

SYDNEY NORTH PLANNING PANEL ASSESSMENT REPORT

Panel Reference	PPSSNH-7
DA Number	MOD0198/18
/LGA	Ku-ring-gai
Proposed Development	Modification to Land and Environment Court Approval 159352 of 2016 (DA0145/15) proposing various changes including internal reconfigurations and addition of waste storage facilities and two water tanks
Street Address	8 Pymble Avenue PYMBLE NSW 2073 Lot 1 DP 217787
Applicant/Owner	LFD Pymble Pty Ltd
Number of Submissions	Nil
Regional Development Criteria (Schedule 7 of SEPP (State and Regional Development) 2011)	Section 4.56 modification to a development that has a capital investment value of more than \$30 million.
List of all relevant s4.15 (1) (a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy - BASIX • Ku-ring-gai Local Environmental Plan (Local Centres) 2012 • Ku-ring-gai Local Centres Development Control Plan • Ku-ring-gai Contributions Plan 2010 • Apartment Design Guide
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?	Yes
Have any comments been considered by council in the	No comments received

assessment report?	
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> - Zoning map extract - Locality map - Architectural Plans - Landscape Plans - Stormwater plans
Recommendation	Approval
Report prepared by	Grant Walsh
Report date	October 2019

PURPOSE OF REPORT

To determine Application No MOD0198/18 for a Section 4.56 modification of the Land and Environment Court issued development consent to DA0145/15 for various changes, including internal reconfigurations and addition of waste storage facilities and two water tanks.

This application is reported to the Sydney North Planning Panel as the Development Application to which this proposed modification relates had a capital investment value of more than \$30 million (\$37,935,000). Pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, the SNPP is the consent authority.

INTEGRATED PLANNING AND REPORTING

Places, Spaces & Infrastructure

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

EXECUTIVE SUMMARY

Issues:	Height of buildings Deep soil landscaped area
Submissions:	Nil.
Land and Environment Court:	159352 of 2016
Recommendation:	Approval.

HISTORY

Site history:

The site has a history of residential use.

Previous applications history:

DA0145/15 (LEC Proceedings 59352 of 2016)

Development Consent DA0145/15 was granted by way of a Section 34 agreement endorsed by the Land and Environment Court of NSW on 25 July 2016. Consent was granted for the following works:

Demolition of the three existing dwellings houses and associated structures on the land and the construction of 3 residential flat buildings (A, B and C) comprising a total of 98 apartments, a neighbourhood shop and four levels of basement car parking accommodating 156 spaces. The proposal is configured as follows:

- Building A located at the northern corner of the site with frontage to both Everton Street and Pymble Avenue, containing 27 apartments and a neighbourhood shop
- Building B located at the south-eastern portion of the site with a frontage to Everton Street and containing 50 apartments
- Building C located at the western corner of the site with a frontage to Pymble Avenue and containing 21 apartments.

The approved apartment mix was as follows:

- 30 x 1 bedroom apartments
- 50 x 2 bedroom apartments
- 18 x 3 bedroom apartments

The proposal included excavation of between 6m and 12m to accommodate four levels of basement car parking and associated landscaping and stormwater works.

Four (4) Construction Certificates have been issued in association with the consent as follows:

Type	Application	Description	Decision	Date
CC	CCPCA04 37/18	CC1.1- Demolition Only	Issued	25/9/2018
CC	CCPCA04 87/18	CC - Private Certifier - Stage 1 Includes excavation, shoring, footings, piling only, slab construction and other below ground early works including in-ground services to form part of subsequent stage	Issued	30/10/2018
CC	CCPCA00 08/19	CC - Private Certifier - Stage 2 Includes basement construction and below ground early works including in-ground services to form part of subsequent stage.	Issued	17/1/2019
CC	CCPCA03 05/19	CC -Stage 3 - Above ground structural work-Demolish existing structures and construct three residential flat buildings containing 98 units (reduced from 102 units originally proposed), neighbourhood shop, basement parking and associated landscaping	Issued	31/7/2019

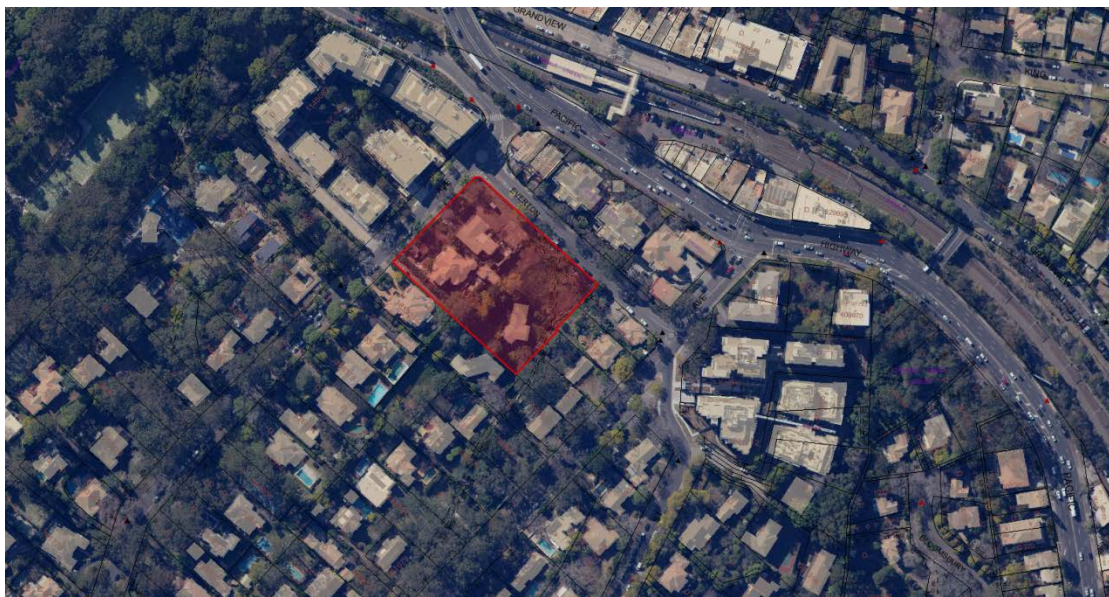
Current application

Date	Action
7 November 2018	Application lodged.
20 November 2018	A letter was sent to the applicant seeking additional information consisting of updated elevation plans that cloud/highlight the areas of amendment.
27 November 2018	The applicant provided updated elevation plans.
28 November 2018	The application was notified to neighbouring property owners for a period of 14 days. No submissions were received.
26 February 2019	A letter was sent to the applicant seeking additional information and amendments to the proposal.
19 March 2019	The applicant requested an extension of time to submit the additional information.
22 March 2019	The request for additional time was granted.
27 March 2019	The applicant requested a further extension of time to submit the additional information.
28 March 2019	The request for additional time was granted.
4 April 2019	The applicant submitted a response to Council's issues letter.
1 July 2019	The applicant was advised that the additional information had not resolved the issues identified in the correspondence of 26/02/2019.
3 July 2019	A meeting was held with the applicant to discuss the remaining outstanding issues.
10 July 2019	The applicant submitted revised architectural stormwater and landscape plans.

	Council advised the applicant that the proposal still had outstanding issues that had not been resolved through the additional information submitted.
18 September 2019	A meeting was held with the applicant to discuss the remaining outstanding issues.
24 September 2019	The applicant submitted further revised landscape and stormwater plans.
17 October 2019	The applicant was requested to submit a revised design verification statement.
21 October 2019	A revised design verification statement was received.
25 October 2019	The applicant submitted revised elevation plans to rectify a minor error.
25 October 2019	The amended modification proposal was notified for 14 days.

THE SITE

Aerial photograph



Site description:

The site is identified as Lot 100 in DP 1232444 and is known as 8 Pymble Avenue, Pymble. The site has recently been consolidated as a result of development consent DA0145/15, however, previously consisted of six properties. The combined site has a total area of 7,879m² and is generally rectangular in shape, with frontages of 99.47m to the south-western side of Everton Street and 73.77m to the south-eastern side of Pymble Avenue.

The site generally slopes in a north - south direction, with the northern corner (being the Pymble Avenue/Everton Street intersection) having a RL of 135 and the southern corner having an RL of 113, resulting in a 22m fall diagonally across the property. The slope is particularly steep through its middle portions where previous excavations have occurred.

The approved development is currently under construction and is well progressed.

Existing vegetation on the site includes a mix of exotic and native species. Significant and large street trees are located within the Council road reserve on Pymble Avenue.

The southern corner of the site contains biodiversity and riparian mapped land and vegetation identified as the Critically Endangered Ecological Community Blue Gum High Forest.

The site is subject to a number of easements/rights of way as follows:

Purpose	Land Burdened	Land or Authority Benefiting
Easement for Batter (VIDE B848904) (DP217787)	8 Pymble Avenue	Commissioner of Roads
Easement for Drainage 1.525 Wide (VIDE B848904) (DP220159)	2 Everton Street	Ku-ring-gai Council
Easement to drain water 1.97 wide (VIDE 5098548)	8 Pymble Avenue	3 Livingstone Avenue
Right of Carriageway (K242829)	3 Livingstone Avenue	8 Pymble Avenue

Further site indices are as follows:

Constraint:	Application:
Visual character study category	1920 - 1945
Easements/rights of way	Yes
Heritage Item - Local	No
Heritage Item - State	No
Heritage conservation area	No
Within 100m of a heritage item	Yes - 1082-1084 and 1116 Pacific Highway, 7 and 14 Pymble Avenue
Bush fire prone land	No
Natural Resources Biodiversity	Yes
Natural Resources Greenweb	Yes
Natural Resources Riparian	Yes
Within 25m of Urban Bushland	No
Contaminated land	No

Surrounding development:

The site is located within the Pymble Local Centre. The site is separated from the commercial precinct by the Pacific Highway and the North Shore rail line to the north of the site.

Development on adjoining sites consists of a mix of low, medium and high density residential developments in addition to a cafe located opposite the site at 1116 Pacific Highway. PLC School is located within close proximity on Avon Road.

Heritage listed properties are located at 1082-1084 Pacific Highway (The Uniting Church), 1116 Pacific Highway (former Pymble Police Station) and 7 and 14 Pymble Avenue (single residences).

A large development located on the opposite site of Pymble Avenue (3-5 Pymble Avenue and 2-12 Avon Road) were nominated as “Minister’s sites” and approved under the provisions of the now repealed State Environmental Planning Policy 53.

A residential flat building is located opposite the site at 1 Pymble Avenue and to the east of the site at 2 Livingstone Avenue and 1a, 1b and 1c Orinoco Street.

THE PROPOSAL

The proposed modification comprises:

- alteration to the approved unit mix to increase the number of three bedroom apartments and reduce the overall number of apartments from 98 to 93, the amended unit mix is:

21 x 1 bedroom apartments

50 x 2 bedroom apartments

22 x 3 bedroom apartments

- addition of lower level at Basement 01 comprising two bedrooms, study and WC to approved one bedroom apartment B208 (formally B-3-8) to create a split level two bedroom apartment
- floor layout of Apartment B-1-1 (now BG01) amended by deleting the study and increasing the size of the kitchen
- amalgamation of approved one bedroom apartments B-4-3 and B-4-4 to create one three bedroom apartment B303 (Lower ground floor level)
- amalgamation of approved one bedroom apartments B-4-8 and B-4-9 to create one three bedroom apartment B307 (Lower ground floor level)
- amalgamation of approved one bedroom apartments B-5-4 and B-5-5 to create one three bedroom apartment B404 (Ground floor level)
- amalgamation of approved one bedroom apartments B-5-8 and B-5-9 to create one three bedroom apartment B407 (Ground floor level)
- amalgamation of three two bedroom apartments C-4-1, C-4-2 and C-4-3 to create two three bedroom apartments C301 and C302 (Level 01).
- reconfiguration of service areas to allow addition of garbage room comprising source separation and garbage chute to residential areas
- re-orientation and reconfiguration of lift core to provide a single lift to service Building B (reduced from two)
- increase the height of the lift overrun of Building A by 750mm from RL 151 to RL 151.75
- increase the height of the lift overrun of Building B by 930mm from RL 147.8 to RL 148.73
- reduce height of lift overruns associated with Building C by 550mm from RL 142.9 to RL 142.35
- relocation of approved rainwater tanks to Lower Ground 2 adjacent to Basement 03
- reconfiguration of fire stairs
- addition of new storage areas

Amended plans/documentation received April 2019

The amended plans/documentation proposed the following changes to the application:

- amendments to Apartments B303, B404, C102, and C202 to achieve a minimum living room width of 4 metres per the ADG
- amendments to Apartments B106, B207, B306 and B406 to ensure that the kitchen is within 8 metres of a window per the ADG
- amendments to Apartments AG05, A202, A402, A302, B307, and B407 to achieve minimum bedroom dimensions of 3 metres per the ADG
- revised stormwater management plans
- relocation of bio-retention basins and reconfiguration of OSD tanks
- revised landscape plans

Amended plans/documentation received July 2019

- revised stormwater management plans
- relocation of bio-retention basins and reconfiguration of OSD tanks
- revised landscape plans

Amended plans/documentation received September 2019

- revised stormwater management plans
- relocation of bio-retention basins and reconfiguration of OSD tanks
- revised landscape plans

Amended plans/documentation received October 2019

- updated RL's on lift overruns due to inconsistencies between plans
- removal of unnecessary balustrade

CONSULTATION

Community

In accordance with the Development Control Plan, owners of surrounding properties were given notice of the application. No submissions were received.

Amended plans

The amended plans were also notified to owners of surrounding properties. No submissions were received.

Internal Referrals

Heritage

A heritage referral was not necessary for this application.

Landscaping

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

Modification to on site detention and rainwater tanks

The modified location and size of drainage structures indicated on the Internal Roadworks and Drainage Layout Plan has been amended as requested.

The plan has been amended as requested to reduce the width of the bioretention basin at the south-western corner of the site to allow for screen planting in this area, and this is shown on the amended landscape plan.

The above ground detention basin located at the steeply sloping north-eastern corner of the site has been modified to be of minimal size. In addition, canopy planting has been amended satisfactorily on the landscape plan in response.

The landscape plan has been amended to delete the bioswale with associated riparian planting along the eastern elevation of Building C and also a bio filtration area in the front setback of Building B.

The relocation of the OSD from the basement to the communal open space at the southern corner of the site will reduce the area of deep soil landscape. An amended deep soil landscape plan has been provided excluding the relevant areas.

- i. OSD/rainwater tanks.*
- ii. Walls to above ground OSD areas*
- iii. Areas of deep soil less than 2 metre width*

The development is indicated as compliant with the deep soil requirement of 50% with the area of deep soil landscaping calculated at 50.2% of the site area.

The calculations are not consistent with the definition of deep soil landscaping as areas of paving greater than 1.2m in width have been included as deep soil. With these areas excluded from the deep soil landscaping calculation, the area of deep soil is reduced by approximately 114sqm, and the total deep soil provision is 48.76% of the site area, which is non-compliant with the minimum 50% requirement.

The re-location of the OSD tanks within the lawn terrace is the primary factor in the reduction of the deep soil area, however, this has not resulted in any reduction in canopy tree or other planting as the area remains as lawn (as approved) with the tanks located beneath. It is therefore considered that the overall provision of canopy tree planting and areas of landscape planting has not been compromised by the minor reduction in deep soil.

In respect of the widening of the paths/paved areas, these are relatively minor in scope and are necessary for practicality of access.

The shortfall in deep soil of 1.24% does not result in the landscape design being compromised.

Modification of walls and levels

- a) Section 02 on drawing No. A420, Revision C, has been amended to show sufficient soil volume for planting between buildings as requested. Existing levels are shown retained to the southern building setback.*

- b) Section 02 on drawing No. A420, Revision C, has been amended to show the retention of the existing ground line between the southern boundary and the southern edge of the carpark, as requested.

Modification of landscape plans

The landscape plans submitted are satisfactory.

Levels, Fences and Wall Plans now indicate approved grading levels along eastern boundary.

The landscape plan indicated a bioswale with associated riparian planting along the eastern elevation of Building C. This has been deleted as requested. The bio filtration area in the front setback of Building B has also been deleted.

Proposed changes to canopy tree species selection and location have been amended and are now satisfactory.

Recommended conditions

Tree 2 a *Eucalyptus scoparia* adjacent the Everton Street frontage is indicated as retained. This tree was shown as removed in the original approval. The addition of tree protection conditions for this tree is recommended. Other landscape conditions can remain as per the existing development consent.

Engineering

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

Water management

The revised stormwater plans show the stormwater runoff captured from the entire site to be directed to 3 on-site detention tanks/basins:

1. A 19m³ OSD basin over a 95m² bioretention basin in the western corner of the site with discharge to the kerb and gutter in Pymble Ave.
2. A combined 75m³ rainwater reuse tank and 90m³ OSD tank, with discharge to the bioretention basin before connection to Council's stormwater pipe running through the site.
3. A 25m³ OSD basin in the north-eastern corner of the site, with discharge to the bioretention basin before connection to Council's stormwater pipe running through the site.

Calculations for OSD assessment were based on consideration of the site in its entirety, with an assumed total impervious area of 4534m² with 262m² bypassing OSD measures. The permitted site discharge (PSD) and site storage requirement (SSR) therefore were calculated to be 62.78L/s and 142.8m³ respectively.

The SSR has been achieved through the 3 OSD tanks/basins, totalling a storage volume of 134m³. A 10% reduction /discount has been applied to the OSD storage volume. For calculation of the orifice size of each OSD, the PSD was divided proportionally based on the storage size provided and corresponding catchment size.

Discharge from the bioretention basin to Council's stormwater pipe traversing the site is via a new junction pit. This is the same as the arrangement shown on the originally approved plans.

All tanks and basins are located outside of the easements.

The submitted OSD calculation sheet shows that the on-site detention requirements described in Part 24C.5 of the Ku-ring-gai (Local Centres) DCP have been satisfied.

The rainwater retention and re-use has satisfied the 50% reduction in runoff days required under Volume C, Part 24C.3 of the DCP. The submitted Civil Report confirms that the 191m³ of rainwater tank will achieve reduction in runoff days of 50.88. The sizing of the rainwater retention tank is satisfactory.

Water quality targets are met through the implementation of rainwater reuse tanks and bioretention basins as treatment measures. A total of 191m³ of rainwater reuse tanks and 147m³ of bioretention basin have been provided. The pollutant load standards set out in Part 24C.6 of the Ku-ring-gai DCP have been satisfied using MUSIC Modelling.

On-site parking provision & car park circulation

The proposed modification will see the number of residential dwellings reduce from 98 units to 93, with the number of total bedrooms across the site increasing by 4 rooms. Whilst there is an overall increase in the demand for resident parking (0.6 spaces), this is offset by a decrease in the visitor parking requirement (1).

No changes are proposed to the approved access arrangements or car parking provision for the site. The car parking layout is in keeping with the original approval.

The driveway entry is highlighted on the architectural plans to be modified. However, the entry driveway, and internal driveway is mostly unchanged and is still satisfactory. A double width crossing of 7.3m is proposed. A gradient of 5% for the first 6m is shown. Gradients of less than 20% are proposed to the garbage room which will allow access for Council's waste collection vehicle.

Traffic generation

The proposed modifications see the total number of dwellings reduced by 5 units, which would therefore see a net decrease in the total number of trips generated by the development. As such, it is considered that the proposed modifications will not result in additional traffic impacts upon the surrounding road network.

Recommendation

The proposal is satisfactory from an engineering perspective.

External Referrals

No external referrals were required.

STATUTORY PROVISIONS

Section 4.56 of the Environmental Planning and Assessment Act 1979 – Modification by consent authorities of consents granted by the Court

Subsection (a): Substantially the same development

The development, as proposed to be modified, is substantially the same as that approved in the development consent to DA0145/15. The proposed modifications do not alter the essence or character of the development in any materially significant way. The development essentially remains quantitatively and qualitatively the same.

Subsection (b): Notification

The application was notified in accordance with the Ku-ring-gai Local Centres Development Control Plan.

Subsection (c): Notification of original objectors

The application was notified to all original objectors in accordance with this provision.

Subsection (d): Submissions

No submissions were received.

Subsection (1A): Section 4.15(1) considerations and consideration of reasons for granting of the consent

This assessment report includes consideration of the matters specified in section 4.15 of the Act.

The proposed modifications, generally being internal layout changes, with minor external changes and alterations to on site water management, do not affect the reasons for the original determination.

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

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development

SEPP 65 aims to improve the design quality of residential flat buildings across NSW and provides an assessment framework, the Apartment Design Guide (ADG), for assessing 'good design'.

Clause 115(3) of the Environmental Planning and Assessment Regulation 2000 requires the submission of a statement by a qualified designer that satisfies the requirements specified in subclause (3A). The statement submitted with the application dated 8/10/2018 did not satisfy the requirements specified in subclause (3A). An amended design verification statement was submitted on 21/10/19. The amended statement includes an assessment of the modification against the ADG and

satisfactorily demonstrates that the design principles of SEPP 65 and the objectives of the ADG are satisfied by the modification.

Pursuant to Clause 29 of SEPP 65 in determining an application for the modification of a development consent, the consent authority is required to take into consideration the design quality of the development (as modified) when evaluated against the design quality principles and the ADG. An assessment against ADG is contained below:

Apartment Design Guide

The following table is an assessment of the proposed modifications against the relevant controls within the Apartment Design Guide.

ADG COMPLIANCE TABLE	
Guideline	Compliance Y/N
<i>Objective 3B-1</i> Building types and layouts respond to the streetscape and site while optimising solar access within the development	N/A - No change to building types or layout
<i>Objective 3B-2</i> Overshadowing of neighbouring properties is minimised during mid-winter	No change to the compliance with the overshadowing provision to the adjoining properties resulting from the proposed modification given the minor changes to the external elements of the building.
<i>Objective 3C-1</i> Transition between private and public domain is achieved without compromising safety and security	Yes
<i>Objective 3C-2</i> Amenity of the public domain is retained and enhanced	Yes
<i>Objective 3D-1</i> An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping	N/A - No change to communal open space
Design criteria	
1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)	N/A - No change to communal open space
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)	
<i>Objective 3D-2</i> Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	N/A - No change to communal open space

ADG COMPLIANCE TABLE			
Guideline			Compliance Y/N
Objective 3E-1 Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality			Yes
Design criteria			
Deep soil zones are to meet the following minimum requirements:			Yes – 48.7%
Site area	Minimum dimensions	Deep soil zone (% of site area)	
greater than 1,500m ² with significant existing tree cover	6m	7%	
Design criteria			
Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:			N/A – No change to approved building separations
Building height	Habitable rooms and balconies	Non-habitable rooms	Proposal
up to 12m (4 storeys)	6m	3m	
up to 25m (5-8 storeys)	9m	4.5m	
over 25m (9+ storeys)	12m	6m	
Note:	Separation distances between buildings on the same site should combine required building separations depending on the type of room (see figure 3F.2) Gallery access circulation should be treated as habitable space when measuring privacy separation distances between neighbouring properties		
Objective 3F-2 Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space			Yes
Objective 3G-1 Building entries and pedestrian access connects to and addresses the public domain			Yes
Objective 3G-2 Access, entries and pathways are accessible and easy to identify			Yes
Objective 3G-3 Large sites provide pedestrian links for access to streets and connection to destinations			Yes
Objective 3H-1 Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes			N/A - No change to vehicle entry position

ADG COMPLIANCE TABLE	
Guideline	Compliance Y/N
Design guidance	
Car park access should be integrated with the building's overall facade. Design solutions may include: <ul style="list-style-type: none"> the materials and colour palette to minimise visibility from the street security doors or gates at entries that minimise voids in the facade where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed 	N/A - No change to vehicle entry
Objective 3J-1 1. Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas	Yes
Design criteria	
1. For development in the following locations: <ul style="list-style-type: none"> on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less The car parking needs for a development must be provided off street	Yes
Objective 3J-2 Parking and facilities are provided for other modes of transport	Yes
Objective 3J-3 Car park design and access is safe and secure	Yes
Objective 3J-4 Visual and environmental impacts of underground car parking are minimised	N/A – basement carpark remains as approved in terms of footprint and height
Objective 4A-1 To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space	Yes

ADG COMPLIANCE TABLE		
Guideline		Compliance Y/N
Design criteria		
1	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas	Yes – increased from 82% to 87% due to reduction in apartment numbers. The modifications do not reduce the number of apartments that receive no direct sunlight.
2	In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter	
3	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter	
Objective 4A-2 Daylight access is maximised where sunlight is limited		Yes
Objective 4A-3 Design incorporates shading and glare control, particularly for warmer months		Yes
Objective 4B-1 All habitable rooms are naturally ventilated		Yes
Objective 4B-2 The layout and design of single aspect apartments maximises natural ventilation		Apartment orientations remain as approved.
Objective 4B-3 The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents		Yes
Design criteria		
1	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed	Yes – 73%
2	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line	Yes - 16.2m
Objective 4D-1 The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity		Yes

ADG COMPLIANCE TABLE																	
Guideline		Compliance Y/N															
Design criteria																	
<p>Apartments are required to have the following minimum internal areas:</p> <table> <tr> <th>Apartment type</th><th>Minimum internal area</th><th>Proposal</th></tr> <tr> <td>Studio</td><td>35m²</td><td></td></tr> <tr> <td>1 bedroom</td><td>50m²</td><td></td></tr> <tr> <td>2 bedroom</td><td>70m²</td><td></td></tr> <tr> <td>3 bedroom</td><td>90m²</td><td></td></tr> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>		Apartment type	Minimum internal area	Proposal	Studio	35m ²		1 bedroom	50m ²		2 bedroom	70m ²		3 bedroom	90m ²		All modified apartments achieve the minimum areas
Apartment type	Minimum internal area	Proposal															
Studio	35m ²																
1 bedroom	50m ²																
2 bedroom	70m ²																
3 bedroom	90m ²																
Objective 4D-2 Environmental performance of the apartment is maximised		Yes															
Design criteria																	
1 Habitable room depths are limited to a maximum of 2.5 x the ceiling height 2 In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window		Yes															
Objective 4D-3 Apartment layouts are designed to accommodate a variety of household activities and needs		Yes															
Design criteria																	
1 Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space) 2 Bedrooms have a minimum dimension of 3m (excluding wardrobe space) 3 Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"> 3.6m for studio and 1 bedroom apartments 4m for 2 and 3 bedroom apartments 4 The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts		Yes															

ADG COMPLIANCE TABLE			
Guideline			Compliance Y/N
<i>Objective 4E-1</i> Apartments provide appropriately sized private open space and balconies to enhance residential amenity			Yes
<i>Design criteria</i>			
All apartments are required to have primary balconies as follows:			All modified apartments achieve the minimum balcony areas/dimensions.
Dwelling type	Minimum area	Minimum depth	
Studio apartments	4m ²	-	
1 bedroom apartments	8m ²	2m	
2 bedroom apartments	10m ²	2m	
3+ bedroom apartments	12m ²	2.4m	
The minimum Balcony depth to be counted as contributing to the balcony area is 1m		Balconies width 2m	
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m ² and a minimum depth of 3m			
<i>Objective 4E-2</i> Primary private open space and balconies are appropriately located to enhance liveability for residents			Yes
<i>Objective 4E-3</i> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building			Yes
<i>Objective 4E-4</i> Private open space and balcony design maximises safety			Yes
<i>Objective 4F-1</i> Common circulation spaces achieve good amenity and properly service the number of apartments			Yes
<i>Design criteria</i>			
1. The maximum number of apartments off a circulation core on a single level is eight			Yes - 8
2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40			N/A
<i>Objective 4F-2</i> Common circulation spaces promote safety and provide for social interaction between residents			Yes
<i>Objective 4G-1</i> Adequate, well designed storage is provided in each apartment			Yes

ADG COMPLIANCE TABLE		
Guideline		Compliance Y/N
Design criteria		
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		Amended apartments achieve the minimum required storage space allocation
Dwelling type	Storage size volume	
Studio apartments	4m ³	
1 bedroom apartments	6m ³	
2 bedroom apartments	8m ³	
3+ bedroom apartments	10m ³	
At least 50% of the required storage is to be located within the apartment		
<i>Objective 4K-1</i> A range of apartment types and sizes is provided to cater for different household types now and into the future		Yes
<i>Objective 4K-2</i> The apartment mix is distributed to suitable locations within the building		Yes
<i>Objective 4N-1</i> Roof treatments are integrated into the building design and positively respond to the street		Yes – minor increases to the lift overruns are accepted.
<i>Objective 4O-1</i> Landscape design is viable and sustainable		Yes
<i>Objective 4O-2</i> Landscape design contributes to the streetscape and amenity		Yes
<i>Objective 4P-1</i> Appropriate soil profiles are provided		Yes
<i>Objective 4P-2</i> Plant growth is optimised with appropriate selection and maintenance		Yes
<i>Objective 4P-3</i> Planting on structures contributes to the quality and amenity of communal and public open spaces		Yes
<i>Objective 4Q-1</i> Universal design features are included in apartment design to promote flexible housing for all community members		Yes
<i>Objective 4Q-2</i> A variety of apartments with adaptable designs are provided		Yes
<i>Objective 4Q-3</i> Apartment layouts are flexible and accommodate a range of lifestyle needs		Yes

ADG COMPLIANCE TABLE	
Guideline	Compliance Y/N
Objective 4V-2 Urban stormwater is treated on site before being discharged to receiving waters	Yes

Local Content

Ku-ring-gai LEP (Local Centres)

Zoning and permissibility:

The site is zoned R4 High Density Residential. The proposed modifications do not change the approved land uses of residential flat building and neighbourhood shop. The development as modified is consistent with the zone objectives.

Development standards:

Ku-ring-gai LEP (Local Centres)

Development standard	Proposed	Complies
CI 4.3 - Height of buildings:		
Maximum Building Height - 17.5m	23m (no overall increase)	NO
Maximum Building Height - 14.5m	20.10m (no overall increase)	NO
Maximum Building Height - 11.5m	18.3m (no overall increase)	NO
CI 4.4 - Floor space ratio (FSR):		
Maximum Floor Space Ratio – 1.3:1	1.38:1 (no change)	NO
Maximum Floor Space Ratio – 1:1	0.61:1 (increased from 0.58:1)	YES
Maximum Floor Space Ratio – 0.8:1	1.04:1 (no change)	NO
CI 6.5 - Site requirements for multi dwelling housing and residential flat buildings:		
Minimum Area: 1200m ²	Area: 7,879m ²	YES
Minimum frontage: 30m	Frontage: 99.47m	YES

Clause 4.3 – Height of buildings

The site is subject to three separate height controls being:

P= 17.5m

N= 14.5m

L= 11.5m

Figure 1.1 Height of Buildings Map

Building A is entirely located within the 17.5 metres height limit portion of the site. As approved, Building A had a height of 1.8 metres above the height limit (19.3 metres). The proposed modification seeks to increase the height of the lift overruns by 750mm. This increase in height, although above the height limit, does not increase the maximum overall height of the building (which is located at its eastern end) as the lift overrun will sit at 19.2 metres in height.

Building B is located within the 17.5m, 14.5m and 11.5m height restricted portions of the site. As approved, Building B had a height of 5.5 metres over the 17.5 height limit (23 metres), 5.6m over the 14.5m height limit (20.1 metres), and 6.8 metres over the 11.5 metres height limit (18.3 metres). The lift overrun is located within the 17.5m height limit portion of the site and will be 23 metres above ground level. This increase in height, although above the height limit, does not increase the maximum overall height of the building (which occurs on the roof form associated with Apartment B603).

Building C is located entirely within the 11.5 metres height limit portion of the site. Building C has an approved height of 3.1 metres over the height limit (14.6 metres). The proposal seeks to lower the height of the lift overruns by 550mm to a proposed RL of 142.350, resulting in a reduction to the overall height to 14.65 metres.

It is noted that a Cl4.6 request for a variation to a development standard is not required under a s4.56 application. The variation does however need to be assessed against the objectives of the height control which are:

- (a) *to ensure that the height of development is appropriate for the scale of the different centres within the hierarchy of Ku-ring-gai centres,*
- (b) *to establish a transition in scale between the centres and the adjoining lower density residential and open space zones to protect local amenity,*

- (c) *to enable development with a built form that is compatible with the size of the land to be developed.*

The applicant has provided the following justifications for the height variation:

Visual impact

There will be no discernible visual impacts associated with the minor modification to the lift overruns. The lift cores of each building are centrally located and are significantly set back from the street edge.

The minimum setbacks of each lift core to the street edge range from 15.2m (Building C) to 25.5m (Building B). It is noted that the lift overrun height of Building C is proposed to be reduced, lowering the net impact of the changes. Due to the significant setbacks and minor nature of the modifications, there will be no discernible change to the bulk and scale of the approved buildings.

Shadow impact

The proposed modifications do not result in any adverse shadow impacts. The minor increase in shadows cast by the modified overrun heights fall entirely on the roofs of each building.

It is agreed that the elements of the modified building that breach the height control are minor and will be limited in where they can be viewed from around the site. It is further considered that those elements do not give rise to any amenity impact upon adjoining public or private lands. Where these elements can be viewed, the proposal is not considered to result in any significant visual impacts that would warrant design changes or refusal of the modification as they are well integrated into the building design and therefore meet the objectives of the control.

Clause 4.4 Floor space ratio

The site is subject to three separate Floor Space Ratios (FSR) controls being:

Q= 1.3:1

N= 1.0:1

J= 0.8:1

as detailed within Figure 1.2:



Figure 1.2 Floor Space Ratio Map

The development was approved with the following FSRs

Area Q -1.38:1

Area N – 0.58:1

Area J -1.04:1

Total for site - 1.084:1

The proposal results in an additional 72m² of gross floor area associated with Apartment B208 which is located within Area N of the site. This results in Area N increasing from 0.58:1 to 0.61:1 where 1.0:1 is the FSR standard.

The accepted Clause 4.6 submitted with the Development Application demonstrated that that an aggregated FSR of 1.1:1 (based on the overall allowable gross floor area of the site) was appropriate for use given the difficulties in designing around the separate FSR portions within the site.

The additional floor area results in a total FSR for the site of 1.094:1 remaining less than the aggregated 1.1:1.

Part 5 Miscellaneous provisions

Clause 5.4 – Controls relating to miscellaneous permissible uses

The approved development includes a neighbourhood shop. The proposed modification does not seek to make any amendments to the neighbourhood shop.

Clause 5.10 – Heritage conservation

The subject site does not contain a heritage item. The site is however located within 100m of Heritage items at 1082-1084 Pacific Highway (The Uniting Church), 1116 Pacific Highway (former Pymble Police Station) and 7 and 14 Pymble Avenue (single residences).

The proposal was assessed by Council's Heritage Advisor as being acceptable during the consideration of original Development Application. Council's Heritage Advisor reviewed the modification application and advised that a formal referral

was not necessary as there would be no significant impact due to the relatively minor scope of the amendments. Furthermore, the proposed modification works do not affect any known archaeological or Aboriginal objects or Aboriginal places of heritage significance.

The site is not located within a Heritage Conservation Area of Draft Heritage Conservation Area.

Part 6 Additional local provisions

Clause 6.1 - Earthworks

The proposed modifications do not significantly affect the extent of the approved earthworks.

Clause 6.2 - Stormwater and water sensitive urban design

Council's Development Engineer has given consideration to the objective of this clause which seeks to minimise the adverse impacts of urban water on the site and within the catchment. The modified stormwater design adequately manages water quality and control discharge volumes and frequency.

Clause 6.3 - Biodiversity protection

The site includes land mapped as "Biodiversity" by the Terrestrial Biodiversity Map. Council's Ecological Assessment Officer has reviewed the proposed modification and provided the following comments:

The previous consent conditions remain valid, the amended landscape plan is consistent with the previously approved vegetation management plan.

The proposed modification is consistent with the requirements of clause 6.3.

Clause 6.4 – Riparian land and waterways

Approximately 75m² of land in the south-eastern corner of the site is mapped as riparian land. Council's Ecological Assessment Officer is satisfied that the modification has been designed to minimise impacts on the riparian land and accords with the approved Vegetation Management Plan.

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

The proposed modification does not seek to alter the lot area/configuration and maintains compliance with the standard. The subject site has an area of 7879m² and frontages of 99.47m to the south-western side of Everton Street and 73.77m to the south-eastern side of Pymble Avenue. The site meets the 1,200m² minimum site area requirement and the 30 metres minimum frontage requirement for a residential flat building.

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

Ku-ring-gai Local Centres Development Control Plan

Section A

Part 7: Residential Flat Buildings

The proposed modification seeks minimal changes to the building, with the only external differences being associated to the roof and OSD/Bioretenion basin locations. The majority of the works are located within the approved building footprint with no changes to building setbacks or separations. The rooftop changes do not result in amenity non-compliances in terms of overshadowing or privacy impacts and are furthermore not considered to result in significant visual impacts from the public domain or adjoining development.

The proposed amalgamation of apartments, with resulting floor plan layout amendments, does not result in any non-compliance with Part 7 of the DCP. As noted within the SEPP 65 assessment within this report, the apartment layout, cross ventilation, solar access, minimum room sizes, apartment mix, accessibility and minimum private open space requirements have all been met. The proposal will remain compliant with off street car parking provision.

The proposal will result in a non - compliance with 7A.6 Deep soil landscaping of the DCP in that it will not achieve deep soil to at least 50% of the site area (48.7% proposed). Council's Landscape Assessment Officer has assessed the proposal in this respect and has concluded that, although numerically non-compliant, the modification would still meet the objectives of the control.

Ku-ring-gai Local Centres Development Control Plan Section B

Part 15 – Land Contamination

The site is not mapped as being contaminated and has a history of residential use and, as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

Part 17 – Riparian Lands

Approximately 75m² of land in the south-eastern corner of the site is mapped as riparian land. Council's Ecological Assessment Officer is satisfied that the modification has been designed to minimise impacts on the riparian area.

Part 18 – Biodiversity

Council's Ecological Assessment Officer is satisfied that the proposed modifications will not result in a significant detrimental impact contrary to the objectives of these provisions in relation to the diversity and condition of native vegetation, fauna and habitat.

Part 19 – Heritage and Conservation Areas

The site is located within 100 metres of Heritage Items 1082-1084 Pacific Highway (The Uniting Church), 1116 Pacific Highway (former Pymble Police Station) and 7 and 14 Pymble Avenue (single residences).

The proposal was assessed by Council's Heritage Advisor as being acceptable during the consideration of the Development Application. Council's Heritage Advisor reviewed the modifications and advised that a referral was not

considered necessary due to the relatively minor scope of the amendments, as noted earlier in the report.

The site itself is not a heritage item nor is the site located within a Heritage Conservation Area or Draft Heritage Conservation Area.

Ku-ring-gai Local Centres Development Control Plan Ku-ring-gai Local Centres Development Control Plan

Section C

Part 24 – Water management

Council's Development Engineer is satisfied that the proposed modifications are consistent with the requirements of the DCP.

Part 25 – Notification

The application has been notified in accordance with the requirements of the DCP. No submissions were received.

Section 7.11 Plan - Ku-ring-gai Contributions Plan 2010

The contributions required by the development consent were paid on 12/09/2018. For modifications to Development Consents where the original contribution has been paid Part 1.37.2 of the Contributions Plan advises:

No refunds will be provided in the event there are no nett additional contributions required as all contributions received are committed to Council's rolling works programme in such a manner as will address temporal nexus and Council is entitled to certainty in cash-flow.

The proposal seeks to reduce the number of apartments and alter the unit mix therefore based on the occupancy rates adopted by the Contributions Plan it would reduce the number of residents, however as per the requirements of the Contributions Plan, no refunds are provided therefore no changes to the contributions condition are required.

REGULATIONS

Clause 92(1)(b), 93 and 94 of the Environmental Planning and Assessment Regulation are applicable to the modification application and relate to compliance with the Building Code of Australia and the Australian standards relating to demolition of structures. Existing conditions will remain on the development consent in this respect.

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the modified development.

PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by the Panel ensuring that any adverse effects on the surrounding area and the environment are minimised. The proposal has been assessed against the relevant environmental planning instruments and is deemed to be acceptable. On this basis, the proposal is not considered to raise any issues that are contrary to the public interest.

CONCLUSION

Having regard to the provisions of section 4.56 of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory.

RECOMMENDATION

PURSUANT TO SECTION 4.56 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979:

THAT The Sydney North Planning Panel, as the consent authority, modify the development consent to DA0145/15 in the following manner:

CONDITIONS 1, 3, 17, 78 ARE REPLACED WITH THE FOLLOWING CONDITIONS:

1. Approved architectural plans and documentation (s.4.56)

The development must be carried out in accordance with the plans and documentation listed below and endorsed with Council's stamp:

Plan no.	Drawn by	Dated
S34-000 COVER SHEET (V) S34-005 SITE ANALYSIS (J) S34-010 EXISTING / DEMOLITION SITE PLAN (G) S34-011 PROPOSED SITE PLAN (S) S34-100 PROPOSED FLOOR PLAN - BASEMENT 03 (Z) S34-101 PROPOSED FLOOR PLAN - BASEMENT 02 (Z) S34-102 PROPOSED FLOOR PLAN - BASEMENT 01 (Y) S34-103 PROPOSED FLOOR PLAN - LOWER GROUND 02 (Y) S34-104 PROPOSED FLOOR PLAN - LOWER GROUND 01 (Y) S34-105 PROPOSED FLOOR PLAN - GROUND (Z) S34-106 PROPOSED FLOOR PLAN - LEVEL 01 (Y) S34-107 PROPOSED FLOOR PLAN - LEVEL 02 (Y) S34-108 PROPOSED FLOOR PLAN - LEVEL 03 (Y) S34-109 PROPOSED FLOOR PLAN - LEVEL 04 (Y) S34-110 PROPOSED FLOOR PLAN - ROOF (Y) S34-400 PROPOSED BUILDING ELEVATIONS (M) S34-401 PROPOSED BUILDING ELEVATIONS (L) S34-402	SHED	31/05/16

PROPOSED BUILDING ELEVATIONS (L) S34-403 PROPOSED BUILDING ELEVATIONS (N) S34-404 PROPOSED BUILDING ELEVATIONS/SECTIONS (M) S34-420 PROPOSED BUILDING SECTIONS (L) S34-517 DIAGRAMS - WASTE ALLOCATION (E) S34-524 DIAGRAMS - STORAGE (E) S34-927 EXTERNAL FINISHES SAMPLE BOARD (D) S34-930 PHOTO MONTAGE 1 (D) S34-931 PHOTO MONTAGE 2 (D)		
Landscape Plans LA-201 B, LA-202 B, LA-203 A, LA-204 A, LA-301 B, LA-401 A, LA-402 A, LA-403 A, LA501 B, LA-701 B, LA-702 B	Turf	02.05.16 (LA501 B 02.06.16 (LA701B, LA-702 B 01.06.16
C.01, C.02, C.03, C.04, C.10, C.11, C.12, C.13, C.14, C.15, C.16 (All Issue F)	James Taylor and Associates	01.06.15
SW.01, SW.02, SW.03, SW.04, SW.05, SW.06, SW.07, SW.08, SW.09, SW.10, SW.11, SW.12, SW.13, SW.14, SW.15, SW.101	James Taylor and Associates	01.06.15

Document(s)	Dated
Arboricultural Impact Assessment, prepared by Advanced Treedscape Consulting	02/06/2016
Access Assessment Report, prepared by BCA Logic	27 May 2016
Traffic Impact Assessment Report, prepared by ason group	30/05/2016
Waste Management Plan, prepared by Waste Audit and Consultancy Services	May 2016
BCA Assessment Report, BCA Logic	06 June 2016
Vegetation Management Plan, prepared by Total Earth care	April 2015
Flora and Fauna Assessment, prepared by Total Earth Care	April 2015
Geotechnical Investigation Report, prepared by GHD	April 2015
Heritage Impact Statement, prepared by URBIS	April 2015

Except where amended by that work shown on the S.4.56 plans and the documents endorsed with Council's stamp as listed below and except where amended by other conditions of this Development Consent:

Section 4.56 Plan no.	Drawn by	Dated
<i>Architectural Plans</i>		
A011 Revision A	DKO Architecture	25/10/2018
A100 Revision D	DKO Architecture	25/10/2018
A101 Revision D	DKO Architecture	25/10/2018
A102 Revision F	DKO Architecture	25/03/2019
A103 Revision E	DKO Architecture	25/03/2019
A104 Revision F	DKO Architecture	25/03/2019
A105 Revision F	DKO Architecture	25/03/2019
A106 Revision D	DKO Architecture	25/03/2019
A107 Revision D	DKO Architecture	25/03/2019
A108 Revision D	DKO Architecture	25/03/2019

A109 Revision D	DKO Architecture	24/10/2018
A110 Revision C	DKO Architecture	24/10/2019
A402 Revision D	DKO Architecture	24/10/18
A403 Revision D	DKO Architecture	24/10/19
A420 Revision D	DKO Architecture	24/10/19
A800 Revision A	DKO Architecture	31/08/2018
A811 Revision A	DKO Architecture	31/08/2018
A812 Revision A	DKO Architecture	31/08/2018
A813 Revision A	DKO Architecture	31/08/2018
<i>Landscape Plans</i>		
LCC-00 Issue E	Ground Ink	23/09/2019
LCC-01 Issue E	Ground Ink	23/09/2019
LCC-02 Issue E	Ground Ink	23/09/2019
LCC-03 Issue E	Ground Ink	23/09/2019
LCC-04 Issue E	Ground Ink	23/09/2019
LCC-05 Issue E	Ground Ink	23/09/2019
LCC-06 Issue E	Ground Ink	23/09/2019
LCC-07 Issue E	Ground Ink	23/09/2019
LCC-08 Issue E	Ground Ink	23/09/2019
LCC-09 Issue E	Ground Ink	23/09/2019
LCC-10 Issue E	Ground Ink	23/09/2019
LCC-11 Issue E	Ground Ink	23/09/2019
<i>Stormwater Management Plans</i>		
ADG-CV-21092_SKC30 Revision C	ADG	19/09/2019
ADG-CV-21092_SKC31 Revision C	ADG	19/09/2019
ADG-CV-21092_SKC32 Revision B	ADG	5/07/2019

Section 4.56 Document(s)	Dated
Access Assessment Report prepared by BCA Logic	1/04/2019
Waste Management Plan prepared by Waste Audit and Consultancy Services	September 2018
Basix certificate No. 626464M_05	26/10/2018

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

3. Approved landscape plans

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

Plan no.	Drawn by	Dated
LCC-00 Issue E	Ground Ink	23/09/2019
LCC-01 Issue E	Ground Ink	23/09/2019
LCC-02 Issue E	Ground Ink	23/09/2019
LCC-03 Issue E	Ground Ink	23/09/2019
LCC-04 Issue E	Ground Ink	23/09/2019

LCC-05 Issue E	Ground Ink	23/09/2019
LCC-06 Issue E	Ground Ink	23/09/2019
LCC-07 Issue E	Ground Ink	23/09/2019
LCC-08 Issue E	Ground Ink	23/09/2019
LCC-09 Issue E	Ground Ink	23/09/2019
LCC-10 Issue E	Ground Ink	23/09/2019
LCC-11 Issue E	Ground Ink	23/09/2019

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

78. Compliance with BASIX certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 626464M_05 have been complied with.

Reason: Statutory requirement.

17. Tree protection fencing

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

Schedule	
Tree/Location	Radius from trunk
Tree 1/ <i>Syzygium paniculatum</i> (Brush Cherry) This mature tree is located at the south-west corner of the site	4.8m
Tree 6/ <i>Franklinia axillaris</i> (Gordonia) This tree is located on the nature strip within Pymble Avenue	4.8m
Tree 6/ <i>Franklinia axillaris</i> (Gordonia) This tree is located on the nature strip within Pymble Avenue	4.8m
Tree 7/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) This mature tree is located on the nature strip within Pymble Avenue	8.1m
Tree 9/ <i>Melaleuca armillaris</i> (Bracelet Honey-Myrtle) This mature tree is located on the nature strip within Pymble Avenue	2.4m
Tree 10/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) This mature tree is located on the nature strip within Pymble Avenue	3.6m
Tree 11/ <i>Melaleuca quinquenervia</i> (Broad Leaved Paperbark) This mature tree is located on the nature strip within Pymble Avenue	5.4m
Tree 14/ <i>Lophostemon confertus</i> (Brushbox) This mature tree is located on the nature strip within Pymble Avenue	6m
Tree 30/ <i>Jacaranda mimosifolia</i> (Jacaranda) This tree is located on the western boundary of the site	6.6m
Tree 31/ <i>Cedrus deodara</i> (Himalayan Cedar) This tree is located on the western boundary of the site	6.6m
Tree 33/ <i>Corymbia maculata</i> (Spotted Gum) This tree is located on the western boundary of the site	3.6m

Tree 34/ <i>Cedrus deodara</i> (Himalayan Cedar) This mature tree is located on the southern boundary of the site, within the adjoining property	6m
Tree 36/ <i>Cedrus deodara</i> (Himalayan Cedar) This mature tree is located on the southern boundary of the site, within the adjoining property	7.5m
<i>Eucalyptus scoparia</i> /adjacent Everton St road reserve	2.5m

Reason: To protect existing trees during the construction phase.

THE FOLLOWING CONDITION IS ADDED:

70A. Retention of tree roots

No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning of roots less than 50mm in diameter shall be undertaken by an experienced arborist/horticulturalist, with a minimum AQF Level 3 qualification.

Tree/location	Radius in metres
<i>Eucalyptus scoparia</i> /adjacent Everton St road reserve	4m

Reason: To protect existing trees

Grant Walsh
Executive Assessment Officer

Jonathan Goodwill
A/Team Leader Development Assessment

Shaun Garland
Manager Development Assessment Services

Michael Miocic
Director Development & Regulation