vicinity of a Heritage Item or an HCA is to have regard to: i) the form of the existing building or buildings including height, roofline, setbacks and building alignment; ii) dominant architectural language such as horizontal lines and vertical segmentation; iii) proportions including door and window openings, bays, floor-to ceiling heights and coursing levels; iv) materials and colours; v) siting and orientation; | Yes |

| | |
|--|-----|
| vi) setting and context; | |
| vii) streetscape patterns. | |
| Retail/Mixed Use Setting | |
| 3. New development adjacent to or in the vicinity of a Heritage Item or HCA within a retail/mixed use setting such as an existing row of two storey shops, are to: | Yes |
| <ul style="list-style-type: none"> i) retain the existing characteristics of the street including the setback, height and rhythm of facades, and is to be sympathetic to the materials and detailing of the earlier facades. ii) retain a pedestrian building scale at the street level and to set back any levels that are higher than the adjacent Heritage Item | |
| Views | |
| 4. New development in the vicinity of a Heritage Item or HCA is to demonstrate that it will not reduce or impair important views to and from the Heritage Item from the public domain. | Yes |
| 19F.2 Building Setbacks | |
| Setbacks | |
| 1. The front setback of development adjacent to a Heritage Item or buildings within an HCA is to be greater than that of the Heritage Item or building within the HCA. Where variations in setbacks exist, the larger setback will apply | Yes |
| 19F.3 Gardens and Landscaping | |
| Gardens, Setting and Curtilage | |
| 1. Development in the vicinity of a Heritage Item or an HCA is to: <ul style="list-style-type: none"> i) retain original or significant landscape features associated with the Heritage Item or HCA, or which contribute to its setting ii) retain the established landscape character of the Heritage Item or HCA. iii) include appropriate screen planting on side and rear boundaries. | Yes |

Comments

The following comments are from the Heritage Impact Statement by City Plan Heritage - December 2016.

“The works have been devised with consideration to the heritage items located within proximity and is considered to not only be sympathetic to these heritage items, but also improves their setting. This is achieved through the landscape works proposed and the removal of the existing carpark, which is considered to have an adverse impact on the streetscape and setting of the heritage items.

The curtilage of the two heritage items has also been considered, and as such, the new parking facilities have been located underground instead of above ground. The visual impact of the parking on the curtilage and setting is therefore eliminated. In

addition, the proposed new structures are on a low scale and are considered neutral and sympathetic. They are contemporary and light weight structures with fine architectural details that blend in within the existing and new landscape setting of the Village Green

The proposed Café Pavilion and Coolth Plaza Pavilion have been designed with consideration to the heritage items at 1-21 Lindfield Avenue and St Alban's Church and are all on a low scale with aesthetically pleasant architecture reflecting the new contemporary and sympathetic development in the immediate locality. The two pavilions are located towards the north-western corner of the study area, away from Tryon Road to allow for visual access to the rear of 1-21 Lindfield Avenue. Their location also ensures they do not dominate the streetscape of Tryon Road and they are screened from view by streetscape plantings and plantings to be included in the open green space, towards Tryon Road.

The design of the two pavilions is considered contemporary and neutral and uses various materials and colours that are compatible with the heritage items. Both will employ transparent and seamless canopies to reduce visual bulk of the structures and to ensure they sit comfortably within the landscape setting of the new public square. They will be constructed of lightweight materials and feature simple and plain architectural detailing.”

Site Specific Development Controls, 14E.11 Precinct 14: Lindfield Avenue retail area and village green. This proposal relates to the following;

C1. Development at the rear of 1-21 Lindfield Avenue, Lindfield should enable the upper portion of each building to be observed from ground level. Rear additions should reflect the façade symmetry of the existing heritage item and ultimately the additions are to present a continuous whole.

The proposal does not involve any changes to the site of 1-21 Lindfield Avenue, however, does involve works directly adjacent to the rear.

These works have taken into consideration the proximity of 1-21 Lindfield Avenue and has been devised so as to ensure the streetscape appearance, curtilage and setting of the heritage items is not adversely impacted. As such, the proposed two pavilions and other gazebo and pergola structures are on a low scale and are located towards the north western and eastern corners of the study area. This ensures visual access to the rear of 1-21 Lindfield Avenue remains clear of obstruction when view from within the public domain and therefore will not impact on the streetscape appearance of the heritage item from Tryon Road.

C2. Rear addition should not be openly visible from Lindfield Train Station or St Alban's Anglican Church.

C6. Retain and conserve the front main portion of buildings, maintaining the current façade alignment and proportions. The existing roofscape should remain defined and unobstructed when viewed from Lindfield Avenue, Pacific Highway and Lindfield Station.

The majority of the proposed works will be located behind 1-21 Lindfield Avenue and will not be visible from Lindfield Train Station, with the exception of the Lindfield Avenue and Tryon Road landscaping works.

C7. Any major works should allow for conservation to original building fabric including any intact internal spaces, shop fronts and facades.

The works to Lindfield Avenue predominately consist of landscaping works and will not impact on the front main portion of 1-21 Lindfield Avenue or any original fabric.

Conclusion

The proposed works will have a positive impact on the streetscape and the setting of the heritage items located within proximity and are acceptable on heritage grounds.

Comment: It is noted that the site does not include 1-21 Lindfield Avenue or the Lindfield Centre as suggested in the heritage comments, however this does not alter the above assessment.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS)

The application was referred to the RMS under the provisions of clause 104 (traffic generating development) of SEPP (Infrastructure) 2007. In response RMS raised no objection to the application. RMS provided advisory information for Council's consideration and this information has been considered by the Traffic Consultant.

Water NSW

The application was referred to Water NSW as it was considered to be likely to be an aquifer interference activity. In response the following comments were received.

Whilst the proposed development is deemed to be an aquifer interference activity under legislation, comprehensive general terms of approval for temporary construction dewatering are not considered appropriate for the project given the scale of the disturbance and the physical setting of the property.

Traffic Consultant

Given the application is lodged on behalf of Council and the scale of the car park and works to the road network, including partial road closures/realignments, the application was referred to an external traffic engineering consultant, Traffix, for assessment and the following comments were provided in response to the original application.

Our assessment is provided in the context of the critical traffic/transport planning issues that arise from the application as discussed below.

“ 1. Overview of Development

Referring to the detail listed in the Cardno's Traffic Impact Assessment (TIA), the Lindfield Village Green (LVG) development is an initiative by Ku-Ring-Gai Council to revitalize the existing site through the deletion of the existing 135 space public car park and creation of a new underground car park with an enhanced amenity and improved safety. The development has been subject to extensive prior investigation of available options, resulting in a Preferred Option that is now the subject of this development assessment. The project involves the demolition of the existing at grade Car Park and the provision of:

- A Public Green Open Space;
- A Single Cafe of 166m2 GFA;
- One off-street basement car park on two levels;
- Access to the basement car park via Milray Street; and
- Provision of 80 short-term public spaces and 100 long-term commuter car spaces in the proposed basement car park.

2. Site Context and Appreciation

The development site is located 50 metres east of Lindfield Railway station and is bounded by Milray Street to the east, Lindfield Avenue to the west, Tryon Road to the south and neighbouring residential properties to the north. The site is presently occupied by at-grade parking and is adjacent to commercial and residential buildings.

Specifically, the western boundary fronts the rear of mixed commercial/retail buildings located on the opposite side of Chapman Lane and these buildings have a primary frontage onto Lindfield Avenue. These buildings including several businesses such as small cafes, a Children's Health Centre, a medical centre and a heartburn clinic. Residential properties form the northern site boundary on the other side of Kochia Lane to the Lindfield Village Green (LVG) site. The site also wraps around the existing two to three storey commercial building located on the corner of Tryon Road with Milroy Street.

Pertinent to this proposal are two approved developments located to the north of the LVG. These are the Aqualand development and the Lindfield Market Development, which are both mixed-use developments with residential and retail components. Aqualand will have an impact on traffic conditions predominantly on the proposed one-way northbound operation of Havilah Lane. It should be noted that Council had originally objected to the Aqualand proposal based on insufficient car parking under the Part 3A assessment undertaken by the Department of Planning although the application was subsequently approved by the PAC without additional parking. Lindfield Market Development is another mixed-use development currently under construction at 43-47 Lindfield Avenue (DA0578/14) and this provides compliant residential parking with 6 spaces more than the minimum parking required under Council's DCP.

These two developments will nevertheless benefit from the public parking provided by the Village Green Development and this provides further justification for the 'additional' parking now sought within the LVG as discussed in Section 3 of Cardno's report, which will thus ameliorate pressure on on-street parking in the locality created by ongoing development.

3. Road Network Changes

Cardno supports the proposed design based on the concept plan prepared by JMD Design & Tonkin Zulaikha Greer which is in turn supported by the Traffic Management Measures 1D (TMM1D) as outlined in the Transport Network Model Study Supplementary Report 2015/2016 by PeopleTrans. The development application includes further refinements and will result in the following changes to the existing road network.

- *Vehicular access to properties on Chapman Lane is maintained only for service & maintenance vehicles. The concept plan proposes the conversion of*

Chapman Lane to a shared zone, limiting access to permit only service vehicles and existing garages.

- Establishment of new pedestrian-only zones between Lindfield Avenue and Havilah Lane to ensure the safety and convenience of pedestrians traveling between the Aqualand development and the Lindfield Village Green.
- Transforming Kochia Lane into pedestrian/cyclist connection from Lindfield Station to Milray Street.
- Vehicular access to the basement carpark and the private parking area for existing multi-storeyed commercial building on site is proposed via the Milray Street frontage.
- Havilah Lane would only facilitate one-way northbound vehicular movement associated with the basement LVG car park as well as the existing private car park serving the commercial building.

The above arrangements will result in a redistribution of local traffic and the impacts associated with this are discussed further below. Nevertheless, the adopted access principles and design philosophy as embodied in the proposed design are generally supported.

4. Parking Supply

The Lindfield Village Green (LVG) basement car park includes the provision of 180 car spaces which results in a net increase of 35 short term public spaces over and above the current 135 spaces on the LVG site, as show in in Table 1.

Table 1: Public Parking Analysis – Assuming 100 Commuter Space Current Demand

| Type | Current | | Proposed | |
|---------------|--------------|------------|---------------|------------|
| Short-term | 135 on-site | 221 | 80 on-site | 266 |
| | 86 on-street | | 186 on-street | |
| Long-term | on-street | 100 | on-site | 100 |
| TOTALS | | 321 | | 366 |

Short Term Parking

These additional 35 spaces will also serve the proposed Café with 166 m2 floor area that would generate additional need for 10 parking spaces based on Council's DCP. Hence, in terms of the locality generally, short term parking supply is increased by a net additional 25 spaces.

This is a satisfactory outcome if the current on-street commuter parking is or exceeds 100 spaces, in which case the result is a simple substitution effect. That is, existing on-street commuter demands moved on-site will result in the commensurate relocation of on-site short term parking spaces to onstreet locations that are presently used by commuters.

However, the main risk associated with short term parking conditions relates to the extent to which the 100 commuter parking spaces matches the current commuter demands that occur on street. Specifically, if the current demand for commuter parking is less than 100 cars, then rather than simply being a substitution effect discussed above, any of the 100 on-site commuter spaces set aside for future commuter demands will result in a commensurate displacement of short term parking into residential areas that are not presently affected.

Accordingly, it is recommended that advice be sought from TfNSW (or surveys undertaken) as to the current commuter parking demand and the basis for determining how the 100 space quantum was established. This will not be necessary in the event that it is certain that the existing on-street commuter demand is or exceeds 100 spaces.

In the event that the effect is entirely a substitution between existing short term and commuter demands, then this is supported. It is considered preferable that on-street parking be utilised for short-term rather than long term parking. The higher turnover of short term parking will improve opportunities to park throughout the day, improving residential amenity, while on site commuter parking improves the safety/security and convenience for commuters, encouraging alternate travel modes for the journey to work by rail.

We note that TfNSW's requirement to provide 100 commuter spaces has been satisfied, with this representing part of the overall quantum of 240 commuter space target set by TfNSW for Lindfield Station generally.

5. External Traffic Impacts

The traffic impact assessment prepared by Cardno relies on results derived from the model prepared by PeopleTrans in the Transport Network Model Study Supplementary Report 2015/16.

Cardno have adjusted the modelling outputs to reflect the proposed changes to the LVG including the relocated access onto Milray Street. The inherited base modelling also takes due account of the cumulative impacts of other development and 10 years growth in background traffic.

The results of the modelling indicate satisfactory operation in terms of both environmental amenity considerations, as well as intersection performance considerations. However, the following matters are raised:

- The inserts to Figures 7.3 (AM Peak) and 7.4 (PM Peak) of the Cardno TIA report show existing traffic entering from Havilah Road into Havilah Lane to travel in a southbound direction. This is contrary to the one-way northbound flow in Havilah Lane.*
- During the AM peak, the LVG is shown to generate 100 in trips (via Milray Street) and 200 out trips (via Milray Street and Havilah Lane combined). This directional split is counterintuitive and likely to be incorrect.*
- Figure 7.2 shown only 5% of trips exiting the main access onto Milray Street via a left turn, while Figure 7.2 shows 42% undertaking the same manoeuvre in the PM peak. This different distribution is not explained.*

The cumulative impacts of the above needs further assessment and/or explanation by Cardno, with consideration given to:

- The implications on intersection performances, with revised Sidra modelling likely to be required; and*
- The implications for environmental amenity.*
- With regard to environmental amenity impacts, concern is raised over the absence of existing daily flows in Table 7.2 as the relative change in volumes on residential streets is also a relevant consideration. Flow increases on Milray*

Street to the north of the main access are of particular interest and in the event that volumes are significantly higher in the future, consideration may need to be given to the introduction of traffic calming measures. In this regard, the projected flow of 460 veh/hr (without correction for the factors raised above) is significantly higher than the 300 veh/hr maximum volume for a residential street.

- Preparation of revised Figures 7.2 and 7.3, as appropriate. It would also be of assistance to see existing trips on road segments, to assist an understanding of expected changes.

6. Survey Data Reliability

The baseline model used in the previous studies was prepared with 2013 survey data from the Supplementary Report 205/2016 by People Trans that is quite dated. Nevertheless, the 10 year growth in background traffic as well as the cumulative impacts of other developments has been considered in the modelling and this is expected to also account for any changes to existing volumes that may have occurred since 2013.

On this basis, the traffic survey data is considered appropriate and no additional surveys are considered warranted.

7. Modelling Methodology

The intersection SIDRA modelling prepared by Cardno has been reviewed. In addition to the matters raised above concerning trip distributions which will affect the Sidra outputs, it is noted that no heavy vehicles have been included in the modelling, so that delays have been underestimated. Updated modelling is therefore requested to include heavy vehicles.

8. Shared Zone Operation

We agree with the content of the response from RMS dated 14 February 2017 (Reference: SYD17/00130/01 (A16086348)). The proposed Shared Zone along Chapman Lane should be assessed for compliance against RMS Shared Zone Guidelines. Separate application must be submitted with a signage plan together with all documentation required under TDT2016/001 entitled "Design and Implementation of Shared Zones". In this regard, a detailed design review and safety audit is needed which should also ensure that all pedestrian and cyclist movement within the locality are safe and convenient.

This can be conditioned however, based on the Concept Plan provided by the applicant and prepared by DEM as shown in **Attachment 1**.

9. Access Driveway

The location of a wide combined entry-exit driveway onto Milray Street will result in a continuous driveway crossing of about 10 metres width at the property boundary. This presents a potential safety hazard for pedestrians when crossing the driveway. It is also assumed that vehicles accessing the site have priority over pedestrians, with the internal road constructed with kerb returns, so that pram ramps would be needed. If this is the case, it is strongly recommended that consideration be given to provision of a minimum 2 metres wide pedestrian refuge separating the entry and exit driveways. However, this is a sub-optimal arrangement in our view.

Alternatively, consideration could be given to a raised (flush) paved footpath across the full driveway width within the road verge, so that pedestrians have a clear priority over vehicles both entering and exiting the site. In these circumstances, a refuge island may be unnecessary.

The entry driveway should be as narrow as possible based on a swept path analysis of the adopted Design Vehicle (an 11m Rigid Truck). This is necessary to ensure that for cars and other light vehicles, only one entry movement can occur either from the north or south on approach along Milray Street, to avoid cross-over movements internally where drivers can elect to proceed either into the basement or at ground level.

It is noted that the driveway design is based on the ability of an 11m truck to use the full width of the driveway for the left turn entry movement, without encroaching over the centre of Milray Street. However, this truck traverses the exit driveway where cars emerge from the basement and this is considered to be potentially unsafe. Hence, consideration may need to be given to permitting left entry.

The above issues and potential options are raised for further consideration by the applicant.

10. Carpark Design

While detail design is expected to resolve minor issues at the Construction Certificate Stage in response to a suitable condition of consent requiring compliance with AS2890.1 and AS2890.2, the following deficiencies are noted:

- *Insufficient of sight distance when entering the exiting ramp from Basement 2*
- *Insufficient passing between entering and exiting vehicles on the basement ramp (see **Attachment 2**)*
- *The absence of ramp design gradients and transitions on the available plans; and*
- *Reduction in length of the ramp median to allow better manoeuvring*
- *Confirmation through swept path analysis that uninterrupted two-way flow is available on the primary circulation ramp and aisles (Attachment 2 is only an example).*
- *Pedestrian movement accessing bicycles in the storage area on Basement Level 2 is unsafe*
- *Stairwells in the basements block visibility at the marked (zebra) footcrossings.*

11. Cyclists

No assessment has been made of the impacts of the development on the safety and efficiency of cyclist operations in the general locality, nor the opportunities the LVG provides for cyclists in terms of on-site facilities.

12. Construction Traffic and Pedestrian Management Plan

*It is recommended that a condition of consent be imposed on any approval requiring the preparation of a Construction Traffic and Pedestrian Management Plan (CTPMP). Such a plan will need to address the matters shown in **Attachment 3** and may also need to be prepared in consultation with other CTMP's that are implemented at other sites.*

13. Public Submissions

A total of 101 public submissions have been received by KMC following the public notification period and these have been reviewed in relation to the traffic planning matters that have been raised. These are dealt with in part in other sections of this report where this is the case, no further response is made. Of the remaining submissions, the most relevant are summarised below, together with our response. It is also noted that the Project has evolved over several years through a Master Planning stage and it is assumed that this planning process has provided ongoing opportunities for public participation and comment, which are reflected in the current Development Application.

Conclusions

Having regard for the above assessment, we support the proposed LVG development in principle on traffic planning grounds as it delivers on its stated objectives and provides a significantly enhanced environment. However, in view of the above matters, we consider that the proposed development require further investigation and assessment in relation to those matters.

Comment: The response to submissions have been inserted elsewhere in the report rather than reproduced twice.

Additional surveys were carried out and the plans for the MilrayStreet/Kochia Lane intersection and the car park were amended in response to these comments. The following comments were provided by Traffix in response to this material.

We have now had the opportunity to review this additional material and our assessment is provided below in relation to each of the mattes raised.

1. Short Term Parking Supply (Report Section 6)

The Lindfield Village Green (LVG) basement car park now includes the provision of 181 car spaces of which 81 are now short term spaces (increased from 80 spaces) and 100 are long term spaces as required by TfNSW, in partial response to the Stage Government's target of 240 commuter spaces within Lindfield.

Short Term Supply Assessment

The current on-site short term parking provision is 135 spaces. Hence, there is a net reduction of 54 (135 less 81) short term spaces under the proposal. The development also creates a demand for 10 spaces for the café for which no specific provision is made, so that there is a reduction of 64 short term spaces. This may increase slightly if there is any loss of parking associated with the proposed raised threshold at the main access onto Milroy Street. This is a significant actual net reduction in short term parking supply and for the status quo to be maintained, these 64 spaces could be readily replaced by converting 64 unrestricted on-street spaces to short term spaces, by signposting.

Short Term Demand Assessment

Based on the Cardno surveys undertaken in November 2016, the peak demand associated with the available 135 short term spaces is currently 112 spaces, resulting in a minimum of 23 unused spaces.

Hence, based on a demand analysis, the shortfall will reduce from 64 spaces to 41 spaces (64 less 23) based on surveys. Similarly, these can be replaced by converting 41 on street unrestricted spaces to short term spaces.

Summary on Short Term Parking

In reality, there will be a net reduction of 64 short term spaces as a consequence of the development. However, regard needs to be given to current peak demands and recent surveys indicate that the demand for short term parking will be less, so that only a 41 space shortfall is evident at the peak 'design' level.

It is therefore recommended that to maintain the status quo, 41 additional on-street spaces be signposted as short term parking spaces during business hours, so that there is no change in short term parking availability overall. When added to the existing 86 on-street short term spaces in the locality, this results in a total of 127 short term spaces in the LVG locality. It is noted that these 41 spaces represent 23% of the existing 183 on-street unrestricted parking spaces, so that impacts on residents will be moderate and generally very localised.

Clearly, this is a matter that can be reviewed by Council's traffic committee at any time in the future and the on-street parking adjusted (increased or decreased) as appropriate and in response to any sustained changed circumstances. That is, Council has the ability to respond flexibly to changing conditions. Similarly, Council has the ability to implement a resident parking scheme, should any issues arise for residents.

Having regard for the above, the short term parking arrangements are considered satisfactory.

2. External Traffic Impacts

Updated Traffic Counts (Report Section 3)

Cardno has now provided updated traffic surveys and these were undertaken on Wednesday 24th May 2017 at the most critical intersections during both peak periods. The surveys are accepted as being suitable for assessment purposes and based on the results, the analysis is not sensitive to minor changes that may occur on different days of the week; or of seasonal variations.

Trip Distributions (Report Section 3)

The revised report includes updated trip distributions in Appendix F of the report. These are accepted as being reasonable.

Updated Intersection Performances (Report Section 3)

Based on the above surveys and distributions, the intersections examined all operate at level of service A during both peak periods under future conditions and have been demonstrated to perform with good levels of service under existing (2017) traffic volumes.

Future Intersection Performance (Report Section 8)

The operation of the road network, including the proposed new access via Milray Street, has been demonstrated to be acceptable, with generally good levels of service.

The intersection of Lindfield Road with Tryon Road has not been re-assessed in the report and reliance is still made on the 2027 modelled scenario undertaken in the

2014 PeopleTrans report, with this intersection being signal controlled. While the current unsignalised (priority) intersection presently operates well at Level of Service A and while performance is likely to be satisfactory postdevelopment under the existing priority control, this requires confirmation. The timing of these signals also requires further consultation and assessment between Council and RMS, although this is a matter that is of a strategic nature and not a matter that should be the responsibility of the applicant in the context of this development application.

Environmental Amenity Impacts (Report Section 8)

The revised analysis shows generally acceptable environmental amenity impacts having regard for the nature of the affected roads, which it is accepted are not exclusively 'residential' streets but rather streets within a town centre (mixed use) environment.

The only potentially substantive issue relates to increased volumes on Milray Street, due to the main carpark access being relocated onto this frontage. On the section of Milray Street south of the main site access, volumes will increase to 237 veh/hr in the AM peak and 278 veh/hr in the PM peak. While the increase is significant in relative terms, in absolute terms they remain below the environmental amenity threshold even of an exclusively residential street and are therefore acceptable. In addition, the environmental amenity will be improved by the low traffic speed along this section, assisted also by the proposed raised platform at the main access, which is in effect a traffic calming device.

The section of Milray Street north of the proposed development will result in volumes of 140 veh/hr in the AM peak and 163 veh/hr in the PM peak. These are similarly well below the environmental threshold (noting that this section of Milray Street is residential) and are considered acceptable.

3. Milray Street Access Driveway (Report Section 5)

The proposed amended layout at this intersection as shown in the amended plans incorporates our design recommendations and is now supported. Consideration will need to be given to the removal of parking locally to permit the required truck manoeuvres to be undertaken, notably the left turn entry movement by an 11 metre rigid truck.

4. Chapman Lane Access (Report Section 5)

The ability to turn an MRV at the termination of this intersection with a single reversing manoeuvre requires demonstration based on a swept path analysis, as previously advised. This is however a minor design issue that could be conditioned and dealt with at construction certificate stage.

The existing pedestrian accesses onto Chapman Lane (western side) are protected by bollards and this is supported on safety grounds, subject to these being 1200mm in height and well illuminated. The possibility of incorporating illumination (i.e. a lighting bollard) may warrant further consideration.

5. Fire Hydrant Access (Report Section 5)

This matter is resolved as discussed in the Amendment Report.

6. Carpark Design (Report Section 6)

The proposed amended plans incorporate our design recommendations and are now supported.

7. Cyclists (Section 3 of Report)

This has been addressed in the Amendment Report and is considered acceptable, noting that bicycle facilities are provided within the site and that external cyclist connectivity is outside the scope of the development application.

8. Construction Traffic and Pedestrian Management Plan (Section 7 of Report)

The construction principles are satisfactorily outlined in Section 7 of the Report. It is recommended that a condition of consent be imposed on any approval requiring the preparation of a detailed Construction Traffic and Pedestrian Management Plan (CTPMP), based on these principles. Such a plan will need to address the matters shown in Attachment 3 of our advice dated 2 May 2017 and may also need to be prepared in consultation with other CTMP's that are implemented at other sites.

Conclusions

Having regard for the above assessment and revised plans and information, we are now able to support the proposed LVG development application on traffic planning grounds”.

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. A Preliminary Site Investigation was prepared by SLR for the application which concluded:

- *the potential for unacceptable concentrations of contamination (with respect to human health) to be present in soils on the site, is considered to be low to negligible;*
- *the site is considered suitable (from a contamination perspective) for the proposed redevelopment land use scenario;.*

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 in close proximity to, or within view, of a waterway or wetland and is considered satisfactory. Given the proposed soil and sedimentation controls, there will be no impact on downstream waterways during construction.

State Environmental Planning Policy (Infrastructure) 2007

The application was referred to the RMS under the provisions of clause 104 (traffic generating development) of SEPP (Infrastructure). In response RMS raised no objection to the application. RMS provided advisory information for Council's

consideration and this information has been considered by the Traffic Engineer.

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

Zoning and permissibility

The subject site is zoned B2 Local Centre under the Ku-ring-gai Local Environmental Plan (Local Centres) 2012. The proposed use is defined as car park, food and drink premises, roads and recreation area, all of which are nominated or innominate uses which are permissible uses with consent.

Objectives of the zone

The objectives of the B2 Local Centre zone are as follows:

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximize public transport patronage and encourage walking and cycling.*
- *To provide for residential housing close to public transport, services and employment opportunities.*
- *To encourage mixed use buildings that effectively integrate suitable business, office, residential, retail and other development.*

The proposal is consistent with the objectives, providing for a retail facility and a car park which will service both visitors to the area and those wishing to use public transport (i.e. railway). The use supports the surrounding residential and commercial uses.

Part 4 Principal development standards

Height of Buildings Clause 4.3 of LEP 2012 sets a maximum height control of 11.5m, which applies to all parts of the site other than the existing lanes, which have no height control. The proposal includes one building and a number of structures, with the maximum heights as follows:

| | |
|-----------------------------|---------------------------------|
| Café | 5.84m (to top of exhaust stack) |
| Coolth Plaza Pavillion | 5.43 (to top of lift overrun) |
| Pavillion (south-west) | 4.18m |
| Pavillion (north-east) | 4.67m |
| Pergola over basement entry | 3.73m |

All buildings/structures comply with the height control.

Floor Space Ratio Clause 4.4 of LEP 2012 a maximum FSR control of 2:1, which applies to all parts of the site other than the existing lanes, which have no FSR control. The definition of gross floor area is as follows:

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and

- (b) *habitable rooms in a basement or an attic, and*
- (c) *any shop, auditorium, cinema, and the like, in a basement or attic, but excludes:*
- (d) *any area for common vertical circulation, such as lifts and stairs, and*
- (e) *any basement:*
 - (i) *storage, and*
 - (ii) *vehicular access, loading areas, garbage and services, and*
- (f) *plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and*
- (g) *car parking to meet any requirements of the consent authority (including access to that car parking), and*
- (h) *any space used for the loading or unloading of goods (including access to it), and*
- (i) *terraces and balconies with outer walls less than 1.4 metres high, and*
- (j) *voids above a floor at the level of a storey or storey above.*

As the car park is for visitors to the shopping centre and rail commuters, it is not parking to meet the requirements of the consent authority, other than parking generated by the café use and, as such, the gross floor area of the car park, less the vehicular access thereto and the parking required for the café is included in the calculation of gross floor area.

The proposed GFA is 5,880m², excluding 10 parking spaces and access thereto for the café, and the site area is 5,350m², equating to a FSR of 1.1:1, complying with the control.

Part 5 Miscellaneous provisions

Preservation of Trees or Vegetation Clause 5.9 of LEP 2012 requires development consent for the removal of trees and the proposal includes the removal of 14 trees. The removal of the trees has been assessed by Council's Landscape and Tree Assessment Officer as being appropriate given the proposed landscaping included in the development.

Heritage Conservation Clause 5.10 of LEP 2012 requires consideration to be given to the impact of development within the vicinity of items of heritage. The impact of the proposal upon the adjoining heritage items at Nos. 1-21 Lindfield Avenue, has been assessed by Council's Heritage Advisor, who has concluded that the works will have a positive impact on the streetscape and the setting of the heritage items and can be supported on heritage grounds.

Part 6: Additional local provisions

Earthworks Clause 6.1 of LEP 2012 provides the following matters for consideration in relation to applications for earthworks:

- (a) *the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*

Subject to appropriate soil and sedimentation measures the proposal will not affect soil stability. The proposal will not detrimentally impact drainage patterns in the locality.

- (b) *the effect of the development on the likely future use or redevelopment of the land,*

The excavation is proposed in conjunction with the redevelopment of the site.

- (c) *the quality of the fill or the soil to be excavate, or both,*

No fill material is proposed to be imported and the preliminary investigation has found the site not likely to be contaminated. A condition is recommended requiring testing of the soil for contamination and classification prior to its disposal.

- (d) *the effect of the development on the existing and likely amenity of adjoining properties,*

The development is unlikely to have any detrimental impacts upon adjoining properties.

- (e) *the source of any fill material and the destination of any excavated material.*

No fill material is proposed to be imported and the preliminary investigation has found the site not likely to be contaminated. A condition is recommended requiring testing of the soil for contamination and classification prior to its disposal.

- (f) *the likelihood of disturbing relics.*

The site is not likely to contain any archaeological relics due to its location and disturbed nature.

- (g) *The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area.*

The site is not located in proximity to any waterway, drinking water catchment or environmentally sensitive area and subject to appropriate erosion measures during construction will not detrimentally impact any such area.

Stormwater and Water Sensitive Urban Design Clause 6.2 of LEP 2012 provides the following matters for consideration in relation to applications:

- (a) *water sensitive urban design principles are incorporated into the design of the development, and*

The stormwater design has been assessed by Council's Development Engineer who is satisfied with the water sensitive urban design of the proposal.

- (b) *riparian, stormwater and flooding measures are integrated, and*

The site is not in proximity to riparian land and is not flood prone.

- (c) *the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land on which the development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems, and*

The site is not located adjacent to and does not include native bushland or waterways. The stormwater design has been assessed by Council's

Development Engineer who is satisfied the proposal will not have an unacceptable impact upon adjoining properties or the groundwater system.

- (d) *if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, waterways and groundwater systems.*

See above comment.

Ground Floor Development in Business Zones Clause 6.6 of LEP 2012 applies to land zoned B2 and requires that consent shall not be granted to development for the purposes of a commercial premises unless the ground floor of the building will not be used for the purposes of residential accommodation or a car park and will provide uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building. This provision does not apply to parts of the building that provide a lobby for commercial components of the building, access for fire services, vehicular access or faces a service lane that does not require active street frontages.

The only commercial premises proposed is the café and the café building provides for commercial premises on the ground floor, satisfying the provisions.

POLICY PROVISIONS

Ku-ring- gai Local Centres Development Control Plan

The relevant provisions within Section A of the DCP include Part 9 – Non Residential and Office Building, Part 12 – Signage and Advertising, Part 13 – Tree and Vegetation Preservation, within Section B include Part 14E – Lindfield Local Centre, Part 14R.1 Lindfield Village Green Masterplan, Part 19 – Heritage Items and Conservation Areas and within Section C include Part 21 – General Site Design, Part 22 – General Access and Parking, Part 23 – General Building Design and Sustainability and Part 24 – Water Management, all of which are addressed following.

Section A:-

Part 9 – Non-Residential and Office Buildings

Part 9 addresses all non-residential buildings and, as such, applies to the proposed café, with the relevant provisions addressed following.

9A.1 Building Setbacks – requires buildings to conform with the established street and boundary setback pattern, with basements not to encroach into the street. The site does not have an established street or boundary setback, but it is considered the location of the café at the corner of the two laneways appropriately reinforces the corner. The basement, in part, extends under Chapman and Kochia Lane, however this is considered acceptable given the roads are Council roads and the proposal is for a public car park.

9B.1 Service Access and Loading Facilities – requires onsite service vehicle access to be provided. A loading area for the café, as for the existing commercial premises fronting 1-21 Lindfield Avenue, will remain in the shared zone of Chapman Lane.

9B.2 Car Parking Provision – requires the provision of parking at the rate of 1 space

per 26-33m² of GFA for retail space, which would include cafes. This also accords with the café rate within Part 8B.2 of the DCP, which would apply in the B2 zone if the use was contained within a mixed use development. With a GFA of 114.6m², a parking provision of 3.5-4.4 spaces would be required. Given the proposal includes public parking, it would be inappropriate to prevent other visitors to Lindfield Village from using 4-5 of the public spaces and for them to be for the exclusive use of the café. It is more appropriate for the spaces to be available to all users. Accordingly, a condition of consent is recommended to provide only 1 exclusive use space within the basement for the café.

A minimum of 1-2% of parking is to be provided as accessible parking. Of the 181 parking spaces proposed, 4 are accessible, equating to 2.2%, satisfying the control.

9C.1 Solar Access - the proposal provides appropriate solar access and shading for the café as required by 9C.1

9C.2 Natural Ventilation – the proposal provided appropriate cross ventilation for the café as required by 9C.2.

9C.4 Building Entries - accessible entry is provided to the café, the pavilions and the car park as required by 9C.4.

9C.6 Roof Forms, Terraces and Podiums – roof forms are to express building elements or location and services elements are to be integrated into the overall design of the roof so as not to be visible from the public domain. The roof of the Coolth Plaza Pavilion satisfies this requirement, with the lift overrun being located to minimise its visibility from the park. However, the exhaust stack for the car park is located at the front of the café building, providing for maximum visibility from the park. This is inappropriate and a condition of consent is recommended requiring the exhaust stack to be relocated to be further from the edge of the building generally in the location of the entry door to Store 1 in order to reduce its visibility from the public domain. **(Condition 20)**

9C.8 Building Forms and Facades – the café is a small building and as such satisfied the controls for maximum floor plate and length of building. The café design appropriately engages with the activities of the adjoining park and laneways.

9C.9 Corner Building Articulation – the café addresses both laneway frontages as is appropriate to its corner location.

9C.10 Ground Floor Frontage – the café does not have any blank walls to the Kochia Lane frontage and the blank wall to the Chapman Lane frontage comprises 64% of the length of the wall, and as such does not satisfy the requirement for not more than 30% of the façade to be blank wall. It is considered the variation is reasonable on this site as it is more appropriate for the café to provide activation to the park rather than Chapman Lane.

Part 12 – Signage and Advertising

Part 12 addresses signage and the relevant provisions are addressed following.

12.1 Signage General - The controls (summarised) applicable to all signage of relevance to the application are addressed following:

- Signage to be of non-combustible, graffiti resistant and easily cleaned material

The sign is to be made of appropriate material.

- Internally and externally illuminated signs, other than those permitted under 12.7 or where illumination will not detract from the amenity of the locality, should be avoided.

The signage is not proposed to be illuminated.

- Freestanding signs should be avoided other than for service stations

The signage is not freestanding, being located on the wall of the cafe.

12.3 Identification Signs – Business – The controls are summarised and addressed below.

- A maximum of two business identification signs

The proposal includes three business identification signs for the café located on the façade facing the village green and the two facades facing Chapman and Kochia Lane. It is considered that the sign facing Kochia Lane is the least necessary of the signs and as such it is recommended that this sign be deleted in accordance with the requirements of the DCP.

Part 13 – Tree and Vegetation Preservation

The proposal involves the removal of 14 trees and Council's Landscape Architect has supported the necessary tree removal (see previous comments).

Section B.

Part 14E – Lindfield Local Centre

14E.2 Public Domain and Pedestrian Access – requires a pedestrian through site link to be provided from Lindfield Avenue to Milray Street along the alignment of Kochia Lane and a second through site link from Tryon Road to Havilah Lane adjoining the western side of the Lindfield Centre. The proposal provides these required pedestrian links.

14E.3 Proposed Community Infrastructure – requires footpath embellishment along Chapman Lane and Kochia Lane (including partial pedestrianisation) and the provision of a new village green on a public car park basement, with commuter parking. The proposal satisfies these requirements.

14E.6 Building Entries, Car Parking and Service Access – requires vehicular access to the village green site via Kochia Lane off Milray Street and pedestrian access from Tryon Road near the Lindfield Centre and via Kochia Lane from Lindfield Avenue. The proposal is consistent with these requirements.

14E.7 Heritage – These provisions have been addressed previously by Council's Heritage Advisor.

14E.11 Precinct L4: Lindfield Avenue Retail Area and Village Green – required development to occur in accordance with the Lindfield Village Green Masterplan

which is addressed later in this report.

In particular, this part requires the provision of a public park and public car park which are provided in this application. The previously discussed pedestrian links are reinforced in this section and the village green is required to be provided with gazebos and pavilions on the northern edge of the park, a plaza within the northern portion of the park, open grass areas on the southern portion of the park and landscaping features including a water feature. The proposal incorporates all of the required features.

This part also requires that the village green is suitable for use by small events, markets and festivals and the design is appropriate to achieve this requirement.

Active street frontages are required to Kochia Lane and Chapman Lane and the provision of the park and café achieves this requirement.

The requirement for vehicular access to be via either Milray Street or Chapman Lane is reinforced in this part, which also prohibits direct access from Lindfield Avenue or Tryon Road. The proposal is consistent with this requirement.

The southern portion of Kochia Lane is required to be closed to traffic (other than pedestrian) and a cycleway provided between Milray Street and Lindfield Avenue via Kochia Lane and this is provided with the proposal.

Electrical charging points are required to be provided within the basement car park, along with bicycle parking. No bicycle parking provision is shown in the plans. A condition of consent is recommended requiring the provision of 15 bicycle parking spaces either within the short-term car park or at grade (or a combination of both). A condition of consent is recommended requiring the provision of electrical charging points within the basement car park.

On-grade parking is to be provided off Milray Street, however has not been provided in the proposal. It is noted that the ability to provide such parking was reliant upon access to the basement car park occurring through the basement of the Lindfield Centre and this has not occurred. As such on-grade parking is not proposed off Milray Street, but a 3 space 'kiss and drop' zone is provided, which is considered acceptable in the circumstances.

Part 14R.1 – Lindfield Village Green Masterplan

The Masterplan comprises a series of figures and plans detailing the proposed redevelopment of the site and details options for access to the basement car park and treatments for proposed on-grade parking off Milray Street. The main diagram of the Masterplan is reproduced following.



The proposal is generally consistent with the Masterplan document other than in relation to the following:

- No on-grade parking provided off Milray Street

This has been addressed previously. With the need to provide access to the basement from this location, which is identified as a potential alternative within the Masterplan, and the option to provide access from Milray Street to Havilah Lane (see later discussion), the provision of on-grade parking became impossible.

- Café building enlarged and location altered

With the removal of the vehicular connection of Chapman Lane with Havilah Lane, the café building could be realigned to the corner of Chapman Lane and Kochia Lane providing for an increase in the area of the café. The café is still considered to be small enough to play only an ancillary role to the village green and improves the activation and casual surveillance of the area and as such this is supported.

- Pavilion locations altered

The locations of the pavilions is altered with the south-western pavilion relocated slightly to the north-west and the north-eastern pavilion moved slightly to the north-east. The changes result in the ability to incorporate a required fire egress from the basement car park into the pavilion structure which improves the aesthetics of the village green. The relocated pavilions are therefore supported.

- Vehicular access connecting Chapman Lane and Havilah Lane removed and provided from Milray Street to Havilah Lane

This is the most significant variation from the master plan, involving the concentration of vehicular access to the Milray Street frontage, resulting in one road through the

site and one “share way” zone providing access only for the Lindfield Avenue properties along Chapman Lane. The decision reduces the potential for pedestrian/vehicular conflict through the main area of the Village Green and with the main pedestrian linkages and was a logical decision when access to the basement car park could not occur through the basement of the Lindfield Centre. The traffic engineer’s assessment by Traffix supports this amendment from a traffic viewpoint. From the viewpoint of usability of the village green and prioritisation of pedestrian access through the village green, the change in design is also supported.

Part 19 – Heritage Items and Conservation Areas

The application has been assessed by Council’s Heritage Advisor and found to be satisfactory, having a positive impact upon the adjoining heritage items in Lindfield Avenue.

Section C.

Part 21 – General Site Design

The development minimises cut and fill and as such is consistent with Part 21.1.

The landscape design has been assessed as being acceptable by Council’s landscape architect, satisfying Part 21.2.

Part 22 – General Access and Parking

The access to and layout of the car park and changes to the laneways have been assessed by Traffix as being acceptable in relation to the DCP and relevant Australian Standards.

Part 23 – General Building Design and Sustainability

The proposal is considered to have a positive social impact due to the provision of increased commuter parking and the park and as such satisfies the requirements of Part 23.1.

Solar panels have been incorporated into the roofs of the café and Coolth Plaza Pavilion, reducing the energy usage of the development and as such the proposal is acceptable with regard to the provisions of Part 23.2.

The proposed materials, finishes and colours are considered acceptable for the small scale nature of the café building and the photovoltaic cells are incorporated into the roof as required by Part 23.4.

An appropriate waste management plan has been provided for the development and a garbage storage room has been provided with direct access from Chapman Lane within the café building, satisfying the provisions in Parts 23.7.

Part 24 – Water Management

The proposal has been assessed as acceptable in relation to water management by Council’s Development Engineer.

Section 94 Plan

The subject application does not attract a Section 94 Contribution fee other than in

relation to the cafe. A condition of consent requiring the payment of the relevant contribution is included in the recommendation. **(Condition 37)**

LIKELY IMPACTS

The likely impacts of the development largely relate to the number of parking spaces provided, traffic impacts/changes and changes to access to properties. All of these issues have been discussed throughout the report and are considered to be appropriately addressed, by appropriate conditions of consent.

SUITABILITY OF THE SITE

The subject site is considered to be suitably located for the provision of a basement car park for short term and long term public parking, being proximate to both Lindfield Railway Station and Lindfield Village. The provision of the parking underground provides for an attractive and useful village green which will significantly add to the amenity of the village centre. As such, the site is considered to be suitable for the proposed development.

ANY SUBMISSIONS

One hundred and one submissions (including pro-forma letters) and a petition with 1,931 signatures were received in response to the notification and have been addressed in the assessment report, with conditions of consent recommended to address concerns raised in the submission where appropriate.

PUBLIC INTEREST

The provision of increased commuter parking and retention of existing short term public parking in a manner that allows provision of a park within the Lindfield village 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, subject to the recommended conditions, therefore, it is recommended that the application be approved.

RECOMMENDATION

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

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 DA0651/16 for the demolition of existing structures, earthworks, construction of two levels of basement parking, a public plaza, café, gazebos, roadworks and associated landscaping at Nos. 8 & 10 Tryon Road and Nos. 3 & 5 Kochia Lane, Lindfield and Chapman Lane, Kochia Lane and an unnamed lane, 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 5 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 |
|-----------------|----------|------------|
| ar-cv00 Rev A02 | DEM | 7/06/2017 |
| ar-1001 Rev A03 | DEM | 2/06/2017 |
| ar-1002 Rev A03 | DEM | 2/06/2017 |
| ar-2100 Rev A02 | DEM | 29/05/2017 |
| ar-2200 Rev A01 | DEM | 22/12/2016 |
| ar-3000 Rev A04 | DEM | 30/05/2017 |
| ar-3001 Rev A01 | DEM | 22/12/2016 |
| ar-3002 Rev A01 | DEM | 22/12/2016 |
| la-0201 Rev A04 | DEM | 30/06/2017 |
| la-0601 Rev A04 | DEM | 30/6/2017 |
| la-0610 Rev A01 | DEM | 7/06/2017 |
| la-0611 Rev A03 | DEM | 30/06/2017 |
| la-0701 Rev A04 | DEM | 30/6/2017 |
| la-2301 Rev A01 | DEM | 7/6/2017 |
| la-8901 Rev A03 | DEM | 30/6/2017 |
| la-2301 Rev A0a | DEM | 7/6/2017 |
| Ar-5001 Rev A02 | DEM | 10/03/2017 |

| Document(s) | Dated |
|--|------------|
| Construction Traffic and Pedestrian Management Plan requirements prepared by Traffix | undated |
| Waste Management Plan | 22/12/2016 |
| Accessibility Review - Development Application prepared by Philip Chun | 19/12/2016 |
| DA Acoustic Assessment prepared by Acoustic Logic Revision 7 | 22/03/2017 |
| Geotechnical & Hydrogeological Investigation prepared by Assetgeo | 28/11/2016 |
| Structural Design Brief prepared by Robert Bird Group Issue P2 | 7/6/2017 |
| Civil Design Report prepared by Robert Bird Group Issue B | 7/6/2017 |
| Building Devices Design Brief prepared by Norman Disney & Young | 19/12/2016 |

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:

| <i>Plan no.</i> | <i>Title</i> | <i>Drawn by</i> | <i>Dated</i> |
|------------------------|-------------------------------------|------------------------|---------------------|
| la-0201 Rev A04 | Landscape Site Plan | DEM | 30/06/17 |
| la-0601 Rev A04 | Landscape Hardworks Plan | DEM | 30/06/17 |
| la-0610 Rev A01 | Landscape Hardworks Plan Sheet 1 | DEM | 7/06/17 |
| la-0611 Rev A03 | Landscape Hardworks Plan Sheet 2 | DEM | 30/06/17 |
| la-0701 Rev A04 | Landscape Softworks Plan | DEM | 30/06/17 |

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. Construction-stage dewatering

Prior to the commencement of any works on site, the applicant is to approach Water NSW regarding any licencing requirements, and Council for approval to discharge into the stormwater system, for any construction-stage dewatering proposed. The information required by each authority, such as a Dewatering Management Plan and water quality testing results, is to be submitted. If insufficient information is available prior to commencement of works, these requirements will still apply under another condition of this consent.

Reason: To protect the environment.

6. 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.

7. 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.

8. 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

- i. Full road pavement width, including kerb and gutter, of Tryon Road and Milray Street over the site frontage, and Havilah Lane.
- ii. 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.

9. 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: |
| 1-21 Lindfield Avenue and 2 Kochia Lane |
| The Lindfield Centre and Block B, 2-6 Milray Street |

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.

10. Construction traffic and pedestrian management plan

The applicant must submit to Council's Development Engineer a Construction Traffic and Pedestrian Management Plan (CTPMP), which is to be approved by Council and Roads and Maritime Services (RMS) 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 CTPMP 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 report is to address the matters outlined in the Traffix document referred to in condition 1 of the consent.

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

- Demolition
- Excavation
- Concrete pour
- Construction of works in the public road
- 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.

The contractor is to arrange any approvals for temporary road closures, hoardings, occupation of Council's road or footpath, Works Zone and/ or standing of plant

through the appropriate section of Council. Forms and information, including details of fees, are available on Council's website.

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

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

11. 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 Landcom 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.

12. Tree protection fencing

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

| Schedule | |
|---|--------------------------|
| Tree/Location | Radius from trunk |
| Tree A/ <i>Lophostemon confertus</i> (Brushbox) located closest to Chapman Lane within nature strip on Tryon Road | 7.2m |
| Tree B/ <i>Lophostemon confertus</i> (Brushbox) centrally located within nature strip on Tryon Road | 6.0m |
| Tree C/ <i>Lophostemon confertus</i> (Brushbox) located located closest to Lindfield Centre within nature strip on Tryon Road | 5.4m |

Reason: To protect existing trees during the construction phase.

13. Tree protective fencing type galvanised mesh

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metre 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.

14. Tree protection signage

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

Tree protection zone.

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

Reason: To protect existing trees during the construction phase.

15. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

16. 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, NSW Department of Environment and Climate Change Interim Construction Noise Guidelines, the Environment Protection Authority Assessing Vibration - a Technical Guideline and German Standard DIN 4150-3 (for building damage). 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 occupants during the construction process.

17. Support for Council roads, footpaths, drainage reserves

Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal Certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

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

18. Consolidation of lots

Prior to issue of the Construction Certificate the existing lots (excluding public roads) which form the development site are to be consolidated into a single lot. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted to the Certifying Authority with the application for Construction Certificate.

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

19. Approvals from the Local Traffic Committee

Prior to the release of the Construction Certificate, the applicant shall obtain approval from the Local Traffic Committee for the following:

- a) Re-signposting of on-street parking spaces in proximity to the Lindfield Village Green to provide for short-term parking (no longer than 2 hours) for a minimum of 41 additional spaces after completion of the works.
- b) Removal of on-street parking spaces in Milray Street necessary to allow an 11m rigid truck to turn into Kochia Lane, turning left from Milray Street.
- c) Revised on-street parking to maximise the availability of parking spaces in response to the proposed development after completion of the works.

- d) The provision of a raised traffic calming device in Milray Street, north of Kochia Lane to discourage traffic turning left when exiting Kochia Lane.
- e) A Construction Traffic Management Plan which specifies the maximisation of temporary provision of short term (no longer than 2 hours) parking in the vicinity of the site, the management of construction parking by use of ride sharing and public transport initiatives and the prompt construction of onsite parking for use by construction workers at the earliest possible time. The Plan shall also indicate how vehicular access from Chapman Lane for Nos. 1-21 Lindfield Avenue and to the basement of the Lindfield Centre from Kochia Lane will be retained during construction.

Reason: To ensure appropriate parking is available during construction and long term and traffic management is appropriate

20. Amendments to the approved plans

The plans submitted with the application for the Construction Certificate are to incorporate the following amendments:

- a) The exhaust stack for the car park provided within the café building is to be relocated to reduce its visibility when viewed from the Village Green. The exhaust stack is to be relocated generally in proximity to the location of the internal entry door to the store room.
- b) Deletion of the sign on the Kochia Lane façade of the café.
- d) Provision of details for provision of electrical charging points within both levels of the basement car park.
- e) Provision of 15 bicycle parking spaces either within the short-term car park or at grade (or a combination of both).

The Construction Certificate shall not be issued unless the Certifying Authority is satisfied that the amendments required by this condition have been incorporated into the Construction Certificate plans.

Reason: To ensure appropriate aesthetic presentation, accessibility and facilities.

21. Acoustic design report

Prior to the issue of the Construction Certificate an acoustic design report prepared by an appropriately qualified acoustic consultant shall be submitted to and approved by the Certifying Authority. The report shall provide design details and specifications of all acoustic measures including enclosures/barriers required around external plant for the car park exhaust, air conditioning equipment and pumps associated with water features to ensure that noise generated by the operation of the equipment is not more than 5db above the background (LA90, 15 min) level when measured at any point within any adjoining or neighbouring residential property and is not audible at night within a habitable room of any residential premises.

Reason: To protect the amenity of surrounding residents.

22. Recreational water feature

Prior to the issue of the Construction Certificate a design report shall be submitted to and approved by the Certifying Authority detailing the proposed filtration and chemical treatment system for the recreational water feature. The filtration and

treatment system is to be capable of achieving the prescribed operating requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012*.

Reason: To protect public health.

23. Tanked basement design

Prior to the issue of the Construction Certificate, the Certifying Authority is to be satisfied that the structural design of the basement is a tanked design, to ensure that the basement is sufficiently watertight and that permanent dewatering will not be required.

Reason: To protect the environment.

24. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the 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:

| <i>Plan no.</i> | <i>Title</i> | <i>Drawn by</i> | <i>Dated</i> |
|------------------------|----------------------------------|------------------------|---------------------|
| la-0201 Rev A04 | Landscape Site Plan | DEM | 30/06/17 |
| la-0601 Rev A04 | Landscape Hardworks Plan | DEM | 30/06/17 |
| la-0610 Rev A01 | Landscape Hardworks Plan Sheet 1 | DEM | 7/06/17 |
| la-0611 Rev A03 | Landscape Hardworks Plan Sheet 2 | DEM | 30/06/17 |
| la-0701 Rev A04 | Landscape Softworks Plan | DEM | 30/06/17 |

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

1. The landscape plans are to include the numbering of existing trees that are to be removed and retained in accordance with Section 8.6.1 and 8.6.2, Development Application Design Report, DEM, June 2017.
2. The proposed planting of four (4) *Stenocarpus sinuatus* (Firewheel Tree) along the northern elevation of the Lindfield Centre is to be substituted with deciduous canopy species such as *Platanus x hybrida* (Plane Tree) or similar.
3. Proposed areas of on-slab bio retention soil medium and off-slab soil sandy loam mediums are to be shown.
4. The detailed design for the water feature including detailed sections and material specification are to be provided satisfying both safety and maintenance issues such as avoidance of sharp edges and slippery surfaces and adequate leaf screening.
5. The proposed planters to the surrounds of the café are within the eaves and are proposed to have irrigation. Details are to be provided prior to Construction certificate.

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

Note: An amended landscape plan shall be submitted to the Certifying Authority.

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

25. Amendments to approved civil plans

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved civil 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:

| <i>Plan no.</i> | <i>Title</i> | <i>Drawn by</i> | <i>Dated</i> |
|------------------------|---------------------|------------------------|---------------------|
| C-4-10 rev 3 | Typical section | Robert Bird Group | 7/06/17 |

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

1. The specification for the structural soil and on-slab free draining material is to be provided.
2. Details of the means of separating the compacted structural soil (to Chapman Lane and gazebos) and the bio retention media is to be provided.

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

Note: An amended civil plan shall be submitted to the Certifying Authority.

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

26. 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.

27. 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.

28. 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 tenancies within the building 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 Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, Access to Premises Standards 2010 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.

29. Excavation for services

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

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

Reason: To ensure the protection of trees.

30. 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:

- i. 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"
- ii. 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.

31. 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 Director Operations. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the infrastructure works required in Chapman Lane, Milray Street, Kochia Lane and Havilah Lane, including but not limited to:

1. Stormwater pipelaying, footpath and driveway/ road construction and paving, and relocation of services.
2. The design of the threshold in Milray Street must be carried out by a suitably qualified and experienced engineer and construction-level drawings are to be provided. Sufficient existing and proposed levels and longitudinal and cross-sections are to be provided to show how access to Kochia Lane eastbound will be maintained for all traffic without scraping and without unusual turning movements.
3. The traffic engineer is to provide associated turning path diagrams to demonstrate that access to the Lindfield Village Green site from Milray Street will be available in all directions for the maximum intended size of vehicle.

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.

32. Ausgrid requirements

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

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

Reason: To ensure compliance with the requirements of Ausgrid.

33. 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.

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

34. 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.

35. Archaeology

In accordance with Section 146 of the NSW Heritage Act, during the demolition, excavation or construction works; if any deposits, objects or relics are uncovered; the works are to stop immediately and the NSW Heritage Council notified of the discovery. Depending on the nature of the discovery and advice from the NSW Heritage Council, an application for an excavation permit under Section 140 of the NSW Heritage Act may be required to be made.

Reason: To be consistent with the relic provision of the NSW Heritage Act 1977.

36. Construction Traffic Management Plan for temporary short term parking

Prior to the commencement of works the provisions of the Construction Traffic Management Plan related to provision of temporary short term parking, as approved by the Local Traffic Committee, shall be carried out.

Reason: To ensure appropriate parking is available during construction

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

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

| Key Community Infrastructure | Amount |
|--|--------------------|
| Local roads, local bus facilities & local drainage facilities (new roads and road modifications) | \$12,222.68 |
| Total: | \$12,222.68 |

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:

38. 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.

39. 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.

40. 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.

41. 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 and German Standard DIN4150-3 (for building damage).

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

42. Construction-stage dewatering

If construction-stage dewatering is required during the excavation or construction stage of the development, the applicant is to approach Water NSW regarding any licencing requirements, and Council for approval to discharge into the stormwater system, for any construction-stage dewatering proposed. The information required by each authority, such as a Dewatering Management Plan and water quality testing results, is to be submitted, and no dewatering is to be carried out until such approval is obtained.

Reason: To protect the environment.

43. Testing and disposal of excavated materials

All material excavated from the site is to be tested for contaminants and classified prior to disposal at an appropriate waste disposal facility.

Reason: To ensure compliance with SEPP 55

44. 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.

45. 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.

46. Statement of compliance with Australian Standards

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

Reason: To ensure compliance with the Australian Standards.

47. 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.

48. 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:

- i. 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
- ii. display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer

- iii. be durable and weatherproof
- iv. 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
- v. 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.

49. 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:

- i. 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
- ii. 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
- iii. all materials shall be stored or stockpiled at the best locations
- iv. 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
- v. all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- vi. all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- vii. gates shall be closed between vehicle movements and shall be fitted with shade cloth
- viii. cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

50. Further geotechnical input

The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by **Asset Geotechnical Engineering dated 28 November 2016**.

Over the course of the works, a qualified geotechnical/hydrogeological engineer must complete the following:

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

Reason: To ensure the safety and protection of property.

51. 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:

- i. appropriate excavation method and vibration control
- ii. support and retention of excavated faces
- iii. hydrogeological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by **Asset Geotechnical Engineering dated 28 November 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.

52. 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.

53. 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.

54. 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.

55. Construction signage

All construction signs must comply with the following requirements:

- i. are not to cover any mechanical ventilation inlet or outlet vent
- ii. are not illuminated, self-illuminated or flashing at any time
- iii. are located wholly within a property where construction is being undertaken
- iv. refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- v. are restricted to one such sign per property

- vi. do not exceed 2.5m²
- vii. are removed within 14 days of the completion of all construction works

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

56. 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.

57. 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.

58. 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.

59. Temporary rock anchors

If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council 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:

- i. 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
- ii. That the locations of the rock anchors are registered with Dial Before You Dig

- iii. 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.
- iv. 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.
- v. 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.

60. 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.

61. Arborist's report

All trees to be retained shall be inspected and monitored by an AQF Level 5 Arborist in accordance with AS4970-2009 during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the project arborist to the Principal Certifying Authority are required during all works within the canopy spread of all existing trees on site and on adjoining sites or nature strips, 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.

- 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.

62. Canopy/root pruning

Canopy and/or root pruning of the following tree/s shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

| Schedule | |
|---|--------------------|
| Tree/Location | Tree works |
| Tree A/ <i>Lophostemon confertus</i> (Brushbox) located closest to Chapman Lane within nature strip on Tryon Road | Minor root pruning |
| Tree B/ <i>Lophostemon confertus</i> (Brushbox) centrally located within nature strip on Tryon Road | Minor root pruning |
| Tree C/ <i>Lophostemon confertus</i> (Brushbox) located located closest to Lindfield Centre within nature strip on Tryon Road | Minor root pruning |

Reason: To protect the environment.

63. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Reason: To protect existing trees.

64. Hand excavation

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

| Schedule | |
|---|-------------------|
| Tree/Location | Radius from trunk |
| Tree A/ <i>Lophostemon confertus</i> (Brushbox) located closest to Chapman Lane within nature strip on Tryon Road | 7.2m |
| Tree B/ <i>Lophostemon confertus</i> (Brushbox) centrally located within nature strip on Tryon Road | 6.0m |
| Tree C/ <i>Lophostemon confertus</i> (Brushbox) located located closest to Lindfield Centre within nature strip on Tryon Road | 5.4m |

Reason: To protect existing trees.

65. 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.

66. 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.

67. 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.

68. On site retention of waste dockets

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

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

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

69. Acoustic attenuation measures

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the acoustic measures as recommended in the acoustic design report required by this consent 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 and the noise level from the operation of all mechanical plant and equipment is not more than 5db above the background (LA90, 15 min) level when measured at any point within any adjoining or neighbouring residential property and is not audible at night within a habitable room of any residential premises.

Reason: To protect the amenity of surrounding residents.

70. Recreational water feature

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied the filtration and chemical treatment system for the recreational water feature has been installed and is operating in accordance with the prescribed operating requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012*.

Reason: To protect public health.

71. Garbage and recycling facilities

Prior to the issue of the occupation certificate, the Principal Certifying Authority shall be satisfied that the waste storage area for the proposed cafe has been installed, 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 environmental amenity.

72. Waste collection in Chapman Lane

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that, if reversing of any waste collection vehicle in Chapman Lane is proposed, a formal Risk Assessment has been carried out and approved by Council's Manager Waste.

Reason: Public safety.

73. Completion of specific works

Prior to the release of an Occupation Certificate, the applicant shall complete all of the following works with the exception of the works identified under paragraphs a) and b) that require Local Traffic Committee approval do not need to be completed if the works were submitted to the Local Traffic Committee for approval and approval was not granted:

- a) All works associated with re-signposting of on-street parking.
- b) Provision of a raised traffic calming device in Milray Street, north of Kochia Lane to discourage traffic turning left when exiting Kochia Lane.
- c) Erection of electronic signage in Milray Street and at the entrance to the basement car park indicating the current availability of parking in the car park, differentiating between short term and long term parking.
- d) Installation of an electronic system that records the occupation level of the car park, differentiating between short term and long term parking which relays the information to the electronic signage required by c).
- e) CCTV within the car park to ensure appropriate levels of surveillance are provided to improve the safety of the facility.
- f) Completion of an accessible path of travel from the southern end of Kochia Lane to Lindfield Railway Station.

Reason: To ensure appropriate parking is available, minimise disruption to local traffic movement and provide accessibility.

74. Traffic and Parking Management Plan for regular events

Prior to the release of the Occupation Certificate, the applicant shall apply to the Local Traffic Committee for approval for the following:

- a) A Traffic and Parking Management Plan for regular events to be held on the Village Green that do not require a separate development consent.

Regular events shall not be held unless the Traffic and Parking Management Plan has been approved.

Reason: To ensure appropriate parking and traffic management of events.

75. 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.

76. Certification of civil and drainage works

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

- i. the civil and stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate plans
- ii. all grates potentially accessible by children are secured
- iii. 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
- iv. 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.

77. Works-as-executed plans

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

- i. as built (reduced) surface and invert levels for all drainage pits
- ii. gradients of drainage lines, materials and dimensions

- iii. as built (reduced) level(s) at the approved point of discharge to the public drainage system
- iv. 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
- v. the achieved storage volumes of the installed retention and detention storages and derivative calculations
- vi. as built locations of all access pits and grates in the detention and retention system(s), including dimensions
- vii. the size of the orifice or control fitted to any on-site detention system
- viii. dimensions of the discharge control pit and access grates
- ix. the maximum depth of storage possible over the outlet control
- x. 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.

78. 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.

79. Certification of as-constructed driveway/carpark

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

- i. the as-constructed car park complies with the approved Construction Certificate plans
- ii. the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking"
- iii. finished driveway gradients and transitions will not result in the scraping of the underside of cars
- iv. the vehicular headroom requirements of Australian Standard 2890.1 - "Off-street car parking" 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.

80. 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.

81. Infrastructure repair

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

Reason: To protect public infrastructure.

82. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: To ensure adequate levels of health and amenity to the occupants of the development.

83. Fire safety certificate

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

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

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

CONDITIONS TO BE SATISFIED AT ALL TIMES:

84. Recreational water feature

The recreational water feature is to be operated in accordance with requirements of the *Public Health Act 2010* and the *Public Health Regulation 2012*.

Reason: To protect public health.

85. Use and fitout of the café

Separate development consent is required for the initial use and fitout of the café.

Reason: To allow assessment of the appropriate fitout and use

86. Fee structure for short term parking

The short term parking within the basement of the car park shall be provided free of charge for at least the first hour of use.

Reason: To ensure parking is available for short term use

87. Car parking for the café

One parking space within the short term parking area shall be allocated for the exclusive use of the café.

Reason: To ensure appropriate parking is available for staff at the cafe

88. 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.

89. 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.

90. Annual Fire Safety Statement

Each 12 months after the installation of essential fire or other safety measures, the owner of a building must cause the Council to be given an Annual Fire Safety

Statement for the building. In addition a copy of the statement must be given to the NSW Fire Commissioner and a copy displayed prominently in the building.

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

Signed

A handwritten signature in black ink, appearing to read 'Kerry Gordon', is written over a light blue rectangular background.

**Kerry Gordon
Planning Consultant
Kerry Gordon Planning Services**