

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 10 FEBRUARY 2004**

**Present:** The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillors I de Vulder & E Malicki (Comenarra Ward)  
Councillors E Keays & A Little (Roseville Ward)  
Councillor J Kitson (Gordon Ward)

**Staff Present:** General Manager (Brian Bell)  
Director Environment & Regulatory Services (Michael Miocic)  
Director Planning & Environment (Leta Webb)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Acting Director Finance & Business Development (Dave Lethbridge)  
Team Leader, Comenarra Ward (Tony Bailey)  
Development Control Officer (Rachel Josey)  
Senior Governance Officer (Geoff O'Rourke)  
Office Co-ordinator/WP (Casey Locke)

*The Meeting commenced at 7.04pm*

*The Mayor offered the Prayer*

### **30 APOLOGIES**

File: S02194

Councillors T Roach (illness) and B Coleman (prior commitment) tendered an apology for non-attendance and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Hall/de Vulder)

That the apologies by Councillors T Roach and B Coleman for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

## **DECLARATION OF PECUNIARY INTEREST**

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest in any item on the Business Paper.

No such interest was declared.

## **31 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

### **Resolved:**

(Moved: Councillors de Vulder/Malicki)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of confidential attachment – report dated 4 December re Feasibility Study on the Redevelopment of the Carlotta Avenue, Gordon Depot Site for the Purpose of Aged Care Facilities.

**CARRIED UNANIMOUSLY**

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Refers GB.2: 5 Hampden Avenue, Wahroonga – Memorandum from Director Environment & Regulatory Services dated 10 February 2004

Refers GB.7: Submission on Development Application for Minister's Targeted Site No 1 at 2-12 Avon Road and 1a, 1, 3, 5a and 5 Pymble -  
Memorandum from Director Environment & Regulatory Services dated 9 February 2004

## **CONFIRMATION OF MINUTES**

### **32 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 3 February 2004

Minutes numbered 1 to 29

**Resolved:**

(Moved: Councillors Little/Keays)

That Minutes numbered 1 to 29 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with an amendment to Condition 31 of Minute No 24.

**CARRIED UNANIMOUSLY**

33     **47 Highfield Road, Lindfield – Torrens Title Subdivision & Construction of a New Dwelling & Swimming Pool**

File: DA1777/02

*Vide Minute No 24*

**Resolved:**

(Moved: Councillors Little/Malicki)

That Condition 31 be amended to read:

31. A fence along the boundary with Paddy Pallin Reserve shall be a swimming pool type fence. To minimise the likely hood of rubbish build up during flood events and to allow for vegetation regeneration along the creek any fence shall be erected at least 2m from the creek **bank**. Colour scheme shall complement the surrounding natural environment. Design details shall be submitted to Council prior to issue of the Construction Certificate.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

34     **Energy Smart Home Rating Pilot Program**

File: S02845

To seek endorsement of Council's participation in the Energy Smart Home Rating Pilot Program being developed by the NSW Sustainable Energy Development Authority (SEDA).

**Resolved:**

(Moved: Councillors Malicki/Bennett)

- A. That Council participate in the Energy Smart Home Rating Pilot Program developed by the Sustainable Energy Development Authority of NSW.
- B. That the Mayor and General Manager be delegated authority to finalise details and sign the Memorandum of Understanding between Council and the Sustainable Energy Development Authority regarding the Energy Smart Home Rating Pilot Program.
- C. That Council nominate a staff or elected representative to the Consultation Forum established by the Sustainable Energy Development Authority regarding the Program.
- D. That regular updates on progress of the Pilot Program be provided to interested community groups and Councillors.

**CARRIED UNANIMOUSLY**

35

### **5 Hampden Avenue, Wahroonga - Supplementary Report**

File: DA0055/03

To provide further information in response to the site inspection carried out on 13 December 2003, meeting with applicant and objector and further engineering comments.

#### **Resolved:**

(Moved: Mayor, Councillor Cross/Councillor de Vulder)

That Development Application No 55/03 for consent to demolish the existing dwelling and construct a detached dual occupancy development at Lot D, DP 385340, being 5 Hampden Avenue, Wahroonga be approved for a period of two years, subject to the following conditions:

#### **GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No 55/03 and Development Application plans prepared by Lindsay Little & Associates, reference number Job No 2716/02, plans numbered 1 – 5, and dated 4.12.2002 and modified dated 17.06.03, and lodged with Council on 19 June 2003, except where amended by the following plans and conditions within this consent:
  - a. Plan prepared by Lindsay Little and Associates dated 21.1.2004 titled 'Alternative Elevation Residence No 1' lodged with Council on 27 January 2004.
  - b. 'Amended site plan' for proposed residence 2 dated 28.1.2004 and lodged with Council on 28 January 2004
  - c. 'North Elevation' for residence 2 dated 27.1.2004 and lodged with Council on 29 January 2004

- d. Plan prepared by Lindsay Little and Associates dated 21.1.2004 titled 'Alternative Elevation Residence No 2', amended 28/1/04 and lodged with Council on 29 January 2004.
2. All building works shall comply with the Building Code of Australia.
  3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
  4. To ensure the development contributes to water conservation in accordance with Council's Dual Occupancy Development Control Code the following water conservation devices shall be provided:
    - Maximum 6/3 litre dual flush cisterns
    - Shower heads with reduced water flow devices
    - Any water systems shall incorporate drip rather than spray mechanisms
  5. Any external lighting shall be positioned so that access pathways to the dwelling are illuminated. Light spillage from all external lighting shall be contained within the property boundaries.
  6. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
  7. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
  8. 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 the Council (upon payment of the required fee) beforehand.
  9. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
  10. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
  11. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays:

8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

12. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
13. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
14. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
16. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
17. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
18. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
19. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
20. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling

and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
23. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
24. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
25. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
27. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.

29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
31. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
32. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
33. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.



36. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
37. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
<i>Eucalyptus pilularis</i> (Blackbutt) Western boundary	7 metres

38. For stormwater control a 200mm wide grated channel / trench drain with heavy duty removable galvanised grates is to be provided in front of both of the garage doors and connected to the stormwater drainage system.
39. For stormwater control all paved areas are to be drained to the main drainage system.
40. The stormwater line between the boundary pit and the pit in the street shall be by way of a Steel Hot Dipped Galvanised Rectangular Hollow Section, of the appropriate size. This condition shall override any other condition or reference to uPVC pipe connections. If the obvert of the subject pipe is deeper than 300mm from the FGL, this condition can be ignored.
41. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the new pit in Hampden Ave. Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
42. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a

detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

- NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.
- NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

43. Approval is to be obtained from Council as the roads authority under the Roads Act 1993 for the following works in the public road prior to the issue of the Construction Certificate.

All works are to be designed in accordance with Council's Specification for Road and Drainage Works. Plans and specifications for such works are to be prepared by a suitably qualified and experienced consulting engineer or surveyor and submitted to Council, attention Development Engineer, as the roads authority for approval.

The drawings are to detail erosion control requirements and traffic management requirements during the course of works.

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 these works are to proceed in accordance with any conditions attached to the Council approval.

This work is to be undertaken to the satisfaction of Council's Development Engineer.

The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with Council's requirement. A registered surveyor is to also submit a works-as-executed drawing of the as-constructed works.

The works are to include:-

- 1) Construction of a 375 mm diameter drainage line in Hampden Rd.
- 2) Double grated inlet pit, with 1.2m lintel, in the kerb.
- 3) Grading of the footway to remove any hollows and protruding high areas.

44. The design and construction of :

- a) The two internal driveways, and

- b) All internal drainage which is to be directed to a boundary pit at the south western corner of the site, (from where it will cross the footway to the new pit). Except for the grated driveway drainage trench system, the drainage system must not rely on reflux valves to operate. The alignment of the proposed pipe work is to be considered and approved by Council's landscape officer prior to the issue of any Construction Certificate.

All of this work is to be to the satisfaction of Council's Development Engineer. Plans are to be prepared by a suitably qualified and experienced consulting engineer or surveyor in accordance with the requirements of Council's standards and specifications.

In this regard details are to be shown as to how this condition is to be satisfied. The details are to be submitted to and approved by the PCA prior to the issue of the construction certificate.

The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with Council's requirement. A registered surveyor is to also submit a works-as-executed drawing of the as-constructed works.

45. Vehicular crossing to be a minimum 3.7 metres wide in accordance with Council's Specification.
46. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
47. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
48. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

49. A site management plan shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate and detail the following:
- Tree protection areas
  - Machinery usage zones
  - Storage areas

- Erosion and sedimentation control devices
50. The amended landscape plan shall indicate dense evergreen screen planting species (minimum height of 2.0 metres) along the rear of eastern boundary adjoining the rear of dwelling 2 to ensure the privacy and amenity of the adjoining property is maintained. Such species shall be planted prior to the release of an Occupation Certificate and be capable of achieving a height of at least 3.0 metres at maturity.
51. Construction Certificate Plans shall be submitted to and approved by the Principal Certifying Authority in line with the changes proposed in the following plans:
- a. Plan prepared by Lindsay Little and Associates dated 21.1.2004 titled 'Alternative Elevation Residence No 1' lodged with Council on 27 January 2004.
  - b. 'Amended site plan' for proposed residence 2 dated 28.1.2004 and lodged with Council on 28 January 2004
  - c. 'North Elevation' for residence 2 dated 27.1.2004 and lodged with Council on 29 January 2004
  - d. Plan prepared by Lindsay Little and Associates dated 21.1.2004 titled 'Alternative Elevation Residence No 2', amended 28/1/04 and lodged with Council on 29 January 2004.

The changes include the following:

#### Dwelling 1

- i. Reduction of roof pitch above first floor from 27° to 22.5° thereby reducing the overall height of the proposal by 387mm.
- ii. Reduction of roof pitch skirting around ground floor from 27° to 25°, except over living room at the northern side where the roof pitch proposed is 27.5°.
- iii. Reduction of the ceiling level of garage from 2450mm to 2400mm to reduce the overall height of the proposal by 50mm.
- iv. Reduction of the ceiling level of first floor from 2600mm to 2500mm to reduce the overall proposal by 100mm.
- v. Total reduction of proposal = 537mm
- vi. Change to window within ground floor of western elevation fronting Hampden Avenue. The change involves the increase in height of sill height from the floor level to approximately 600mm above the finished floor level.

#### Dwelling 2

- vii. Reduction of ceiling height of first floor from 2600mm to 2550mm thereby reducing the overall height of the dwelling by 50mm.
- viii. Reduction of first floor roof pitch from 27° to 24° thereby reducing the overall height by 259mm.
- ix. Reduction to the height of the floor level above the ground level at the rear portion of the dwelling to RL 162.78 and thereby reducing the floor level

at the rear by an additional 345mm (total difference in level from northern portion of ground floor 688mm).

- x. Enclosure of the eastern proposed deck to form part of the family room.
- xi. Windows within the eastern elevation of the family room to be amended from glass doors and panels to highlight windows with a sill height of 1.6 metres above the finished floor level
- xii. Privacy screen to be provided along the eastern side of the rear deck to a height of 1.8 metres above the finished floor level. The screen is to be returned along the southern portion of the deck for a distance of 2.0 metres. The privacy screen is to consist of fixed louvres at an angle of 45° and designed to prevent views towards the rear private open space area of 3 Eric Street.
- xiii. The window serving Bedroom 2 on the southern elevation to be modified to a highlight window with a sill height of 1.5 metres above finished floor level. Window within the eastern elevation has been increased in size consistent with the size of the window on the ground floor.
- xiv. Inclusion of a 1.8 metres high lapped and capped fence along the eastern boundary to the setback of the proposed garage. From this point to the front boundary of the property, the fence on the eastern boundary shall have a maximum height of 1.2 metres and be an open picket style.

52. To provide protection from the western sun during summer, exterior shutters shall be incorporated into the design of west-facing windows of Bedrooms 1,2 and 4 of Dwelling 1. Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.

53. To ensure reasonable levels of privacy are obtained within the development the following amendments shall be made to the proposal:

- The window within the eastern elevation serving the family room within Dwelling 1 shall be fixed and provided with obscure glazing.
- The kitchen window within dwelling one shall be a highlight window with a sill height of 1.6 metres above finished ground level.
- The window within the eastern elevation of Dwelling 1 serving the meals room shall be provided with obscured glazing to a height of 1.5 metres above the finished floor level to the centre panels only. The window beading shall be modified to reflect this amendment to the glazing

Details indicating compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.

54. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

55. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
56. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
57. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Wahroonga	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

58. An amended and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan shall be based on the design prepared by Sally Bourne Landscapes Dwg No 49/03 dated 10<sup>th</sup> June 2003 except and must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee will be payable on lodgement of the required landscape plan, in accordance with Council's adopted Schedule of Fees and Charges.

59. The amended landscape plan shall include the following amendments;
- i) Additional screen planting shall be provided along the western side of Dwelling 2 in particular adjacent to the proposed kitchen window.
  - ii) Screen planting along the southern side of the proposed rear terrace and eastern side of the rear of Dwelling 2 shall attain a minimum height of 3 metres. Semi-advanced species with a height of approximately 2.0 metres shall be provided at the time of planting.
  - iii) Additional screen planting shall be provided along the eastern boundary. The screen planting shall attain a minimum height of 3 metres.
  - iv) Screen planting along the eastern boundary forward of the dwelling capable of achieving a minimum height of 2.0 metres.

60. The property shall support a minimum number of 7 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring- gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
61. The 5 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.
62. A *CASH BOND/BANK GUARANTEE* of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

63. A *CASH BOND/BANK GUARANTEE* of \$1,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

The bond will be returned following issue of the final Certificate of Compliance, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree/Location

*Eucalyptus pilularis* (Blackbutt)  
Western boundary



64. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

65. The drainage concept design, by Ian Young & Associates Pty Ltd, being Drawing No. 0224-1, dated Dec 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:-
- i) The roof gutter, down pipe and drainage systems (of the two dwellings), are to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
  - ii) A boundary pit is to be provided. The grate of the boundary pit is to be set at a level which is 100mm higher than the grate level of the new kerb inlet pit.
  - iii) Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
  - iv) Where OSD storage is by way of underground storage, stormwater inflow pipes are to be located below inspection grates.
  - v) The access grate above the control chamber is to be a grate of 600mm x 900mm or greater.

Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

<b>Depth of Chamber Below Grate</b>	<b>Min grate and Pit size</b>
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 x 900

- vi) Drainage details are to be compatible with the landscaping plans.
  - vii) Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks, and (c) OSD basin walls. Only after the Council officer approval, can the Construction Certificate be issued.
66. On Site Detention system is to be set at so that the outlet of the orifice plate is set no lower than the level of the AR1 100 year flood in the receiving pit. In this regard an engineer is to certify that the design complies with this clause.

A suitably qualified and experienced engineer or surveyor, is to provide calculations and plans with the Construction Certificate application indicating that the design satisfies this condition.

67. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench *for each dwelling*, designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

## **OR**

For stormwater retention, provision of a 2000 litre rainwater tank *for each dwelling*, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front facade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.
- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

68. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

69. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

70. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

71. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

72. Submission, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include

but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

73. Details and plans of the works below shall be submitted by the applicant and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate. These details and plans are to be prepared by a professional Engineer. All of the items are to be designed in accordance with current Council specifications and practice.

The design and works are to be at the full cost of the applicant. The details and plans of the works are to be submitted to the PCA and approved prior to the issue of the Construction Certificate.

The works are :-

- a) Internal driveways.
  - b) Internal drainage from the two dwellings being directed to a boundary pit adjacent to the new double grated gully pit. Except for the grated driveway drainage trench system, drainage systems are not to rely on reflux valves.
  - c) Construction of a 375 mm diameter drainage line in Hampden Rd.
  - d) Double grated inlet pit, with 1.2m lintel, in the kerb.
74. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be provided for approval by the Principal Certifying Authority (PCA). These are to be along both sides of the proposed driveway from the centreline of the frontage street to the proposed garage/carport slab, demonstrating that vehicular access can be obtained using grades of 20% (25% maximum) or less without scraping the underside of a car. All changes in grade are to comply with Australian Standard 2890.1 – 1993 “Off-street car parking”. If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application at Customer Services.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

75. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.

- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
76. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
77. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
78. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

79. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
80. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

*Pittosporum undulatum* (Sweet Pittosporum)

Eastern boundary, adjacent to dwelling 2.

81. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the

fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Eucalyptus pilularis</i> (Blackbutt) Western boundary	4 metres
<i>Angophora costata</i> (Sydney Red Gum) Hampden Avenue nature strip	3 metres
<i>Jacaranda mimosifolia</i> (Jacaranda) Southern boundary, rear of dwelling 2	2 metres

82. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres.
83. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

84. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the release of an Occupation Certificate.
85. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
86. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
87. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
88. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the release of the Occupation Certificate.

89. The construction of all engineering works, not limited to but including :-

- (a) Internal driveways.
- (b) Internal drainage from the two dwellings being directed to a boundary pit adjacent to the new double grated gully pit.
- (c) Construction of a 375 mm diameter drainage line in Hampden Rd.
- (d) Double grated inlet pit, with 1.2m lintel, in the kerb.

The above works are to be undertaken prior to issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and relevant Council Specifications. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that works are wholly contained within the relevant allocations.

90. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. 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.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

91. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.



NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations size of orifice(s)

92. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
93. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.

## BUILDING CONDITIONS

94. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.

- e. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
95. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
96. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

97. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
99. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm.

For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

100. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers: Maximum 190mm Minimum 115mm  
Going (Treads): Maximum 355mm Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

101. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

102. Termite protection, which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

103. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the smoke detectors comply with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors de Vulder, Hall, Keays, Kitson, Little and Malicki*

*Against the Resolution:      Councillor Bennett*

*Standing Orders were suspended to deal with the  
Business Paper items where there are  
speakers first after a Motion moved by  
Councillors de Vulder and Bennett was CARRIED UNANIMOUSLY*

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## **22 Surrey Road, Turramurra - Supplementary Report**

File: DA0393/03

To provide Council with further information in response to the issue raised at the site inspection on 17 January 2004.

*A motion moved by Councillors Bennett and Kitson  
to hear all speakers was CARRIED UNANIMOUSLY*

### **The following members of the public addressed Council:**

**M Van Rhoon  
H Yang  
R Petherbridge  
I Glendinning  
R Torrington**

## Resolved:

(Moved: Councillor Bennett/Mayor, Councillor Cross)

- A. That Council request that a full independent assessment be carried out and that the assessor be provided with the non compliance assessment given by the objectors.
- B. That the assessor be requested, if appropriate to consider what design modifications could be introduced.

*For the Resolution:           The Mayor, Councillor I Cross, Councillors Bennett, Hall, Keays, Kitson, Little and Malicki*

*Against the Resolution:   Councillor de Vulder*

*The above Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:*

*(Moved: Mayor, Councillor Cross/Councillor Malicki)*

*That Development Application 393/03 for the demolition of existing dwelling and outbuilding and the construction of an attached dual occupancy on Lot 31, DP 16889, being 22 Surrey Road, Turramurra, be approved for a period of 2 years, subject to the following conditions:*

- 1. The development to be in accordance with Development Application No 393/03 and Development Application plans prepared by Hans Waldmann & Associates, reference number 775.03.1 & 2, dated 5 October 2003 and lodged with Council on 7 October 2003.*
- 2. All building works shall comply with the Building Code of Australia.*
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.*
- 4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.*
- 5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.*
- 6. 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 the Council (upon payment of the required fee) beforehand.*

7. *For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.*
8. *For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.*
9. *HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.*

*Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.*

10. *For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.*
11. *A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.*
12. *For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.*

13. *The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.*
14. *If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:*
- a. must preserve and protect the building from damage, and*
  - b. if necessary, must underpin and support the building in an approved manner, and*
  - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.*

*The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.*

*In this clause, allotment of land includes a public road and any other public place.*

15. *Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.*
16. *If the work involved in the erection or demolition of a building:*
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or*
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.*

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

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

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

17. *The fence and footings shall be constructed entirely within the boundaries of the property.*

18. *The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.*
19. *Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.*
20. *Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.*
21. *A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.*

*The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.*

22. *Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.*
  - a. *A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:*
    - i. *cause the windows or other openings in the external walls to be close boarded or otherwise covered;*
    - ii. *cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;*
    - iii. *cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.*
  - b. *Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.*
23. *Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.*
24. *A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.*



25. *Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.*
26. *All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.*
27. *Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.*
28. *Trees and vegetation on a site shall not be disturbed except with the approval of the Council.*
29. *Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.*
30. *Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.*
31. *The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.*
32. *A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.*
33. *A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:*
  - a. *stating that unauthorised entry to the work site is prohibited, and*
  - b. *showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.*

*Any such sign is to be removed when the work has been completed.*

*This clause does not apply to:*

- a. *building work carried out inside an existing building, or*
  - b. *building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.*
34. *All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.*

35. *Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.*
36. *The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.*
37. *To provide protection from the sun, the west facing window of Bedroom No 2 in Dwelling No 1 and the eastern windows to the living room of Dwelling No 2 are to be provided with an appropriate shading device. Details of which are to be submitted to and approved by Council.*
38. *To provide external lighting and ventilation the kitchen in Dwelling 1 is to be reversed with the laundry/WC. ie. The kitchen is to be located to the southern side of the dwelling where the laundry/WC is indicated on Drawing 775.03.1. Details of which are to be submitted for approval.*
39. *A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.*

*Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.*
40. *The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.*
41. *The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.*
42. *Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance*
43. *Pruning to raise the canopy 2.3 metres above the driveway crossing to House 1 of the following tree/s from Council's nature strip to permit*

vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

*Tree/Location*

*Pistacia chinensis (Pistacia)*  
*Tree 02 / The Mall nature strip*

44. The driveway crossing for House 1 shall be constructed at existing grades to avoid damage to the root system of *Pistacia chinensis (Pistacia)* – Tree 02.
45. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

<i>Tree/Location</i>	<i>Radius From Trunk</i>
<i>Pistacia chinensis (Pistacia)</i> <i>Tree 02 / The Mall nature strip</i>	6 metres

46. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
47. Excavation for the installation of conduits/sewer/stormwater/gas within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

<i>Tree/Location</i>	<i>Radius From Trunk</i>
<i>Jacaranda mimosifolia (Jacaranda)</i> <i>Tree 06 / Near the site's southeastern corner</i>	6 metres

48. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Surrey Road. The tree/s used shall be 25 litre container size specimen/s:

*Tree Species*

*1 Eucalyptus paniculata (Grey Ironbark) and 1 Syncarpia glomulifera (Turpentine)*

49. On completion of the landscape works including tree and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the

*Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.*

50. *The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:*

***Plant Species***

*Anredera cordifolia (Madeira Vine)*  
*Asparagus densiflorus (Asparagus Fern)*  
*Asparagus plumosus (Climbing Asparagus)*  
*Hedera helix (English Ivy)*  
*Hedychium gardnerianum (Ginger lily)*  
*Jasminum polyanthum (Jasminum)*  
*Ligustrum lucidum (Large-leaved Privet)*  
*Ligustrum sinense (Small-leaved Privet)*  
*Nephrolepis cordifolia (Fishbone fern)*  
*Ochna serrulata (Ochna)*  
*Sida rhombifolia (Paddy's Lucern)*  
*Tecomaria capensis (Cape Honeysuckle)*  
*Tradescantia albiflora (Wandering Jew)*  
*Wisteria sp. (Wisteria Vine)*

51. *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.*
52. *For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage door to House 1 and connected to the stormwater drainage system.*
53. *For stormwater control a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway to House 2 and Council's footway to collect all surface water from the driveway.*
54. *The construction of kerb and gutter and road shoulder along the The Mall frontage of the subject property to the satisfaction of Council's Development Engineer.*
55. *Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised*

*RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.*

56. *For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.*

*The system is to be cleaned regularly and maintained to the satisfaction of Council.*

*NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).*

*NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.*

*NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.*

*NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.*

*NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.*

#### **CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

57. *The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.*
58. *It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the*

*Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the Home Building Act 1989. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).*

59. *The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.*
60. *A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.*

*TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS IS CURRENTLY \$12,459.72. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.*

*This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential*

*Development, effective from 20 December 2000, calculated for additional person as follows:*

1.	<i>Preparation of New Residents Kit</i>	<i>\$10.98</i>
2.	<i>New Resident Survey</i>	<i>\$9.87</i>
3.	<i>New child care centre (including land acquisition and construction of facility)</i>	<i>\$252.13</i>
4.	<i>Additions/alterations to Acron Rd child care centre for additional 20 places</i>	<i>\$2.41</i>
5.	<i>New Library bookstock</i>	<i>\$17.95</i>
6.	<i>New Public Art</i>	<i>\$2.93</i>
7.	<i>Acquisition of Open Space - Turramurra/Warrawee</i>	<i>\$1,966.00</i>
8.	<i>Koola Park upgrade and reconfiguration</i>	<i>\$143.09</i>
9.	<i>North Turramurra Sportsfield development</i>	<i>\$986.80</i>
10.	<i>Section 94 2000-2003 Study and Interim Plan preparation cost</i>	<i>\$49.34</i>
11.	<i>Section 94 Officer for period of Plan 2000-2003</i>	<i>\$118.42</i>

*To obtain the total contribution figure the following table of occupancy rates is to be used:*

#### **OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES**

<i>Small dwelling (under 75 sqm)</i>	<i>1.25 persons</i>
<i>Medium dwelling (75 - under 110 sqm)</i>	<i>1.75 persons</i>
<i>Large dwelling (110 – under 150sqm)</i>	<i>2.75 persons</i>
<i>Very Large dwelling (150sqm or more)</i>	<i>3.5 persons</i>
<i>New Lot</i>	<i>3.5 persons</i>

61. *A revised plan that indicates the on-site location of waste management facilities for each dwelling is to be submitted and approved by Council.*
62. *The northeastern (front) and southeastern (side) walls of House 2 shall to include drop edge-beam construction to avoid fill within the front garden and the root zone of the Jacaranda mimosifolia (Jacaranda) – Tree 06, except for the driveway. Details for the drop edge-beam footings shall be submitted to Council and approved prior to release of the Construction Certificate.*
63. *Detention tank 1 shall be located behind the retaining wall and beneath the drying court and access adjacent to House 1 and detention tank 2 shall be located beneath the lawn along contour line 156. Amended plans showing their locations shall be submitted to Council and approved prior to release of the Construction Certificate.*
64. *The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.*

*The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.*

65. *An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.*

*The amended landscape plan shall include the following items:*

- 4 canopy trees that will attain 13 metres height at the site.*
  - A retaining wall that extends to 1.8 metres from the southern (side) boundary from the common dividing wall of the dual occupancy and returning west to the verandah to support the drying and pedestrian access.*
  - To protect and enhance native vegetation to conserve and promote biodiversity 25% of the tree and shrub plantings, to be included in the landscape works, shall be derived from the Blue Gum High Forest assemblage of vascular plants as the site is located greater than 300 metres from bushland.*
  - Confirm whether Eucalyptus paniculata (Grey Ironbark) or Eucalyptus pilularis (Blackbutt) is the species intended.*
66. *The property shall support a minimum number of 4 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.*
67. *A CASH BOND/BANK GUARANTEE of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.*

*Fifty percent (50%) of the this bond will be refunded upon issue of the final Certificate of Compliance, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3*



*years after issue of the building certificate, where landscape works has been satisfactorily established and maintained.*

*It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.*

68. *DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.*

*Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.*

*The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.*

*Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.*

69. *Prior to the issue of the Construction Certificate, longitudinal sections are to be provided along both sides of each proposed driveway from the centreline of the street to the proposed garage/carport, demonstrating that vehicular access can be obtained using grades of 20% (25% maximum) or less without scraping the underside of a car. All changes in grade are to comply with AS 2890.1-1993. If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application to Council's Technical Services Department.*
70. *For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench for each dwelling designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.*

*NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.*

*NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.*

*NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.*

*NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.*

*NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.*

*NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).*

*NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.*

*NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.*

**OR**

*For stormwater retention, provision of a 2000 litre rainwater tank for each dwelling designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.*

*NOTE 1: The tank is to be located at or above existing natural ground level.*

*NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.*

*NOTE 3: The tank must not be located on the front facade of a dwelling.*

- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.*
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.*
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.*
- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.*
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.*
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.*
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied*
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.*

*71. To prevent surface stormwater from entering the buildings, the finished habitable ground floor level(s) of each building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.*

*72. The Applicant must carry out the following infrastructure works in the Public Road:*

- a. construction of kerb and gutter and road shoulder along the The Mall frontage of the subject property.*

*Development Consent under the EP& A Act does NOT give approval to these works on Council property. THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993 for the works in the Public Road, required by this condition. The Construction Certificate MUST NOT be issued, and these works must not proceed, until Council has issued a formal written consent under the Roads Act 1993.*

*To obtain consent under the Roads Act 1993 for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council “Roads Act” approval.*

*All works are to be designed in accordance with Council’s “Specification for Road and Drainage Works”. In addition, the drawings are to detail erosion control requirements and traffic management requirements during the course of works. 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).*

*To ensure that works on Council property required by this Condition are carried out to Council’s requirements, the developer must lodge a bond to the value of \$10,000. The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the Roads Act Approval, and is satisfied that the works have been carried out to Council’s requirements. Council may use part or all of the bond to complete the works to its satisfaction if the works do not meet Council’s requirements. After Council’s final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.*

*NOTE 1: A minimum of three (3) weeks will be required for assessment. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate.*

*NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.*

*NOTE 3: Plans and specifications must be marked to the attention of Councils 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. Failure to do so may delay the processing of the application.*

#### **CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING**

73. *Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.*
74. *Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:*
- a. *A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.*
  - b. *A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.*
  - c. *Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.*
  - d. *Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.*
75. *External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.*
76. *To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.*
- The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.*
77. *A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.*
78. *To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.*

*Tree/Location*

*Radius in Metres*

*Pistacia chinensis (Pistacia)*

*6 metres*

*Trees 01 - 04 / Near the site's southeastern corner*

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

*Tree/Location*

*Radius From Trunk*

*Jacaranda mimosifolia (Jacaranda)*

*6 metres*

*Tree 06 / Near the site's southeastern corner*

80. *The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.*
81. *Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.*

#### **CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION**

82. *Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.*
83. *A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.*
84. *Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:*

- a. *The works were carried out and completed in accordance with the approved plans.*
- b. *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.*

*A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.*

85. *Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.*

*NOTE 1: The Certificate is to be with respect to compliance with:*

- a. *The soundness of the structure.*
- b. *The adequacy of the outlet control mechanism to achieve the discharge as specified.*
- c. *The capacity of the detention storage as specified.*
- d. *The size of the orifice or pipe control fitted.*
- e. *The maximum depth of storage over the outlet control.*
- f. *The adequate provision of a debris screen.*
- g. *The inclusion of weepholes in the base of the outlet control pit.*
- h. *The provision of an emergency overflow path.*

*NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.*

*NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:*

- *invert levels*
- *surface or pavement levels*
- *floor levels including adjacent property floor levels*
- *maximum water surface level to be achieved in the storage zone*
- *dimensions of basin(s), tank(s), pit(s), etc.*
- *location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.*
- *storage volume(s) provided and supporting calculations*
- *size of orifice(s)*

86. *The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities*

*on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.*

87. *In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.*
88. *Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.*
89. *Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings and to the satisfaction of Council's Development Engineer prior to the issue of an Occupation Certificate or Subdivision Certificate. The works are to be supervised by the Applicant's designing engineer or surveyor who is to provide certification upon completion that the works were constructed in accordance with the approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works are also to be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to the issue of an Occupation Certificate or Subdivision Certificate.*

#### **BUILDING CONDITIONS**

90. *The following are required details and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.*
  - a. *Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.*



- b. *Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.*
- c. *Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.*
- d. *Retaining walls and associated drainage.*
- e. *Wet area waterproofing details complying with the Building Code of Australia.*
- f. *Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.*
- g. *Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.*
- h. *Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.*

91. *Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.*

92. *The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:*

- a. *All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.*
- b. *Any pier holes and/or foundation material.*
- c. *Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).*
- d. *Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.*
- e. *Any stormwater drainage works prior to covering.*
- f. *The completed landscape works in accordance with the approved plans.*
- g. *The completed structure prior to occupation.*

*The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.*

*If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.*

*Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.*

93. *To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.*
94. *To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor shall be submitted to the Principal Certifying Authority on completion of that floor.*
95. *For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.*
96. *For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:*

<i>Risers:</i>	<i>Maximum 190mm</i>	<i>Minimum 115mm</i>
<i>Going (Treads):</i>	<i>Maximum 355mm</i>	<i>Minimum 240mm</i>

*Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.*

97. *So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.*
98. *For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:*
  - a. *A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or*
  - b. *Smoke alarms which:*
    - i. *comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and*

- ii. *are connected to the mains and have a standby power supply; and*
- iii. *are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.*

*To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.*

- 99. *Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "Protection of Buildings from Subterranean Termites" is to be provided.*

*Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.*

*Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.*

*To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.*

## **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

### **37 Feasibility Study on the Re-Development of the Carlotta Avenue, Gordon Depot Site for the Purpose of Aged Care Facilities**

File: S02054

**The following members of the public addressed Council:**

**D Vautin  
B Elsworth**

**Notice of Rescission from the Mayor, Councillor I Cross, Councillors A Little & E Malicki dated 17 December 2003.**

We move that the resolution on the re-development of the Carlotta Avenue, Gordon, Depot site made on 17 December 2003 at 12.25am:

- A. *That Council proceeds with the sale of the 10 Carlotta Avenue site on the basis of the site to be redeveloped for residential development in accordance with option 3 (Nursing Home/Retirement Village) at an FSR 1:1 with an Open Space provision of 20%.*

- B. That prior to the sale of the site, a master plan be prepared for the site in accordance with the 2d(2) zoning and option 3.
- C. That any contract of sale for the site include the condition that the site is developed in accordance with the master plan adopted by Council including the form of development and that legal advice is sought as to the mechanisms to achieve this and reported back to Council at its 1<sup>st</sup> meeting of 2004.

is hereby rescinded.

### **Resolved:**

(Moved: Mayor, Councillor Cross/Councillor Malicki)

- 1. That the above Notice of Rescission as printed be adopted.

*For the Resolution: The Mayor, Councillor I Cross, Councillors de Vulder, Hall, Little and Malicki*

*Against the Resolution: Councillors Bennett, Keays and Kitson*

(Moved: Councillors Malicki/Hall)

- 2. A. That Council endorse the findings of the feasibility study on the redevelopment of the Carlotta Avenue Depot Site.
- B. That Council proceeds with the sale of the Carlotta Avenue Depot Site on the basis of the site being redeveloped for residential development in accordance with the 2(d2) zoning under Draft LEP 194.
- C. That prior to the sale of the site, a master plan be prepared for the site in accordance with the 2(d2) zoning and Division 8 of Draft LEP 194.
- D. That any contract of sale for the site include the condition that the site is developed in accordance with the master plan adopted by Council.
- E. That any excess profits be placed equally in the Community Facilities reserve and the Environmentally Sensitive Lands reserve.

*For the Resolution: The Mayor, Councillor I Cross, Councillors de Vulder, Hall, Little and Malicki*

*Against the Resolution: Councillors Bennett, Keays and Kitson*

38

## **15 to 17 Kiogle Street, Wahroonga - Subdivision of Land, Partial Demolition and Alterations and Additions to Existing Building/s**

File: DA1355/03

Ward: Comenarra  
Applicant: Miss Y E Aris  
Owner: Miss Y E Aris

Determination of the application. Subdivision cannot be determined under delegation.

**Councillor Hall withdrew during discussion**

**Resolved:**

(Moved: Councillors Malicki/de Vulder)

- A. That the State Environmental Planning Policy No. 1 objection to the provisions of Clause 58B of the Ku-ring- gai Planning Scheme Ordinance be supported.
- B. That Development Application No 1355/03 for consent for the subdivision of the existing lot, partial demolition and alterations and additions to the existing building at 15 and 17 Kiogle Street Wahroonga, being lot 1, DP 771737 to create two separate dwellings be approved for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

**GENERAL CONDITIONS**

- 1. The development to be in accordance with Development Application No 1355/03 lodged with Council on 21 October 2003 and Development Application plans prepared Stewart J. Hambrett, reference number Drawings 0340-1 and 2 dated 10 October 2003.
- 2. All building works shall comply with the Building Code of Australia.
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
- 4. A Tree Preservation Order exists within the Ku-ring- gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
- 5. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
- 6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.

7. 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 the Council (upon payment of the required fee) beforehand.
8. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
9. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
10. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

11. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
12. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
13. To maintain existing ground levels all excavated material shall be removed from the site.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

- b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

- 16. The fence and footings shall be constructed entirely within the boundaries of the property.
- 17. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
- 18. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
- 19. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
- 20. The following matters are to be provided / addressed as a requirement of this subdivision:
  - a. Removal of existing redundant gutter bridge and footway crossing in front of house no 17.
  - b. Provide two concrete dish crossings in place of the existing gutter bridges.
  - c. Provide two new concrete footway crossings.
  - d. Resheet shoulder between edge of existing seal, and table drain, so that the crossfall of the road is constant between crown and the table drain.
  - e. Provide new bitumen table drain across the full frontage. The table drain is to be 200mm deep and 400mm wide. The thickness of the bitumen is 200mm. The table drain is to extend down the hill to the point where the existing bitumen table drain is located. This is a distance of about 8m past the development site.
  - f. Provide sandstone headwall for stormwater lines, in the line of the table drain. Extend the stormwater lines so that they discharge at the line of the table drain.
  - g. In regard to existing public services in the footway or road the applicant is required to undertake any or all of the following items in order to make the work effective:

- i. adjustment of any services.
- ii. repositioning of any services, or
- iii. raising or lowering of the lids of any services. No services are to remaining the road carriageway, unless the relevant authority concurs, in writing.

21. Due to the location of the development site, the Applicant shall produce a Traffic Control Plan, in general 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), addressing all or the following matters where relevant:

**Safe Ingress and Egress**

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flag person to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

**Parking Control**

- a. The provision of on-site parking for employee, trades person and construction vehicles.
- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads or during school peak periods where located near schools or full time where located near shopping centres.

**Stages**

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

22. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and



up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

23. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
24. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
25. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
26. The wall between the garage and the workshop in the lower ground level of No 17 Kiogle Street shall be removed to provide two stacked parking spaces to comply with the requirements of Clause 5.5.1 of DCP 38.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

27. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
28. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
29. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any

earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

30. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
31. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ADDITIONAL DWELLINGS IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

- |    |                                  |         |
|----|----------------------------------|---------|
| 1. | Preparation of New Residents Kit | \$10.98 |
| 2. | New Resident Survey              | \$9.87  |

3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space – Wahroonga	7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

32. The Applicant must carry out the following infrastructure works in the Public Road:
  - a. Removal of existing redundant gutter bridge and footway crossing in front of house No. 17.
  - b. Provide two concrete dish crossings in place of the existing gutter bridges.
  - c. Provide two new concrete footway crossings.
  - d. Resheet shoulder between edge of existing seal, and table drain, so that the crossfall of the road is constant between crown and the table drain.
  - e. Provide new bitumen table drain across the full frontage. The table drain is to be 200mm deep and 400mm wide. The thickness of the bitumen is 200mm. The table drain is to extend down the hill to the point where the existing bitumen table drain is located. This is a distance of about 8m past the development site.
  - f. Provide sandstone headwall for stormwater lines, in the line of the table drain. Extend the stormwater lines so that they discharge at the line of the table drain.
  - g. In regard to existing public services in the footway or road the applicant is required to undertake any or all of the following items in order to make the work effective:
    - i. adjustment of any services.
    - ii. repositioning of any services, or
    - iii. raising or lowering of the lids of any services.

Development Consent under the EP& A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The

Construction Certificate **MUST NOT** be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

To obtain consent under the *Roads Act 1993* for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting engineer. These must be submitted and approved by Council as the Roads Authority prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council “Roads Act” approval.

All works are to be designed in accordance with Council’s “Specification for Road and Drainage Works”. In addition, the drawings are to detail erosion control requirements and traffic management requirements during the course of works. 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).

To ensure that works on Council property required by this Condition are carried out to Council’s requirements, the developer must lodge a bond to the value of \$2000. The Bond may be in the form of a bank guarantee and must be lodged **prior** to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the *Roads Act* Approval, and is satisfied that the works have been carried out to Council’s requirements. Council may use part or the entire bond to complete the works to its satisfaction if the works do not meet Council’s requirements. After Council’s final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

NOTE 1: A minimum of three (3) weeks will be required for assessment. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate.

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils 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. Failure to do so may delay the processing of the application.

33. For the new crossings, and any works adjacent to the boundary, the following will apply.

**DRIVEWAYS AND FOOTPATHS:** Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property is to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

Note: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

34. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

35. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
36. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

37. Construction of the new road infrastructure is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or Surveyor is to be submitted to the Principal Certifying Authority prior to the issue of a Subdivision Certificate.

38. Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings must be undertaken prior to issue of a Subdivision Certificate. The works are to be to the satisfaction of Council's Development Engineer and must be supervised by the Applicant's designing engineer. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to issue of the Subdivision Certificate.
39. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
40. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.
41. For (1) the removal of the redundant gutter bridges, the following condition will apply:-
- a. Prior to the issue of a Subdivision Certificate, all disused gutter bridge is to be reinstated as grassed footway and AC table drain to the satisfaction of Council's Development Engineer.
  - b. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
  - c. Unless the Council Crossing Inspector directs otherwise, the redundant sections of layback shall be reinstated in the following manner.
    - i. The pavement is to be saw cut, so that the finished surface levels of the completed road, are at a constant gradient along the road.)
    - ii. Provision of new pavement where required.
    - iii. The existing gutter bridge is to be removed.
    - iv. A new "AC" table drain is to be provided.
    - v. Reinstatement any gaps in the finished pavement with AC "deep lift".
42. The submission of an original Plan of Subdivision plus five (5) copies suitable for endorsement by the certifying authority.

Note 1: The Plan of Subdivision must be lodged with Council's Standard Lodgement Form, available from Council's Customer Services.

Note 2: The following details **must** be submitted with the Plan of Subdivision:

- a. Any related 88B instruments

- b. Any Surveyors Certification required by other conditions in this consent.
- c. The Section 73 Compliance Certificate.

Note 3: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate and require payment of re-submission fees.

- 43. Submission of any required instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants or restrictions.
- 44. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the subdivision certificate.

- 45. The developer shall submit to Council a letter from Telstra and Optus confirming that satisfactory arrangements have been made for the provision of underground telephone services, prior to the release of the subdivision certificate.
- 46. Prior to the release of the Subdivision Certificate a suitably qualified and experienced engineer or surveyor is to certify that all new lots have ready access to the services of electricity, gas, telephone, sewer and water.
- 47. To facilitate neighbour amenity, screen planting to 2m is to be provided along the subdivision boundary of Lot 1 and Lot 2. Screen planting shall be completed prior to release of the Certificate of Subdivision.
- 48. To facilitate neighbour amenity, screen planting to 2m is to be provided along the western boundary of Lot 1 to proposed dining room. Screen planting shall be completed prior to release of the Certificate of Subdivision.
- 49. Lot number/s 1 and 2 shall support a minimum number of three (3) trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Kuring-gai, in accordance with Council’s policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing trees, and additional trees to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council and approved by Council’s Landscape

Development Officer. Tree planting shall be completed prior to release of the Certificate of Subdivision.

50. The six tree/s 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.
51. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the Certificate of Subdivision.

#### Plant Species

##### Noxious Plants and Weeds

*Cotoneaster sp.* (Cotoneaster)

*Asparagus densiflorus* (Asparagus Fern)

*Ligustrum sinense* (Small-leaved Privet)

*Hedera helix* (English Ivy)

*Ochna serrulata* (Ochna)

*Ageratina sp.* (Crofton Weed)

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

52. Prior to the issue of the final Compliance Certificate, the subdivision shall be registered at the Land Titles Office and details submitted, to Council and the Principal Certifying Authority.

#### BUILDING CONDITIONS

53. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Wet area waterproofing details complying with the Building Code of Australia.
  - d. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - e. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.



54. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - Any pier holes and/or foundation material.
  - Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - Any stormwater drainage works prior to covering.
  - The completed landscape works in accordance with the approved plans.
  - The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

55. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
56. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- |                 |               |               |
|-----------------|---------------|---------------|
| Risers:         | Maximum 190mm | Minimum 115mm |
| Going (Treads): | Maximum 355mm | Minimum 240mm |
- Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
57. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
  - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
  - ii. are connected to the mains and have a standby power supply; and
  - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

- 58. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 59. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
  - d. A Compliance Certificate from a suitably qualified person that the buildings comply with the relevant deemed to satisfy provisions of the Building Code of Australia.

*For the Resolution:           The Mayor, Councillor I Cross, Councillors de  
Vulder, Keays, Little and Malicki*

*Against the Resolution:   Councillors Bennett and Kitson*

39

### **Centenary of Local Government in Ku-ring-gai 2006**

File: S02646

To provide Council with the minutes from the first meeting of the recently established Centenary of Local Government in Ku-ring-gai Committee, and to request funding to commence projects for the Centenary of Local Government in Ku-ring-gai in 2006.

**Councillor Hall returned during discussion**

#### **Resolved:**

(Moved: Mayor, Councillor Cross/Councillor Bennett)

- A. That the Minutes of the Centenary of Local Government Ku-ring-gai Committee meeting held on 11 December 2003 be received and noted.
- B. That points raised by Councillor Bennett, concerning the cost effectiveness of producing a professionally researched history documenting 100 years of local government in Ku-ring-gai, be considered by the Committee at its next meeting and reported back to Council.

**CARRIED UNANIMOUSLY**

*The above Resolution was CARRIED as an Amendment to the Original Motion.  
The Original Motion was:*

*(Moved: Councillors Bennett/Hall)*

*That the Minutes be received and noted.*

40

### **Development of Criteria for Assessment of Building Suitability and Replacement**

File: S02383

To present to Council suitable criteria to be used for assessing the suitability of Council's building assets and priority for replacement.

#### **Resolved:**

(Moved: Councillors Bennett/Hall)

- A. That Council adopts the building replacement criteria as outlined in this report.

- B. That Council's buildings reserve is renamed as the '*building replacement reserve*'.
- C. That a key performance indicator be included in the 2004/2005 Management Plan as follows:  
  
*'Any additional income received over and above that received for the base year 2003/04 from building rentals is restricted to Council's building replacement reserve to fund future replacement of Council's buildings'.*
- D. That a review of the current Council building stock be undertaken by June 2004, to assess what funding is required for building improvement or replacement works with the priority determined by the adopted criteria.

*For the Resolution:           The Mayor, Councillor I Cross, Councillors Bennett, de Vulder, Hall, Keays, Kitson and Malicki*

*Against the Resolution:   Councillor Little*

*The above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:*

*(Moved: Councillors Little/Kitson)*

- A. *That as a matter of priority Council appoint a consultant experienced in building portfolio management to recommend suitable classifications and procedures for managing a refurbishment and replacement program for Council's buildings.*
- B. *A report on the recommendations be brought to Council before June 2004.*
- C. *That Council's buildings refurbishment and replacement reserve is renamed as the 'building replacement reserve'.*
- D. *That a key performance indicator be included in the 2004/2005 Management Plan as follows:*  
  
*'Any additional income received from building rentals is restricted to Council's building refurbishment and replacement reserve to fund future refurbishment and replacement of Council's buildings'.*
- E. *That a review of the current Council building stock be undertaken by June 2004, to assess what funding is required for building improvement or replacement works with the priority determined by the adopted criteria.*

To have Council endorse a submission to the Department of Infrastructure, Planning & Natural Resources on the Development Application by Avon Road Pty Ltd for the Minister's Targeted Site No.1 bounded by 12 Avon Road and 5 Pymble Avenue, Pymble. The Development Application received did not include sites 1A, 1 and 5 Pymble Avenue, Pymble.

**Resolved:**

(Moved: Councillors Malicki/de Vulder)

- A. That Council endorse the **attached** (Appendix A) submission, as amended, entitled "Submission from Ku-ring-gai Council to the Department of Infrastructure, Planning & Natural Resources (DIPNR) on the Development Application from Avon Road Pty Ltd for 2-12 Avon Road and 3 and 5A Pymble Avenue, Pymble" with the addition of a section that highlights the adverse consequence of the proposed development not proceeding in respect of the whole Site 1 as envisaged by SEPP 53 and the Development Controls and Design Guidelines.
- B. That the submission be forwarded to the Department of Infrastructure, Planning and Natural Resources as Council's response to the Development Application submitted in relation to part of the Minister's Site No.1.
- C. That the Minister for Planning, Infrastructure and Natural Resources be requested to refuse the Development Application from Avon Road Pty Ltd (DA 506-12-2003) on the following grounds:
  - 1. Development Application No 506-12-2003 is inconsistent with the provisions of SEPP 53 such that development in accordance with SEPP 53 provisions is unattainable both on the development site and in the future on the remaining undeveloped areas of Minister's Site 1.
  - 2. The Development Application is unacceptable having regard to the provisions of Clauses 4(a) and 4(b) of Schedule 4 of SEPP 53 and must be refused.
  - 3. The application cannot be determined because a staged development consent for a part of Minister's Site 1 cannot be considered when the whole site has not yet been the subject of a Development Application.
  - 4. The Development Application proposes buildings which are excessive in their height, design and location when regard is had for their amenity impacts and overshadowing of the properties at 1A, 1 and 3 Pymble Avenue which will remain occupied as single dwelling houses.
  - 5. The scale of development proposed is based on the maximum potential provided under SEPP 53 which has been prepared on the assumption that the whole site would be developed in an integrated manner. This is an inappropriate expectation when only part of Minister's Site 1 is the subject

of the application and inadequate Section 79C consideration under the Environmental Planning & Assessment Act 1979 has been given to impacts on remaining undeveloped properties within the Minister's Site. This will prejudice the development of the remainder of the site.

6. The proposed development will sterilise that part of Minister's Site 1 which is not the subject of the current application from development in the future.
- D. That Council request a formal meeting with the Department of Infrastructure, Planning and Natural Resources to discuss in detail Council's submission on the Development Application.
- E. That the information included in the memorandum from the Manager Strategic Planning dated 9 February 2004 be included in Council's submission.

**CARRIED UNANIMOUSLY**

## **QUESTIONS WITHOUT NOTICE**

- 42 **Robert Pymble Park, Park Crescent, Pymble - Declaration as an 'Alcohol Free Zone from 6pm to 6am'**

File: S03150

Question Without Notice from Councillor T Hall

Representations have been made to Council and Police by local residents requesting an "Alcohol Free Zone from 6pm to 6am" over Robert Pymble Park.

I fully support this request and ask Council staff to favourably consider the request on an urgent basis.

**Answer by The General Manager**

The General Manager will report back.

- 43 **PUBLIC FUNDING OF COUNCIL ACTIVITIES - YMCA - SUAKIN STREET, PYMBLE**

File: S03182

Question Without Notice from Councillor T Hall

I ask the General Manager would he investigate what happened to the public funds raised for a failed YMCA Indoor Sporting Centre on Council-owned lands at Suakin Street now earmarked as Council's new works depot?

Would the General Manager quantify the amount of funds lost, particularly those raised by Ku-ring-gai Sports Clubs in the mid 1990's after the then Council refused the Development Application for the Indoor Centre.

**Answer by The General Manager**

The General Manager will investigate and report back.

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION**

Councillor Little raised the matter as the closing date for submissions is 14 February 2004.

*The following item was dealt with after a Motion moved by Councillors Little and Kitson to have the matter dealt with at the meeting was CARRIED and the Chairperson ruled urgency*

*For the Motion: The Mayor, Councillor I Cross, Councillors Bennett, Keays, Kitson, Little and Malicki*

*Against the Motion: Councillors de Vulder and Hall*

44 **Regulation Review - Local Government Taskforce**

File: S02779

**Resolved:**

(Moved: Councillors Little/Kitson)

- A. That Council respond to the report by the Regulation Review Local Government Taskforce before the close of public responses on 14 February 2004.
- B. That the Mayor and General Manager be granted delegated authority to finalise the response.

**CARRIED UNANIMOUSLY**

## **QUESTIONS WITHOUT NOTICE (Cont'd)**

### **45 Corporate Calendar**

File: S02317

Question Without Notice from Councillor E Malicki

Can we go back to the old method of compiling the diary which is included in the Business Paper. This used to include all committee meetings, site inspections etc and was far more useful than the present system?

#### **Answer by The General Manager**

The General Manager will arrange.

### **46 UTS Lindfield Site**

File: P42604

Question Without Notice from Councillor I de Vulder

Why has the UTS Lindfield site not been included on the agenda of the Heritage Advisory Committee? It is a resolution of Council that the site be included on Council's Heritage LEP and nominated for the State Heritage Register. This is the second time I have raised the question.

#### **Answer by the General Manager**

The General Manager will review, report and action.

## **INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

The next Inspections Committee will take place on Saturday, 14 February 2004.

*The Meeting closed at 10.11pm*



ATTACHMENT A

**Ku-ring-gai Council SUBMISSION**

TO

**THE DEPARTMENT OF INFRASTRUCTURE,  
PLANNING AND NATURAL RESOURCES  
(DIPNR)**

**Development Application from  
Avon Road Pty Ltd (DA506-12-2003)**

FOR

**2-12 AVON ROAD, PYMBLE AND  
3 AND 5A PYMBLE AVENUE, PYMBLE**

10 FEBRUARY 2004

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## **SITE DESCRIPTION**

The site comprises part of the Minister's Targeted Site No.1. It is to be noted that 3 sites, Nos. 1A, 1, and 5 Pymble Avenue within the Minister's site, are not part of the subject application. The land the subject of the application comprises 7 individual properties with a total area of approximately 9153m<sup>2</sup>. It is an irregular shape with a street frontage of approximately 65.2 metres to Avon Road and approximately 125.4 metres (in 2 parts) to Pymble Avenue.

The land bordering the site to the north-west is zoned Special Uses 5(a) "School" and is occupied by Pymble Ladies College. Land to the south-west and south-east is zoned Residential 2(c) with development comprising single lot detached dwelling houses. East of the site access from the Avon Road / Pymble Avenue / Everton Street intersection (roundabout) are lands which front the Pacific Highway and back onto Everton Street. These are zoned Business 3(a)(A2) "retail services" and for the most part are occupied by medium density residential development. The nearest development in the zone is the former Pymble Police Station which is a heritage item under the Ku-ring-gai Planning Scheme Ordinance (KPSO) which is commercially occupied. The residential property adjoining the development site to the south-west is also a heritage item encompassing a dwelling house. Immediately north-east of the development site, across Avon Road, is the North Shore Railway Line and the Pacific Highway, located at a higher level.

The site is steeply sloping from Avon Road to the south-western boundary with a change in level of approximately 20 metres.

## **UNDERSTANDING THE PROPOSAL**

Council has analysed the Development Application (DA) and accompanying material including Statement of Environmental Effects and appendices.

The application is understood to include the following components:

- Demolition of six existing residential buildings.
- Construction of 4 basement levels providing 206 car spaces plus visitor, bicycle and motorcycle parking, storage, garbage and plant room facilities.
- Construction of 108 dwelling units (8 x one bedroom, 57 x two bedroom and 43 x three bedroom) in four buildings being:-
  - 37 units in Building A.
  - 33 units in Building B.
  - 26 units in Building C.
  - 12 units in Building D.

## Ku-ring-gai Council Submission

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- Associated landscaping and swimming pool.
- Subdivision of site to create two allotments with Lot 1 (8150.38m<sup>2</sup>) to accommodate the new development and a residue allotment (Lot 2 1002.66m<sup>2</sup>) to retain the dwelling house known as 3 Pymble Avenue.

## ISSUES RAISED

Council has analysed the application against the relevant statutory issues including the relevant controls in Ku-ring-gai Sites Report and SEPP65 Design Quality of Residential Flat Development Flat Code NSW and has identified the following issues and concerns with the proposal.

Included in **Attachment B** is a list of proposed Conditions that will address a number of issues raised in Council's submission that should be applied to any development consent issued for the proposed development. These proposed conditions are notwithstanding the issues raised by Council in the body of this submission that require further information before an adequate assessment or a determination of the application can be made.

## STATUTORY CONSIDERATIONS

### SEPP65 – Design Quality of Residential Flat Buildings and Matters of Urban Design

The applicant's Statement of Environmental Effects is inadequate in relation to the requirements of SEPP65. The Statement of Environmental Effects fails to adequately consider the proposal against the 10 design quality principles listed in Part 2 of SEPP65 and also fails to consider the performance of the proposal against the criteria specified in the publication "Residential Flat Design Code".

Principle 1 of SEPP65 requires that development be considered in its context and requires that new buildings contribute to the quality and amenity of the area.

This development application is for part of Site 1 in the Six SEPP53 sites in Ku-ring-gai. This DA ( DA 506-12-2003 ) is for Nos 2,4,8,10 and 12 Avon Road and Nos 3 and 5A Pymble Avenue. It excludes Nos 5, 1 and 1A Pymble Avenue, which are part of Site 1 in SEPP53.

## **Ku-ring-gai Council Submission**

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While the Development Application refers to this DA as being “Stage 1” of a larger development, this is not a staged development. A staged development is where approval has been gained for the development of a site, and only part of the approved development is built, with subsequent parts identified, planned and built at a later date. Development approval for the whole of the SEPP53 site including Nos 5, 1 and 1A Pymble Avenue cannot be obtained until those lots are controlled by the applicant. The owners of these properties have confirmed by letter that their land is not part of the development. This DA is therefore not Stage 1 of an approved development and not part of a larger site.

It is possible that the lots at Nos 5, 3, 1A and 1 Pymble Avenue will not be developed in the foreseeable future, as their floor space ratio ( based on the SEPP53 UDAS plan ) is substantially lower than the floor space ratio of DA 506-12-2003.

It is highly unlikely that the New Street shown in the SEPP53 UDAS plan will ever be built, as it will not be in the interests (financial and amenity) of the developer of No 5 Pymble Avenue to provide access across that site to Buildings C and D.

For these reasons, this design review considers the adjoining context of this DA as including the existing lots 5, 1 and 1A Pymble Avenue.

This review is based on the SEPP65 Residential Design Principles and NSW Residential Flat Code.

### **Context**

The site is approximately 100m from Pymble Railway Station on the southern side of the railway line. To its west are PLC school playing grounds. To the east are detached houses and a heritage listed building facing the Pacific Highway. To the south of the site is a heritage listed house at No 7 Pymble Avenue. The houses at Nos 5, 1 and 1A Pymble Avenue form the context to the south of No 2 Avon Road.

Proposed Buildings A, B and D do not relate to their context insofar as they are in close proximity to Nos 5, 1 and 1A Pymble Avenue. Building A is too close to the house and yard of No 1A for the two to relate well in terms of built form, amenity, overlooking and overshadowing. Building B is too close to the yard of No 1A to relate well in terms of overlooking and overshadowing. Building C is too close to the yard of No 5 Pymble Avenue to relate well in terms of overlooking and overshadowing.

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The context of the development also includes the heritage item at No 7 Pymble Avenue. The SEPP53 UDAS Development Controls and Design Guidelines for this site included a New Street to the south of Building C. This street is not proposed in the DA, presumably because the applicant is unable to acquire No 5 Pymble Avenue. The UDAS report says that “new streets (have been introduced) along internal boundaries to promote better access and to improve separation between new development and existing dwellings” (P15). With the removal of this street, the separation between new and existing buildings is reduced.

### Scale

The scale of development and building envelopes are set by the SEPP53 UDAS Site 1 Development Controls and Design Guidelines, except that the context has been substantially changed with the exclusion of Nos 5, 1 and 1A Pymble Avenue.

The SEPP53 UDAS plan is a holistic design which relies upon a gradual transition of building height from 6 storeys on Avon Road down to 4 storeys at a distance of 40m from the corner of Avon Road and Pymble Avenue, to 3 storeys at a distance of 80m from the corner. There is a further gap of approximately 40m to the next existing detached house to the south of the amalgamated SEPP53 site in Pymble Avenue. This sequence of heights creates a gradual transition of built form along the avenue.

In the proposed DA, Building A is 6 storeys on Avon Road, and effectively 7 storeys in relation to the detached house at 1A Pymble Avenue. A 4 storey wing is proposed between the 7 storey building and the house. Building A is approximately 6m from the detached house at 1A. The scale relationship between the two buildings is unacceptable for the following reasons:-

- The change in height from the house, to 4 storeys then to 7 storeys, is too abrupt within a short distance to make a cohesive streetscape of gradually stepped building heights.
- The 6 storey building is on higher ground in this steeply sloping site, and will accentuate the towering effect of the taller building over the house.
- The tall building is to the north of the house, placing the house in almost continual shadow.
- The proposed 4 storey wing between the 7 storey building and house is ineffective in moderating the scale differences between the larger and smaller building, due to the height differences and the close proximity of the 4 storey wing to the house.

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The difference in scale between Building C and the heritage property at No 7 Pymble Avenue is excessive, as Building C is 8 storeys and in relatively close proximity on the northern side of No 7 Pymble Avenue (2 storeys). While the DA design is essentially within the UDAS building envelopes, the top 3 floors of Building C will overshadow No 7 and will be dominant overmassing the yard of No 7. It is recommended that the top 2 floors of Building C be set back approximately 3m relative to level 6 and the 3<sup>rd</sup> top floor ( Level 6 ) be set back approximately 7m, to reduce overshadowing and visibility from No 7.

### Built Form

Buildings A, B, C and D are excessively tall in relation to their context, as described above. See Recommendations for proposed building heights.

The proposed DA varies the SEPP53 UDAS design in the courtyard by removing apartments along the southern façade of the car park facing the courtyard. This variation is probably a direct result of the failure to amalgamate all the lots in the UDAS design, as the lot width at No 2 Avon Road is insufficient to accommodate car parking and an apartment. These apartments are then replaced along the Avon Road buildings by excavating an extra floor below the level of the road. This variation impacts negatively on the Avon Road streetscape at ground level as:

- The UDAS design had the effect of visually widening the Avon Road footpath with a flat, level area between the footpath and ground floor of the building. This has been replaced with a sunken area between footpath and building.
- The existing footpath leading to Pymble Ladies College is heavily used at times and is relatively narrow. No change in width is proposed.
- Four bridges are proposed in the DA, from the footpath to the 1<sup>st</sup> floor of the building.
- The overall height of the UDAS building envelope on Avon Road has been retained in the DA, however an extra floor is proposed below footpath level. Pedestrians using the footpath or bridges will be able to look down at the windows in the lowest residential floor contributing to poor amenity / privacy and reducing solar access particularly when landscaping becomes established.

### Density

The density of the proposed development is an issue, despite FSR not being included in the SEPP53 controls. The SEPP53 UDAS plan contains a holistic set of controls including building envelopes and open space. The open space ( unbuilt upon area ) is 71 % of the site. This area of open space as a percentage has been reduced in the DA due to the large area of private back yards at 1 and 1A Pymble Avenue occupying almost half of the communal courtyard in the SEPP53 UDAS plan.

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The UDAS Draft Development Controls and Design Guidelines ( October 2002 ) also contained a floor space ratio control for the site of 1.22 : 1. This FSR equated to identical building envelopes as those in the SEPP53 document. The proposed DA FSR of 1.76 : 1 is 144 % of the UDAS FSR. While FSR is not a control in SEPP53, in real terms the proposed high percentage of site coverage and building heights have negative effects on the quality of the development and the immediate context. The DA provides reduced open space for occupants of the development, and the relatively massive buildings on narrow parts of the site (particularly along Avon Road) substantially impact on the houses and back yards of the existing properties to the south.

### Amenity

The SEPP65 Residential Design Code recommends a distance of 9m between habitable and non-habitable rooms. The distance between the windows in Building A and the windows in the 2 storey house at 1A Pymble Avenue, is approximately 6m. This proximity is an imposition on the privacy and amenity of the neighbours.

The main pedestrian entry from Avon Road to the courtyard and car park is between Buildings A and B. Many visitors to the development and its occupants would use this entry regularly. This entry space and stairs directly overlook the existing back yard of Nos 1 and 1A Pymble Avenue. This would be a major infringement of the privacy in these back yards.

The 3 storey high, blank car park wall is between 3m and 8m from the boundary of 1A Pymble Avenue. Above this wall is a 6 storey building. The wall and building will have a substantial overbearing presence when viewed from the private back yard and surrounding locality.

Due to Buildings A and B being 6 storeys tall, north of the back yards of 1 and 1A Pymble Avenue, and with the steep fall of the land to the south, the back yards will be almost constantly overshadowed. Similarly, Building D will substantially overshadow the back yard of No 5 Pymble Avenue, due to its location to the north of the back yard, its height and its close proximity.

The SEPP53 UDAS plan requires / specified a new street from Pymble Avenue, which provides a street address to the buildings in the south-western corner of the site. Amenity for the occupants of these buildings, and for visitors to these buildings, will be diminished by the lack of this street in the proposal. Pedestrian access for occupants to these buildings will be down a steep path from Avon Road, with a fall of 15m and a gradient of 1 in 5 over a distance of approximately 75m. The walk from Avon Road to the front door of Building D is approximately 115m. It is intended that these be the main pedestrian entries to the buildings – a long distance with many steps. The other main entry is from the car park.



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These distances are unacceptable for occupants, however they are even less acceptable for visitors and security / emergency / delivery people. Visitors would possibly have difficulty finding Building C. The delivery of a pizza would be a difficult task, both to walk the distance and to find the building front door. Furniture removals would be very difficult unless high ceilings are provided for truck access in all car park areas.

### **Resources and Energy Efficiency**

The proposed buildings perform reasonably well in terms of sun access and cross ventilation. Approximately 77% of apartments receive more than 2 hours sunlight to living rooms in midwinter between 9am and 3pm. Approximately 77% of apartments are also naturally cross ventilated.

The area for deep soil planting is reduced compared to the SEPP65 UDAS plan, due to the yards of Nos 1 and 1A Pymble Avenue occupying a large part of the central courtyard.

### **Landscape Design**

The landscaped courtyard of the SEPP53 UDAS site study is insufficient and unacceptable by the failure to consolidate all lots. The percentage of open space required in the UDAS Development Controls and Design Guidelines (January 2003) has been reduced and approximately half of the UDAS plan's communal courtyard has been replaced with the private yards of Nos 1 and 1A Pymble Avenue.

The loss of open space includes reduced deep soil planting area. The edges of the proposed courtyard are occupied by underground car park and an above ground swimming pool is sited in the centre of the courtyard.

The proposed swimming pool is sited close to the neighbours fence. Nevertheless, it will be considerably overshadowed due to the height of the buildings to the north and the steep slope of the site, reducing amenity to the development's occupants.

The pool fence is as close as 2m from the rear fence of No 1 Pymble Avenue. The pool is approximately 3m above the ground level, and the top of the pool fence is approximately 5m above ground level. The pool podium and fence will be clearly visible from the private back yard, and will have an overbearing presence when viewed from the private back yard.

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### **Safety and Security**

The single car park entry from the roundabout at the corner of Avon Road and Pymble Avenue will reduce pedestrian amenity (school children, visitors, commuters) at this important access point leading to the pedestrian tunnel under the railway line and to the Pymble shops. Roundabouts regularly impede pedestrians crossing at the corner, and the proposed additional car park access, potentially for 208 cars, will impose a further impediment for pedestrians crossing to the tunnel and Pymble shops.

The safety and security of the occupants in Buildings C and D would be diminished with the loss of the New Street from Pymble Avenue, as vehicular access along the street, with front doors opening onto the street, would provide more opportunities for security surveillance as people move to and from the buildings.

The proposed vehicular access to these buildings is circuitous, through a car park, and potentially unsafe. In the event of a fire or other emergency, emergency vehicles would presumably enter the car park from the roundabout at the corner of Avon Road and Pymble Avenue, proceed 70m through the car park and seek access to the emergency. The provision of a new street from Pymble Avenue in the SEPP53 UDAS plan would overcome the poor emergency vehicle access proposed in the DA.

### **Social dimensions**

A limited range of apartment sizes will provide some variety for different household types. The loss of low rental accommodation from the demolished building on the corner of Avon Road and Pymble Avenue, has not been accounted for in terms of SEPP10 in the DA documentation.

### **Aesthetics**

The courtyard elevation of the car park façade presents a 3 storey high wall to the courtyard. The proposal contains some landscaping on this wall in an attempt to reduce the visual impact of the wall. This is a south facing wall on the southern side 6 storey buildings. The plantings will need to be well chosen and maintained for them to flourish. The UDAS site study contains single orientation apartments along this courtyard façade, specifically to avoid the aesthetic problem of the 3 storey car park wall. This problem would be resolved if the SEPP53 building envelopes in the UDAS site study were followed.

The building facades are reasonably well composed, with base, middle and top, some scale breaking devices such as grouped balconies, and sun shutters to balconies.

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### Conclusion

Development consent should not be granted as:

- The development is not the first stage of a larger approved development.
- It is possible that the lots at Nos 5, 3, 1A and 1 Pymble Avenue will not be developed in the foreseeable future.
- It is highly unlikely that the SEPP53 UDAS plan New Street will ever be built.
- Building A is too tall and too close to the house at No 1A Pymble Avenue, creating an unacceptable scale difference between the two buildings and impacting upon the privacy of the occupants of the house.
- Buildings A and B are excessively tall in their close proximity to the rear yards of Nos 1 and 1A Pymble Avenue, creating unacceptable overshadowing and overlooking of the rear yards.
- Building D is excessively tall in its close proximity to the rear yard of No 5 Pymble Avenue creating unacceptable overshadowing and overlooking of the rear yards.
- Building C should have its top 3 floors slightly set back to reduce overshadowing and views from No 7 Pymble Avenue.
- The car parking under Buildings A and B is too close to the boundary of 1A Pymble Avenue, and should be moved to abut the Avon Road boundary.
- The FSR of 1.76 exceeds the FSR of 1.22 in the Draft UDAS Development Controls and Design Guidelines ( October 2002 ) by 144%.
- Buildings A, B and D and the above ground swimming pool are all excessively overgearing in their appearance from the back yards of Nos 1, 1A and 5 Pymble Avenue.
- Pedestrian and vehicular access to Buildings C and D are very poor, creating problems of address, physical access, safety and security.

All of these design problems could be resolved if the properties at Nos 1, 1A and 5 Pymble Avenue could be amalgamated into the site. As they are not amalgamated into the site, it is recommended that the current DA site be re-designed, with maximum height buildings of approximately 3 to 4 storeys, stepping down in height closer to existing houses, and that all issues such as overshadowing, privacy, building address, and the impact of above ground car parking be resolved in the re-design.

### SEPP53 – Metropolitan Residential Development

The current DA establishes 3 component parts for the SEPP53 site ie:

1. The land subject to the DA.
2. 1A and 1 Pymble Avenue.
3. 5 Pymble Avenue.

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Further DAs will be necessary (for 1A and 1 Pymble Avenue and 5 Pymble Avenue) before development of the total SEPP53 site can be achieved. This is not to mention the new Lot 2 being the residue lot from the current DA. It is not considered that the attainment of the Ku-ring-gai Reference Plan of Ku-ring-gai Sites Report provisions will be possible (as required to be considered by Clauses 4(a) and 4(b) of Schedule 4 to SEPP53). Clauses 4(a) and 4(b) are set out hereunder as follows:-

- (4) *If a development application is made in respect of part of a site specified in subclause (1):*
- (a) *the consent authority must take into consideration the effect that the proposed development will, or is reasonably likely to, have on the ability to develop the remainder of the site in the manner described in the Ku-ring-gai Reference Plan or the Ku-ring-gai Sites Report, and*
  - (b) *the consent authority must not grant development consent to the development application if the consent authority is of the opinion that the granting of consent would, or would be reasonably likely to, have a significantly adverse effect on the ability to develop the remainder of the site in the manner described in the Ku-ring-gai Reference Plan or the Ku-ring-gai Sites Report.*

If the Ku-ring-gai Reference Plan Provisions are not attainable Clause 4(b) of Schedule 4 requires that the consent authority must not grant development consent. The current application stands or fails in its own right. It is not a staged development. There may be further development of the remaining areas of the Minister's site in the future however this will be separate to the current DA and will not be a component of the current application and cannot be guaranteed to be consistent with the Ku-ring-gai Reference Plan provisions. This is to have regard for development considerations (Section 79C etc.) which will need to be considered at this future date in the context of an adjoining established medium density development.

The ability of the remainder of the site to be developed in accordance with the Ku-ring-gai Reference Plan is seriously compromised. As previously indicated Building E and the proposed road to Buildings C and D cannot be constructed without the availability of No.5 Pymble Avenue. The availability of No.5 needs to be in combination with proposed Lot 2 for this to be achieved. The proposed new roadway will not be developed unless undertaken as part of the current DA.

Also the new Lot 2 needs to be combined in a future DA with No.5 Pymble Avenue if Building E is to be established. It is not possible for No.5 to be singularly developed to accommodate Building E.

The circumstances surrounding 1A and 1 Pymble Avenue are not dissimilar. Building F under SEPP53 provisions is proposed against the common boundary with the proposed new Lot 2. Construction of Building F in such a location is submitted to be problematic.

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It is submitted that the DA will not allow the attainment of the development for Site 1 as envisaged by SEPP53. The application, in the manner submitted is considered to be inconsistent with the State Policy.

If development is to proceed on the reduced Minister's Site 1 area it should not be the expectation of the developer that the full extent of the SEPP53 potential for the reduced site be available. This potential was envisaged on the basis of the whole site being available for development in one line and subject to one application (possibly with stages). However the whole site is not available to development. There are 3 existing properties (plus proposed Lot 2) which will need to be the subject of future DAs. This may never happen.

It is unrealistic to expect that development at the maximum level can be achieved on the current DA site. This would be to ignore the merit considerations (elsewhere discussed) and impact of the development on the remaining undeveloped sites. The scale / height / setback of development, particularly at the interface, requires objective assessment under Section 79C provisions of the Environmental Planning and Assessment Act.

The proposal as submitted is at a density, which is well in excess of the average envisaged across the Minister's SEPP53 site as a whole. The DA does not include the large open space areas which are located within Nos. 1A, 1, 3 and 5 Pymble Avenue. The development proposes the development of 108 units on a site of 8150m<sup>2</sup> at a floorspace ratio of 1.76:1. This means that the residue area if developed in accordance with SEPP53 provisions will yield a minimal floorspace ratio on its 4,101m<sup>2</sup> site. The attractiveness (viability) of such development as a future application by Avon Road Pty Ltd or another applicant, can be called into question.

## Staged Development Consent

The proponent appears to be seeking a staged development consent for development over part of the site which, at this stage, excludes three of the properties within the total site as identified in SEPP 53, these being Nos 1, 1A and 5 Pymble Avenue.

In regard to staged development consent Section 80(4) of the Environmental Planning and Assessment Act specifies:

- A. *development consent may be granted:*
  - a) *for the development for which the consent, or*
  - b) *for the development, except for a specified part or aspect of that development, or*

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c) *for a specified part or aspect of that development.*

Further, staged development consent is a type of consent that a consent authority may issue, however, it is not open to the applicant to apply for staged development consent in the first instance.

Accordingly, staged development consent could not be issued in the manner sought by the applicant ie relating to the lots identified in this application with a condition that a further Development Application be submitted for Nos 1, 1A and 5 Pymble Avenue. The consent authority can only consider the proposal and issue development consent whether staged or otherwise on the basis of the land or allotments included in the current development application.

Notwithstanding the applicant's inability to secure Nos 1, 1A and 5 Pymble Avenue as part of the current development applicant and the indication that a future DA would be lodged for these three lots. The consent authority must consider the current development application on its merits as a complete entity. There is no certainty or guarantee that the three remaining lots will be secured nor that a DA would be lodged for this part of the site in the future.

On this basis, the considerable adverse impact on the amenity of the existing dwellings at Nos 1, 1A and 5 Pymble Avenue along with other impacts which are considered in this submission. Reinforce the need for the development application to encompass the entire site as identified and envisaged in Schedule 4 of SEPP 53.

## **SEPP10 – Retention of Low Cost Rental Accommodation**

Council identifies the residential premises of 2 Avon Road as being development which contains low-rental dwellings as defined by SEPP10. The State Policy provides that alteration of a low-rental dwelling requires development approval after the assessment of a DA which considers the provisions of SEPP10 and particularly Clause 7(4) thereof.

The current DA has not given consideration to SEPP10 and its provisions. Council submits that the application should not be approved without the consideration of its effect on No.2 Avon Road under the provisions of SEPP10. The current DA is considered to be incomplete and development approval of DA506-12-2003 should not be granted in the absence of due consideration under SEPP10 provisions.

## **Roads Act 1993**

The Department of Infrastructure, Planning and Natural Resources have requested from Council by letter dated 12 December 2003, approval under Section 138 of the Roads Act.

Council has advised the Department of Infrastructure, Planning and Natural Resources by letter dated 13 January 2004, of its requirements before consent can be given. The information that has been supplied to Council has limited information on the works proposed for connection to Council's land and road system. Roads Act approval applies only to works in the road reserve. Detailed information of the works proposed for the road reserve as requested by Council's letter will be required before Council is able to assess the proposal under the Roads Act.

The development proposes to gain access to Council's footpath in Avon Road across a road reservation. This will involve the construction of access bridges for access to a number of locations fronting Avon Road.

Council is the owner of the land in fee simple terms as described in Section 145 of the Roads Act 1993 and notwithstanding consent under Section 138 of the Roads Act, Council's consent as owners should be obtained for any construction works over or on Council's land for the DA in accordance with Clause 49 of the Environmental Planning & Assessment Regulation 2000.

## **Bushfire Risk**

1. The proposed development has been identified as being within the Bushfire Prone Vegetation Buffer due to the stand of remnant vegetation located within the Pymble Ladies College.

The accompanying documentation for the development maintains that the vegetation poses no threat to the subject land and that the bushland should not be considered as Bushfire Prone Land.

For the purposes of Section 146(2) of the Environmental Planning and Assessment Act 1979 the Bushfire Prone Land Map was certified by the Commissioner of the Rural Fire Service as being evidence of bushfire prone land for the Local Government Area of Ku-ring-gai.

In accordance with the development approval process all integrated developments that have been identified as being within bushfire prone lands are to be referred to the Rural Fire Service for assessment.

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2. A further matter of concern that requires additional consideration is the issues of access and egress of the development. The accompanying documentation claims that there will be no significant impact on the public roads capacity to handle increased volumes of traffic in the event of a bushfire emergency. The details supporting this claim do not take into consideration the number of people attending the Pymble Ladies College of which there are only two routes that provide access to the Pacific Highway for evacuation in the event of a bushfire (Livingstone Avenue and Arilla Avenue).

## SITE SPECIFIC MATTERS

### Traffic, Parking and Access

The proposal has been assessed to identify the impacts on parking, traffic generation and access points. Although the development controls and design guidelines for this site have been set by NSW Department of Infrastructure, Planning and Natural Resources, Council's Car Parking Code - Development Control Plan (DCP) No. 43, AS2890.1/2 and the Draft Ku-ring-gai Local Environmental Plan No.194 have been used / referred to for assessing the parking provision and access requirements, for comparative purposes.

Accompanying the Application is a traffic report, prepared by Transport and Traffic Planning Associates.

The Roads and Traffic Authority's "Guide to Traffic Generating Developments" has been used to assess the traffic generation impacts of the proposal.

Also, a traffic report was prepared by Colston Budd Hunt and Kafes in July 2002 and has been referred to in this assessment. The report by Colston Budd Hunt and Kafes was prepared as part of information in support of the inclusion of the site in Schedule 4 of SEPP53 so as to permit development. A further report by Christopher Hallam and Associates in September 2002, which reviewed the findings of the Colston Budd Hunt and Kafes report, is also referred to in this assessment.

#### a) The Proposal

The proposal is for 108 units at the corner of Avon Road and Pymble Avenue, Pymble. The units are to be situated in 4 separate buildings with varying numbers of units. There would be a total of 43 x 3 bedroom units, 57 x 2 bedroom units and 8 x 1 bedroom units, with 185 resident parking spaces over 4 levels of basement parking, and 21 visitor spaces.

Provision would be made for 37 resident bicycle parking spaces and 11 visitor bicycle parking spaces.



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The proposal to develop this site for medium density housing was previously considered by the Ku-ring-gai Traffic Committee and Council in March 2003 and April 2003, respectively. The recommendations in the report to the Traffic Committee were supported by the Roads and Traffic Authority and Police.

### b) Parking Provision

Development controls and design guidelines for this site have been set by NSW Department of Infrastructure, Planning and Natural Resources. Provision of resident, visitor and bicycle parking is in accordance with those guidelines.

Council's Car Parking Code (DCP43) identifies high density residential flat buildings as development over 4 residential levels in height, and floor space ratio above 1:1. As a comparison to the controls and design guidelines set by NSW Department of Infrastructure, Planning and Natural Resources, the parking requirements of Council's Car Parking Code for high density developments are as follows:

Apartment Size	Number Parking Spaces Required according to SEPP53	Number Parking Spaces Required according to DCP43
1 bedroom unit	0.5-1	1
2 bedroom unit	0.8-1.6	1
3 bedroom unit	1-2	1.25
Visitor Parking	1 per 10 units – 1 per 5 units	1 per 4 units

Based on the requirements of DCP43, the parking provision would be 117 resident parking spaces and 27 visitor parking spaces (total of 144 spaces). With the provision of 185 on-site resident parking spaces and 21 on-site visitor parking spaces (total of 206 spaces), the proposal would satisfy the resident parking requirement but not the visitor parking requirement of DCP43.

The Draft Ku-ring-gai Local Environmental Plan No.194 (as amended by the Minister) specifies the following parking requirements:

Apartment Size	Number Parking Spaces Required
1 bedroom unit	1
2 bedroom unit	1
3 bedroom unit	1
Visitor Parking	1 space per 4 units
No floor space penalty for additional parking	

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Based on these requirements, the parking provision would be a minimum of 108 resident parking spaces and 27 visitor parking spaces. Again, with provision of 185 on-site resident parking spaces and 21 on-site visitor parking spaces, the proposal would satisfy the resident parking requirement but not the visitor parking requirement of Draft LEP No.194. There is no floor space penalty for the additional resident parking spaces.

The development controls and design guidelines for this site require visitor car parking provision in the range of 1 space/5 units to 1 space/10 units, or between 11 and 22 visitor parking spaces. This rate of provision is considered to be insufficient compared to the requirements of DCP43 and Draft LEP 194, considering the existing on-street parking nearby is heavily used.

The proposed development utilises the maximum provisions under SEPP53 for car parking. This is contrary to SEPP66 guidelines which encourages the use of public transport. As this site is adjacent to Pymble railway and bus transport, the number of car parking provisions in the proposed development should be at lower parking requirement levels to lessen car dependence and encourage use of public transport.

Consequently, the number of car parking provisions should be reduced for the residents.

This will potentially assist in reducing the building footprint and allow for increased deep soil planting for the site.

### c) Parking Space Dimensions

According to the design controls set for this site, parking modules and layout are to conform to AS2890. The traffic report accompanying the Application states that the parking layout is consistent with the requirements of AS2890.1.

For resident parking spaces, parking modules 5.4m long x 2.4m wide are required under AS2890.1. As a comparison, DCP43 requires a parking module 5.4m long x 2.5m wide, which would take into account the prevalence of larger vehicles typically owned by Ku-ring-gai residents. On this basis, and other design criteria, the following issues are raised with respect to parking space dimensions:

Level	Spaces Concerned	Comments
L2	C13, D4, D6, D7, D17, D19, D20	These spaces would appear to be only 2.4m wide, and should be at least 2.5m wide.
	D4, D17	These spaces would appear to be only 2.4m wide, and adjacent firewall intrudes into preferred design envelope for parked vehicles.
L3	A1/2, A1/7, A1/26, C2/4, C2/5, C2/10, C2/11	These spaces would appear to be only 2.4m wide, and should be at least 2.5m wide.

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<b>Level</b>	<b>Spaces Concerned</b>	<b>Comments</b>
	C2/2, C2/8	These spaces would appear to have a reduced envelope due to adjacent firewall intruding into preferred design envelope for parked vehicles.
<b>L4</b>	A2/17, A2/35, B1/3, B1/4, B1/23	These spaces would appear to be only 2.4m wide, and should be at least 2.5m wide.
	A2/26	This space is designated as a disabled parking space, but is only 2.5m wide at the column. Should be minimum 2.7m wide.
<b>L5</b>	B2/3, B2/6	These spaces would appear to be only 2.3m wide, and adjacent firewall intrudes into preferred design envelope for parked vehicles.
	B2/16	Should be minimum 3.5m wide due to adjacent wall.

d) Access Within Car Parking Area

The car parking area is set out over 4 levels with connecting ramps. Visitor spaces are located at the parking level connected to the access driveway. The traffic report accompanying the Application states that the internal circulation layout satisfies the requirements of AS2890.1. However, the following comments are made with respect to access in the car parking area:

<b>Level</b>	<b>Comments</b>
<b>L2</b>	Space D1 is difficult to access with B85 motor vehicle. Intersection area between the circulation aisle and access ramp not large enough to accommodate B85 and B99 motor vehicle, as per CI2.5.2(c). Columns closest to parking aisle intrude into preferred design envelope for parked vehicles.
<b>L3</b>	Intersection area between the circulation aisle and access ramp not large enough to accommodate B85 and B99 motor vehicle, as per CI2.5.2(c). Columns closest to parking aisle intrude into preferred design envelope for parked vehicles.
<b>L4</b>	Intersection area between the circulation aisle and access ramp not large enough to accommodate B85 and B99 motor vehicle, as per CI2.5.2(c). Columns closest to parking aisle intrude into preferred design envelope for parked vehicles.
<b>L5</b>	Outer radius of curved section of ramp is 10m – should be 11.8m minimum. Ramp width of 6m at curved section is proposed – minimum of 7.8m required. Median is also required in curved section of ramp because outer radius <15m.

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There is concern regarding the location of the visitor parking with respect to Buildings C and D. The future access road off Pymble Avenue (at the southern end of the site) would have provided an opportunity for a second access point into the car park and would improve access to Buildings C and D for residents, visitors, deliveries, removalists and during emergencies.

### **e) Service Vehicle Provision**

The Waste Management report accompanying the Application indicates that waste collection would be undertaken at the Level 5 car park, where a garbage collection point for the development has been provided. Presumably, the waste would be removed by a small rigid truck. It would appear that the area near the entrance is of sufficient size to allow a small rigid truck to manoeuvre to and from the garbage collection point. However, there are concerns that these movements may conflict with resident / visitors vehicle movements in and out of the car park.

There is general concern for the lack of provision for removalists' vehicles on the site. The report accompanying the Application suggests that these vehicles could use the on-street parking spaces when servicing the site. However, parking is generally limited around the site due to commuter and PLC usage, with only limited sections of short-term period parking available on the Avon Road frontage. Therefore, it is considered that there would be limited on-street parking opportunities particularly during weekdays, and that provision should be made on-site for removalist's vehicles.

This lack of consideration could cause access difficulties and safety hazards for heavy vehicles, as well as other residents and road users of Pymble Avenue and Avon Road. Access to Buildings C and D for this purpose is difficult and will present safety hazards for furniture removalists.

### **f) Access Points**

The proposal does not take into consideration the access roads as indicated in the SEPP53 guidelines and it appears that because ownership of 5 Pymble Avenue could not be obtained this access road has been deleted.

Access to Buildings C and D is considered to be complicated and will create a number of difficulties for future residents, furniture removalists, deliveries and waste and recycling collection. If access off Pymble Avenue cannot be achieved then access from Avon Road as proposed in the SEPP53 guidelines may need to be provided to enable better access to Buildings C and D.

Access for the development as proposed is unsuitable and is regarded as a complete departure from the guidelines.

With regard to the proposal as submitted, access into the site is proposed via a 4<sup>th</sup> leg to the existing 3-leg roundabout at the intersection of Everton Road, Avon Road and Pymble Avenue.

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The proposed access driveway appears to be a combined entry / exit driveway, about 8.4m wide at the gutter crossing. Given that the access driveway would service 206 car parking spaces and the road frontage is a local road, the appropriate driveway type would be a Category 2 driveway. The proposed driveway satisfies the Category 2 driveway requirements.

While there is no general objection to this form of access point, it is noted that the courtyard envelope (fronting Pymble Avenue) of apartment A-B106 would obstruct visibility to the Avon Road leg of the roundabout for vehicles exiting the site. An existing tree to the north-east of the roundabout would also affect visibility towards Avon Road for vehicles exiting the site. It is noted that if the Avon Road reserve were to be widened to 20m near its intersection with Pymble Avenue as requested by Council, the building envelope in this area of the site could be reduced, and sight distance would be improved in that direction. The review of submissions to Planning NSW by Scott Carver Planning indicated support for this measure by commenting that "...widening the [Avon] road reservation near its corner with Pymble Road may be justified".

Clarification is required on how the access point connects to the road, as there appears to be conflicting configurations on the Site Plan. One configuration shows an access road with parallel kerbs connected to a modified kerb alignment in the intersection area, which appears to follow the linemarked blister.

The other shows a splayed access road, with the driveway crossing along the existing kerb alignment. Further conflicting information is evident in the scale model on exhibition, which appears to indicate the splayed access road, while the traffic report accompanying the Application states that the access would be a road connection, with kerb and gutter.

There are also concerns relating to traffic conditions and queuing at the roundabout during school peak periods and how this may impact on access to the site (see *Pymble Avenue / Avon Road / Everton Road*, below).

According to the submitted plans and the scale model on exhibition, the minimum sight lines for pedestrian safety are impacted on by the building form at the access point. Pedestrian sight distance triangles 2m wide and 5m deep are required within the site on either side of the driveway.

### g) Traffic Generation

The Roads and Traffic Authority Guide to Traffic Generating Developments defines a high density residential development as a multi-level building containing 20 or more dwellings, usually over more than 5 levels, with secure basement parking and close to public transport. The RTA guide suggests the traffic generation rates for high density residential development would be 0.29 weekday peak hour vehicle trips per unit. For this Development Application, the traffic generation would therefore be 32 trips during the peak hour.

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The Christopher Hallam and Associates report noted that “environmental capacity maximums are exceeded at present, mainly in the morning peak hour. The additional traffic will exacerbate this”. Although the expected additional traffic generation from this site is not a significant increase in absolute terms, these trips would be introduced into a surrounding road network where maximum environmental capacities are already exceeded during the morning peak hour. As a result, traffic conditions would deteriorate further.

h) Pymble Avenue / Avon Road / Everton Road / Livingstone Avenue

This intersection of Pymble Avenue / Avon Road / Everton Road is currently controlled by a 3-leg roundabout. An analysis of this intersection was provided in the traffic report accompanying the Application, as well in the Colston Budd Hunt and Kafes assessment. Both assessments found that the roundabout was operating at a Level of Service “A”, which is good, and suggested there would be minimal impact to this intersection from the proposal.

Anecdotal evidence suggests that there is significant queuing in Avon Road associated with PLC during school peak periods, which at times reaches the roundabout. This is acknowledged by Colston Budd Hunt and Kafes in their report, which notes that peak school period queues in Avon Road can extend into Everton Road and Pymble Avenue.

It is therefore considered that the analyses do not reflect real conditions, and that congestion would result in difficulty for residents / visitors entering and exiting the car park during peak periods.

Conditions are also difficult at the intersection of Everton Road and Livingstone Avenue during peak periods, and this intersection would require improvements to facilitate increased traffic movements.

Avon Road is relatively narrow between Pymble Avenue and PLC. The section of Avon Road at the curve (just north of the roundabout with Pymble Avenue) is narrow and the curve is sharp. Widening of the road reserve in this section to 20m should be undertaken to improve conditions and visibility approaching the roundabout.

The proposed footpath widening on the Avon Road / Pymble Avenue frontage would result in a footpath width of about 2m, but would be regularly interrupted by proposed street tree planting. The narrowed sections would result in a footpath width of about 1.2m in those sections. Given the number of students using the footpath and that pedestrians from this site (and the other site in Avon Road / Beechworth Avenue) would be encouraged to walk to / from Pymble railway station, it is requested that a minimum footpath width of 2m be maintained.

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i) Intersection Pacific Highway / Livingstone Avenue

The traffic report accompanying the Application found that the Level of Service (LOS) of the signalised intersection of Pacific Highway and Livingstone Avenue in 2003 was currently “C” (satisfactory operation) during the morning peak hour and “D” (operating near capacity) during the evening peak hour. This analysis found that the additional traffic generated by the development would cause no perceptible impact to the operation performance of Pacific Highway / Livingstone Avenue intersection and concluded that “the development would not present any unacceptable traffic implications...”

A similar LOS (“C”, for both peaks) was determined in the report by Colston Budd Hunt and Kafes. The Colston Budd Hunt and Kafes report included a cumulative assessment of this site and Ministerial Site 2.

However, the Traffic and Transport Base Study (undertaken for Council by consultants GHD in 2000) notes that this intersection was operating at LOS “F” (unsatisfactory and requiring additional capacity). This assessment was undertaken having regard to road network effects, and is considered to be a more realistic indication of traffic conditions at this intersection. Therefore, it is difficult to agree that this intersection is currently operating satisfactorily. Notwithstanding the findings of the Base Study, the cumulative traffic impact assessment of this site and Ministerial Site 2, undertaken by Christopher Hallam and Associates, found that with development at Site 1 and 2, the length of the existing right turn bay on Pacific Highway at Livingstone Avenue would be insufficient, and would have to be extended by some 13m.

Anecdotal evidence suggests that this right turn bay’s capacity is already being exceeded during peak periods. During the morning and afternoon peaks, vehicles entering Livingstone Avenue from Pacific Highway regularly block lanes on Pacific Highway, creating traffic delays. Nonetheless, no provision is made in this Application for improvements to this intersection.

j) Intersection Pacific Highway / Beechworth Road

This intersection was analysed in the Colston Budd Hunt and Kafes report. The analysis concluded that this intersection was operating at LOS “C” (satisfactory operation, with spare capacity). In terms of delay / all vehicles, this may be the case. However, anecdotal evidence suggests that demand on the Beechworth Road leg is significant during school morning and afternoon peak periods. Queues extend down Beechworth Road causing access difficulties for residents of the area.

It is noted in the assessments by Christopher Hallam and Associates and by Colston Budd Hunt and Kafes, that traffic volumes in Beechworth Road (west of Pacific Highway) currently exceed maximum environmental capacities during the morning peak, and increased development will exacerbate this.

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The Hallam report also suggests that the additional road in Site 2 would improve feasibility of altering this intersection by providing a right turn bay from Pacific Highway to Beechworth Road, thus reducing pressure on the intersection of Pacific Highway and Livingstone Avenue. It is considered that the Roads and Traffic Authority would not agree to this measure unless widening of Pacific Highway was undertaken to maintain 3 dedicated southbound lanes.

### **k) Cumulative Impact**

The Hallam assessment generally agreed with the Levels of Service of the Pacific Highway / Livingstone Avenue intersection found by Colston Budd Hunt and Kafes.

One of the features of the assessment by Christopher Hallam and Associates was consideration of the existing peak hour traffic volumes in the roads surrounding the site with respect to environmental and maximum suggested traffic volumes, and consideration of changes in traffic volumes as a result of Ministerial Sites 1 and 2. As mentioned above, the assessment notes that “environmental capacity maximums are exceeded at present, mainly in the morning peak hour. The additional traffic will exacerbate this”. Further comments conclude that the projected peak hour traffic flows in the surrounding streets “...indicate an unsatisfactory situation with the proposed development”, and suggest that traffic management options would need to be considered. These comments would suggest that any further development at this location would be inappropriate due to the existing peak hour traffic conditions.

Consideration was given to opening a new road through Site 2 (between Avon Road), as an ameliorative measure. It was considered that while this road could relieve pressure on the western end of Avon Road / Arilla Road Beechworth Avenue, it could attract PLC and site traffic. The conclusion by Christopher Hallam and Associates was that the rezoning of site 1 and 2 was supported only if the proposed public road through Site 2, from Avon Road to Beechworth Avenue, is constructed. While this situation could relieve some pressure on the Avon Road / Arilla Road / Beechworth Avenue route, it is considered that it would not offer improvements to the Livingstone Avenue / Everton Road / Pymble Avenue area of the route.

Consequently, it is recommended that improvements be made to the intersections of Livingstone Avenue and Pacific Highway, and Beechworth Avenue and Pacific Highway, and that the Roads and Traffic Authority be consulted on this matter, through a SEPP11 referral.



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For consideration under SEPP11, the following schedule of consultation and points of referral apply:

Type of Development	Scale of Development	SEPP11 Schedule No.
Residential Flat Building	75-300 dwellings	2
	more than 300 dwellings	1

It is noted that Schedule 1 developments are those with scale as indicated, and are referred to the Regional / Zonal Development Committee. Schedule 2 developments are referred to the Council Development Committee, and are those developments with the scale as indicated and having access to an arterial road, or a road connecting with an arterial road if the access is within 90m of the alignment of the arterial road.

This development satisfies the scale requirements for referral to the local committee, however the access point is more than 90m road distance to the arterial road (Pacific Highway) and will have an impact on intersections on the Pacific Highway.

This application will need to be referred to the local SEPP11 Committee but because of its close proximity and likely impact on the intersections on the Pacific Highway, the matter may need further referral to the Regional Development Committee for any improvements to the Pacific Highway considered to be warranted as a consequence of this development.

**l) Impacts During Construction**

Because of adverse impacts and compromises in safety, which included a fatality, caused by development activity at several sites in the past, Council requires the submission of parking and delivery management plans near schools and shopping centres.

These management plans are to identify and address the impacts of proposed development activities, including entry and access to development sites.

A Construction Plan of Management has been submitted as part of the Statement of Environmental Effects. The plan covers issues such as entry/exit to the site, pedestrian access and parking restrictions. Further management plans should be developed and provided to minimise disruption and hazards to all road users.

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The Application proposes that access points to the site during construction would be to Avon Road and Pymble Avenue. The Applicant intends to make application for a 45m 'Construction Zone' on part of the Avon Road frontage of the site. The Applicant anticipates that 60m of unrestricted parking opposite the proposed construction zone would have to be restricted during the operation of the 'Construction Zone', presumably to assist vehicle movements to/from the site. There is concern that heavy vehicles parked at the northern end of the construction zone may obstruct visibility to the marked pedestrian crossing for motorists travelling north on Avon Road. Proposed facilities should be considered as part of the overall management plans for the site during construction.

Fees for a construction zone and alterations to parking restrictions (if approved) and costs for installation/removal would be payable by the Applicant.

Although the Applicant states that it will be encouraging personnel to use public car parking adjacent to Pymble Railway Station, there is concern that construction workers arriving early would occupy commuter parking, forcing commuters elsewhere or blocking driveways. When construction reaches stages where sufficient on-site parking can be provided, the Applicant should be providing parking so that their personnel's vehicles do not impact on the current commuter or commercial parking in the area.

The Application proposes that provision for pedestrians along Avon Road would be via the existing marked footcrossing at the boundary with PLC and via the existing footpath on the eastern side of Avon Road. The existing pedestrian crossing near the roundabout would be temporarily 'closed', with signage directing pedestrians away from the crossing. Similarly, for pedestrians on the northern side of Pymble Avenue, measures would be in place to direct them away from/past the temporary fence on the Pymble Avenue frontage.

It is anticipated that there would be conflicts between PLC traffic and heavy vehicles during school peak periods. Therefore, heavy vehicle movement to/from the site should be contained to outside of school peak periods.

Construction related management plans would have to be provided prior to Council agreeing to piecemeal changes to existing on street arrangements, with uncertain impacts on road users.

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### m) Conclusions

It is considered that there are a number of deficiencies relating to parking provision, parking dimensions, parking area design, access within the parking area, visibility at the access point. There are also concerns that the capacity of surrounding local roads and the intersection of Pacific Highway with Livingstone Avenue have already been exceeded and that additional traffic will increase congestion. The following issues remain outstanding and require addressing:

- It is considered that the on-site provision of visitor parking is inadequate. A minimum of 27 visitor spaces should be provided to ensure adequate provision, and should be distributed so as to better serve visitors to Buildings C and D.
- Parking spaces C13, D4, D6, D7, D17, D19, D20 on Level 2, A1/2, A1/7, A1/26, C2/4, C2/5, C2/10, C2/11 on Level 3, A2/17, A2/35, B1/3, B1/4, B1/23 on Level 4 appear to be 2.4 m wide and should be 2.5m wide.
- Parking space A2/26 on Level 4 is designated as a disabled parking space, but is only 2.5m wide at the column, and should be minimum 2.7m wide
- Parking spaces B2/3 and B2/6 on Level 5 appear to be only 2.3m wide, and adjacent firewall intrudes into preferred design envelope for parked vehicles. These should have a clear width of 2.5m.
- Parking space B2/16 should be a minimum of 3.5m wide, due to adjacent wall creating a 'blind aisle' effect.
- All intersection areas between access ramps and circulation aisles are not large enough to accommodate turning movements of the B85 and B99 motor vehicle templates, in accordance with AS2890.1 Cl 2.5.2(c).
- On Levels 2, 3 and 4, the columns closest to the circulation aisle of the car parks intrude into the preferred design envelope for parked vehicles.
- Space D1 is difficult to access with the B85 motor vehicle.
- On Level 5, the outer radius of curved section of access ramp should be 11.8m minimum, should have a minimum width of 7.8m and requires a central median because the outer radius is less than 15m.
- There is concern that the layout of the car park is excessively elongated and may present difficulties for residents, visitors, delivery / removalist operations and in emergency situations, and is a poor compromise because of the absence of the secondary access point / road off Pymble Avenue.

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- There are concerns that the movements of garbage collection vehicles near the service area may conflict with those of residents / visitors vehicles accessing the car park.
- There are concerns that consideration has not been given to on-site provision for removalists trucks.
- The courtyard envelope of apartment A-B106 (fronting Pymble Avenue) and the existing street tree (east of the access point) would obstruct visibility to the Avon Road leg of the roundabout for vehicles exiting the site.
- Clarification is required on how the access point would connect to the road intersection of Pymble Avenue / Everton Road / Avon Road.
- The minimum sight lines for pedestrian safety are impacted on by the building form at the access point. Pedestrian sight distance triangles 2m wide and 5m deep are required within the site on either side of the driveway.
- The carriageway width of Avon Road near Pymble Avenue is considered to be insufficient. Council requests that for the section of Avon Road near Pymble Avenue;
  - i) the road reserve is widened to 20 metres
  - ii) the road pavement is sufficient to provide for two parking lanes, two through lanes and a possible future median.
- There is no provision for road improvements to facilitate increased traffic movements at already congested intersections on surrounding local roads.
- There is no provision for road improvements to the intersection of Pacific Highway and Livingstone Avenue to facilitate increased traffic movements, and the RTA should be consulted on this matter through SEPP11 referral to the Regional / Zonal Development Committee.
- The proposed footpath on the site frontage should have an unobstructed width of 2m to facilitate the number of school students and pedestrians in the area.
- There is concern that conflicts may arise between construction vehicles and school related traffic during peak periods.

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- To minimise the impact on the community, particularly during school periods, the applicant should submit parking, delivery and construction management plans to identify and address the impacts of its construction activities at the site. Requested changes to existing on street traffic facilities, during construction works, would be incorporated into the management plans.

## Pedestrian Accessibility

There is little detail regarding the number of dwellings which will be made adaptable to the Australian Standards AS4299 and dwellings which will be visitable for a person with a disability.

Due to the size of the development and the topography of the site it is recommended that an access consultant be engaged to report on access issues including the availability of a “continuous accessible path of travel” throughout the site and access to Pymble Railway Station and shops. The consultant should consider the size and layout of the dwellings which have been identified as adaptable to ensure that they meet the appropriate standards.

The application identifies the primary pedestrian access to Building C and D is via an accessible path between buildings A and B. It appears that this access is via a lift. There are no details as to how a person with a mobility difficulty will leave or enter the site if the lift is out of order.

## Drainage / Stormwater / Hydrology

This assessment addresses the stormwater drainage diversion and surface water runoff.

Reference is made to Section 3.4 of Council’s Stormwater Management Manual (SWMM) dated December 1993. Specifically, section 3.4.1 pertains to Permanent Structures, whereby:

*“ Council will not approve the construction of any permanent structure (such as dwellings...) or the placing of fill OVER a watercourse, drainage depression, or within the path of a one in one hundred year flood”*

Restriction of development to these areas is imposed such that the flow is unimpeded, not increased or modified. Justifications for this include:

- such that the development does not increase the risk of flooding of other properties
- does not have a significant impact on the natural environment.

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- To enable Council ability to maintain access to pipework for maintenance to clear blockages and construction purposes.

#### Comments -

In view of this the proposal is not considered to be in compliance with the Council's SWMM, given:

- Building B is fully constructed over the natural drainage depression.
- Proposed pipe work to convey road waters from Avon Road to the downstream open channel is routed under building B.
- The 11m vertical D1CL pipe section is non standard in terms of design grade and material. In particular access to this section will be virtually impossible.
- Overland flow path on the eastern side of Pit A8 is redirected onto private property.
- The proposed flowpath of the primary and secondary overland flow will adversely impact of the rear boundary of 1A Pymble Avenue due to the convergence of these compared with existing conditions.
- The pipeline is pressurised and cannot be accessed to clear blockages if required during heavy rainfall. The area is subject to vegetation, gross pollutant and sediment. Evidence is notable in the road pits on Avon road and downstream open channel at the rear of 1 Pymble Avenue.

Additionally, the 90 degree bend in the pipeline at Pit A6 is not ideal from a hydraulic perspective given the steep slope upstream.

Survey plan by NG&Barker, titled *Proposed envelop plotted against survey* and drawing plan No.SKH-09 by Connell Mott MacDonald titled *Stormwater Drainage Diversion* was compared and the following noted:

- Surface flows from adjoining properties to the west of the site would be redirected along the terraced gardens on the western side of building C and concentrated onto the property of 7 Pymble Avenue. In comparison, existing surface runoff is intercepted by the concrete retaining wall in 5a Pymble Avenue and directed in an eastern direction by gravity to the natural depression.
- The effect is that surface flows would be increased onto the immediate downstream property unless ameliorated by earth berms or drainage collection devices within the subject site.

#### Conclusion -

That the proposed pipeline between Pit A2 and Pit A4 shown on drawing No.SKH-09 under Building B is not approved by Council. The pipeline alignment is to be located outside and independent of the building envelope to maintain access to pipework and enable Council's duty for maintenance to clear blockages and construction purposes in the future.

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In addition, the construction of Building B over the watercourse and drainage depression is not approved as the existing flowpath is impeded, overland flow increased and direction modified.

A drainage diversion and collection devices within the subject site near the western boundary adjoining 7 Pymble Avenue is required such that all surface flows are contained wholly within the site and conveyed to the stormwater drainage channel.

Engineering Conditions are recommended to any development approval as set out in the attached conditions.

## **Waste Collection**

The development has not demonstrated in its submission compliance with the objectives as set out in the “Residential Flat Code’ concerning the management of waste during all phases of construction.

Details have not been provided indicating avoidance in waste generation through:

- a) the design, material section and building practice,
- b) the types, amounts, and disposal of material during excavation, construction and building phases,
- c) the reuse, source separation and recycling of these materials.
- d) The preparation of the Waste Plan for waste generated on the site

The Statement of Environmental Effects dated December 2003 detailing waste / recycling containers proposed for the development is noted. However the proposal does not adequately demonstrate the method for achieving separation and collection for recyclables where disposal chutes are provided and where there is a reliance on transferring amounts of material from storage locations to collection points. Clarification is required regarding the method of achieving separation for recyclable material, consistent with the Residential Flat Code.

The manual handling of waste materials through manual sorting or transferring materials to waste containers is generally to be avoided and may be prevented due to Occupational Health & Safety issues A Risk Assessment in accordance with OH&S Act is advised to ensure the proposed method for handling waste is feasible.

Council will require unimpeded access for collection vehicles to allow access to collect materials from the buildings storage rooms. The drawings submitted for consideration do not have sufficient detail to determine finished floor to ceiling heights. For Council to gain and maintain vehicle access a minimum floor to ceiling height of 2.44 m will be required for the entire travel distance required for vehicle access.

Conditions are recommended for attachment to any development approval as set out in the attached conditions.

## **Vegetation and Landscaping**

### **a) Central open space / deep soil zone**

There are a number of issues in relation to this area.

This area is considered to be compromised in terms of recreational amenity due to extensive overshadowing by the proposed buildings A, B and C to the north and north – east of this area.. In particular during winter and to a lesser degree late autumn and early spring these areas would be in shade for large proportions of the day resulting in relatively cold and unpleasant conditions for passive recreational use.

Considering the scale of the development and potential number of residents for this site it is considered that the central lawn area is undersized and would only be able to cater for limited informal passive and minimal informal active recreational use by residents.

The central open space area is designated as a deep soil zone however the potential for establishment of substantial canopy and understorey planting is compromised by the extent of ramps, decks and pool in this area. Further given that this area is already overshadowed by the adjacent buildings it questionable as to the suitability of this area for establishment of substantial native canopy planting as this would potentially further shade this area.

### **b) Western access way and passive recreational spaces/deep soil zone**

This access way adjacent to the PLC boundary provides for some tree and screen planting as well as some areas for passive recreation. This area is relatively isolated from the main area of the site and access to this area for residents of the development would appear to be relatively inconvenient. The spaces created do not provide a quality of recreational opportunity than that which could be provided in a larger centrally located space. As this area is open to the public issues of security given the isolation of these spaces would be a real consideration.

This area affords a reasonable opportunity for the establishment large locally occurring native canopy trees to reinforce existing tree stands on the PLC site and this should be reflected in the detailed landscape plan.

There is insufficient information provided on the plans in regard to proposed earthworks (proposed and existing contours and levels, existing vegetation on the adjacent site), in this area to assess impacts if any on trees on the adjacent PLC site.



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A set of steps is indicated at the lowest point of this space adjacent to private property. The steps would appear to link the backyard of this property (7 Pymble Ave). These steps should be deleted from this proposal as they appear to serve no purpose and could encourage access into private property from this area.

In addition the construction of these steps and the proposed "Bio – retention swale in this area is likely to have a detrimental impact or require removal of a number of trees in this vicinity (trees 89 – 93), which are shown to be retained on the tree survey. These trees of which 2 are on the adjacent property(89,90) provide a significant screen between properties in this area.

### c) Lower Lawn Area

The bio swale and earthworks in this area should be designed to ensure the preservation of the existing trees 89 – 93.

There is insufficient information provided (lack of detail on the landscape concept plan in relation to levels and proposed planting in this area) to judge the likely impact on the adjoining property in this area.

### d) Landscape Plan

The landscape plan is not considered satisfactory as it lacks critical detail in regard to proposed and existing levels, specific location of proposed plant materials (ie tree and screen species locations, public domain plantings), and does not specifically identify trees to be retained or trees on adjacent properties which have been indicated on the building envelope control drawings or as being retained on the tree survey. The landscape plan also does not provide sufficient detail in regard to proposed and finished levels so as to enable a full assessment of the proposal and impacts on existing vegetation.

It is noted that indicative species lists have been shown on the landscape plan. Some locally occurring species including canopy trees are indicated. Canopy species that should be added to this list particularly would include *Eucalyptus paniculata* and *Angophora floribunda*.

The landscape setting of the proposal on its Avon Road frontage is reliant on landscape works occurring within the public domain(Councils road verge). There is no landscape setback or contribution between the proposed buildings and the boundary in this area.

The location of proposed street trees to Avon Road are an issue. It is recommended that the planting be moved away from the road kerb into the planted verge area and provided power lines are laid underground, the planting should be of locally occurring large canopy species.

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Due to the minimal setback on the corner of Pymble Ave and Avon Road there is little potential for establishment of trees to soften building A from the Pymble Avenue and Everton Road. Further there is some doubt as to whether it will be possible to retain the remaining Camphor Laurel in this area due to the nature of the works on the road verge, and tree health. This will further compromise the streetscape in this area.

### e) Impact on trees

The proposal to pipe the natural watercourse may have a detrimental impact on soil moisture levels and therefore vegetation downstream of this diversion. In particular vegetation to be preserved both on the development site on adjacent properties near the drainage channel, could be affected including trees 76, 77, 78.,79 in the central deep soil zone and trees 99,101, 103, 104 on adjacent property No1, tree 105 on 1A Pymble Avenue.

The proposed bio - swale and steps to the south western corner of the site may have a detrimental impact on trees 89 – 94 adjacent to the lower lawn area.

A number of trees within Council's road verge would be removed under this proposal. The most significant of these trees is Tree 19 Camphor laurel located on Pymble Avenue within the footprint of the proposed driveway access to building A. While acknowledging the access requirements particularly from Pymble Avenue, and that Camphor laurel is a weed species within 500m of bushland, the removal of this tree will have a detrimental impact on the streetscape and is not supported in principal.

Works associated with the footpath refurbishment in front of block A are likely to have an impact another Camphor laurel street tree Tree 17.

Works associated with the stormwater drainage diversion are likely to have detrimental impacts on the following large trees as excavation is will be within the critical and/or primary root zones of these trees. These trees are Tree 104 Camphor laurel 1.2 DBH 16m spread 20m height and Tree 75 0.6 DBH 10m spread 20m height both of these trees are located close to the eastern boundary of the site within 1 Pymble Ave and provide significant screening of the proposed development from 1 Pymble Ave.

Other trees shown to be preserved on the tree inventory which are also likely to be affected by these works include trees 77,78. Works associated with the head - wall to the open channel could potentially impact on the large blue gum tree 103. There are insufficient details to determine this from the drawings provided.

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f) Set back from boundary

The landscape area between the adjacent property and buildings A & B and external pathways and steps ways is of insufficient width to sustain an effective vegetative screen. For example the setback from the boundary immediately adjacent to the adjoining residence is only 1.4m.

g) Tree survey

The tree survey does not identify an important large remnant tree (*Angophora floribunda*) located on an adjacent property No 1 Pymble Ave and identified on site during my inspection.. The tree was mentioned in the flora and fauna survey. It is possible that this tree is tree 99 on the survey, and the survey should be amended to identify this tree specifically.

h) Powerlines and tree planting

To enable establishment of substantial canopy trees to the Avon Road frontage all powerlines should be relocated underground.

Landscaping conditions are recommended to any development approval as set out in the attached conditions.

## **Heritage Issues**

a) Background

Heritage issues were discussed in detail as part of a separate submission to PlanningNSW with public exhibition of the Minister's Envelope Controls under SEPP53. The proposed development responds to the envelope controls approved by the Minister early in 2003 and does not appear to greatly deviate from it. The points raised about heritage with the earlier submission are still relevant to this application.

b) Applicant's Heritage Statement

The applicant's heritage statement is prepared by Otto Cserhalmi and Partners. The firm is included in the Heritage Office consultant list. It follows an accepted format for a heritage impact assessment, including the Heritage Office guideline document contained in the NSW Heritage Manual and Ku-ring-gai Council's own document "Statements of Heritage Impact". Both documents require a Conservation Policy as the minimum supporting information. This has not been provided with the statement.

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There are no heritage items on the subject site. Clause 61E of the Ku-ring-gai Planning Scheme Ordinance requires Council to take into account the impact of new development on the heritage significance of heritage items within the vicinity of the development. Several heritage items exist nearby and Council is required to take the impacts of the development on the heritage significance of the items into consideration. The nearby heritage items are correctly identified and the relevant inventory information attached to the document.

However, the heritage significance of the nearby heritage items has not been assessed by the author and a conservation policy has not been provided. Only a very brief description of each nearby heritage item is provided. Without a thorough assessment and understanding of the heritage significance of the nearby items, the assessment of the heritage impact is fundamentally flawed.

With regard to the heritage item closest to the development – 7 Pymble Avenue, the statement only states:

“7 Pymble Avenue is the heritage item on the lower, south side of the subject site, located quite close to the boundary.”

This is simply a statement of facts with no assessment or understanding of the heritage significance of the item.

### c) National Trust Urban Conservation Area No 18

The heritage statement correctly identifies that the subject site is located within the National Trust Urban Conservation Area No 18 (UCA 18) and includes the National Trust classification sheet as an appendix. It also notes that a recent nomination for the precinct was made to the Australian Heritage Commission.

Over the past two years Ku-ring-gai Council has reviewing the National Trust UCA's with a view to understand the heritage significance and determine the boundaries so that they might be managed in an appropriate way. Council placed the report on public exhibition for several months however has not been able to include the UCA's in a draft LEP due to advice received from PlanningNSW. Council is currently waiting on advice from the Department on whether they can exhibit a draft LEP for the surveyed areas, including UCA 18.

The heritage impact statement refers to the UCA Report, Stage 2 & 2a, prepared by Godden Mackay Logan in 2002, however no attempt has been made to assess the impact of the proposed development on UCA 18. This is another fundamental flaw in the applicant's heritage impact assessment. Such a major development on a highly visible and prominent part of the UCA will have considerable impacts and the consultant has failed to recognise or assess these impacts.

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d) Ku-ring-gai Urban Conservation Report for UCA 18 prepared by Godden Mackay Logan

The Godden Mackay Logan report for UCA 18 recommended that the National Trust UCA be reduced to include a much smaller area. It includes part of Pymble Avenue, Livingstone Avenue, Orinoco Street and a part of Avon Road. The subject site contains several items graded as contributory items to the UCA including:

Avon Road. 2, 8, 10, & 12; and  
Pymble Avenue. 1.

All the above contributory items are proposed for demolition. The report states all contributory items should be kept and illustrates No 2 Avon Road. With regard to the General Management Objectives in the Godden Mackay Logan report the following applies:

- Retain heritage significance and significant characteristics of the UCA.
- Retain and conserve heritage items and contributory buildings.
- Retain significant landscaped characteristics of the UCA, including the garden setting of residences, enhances by street planting and grass verges, the tree canopy of exotic and indigenous vegetation that permeates the area.
- Encourage the reconstruction of heritage items and contributory buildings that have been unsympathetically altered; and
- Ensure that development shall be compatible with the significance and significant characteristics of the UCA.

When demolition in UCA 18 is proposed, the Godden Mackay Logan report suggests specific guidelines for the replacement buildings, including the following:

The most appropriate housing form is a single detached dwelling house; and Type 5, multi-unit dwellings were identified as appropriate for land between Everton Street and the Pacific Highway, excluding the church property. Most available land had now been taken up for this form of development. Further development may be considered by Council provided that it does not include the demolition of contributory buildings or detract from the significance and setting of contributory buildings, within the UCA, or the UCA as a whole.

None of these guidelines have been addressed in the applicant's statement.

e) Applicants Assessment of the Impact of the Proposed Development on Heritage Items in the Vicinity

Section 7 of the applicant's heritage statement deals with the standard questions raised for development within the vicinity of a heritage item.

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*How is the impact of the new development on the heritage significance of the items or area to be minimised?*

The applicant's statement is primarily flawed because it does not state the heritage significance of the nearby heritage items or the area.

The statement claims that the impact on the heritage significance of the heritage item at No 7 Pymble Avenue has been minimised due to the increased set back of the new building from the boundary as the existing house at No 5a is close to the boundary. The proposed new buildings C & D are set back about 13 meters from the boundary of No 7 Pymble Avenue. However when considering impacts, the actual distance of the proposed building is not the only issue to consider. Section E of the proposal shows that Building C & D will be constructed on filled land. The southeast elevation of Building D shows the extent of the filled land adjoining the heritage item, which is considerable (approximately 3 metres). The area of filled land is very close to the boundary with the heritage item and must be considered. Despite the increased setback of Buildings C & D they would have considerable visual impacts on the heritage item and would greatly reduce the views to and from the heritage item.

As discussed in another part of this memo, the proposed development has not been designed to minimise impacts on the potential conservation area. The applicant's report states that the impact on the Avon Road frontage is acceptable because the mass of the development has been reduced to two blocks rather than one block. However the buildings will still present as two large blocks along Avon Road, which is totally out of character with the existing historical subdivision pattern and aesthetic value of the area. When viewed from the main public areas, particularly the Pacific Highway and rail corridor, the proposed two buildings will largely block views to the west.

The architectural treatment of the facades, including articulating the balconies, setting back at the top floor and the use of different materials will have some limited value in reducing overall bulk. However the development will be primarily seen from the Avon Road frontage as two large buildings that block the existing views to the west over the existing area and dominate the streetscape. This is reinforced by the close proximity of the façade on the boundary of Avon Road.

Locating the larger blocks along Avon Road with the smaller blocks down the slope is an acceptable general principle. However it ignores the context of this site with adjoining existing heritage items and ignores the overall value of the area as a potential conservation area.

The statement does not indicate how the impact on the former Police Station has been minimised.

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### *Why is the new development required to be adjacent to a heritage item?*

The site was selected and rezoned by the Minister, against representations made by Council. The envelope controls are fixed and little leeway is available for the applicant to vary the location or footprints for the development. It seems that the site was chosen for its close location to Pymble Railway Station and the impacts are unavoidable if the applicant chooses to develop to the maximum envelope controls.

The existing scheme can not fulfil all the envelope controls as three of the sites have not been acquired and may not be acquired in the future. To fit in with the envelope controls the layout of the scheme has been amended with the result that internal circulation is difficult and access to certain units difficult.

As three houses will be retained along the Pymble Avenue frontage, there will be a reduction in the visual impacts to this street. However there would be only a marginal reduction to the impacts on the heritage item at No 7 Pymble Avenue because proposed building C & D, closest to the heritage item are included in the application.

### *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*

The heritage item at 7 Pymble Avenue is set back about 40 to 50 meters from the street on a long narrow block. The house is sited on high ground behind a natural watercourse. The site is landscaped with mature trees and shrubs. Council's heritage inventory sheet for the item notes the setting of the house as important to its heritage significance. The Ku-ring-gai Planning Scheme Ordinance lists the land as the heritage item, not the individual building. The setting of the house, the landscape and garden all contribute to its heritage significance.

The application is relying on distance from the boundary of a heritage item as an appropriate mechanism to reduce impacts on its curtilage. The heritage statement claims that the curtilage will be improved due to demolition of the nearby house at 5a Pymble Avenue. And the curtilage to the other nearby items will not be affected.

The NSW Heritage Manual defines curtilage in several ways. The curtilage might be defined by a small area around a building, which is less than the site, the subject site itself or a wider curtilage that might include several sites and views between several sites. A general principle is to step a high building down in scale and height near the adjoining heritage item. Thus visual impacts and physical impacts should be reduced. Physical impacts would include shadowing, run off and drainage problems. All of these will affect the heritage garden and many plants may be lost as a result. Building C does step down to about a 5-storey height near the boundary with No 7 Pymble Avenue. This step down is considered to be insufficient. It should be no higher than 2-stories in height. The basement parking level of building C is

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about the same height as the ridge of the heritage item. In relation to Building D, only the top floor is set back, the majority of the building is 4 stories near the heritage item. It is my conclusion that the set back is insufficient in relation to the heritage item at No 7 Pymble Avenue and the applicant's view of curtilage does not take into consideration the wider view when considering the existing opportunities available from the open areas on the adjoining sites.

The curtilage is insufficient and does not adequately consider the effect of the height and bulk of the proposed new buildings, the effect of the proposed vegetation and the area of filed land near the boundary of the heritage item.

The curtilage of the former Police Station will not be directly affected, however it is too close. The highest part of the proposed development will be directly over the road from the heritage item, with only the top floor set back. Given that the primary elevation of the former Police Station is to the Pacific the heritage item will be seen against a background of a new tall building and will visually dominate it.

The proposed development will have minimal impacts on the curtilage of the Pymble Hotel as a railway line and substantial tree planting separate it. Similarly the curtilage of the heritage items at 14 Pymble Avenue will not be affected by the proposed development

*How does the development affect views to and from the heritage item? What has been done to minimise negative effects?*

Views from the primary public area will be largely maintained for the Pymble Hotel, the former Police Station and the house at No 14 Pymble Avenue. The view of the Pymble Hotel from Pymble Avenue will be reduced, but the primary view from the Highway will not be affected. The significant views to the west and southwest from the Hotel will be reduced.

The view of 7 Pymble Avenue from the western part of Pymble Avenue and from directly in front of it will not change. There will be no opportunity to see No 7 Pymble Avenue from other public areas such as the upper part of Pymble Avenue, Avon Road, the Pacific Highway and the railway line. Building D will screen the gap between Building A & B when seen from the east.

*Is the new development sympathetic to the heritage items and in what way?*

The nearby heritage items at No 7 Pymble Avenue and the former Police Station are small buildings respectively of 2 storeys and one storey. The scale of the proposed development has no relation ship to these heritage items and there is little attempt to scale the development in a sympathetic way.



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The Pymble Hotel and house at 14 Pymble Avenue are somewhat visually removed from the development site. There are no adverse impacts on these items although views to and from the Pymble Hotel will be reduced. The proposed new development is contemporary in nature and does not copy elements from the nearby buildings and will clearly be seen as new development.

*Will the additions visually dominate the heritage items and how has this been minimised?*

Proposed building A, is 7 stories with the highest point on the development site being directly opposite the former Police Station, which is one storey. Separation is by a narrow two lane local road of about 8 meters in width. The former Police Station is set low and faces the Pacific Highway. The rear elevation is of less significance, however from the primary viewing point, the Pacific Highway the new 7-storey building will visually dominate it. The scheme could have been modified to place the major height and bulk at the opposite end of the site, near the open grassed areas of the school site or could have stepped down at the corner.

Building C is 8 stories in height and Building D is 5 stories in height. The heritage item at 7 Pymble Avenue is only one story and due to the fall in the site is set substantially lower. Although the new buildings are set back from the boundary of No 7, the vastly increased height, bulk and scale of the development will visually dominate the heritage item. The area of filled land adjoining the boundary of No 7 will mitigate the effect of the setbacks of proposed Building C & D.

*Will the public and users of the items still be able to view and appreciate their significance?*

The Pymble Hotel, the former Police Station and No 14 Pymble Avenue will still be able to be viewed and their significance can still be appreciated, however the development will visually dominate the former Police Station.

It will be difficult to view and appreciate No 7 Pymble Avenue from most public areas if this development is constructed. There will be no opportunity to view it from the Pacific Highway, the railway line and Avon Road. Due to the dense landscaping in front of No 7 Pymble Avenue, the opportunity to view the building from the western part of Pymble Avenue and directly in front is limited. However the garden will still be seen from these public areas. The views of No 7 will be eliminated from the Pacific Highway, the railway line and Avon Road. Although there are gaps between Building A & B along the Avon Road frontage, Building C & D will effectively screen any opportunities for seeing and appreciating the heritage building.

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### f) Conclusions

The applicant's heritage impact statement is insufficient as it has not considered the actual heritage significance of the heritage items within the vicinity of the proposed development and is thus fundamentally flawed.

The applicant's heritage impact statement is also fundamentally flawed because it has not considered the effect of the proposed development on the area, being the National Trust Urban Conservation Area and the Ku-ring-gai Council potential Urban Conservation Area, which was reviewed in detail by Godden Mackay Logan in 2002.

The proposed development will have unacceptable heritage impacts on No. 7 Pymble Avenue, substantial impacts on the former Pymble Police Station. It will have unacceptable impacts on the National Trust UCA No 18.

## Section 94 Developer Contributions

The Section 94 contributions applicable to development on the site are contained in "Ku-ring-gai Section 94 Plan 2000 – Residential Development". Under this Plan, S94 contributions payable are determined by dwelling size and location. For development in Pymble, "small dwellings" ( $< 75\text{m}^2$ ) are to be levied at a rate of \$4,449.90 per dwelling, "medium dwellings" ( $75\text{m}^2 - < 110\text{m}^2$ ) are to be levied at a rate of \$6,229.86 per dwelling, "large dwellings" ( $110\text{m}^2 - < 150\text{m}^2$ ) are to be levied at a rate of \$9,789.78 per dwelling and very large dwellings ( $150\text{m}^2$  or more) are to be levied at a rate of \$12,459.72 per dwelling. The rates applicable to each unit in the proposed development are detailed in the table below.

The proposed development contains 8 small dwellings, 56 "medium dwellings", 36 "large dwellings" and 8 "very large dwellings". There are currently **5** very large dwellings, 2 medium dwellings and 2 small dwellings on the site that will be demolished, resulting in a net increase of **6** small dwellings, **54** medium dwellings, **36** large dwellings and **3** very large dwellings. Therefore the total contribution payable is \$752,923.08.

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Unit	No. beds	Size category	Contribution payable	Unit	No. beds	Size category	Contribution payable
<b>BUILDING A</b>				<b>BUILDING B</b>			
A601	3	Very large	\$12,459.72	B601	3	Very large	\$12,459.72
A503	3	Very large	\$12,459.72	B502	3	Very large	\$12,459.72
A502	3	Very large	\$12,459.72	B501	3	Very large	\$12,459.72
A501	3	Very large	\$12,459.72	B405	2	Medium	\$6,229.86
A406	3	Large	\$9,789.78	B404	2	Medium	\$6,229.86
A405	2	Medium	\$6,229.86	B403	2	Medium	\$6,229.86
A404	3	Large	\$9,789.78	B402	3	Large	\$9,789.78
A403	2	Medium	\$6,229.86	B401	3	Large	\$9,789.78
A402	2	Medium	\$6,229.86	B306	2	Medium	\$6,229.86
A401	2	Medium	\$6,229.86	B305	2	Medium	\$6,229.86
A307	3	Large	\$9,789.78	B304	2	Medium	\$6,229.86
A306	1	Small	\$4,449.90	B303	2	Medium	\$6,229.86
A305	1	Small	\$4,449.90	B302	3	Large	\$9,789.78
A304	3	Large	\$9,789.78	B301	3	Large	\$9,789.78
A303	2	Medium	\$6,229.86	B206	2	Medium	\$6,229.86
A302	2	Medium	\$6,229.86	B205	2	Medium	\$6,229.86
A301	2	Medium	\$6,229.86	B204	2	Medium	\$6,229.86
A207	3	Large	\$9,789.78	B203	2	Medium	\$6,229.86
A206	1	Small	\$4,449.90	B202	3	Large	\$9,789.78
A205	1	Small	\$4,449.90	B201	3	Large	\$9,789.78
A204	3	Large	\$9,789.78	BB201	3	Large	\$9,789.78
A203	2	Medium	\$6,229.86	B106	2	Medium	\$6,229.86
A202	2	Medium	\$6,229.86	B105	2	Medium	\$6,229.86
A201	2	Medium	\$6,229.86	B104	2	Medium	\$6,229.86
A107	3	Large	\$9,789.78	B103	2	Medium	\$6,229.86
A106	1	Small	\$4,449.90	B102	3	Large	\$9,789.78
A105	1	Small	\$4,449.90	B101	3	Large	\$9,789.78
A104	3	Large	\$9,789.78	BB106	2	Medium	\$6,229.86
A103	2	Medium	\$6,229.86	BB105	2	Medium	\$6,229.86
A102	2	Medium	\$6,229.86	BB104	2	Medium	\$6,229.86
A101	2	Medium	\$6,229.86	BB103	2	Medium	\$6,229.86
AB106	3	Large	\$9,789.78	BB102	3	Large	\$9,789.78
AB105	1	Small	\$4,449.90	BB101	3	Large	\$9,789.78
AB104	3	Large	\$9,789.78	<b>Sub Total</b>			<b>\$266,994.00</b>
AB103	2	Medium	\$6,229.86				
AB102	2	Medium	\$6,229.86				
AB101	2	Medium	\$6,229.86				
<b>Sub Total</b>			<b>\$290,133.48</b>				

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Unit	No. beds	Size category	Contribution payable	Unit	No. beds	Size category	Contribution payable
<b>BUILDING C</b>				<b>BUILDING D</b>			
C802	3	Medium	\$6,229.86	D501	3	Large	\$9,789.78
C801	3	Large	\$9,789.78	D403	2	Medium	\$6,229.86
C703	3	Large	\$9,789.78	D402	2	Medium	\$6,229.86
C702	2	Medium	\$6,229.86	D401	3	Large	\$9,789.78
C701	3	Very large	\$12,459.72	D303	2	Medium	\$6,229.86
C604	2	Medium	\$6,229.86	D302	2	Medium	\$6,229.86
C603	2	Medium	\$6,229.86	D301	3	Large	\$9,789.78
C602	2	Medium	\$6,229.86	D203	2	Medium	\$6,229.86
C601	3	Large	\$9,789.78	D202	1	Small	\$4,449.90
C505	2	Medium	\$6,229.86	D201	3	Large	\$9,789.78
C504	2	Medium	\$6,229.86	D102	2	Medium	\$6,229.86
C503	2	Medium	\$6,229.86	D101	3	Large	\$9,789.78
C502	3	Large	\$9,789.78	<b>Sub Total</b>			<b>\$90,777.96</b>
C501	2	Medium	\$6,229.86	Total for new dwellings			\$836,581.20
C405	2	Medium	\$6,229.86	Less existing dwellings			(\$83,658.12)
C404	2	Medium	\$6,229.86				
C403	2	Medium	\$6,229.86	<b>Total Section 94 Payable</b>			<b>\$752,923.08</b>
C402	3	Large	\$9,789.78				
C401	2	Medium	\$6,229.86				
C304	1	Small	\$4,449.90				
C303	2	Medium	\$6,229.86				
C302	3	Large	\$9,789.78				
C301	2	Medium	\$6,229.86				
C202	3	Large	\$9,789.78				
C201	2	Medium	\$6,229.86				
C101	3	Large	\$9,789.78				
<b>Sub Total</b>			<b>\$188,675.76</b>				

## Summary of Issues

1. The Development Application (530-12-2003) does not relate to the entire Minister's Site 1. The drafting of SEPP 53 seems to anticipate the submission of a Development Application in respect of the entire Minister's site. It recognises that such Development application may allow for the staging of development. The current Development Application is lodged in respect of part of the site only. It is not an application for staged development and it does not make it reasonably likely to enable the rest of the Minister's site to be developed as envisaged by SEPP 53.
2. Clause 4(b) of Schedule 4 recognises that if the granting of an approval is reasonably likely to have an adverse effect on the ability of the remainder of the site to be developed (in accordance with the provisions of the Ku-ring-gai Reference Plan / Sites Report), the consent authority (Minister), must refuse the application. The application as submitted makes it extremely unlikely that development of the remaining area of the Minister's Site 1 will occur as envisaged by SEPP 53.

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3. The development gives no consideration to its impact on adjoining development. It assumes a development potential at maximum SEPP 53 levels is available to the Development Application site notwithstanding that it is but a part of Minister's Site 1. It proposes development as if the total Minister's Site were being developed and has no regard for existing residential development which is to remain. The application is not responsive to such considerations and is submitted as being deficient in having regard for Section 79C of the Environmental Planning and Assessment Act 1979 particularly as related to 1A, 1 and 3 Pymble Avenue, Pymble.
4. The DA relies upon Council land for part of the development. Councils consent as owner has not been granted nor has there been the required approval under Section 138 of the Roads Act.
5. The development has a great many concerns in respect of its design particularly in respect of the scale and massing of development and its proximity to single residential dwelling houses which are not being developed. A much lesser scale of development should be proposed if due regard is to be had for the considerations of the Environmental Planning and Assessment Act 1979 (Section 79C) which continue to apply notwithstanding the operation of SEPP 53.
6. The proposed development is inappropriate to the site and unacceptable as a response to the development of part of Minister's Site No 1.

## CONCLUSION

1. The Development Application No 506 – 12 – 2003 is unacceptable and inappropriate whilst also being inconsistent with the provisions of SEPP 53. Refusal of the application is recommended on the following grounds:
  - Development Application No 506-12-2003 is inconsistent with the provisions of SEPP 53 such that development in accordance with SEPP 53 provisions is unattainable both on the development site and in the future on the remaining undeveloped areas of Minister's Site 1.
  - The Development application is unacceptable having regard to the provisions of Clauses 4(a) and 4(b) of Schedule 4 of SEPP 53 and must be refused.
  - The application cannot be determined because a staged development consent for a part of Minister's Site 1 cannot be considered when the whole site has not yet been the subject of a Development Application.

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- The Development Application proposes buildings which are excessive in their height, design and location when regard is had for their amenity impacts and overshadowing of the properties at 1A, 1 and 3 Pymble Avenue which will remain occupied as single dwelling houses.
  - The scale of development proposed is based on the maximum potential provided under SEPP 53 which has been prepared on the assumption that the whole site would be developed in an integrated manner. This is an inappropriate expectation when only part of Minister's Site 1 is the subject of the application and inadequate Section 79C consideration under the Environmental Planning & Assessment Act 1979 has been given to impacts on remaining undeveloped properties within the Minister's Site. This will prejudice the development of the remainder of the site.
  - The proposed development will sterilise that part of Minister's Site 1 which is not the subject of the current application from development in the future.
2. In the event that the Minister chooses to approve the application Council would seek the imposition of conditions to any development approval as set out in **Attached B**.
  3. Council would request that any approval and attachment of conditions only occur after appropriate consideration of Councils submissions particularly where this may result in design improvement and the provision of clear documentation.