
DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	16 BUCKINGHAM ROAD, KILLARA - DEMOLITION OF EXISTING STRUCTURES AND TWO LOT TORRENS TITLE SUBDIVISION
ITEM/AGENDA NO:	GB.8

APPLICATION NO:	DA0205/17
PROPERTY DETAILS:	16 Buckingham Road, KILLARA NSW 2071 Lot & DP No: Lot 3 DP 520573 Site area (m ²): 2,093m ² (inclusive of the access handle) Zoning: R2 Low Density Residential
WARD:	Gordon
PROPOSAL/PURPOSE:	Demolition of existing structures and two lot Torrens title subdivision
TYPE OF CONSENT:	Local
APPLICANT:	Buckingham Trust
OWNER:	Mr F Li
DATE LODGED:	23/05/2017
RECOMMENDATION:	Approval

PURPOSE OF REPORT

To determine Development Application DA0205/17 for the demolition of existing structures and two lot Torrens Title subdivision. The application is reported to Council as it contains Blue Gum High Forest which is a critically endangered ecological community.

INTEGRATED PLANNING AND REPORTING

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

HISTORY

DA History

Council's electronic database references the following Development Applications made with respect to the subject site:

Development Application No.	Proposal	Assessment	Date of Determination
DA0046/06	Subdivision of the site from one allotment to two allotments and demolition of existing dwelling	Approved under Delegated Officer Authority	7 April 2006 (lapsed on 12 April 2008 as the consent was not acted upon)

THE SITE

Site Description

The site is legally described as Lot 3 in DP 520573 and is known as 16 Buckingham Road, Killara. The site is an irregularly shaped battle-axe allotment, located on the southern side of Buckingham Road, comprising the following:

- a 7.62 metres wide frontage to Buckingham Road
- an access handle with a width of approximately 7.62 metres and a length of approximately 38.8 metres
- a rear boundary width of 42.67 metres
- a total area of 2,093m² (inclusive of the access handle)

The site supports numerous trees of varying heights that are concentrated towards the boundaries of the property. The topography of the site is undulating; however, the site predominately falls in an west to east direction. The site is occupied by:

- a two storey brick dwelling centrally located on the property

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- a single storey studio to the rear of the dwelling
- a detached carport adjacent to the south-western corner of the property
- a large gravel driveway and vehicle turning area



Figure 1: aerial image of the development site and surrounding properties

Surrounding Development

The site is surrounded by one and two storey dwellings. Dwellings are located on battle-axe allotments to the north, east and west. Adjacent to the rear boundary are bowling greens that form part of the grounds of Killara Golf Club.

THE PROPOSAL

Development consent is sought for the demolition of the existing structures on the site and subdivision to create two Torrens title lots, being Lots A and B. The details of the proposal are as follows:

Lot A:

- total area of 1,035.08m² (843.38m² excluding the access handle / right-of-way)
- average width of approximately 19.7m
- average depth of approximately 47m

Lot B:

- total area of 1,061.3m² (840.98m² excluding the access handle / Right-of-way)
- average width of approximately 17.2m

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- average depth of approximately 47.5m

Other works:

- demolition of the existing dwelling and the associated structures
- construction of a new, shared driveway and vehicle turning areas
- removal of five trees
- installation of an inter-allotment stormwater drainage system

Amended plans received 15 September 2017

The applicant submitted a revised subdivision plan clarifying the distribution of the area within the proposed right-of-carriageway between the two allotments. The physical details of the proposal were not altered.

CONSULTATION

Community

In accordance with Part 25 of the Ku-ring-gai Development Control Plan, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

1. *Belinda Braham – address not provided*
2. *Sean Yates – 18 Buckingham Road, Killara*
3. *Elizabeth Raper and Sean Yates – 18 Buckingham Road, Killara*

The submissions raised the following issues:

Overdevelopment of the site and adverse impacts on neighbouring amenity

Objection is raised to the proposed subdivision, as it is likely that a future Development Application will seek consent to erect two dwellings (one on each newly created lot).

The existing site area allows for the subdivision of the property into two allotments in accordance with Clause 4.1 of the Ku-ring-gai Local Environmental Plan 2015. Indicative building footprints have been included on the subdivision plan for the purposes of determining whether the new lots are able to accommodate a future dwelling house. A merit assessment concludes that the new lots are able to accommodate dwellings which would generally be compliant with Council's numerical controls. Furthermore, the development site is zoned R2 Low Density Residential. Dwelling houses are a permissible form of development within the zone and any future application would need to be assessed on its planning merits.

Adverse impacts upon Ku-ring-gai's heritage / history

The objector states that new dwellings would result in adverse impacts on Ku-ring-gai's history as a result of the demolition of the existing dwelling and its garden setting.

The subject site is not a heritage item and is not located within a Heritage Conservation Area.

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The heritage impacts of the proposal have been considered by Council's Heritage Advisor who is satisfied the development will not negatively impact on the adjacent heritage listed item at 22 Buckingham Road of the other items in the vicinity of the site (10, 11 and 26 Buckingham Road).

Undue impacts on visual and acoustic privacy

The proposed development is limited to demolition and subdivision and will not give rise to unreasonable impacts upon the acoustic or visual privacy amenity of neighbouring properties.

The development must be undertaken in accordance with and observe the tree protection requirements of the Arborist's report

Council's Landscape and Tree Assessment Officer is satisfied that the proposal reflects the recommendations of the Arborist's report submitted by the applicant. Moreover, conditions are also recommended to ensure significant trees will be protected (**Conditions 9, 10, 11, 12, 13, 14, 37, 38, 40, 42, 43 and 44**).

The proposed services trench may result in undue impacts upon existing trees and should be re-located beneath the proposed driveway

Council's Landscape and Tree Assessment Officer has advised that there will be no additional benefit in locating the services beneath the driveway. The thrust boring / directional drilling methodology (to a depth of 800mm) will be used to install the services. This will ensure significant trees will not be impacted (**Condition 43**).

The 150mm stormwater pipe which is proposed to cross the frontage of 18 Buckingham Road should be constructed using an under-boring method so that the new concrete driveway of 18 Buckingham Road can be maintained intact

This request is accepted and a condition to this effect is recommended (**Condition 43**).

Potential stormwater impacts on neighbouring properties associated with the berm on the southern side of the driveway

Council's Development Engineer has advised that the purpose of the berm is to control the flow of stormwater across the site and prevent it entering neighbouring properties. The Engineer is satisfied that the berm has been appropriately designed to achieve this outcome. Grated drains to collect and control overland flow are also proposed.

Amended plans received 15 September 2017

The amended plans received did not require re-notification under Part 25 of the KDCP as the physical works of the proposal did not change.

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Within Council

Heritage

Council's Heritage Advisor commented on the proposal as follows:

Heritage status

The site is not listed as a heritage item or located within a HCA. The site adjoins a heritage item at No 22 Buckingham Road. The site is also within the immediate vicinity of other heritage items being 10, 11 and 26 Buckingham Road and the Killara Golf Clubhouse.

Background

The 1943 aerial photograph indicates a large tree on the site of the building. The tennis court is shown on the 1943 aerial photograph and was part of the heritage item at No 10 Buckingham Road.

An L-shaped building is shown on the site in an aerial photograph dated 1951, close to its southern boundary to the golf course. It is thus assumed that the building was constructed in about 1950. The photograph also shows a tennis court on the northern part of the site. The existing site (Lot 3) was formed via a two lot subdivision in 1966. By 1968 only a small portion of the tennis court is shown. By 1970, a large dwelling is shown on the former tennis court site now alienated from the heritage item at No 10.

From the aerial images, there appears to be little change to the site apart from a circular driveway and a studio/deck area to the south of the dwelling overlooking the golf course.

Heritage Item at No 22 Buckingham Road

The adjoining item was listed in 2015 with gazettal of the KLEP (2015). The following statement of significance is from a review of the property by consultants for Council completed in 2006:

No. 22 Buckingham Road, Killara is significant as part of the subdivision and residential development of the suburb of Killara during the 1930s to 40s when the construction of large houses on large landscaped allotments was at its peak. Although having undergone some modifications to the original building, the house remains largely intact externally with its original Georgian Revival stylistic detailing. The largely intact and mature bushland gardens at the front of the house contribute to the streetscape character as the original curtilage to this mid 20th Century residence.

Heritage Management Document (HMD)

The application does not include a heritage impact statement or separate heritage report.

The Statement of Environmental Effects recognises that the site adjoins a Heritage Item at No 22 Buckingham Road. The only comment made is in relation of Clause 5.10 of the LEP is that... "It is not considered that the proposed subdivision will result in any detrimental impacts upon the adjoining heritage item"; and "It is therefore my opinion that the proposal

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satisfies the requirements of Clause 5.10 of the LEP.” It should be noted that Clause 5.10 (5) of the LEP does allow Council to require a HMD before granting consent to any development within the vicinity of a heritage item.

Demolition

As the site is not formally identified as having any heritage significance, it is inappropriate for Council to refuse demolition. It is recommended that, if demolition of the buildings on the site is approved, the existing buildings and site be photographically recorded to an archival grade standard.

Proposed indicative building envelope

From a heritage perspective, the southern footprint on proposed Lot B would be physically closer to the adjoining heritage item and potentially has impacts on the item as it is closer to it and potentially could affect Tree 34 and Tree 36 (which currently provide a level of visual screening between the site and the item). Any future Development Application for a building or buildings would need to be carefully assessed considering the adjoining and nearby heritage items.

Conclusion

*Demolition of the existing building is acceptable, provided that an archival grade photographic recording of the site and the existing buildings is undertaken (**Condition 6**).*

This part of Buckingham Road has seen a series of re-subdivisions since establishment of the golf course (c1901). The subject site was formerly part of the extended garden area of the heritage item at No 10 Buckingham Road and its tennis court (now removed) was located on the adjoining site, now identified as No 14 Buckingham Road.

No heritage objections are raised to the proposed subdivision. It is understood that the indicative building envelopes are not part of this application and only indicate how the site could be developed if subdivision is approved.

Landscaping

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

Tree impacts

The application proposes the removal of numerous trees. A detailed arboricultural impact assessment report has been submitted with the application. The following assessment comments are made:

- *The removal of T11 (Grevillea robusta/Silky Oak), T12, T13, and T14 (Jacaranda mimosifolia/Jacaranda) and 12a (Harpepyllum caffrum/Kaffir Plum) to accommodate the proposed driveway is acceptable. The trees are assessed as having low and very low retention value.*

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- *To further minimise adverse tree impact due to excavation and removal of the existing asphalt driveway, it is conditioned for the proposed driveway works to be in accordance with the arborists recommendations (**Conditions 37, 40 and 42**).*
- *The recommendations made by the project arborist regarding directional drilling are concurred with. These recommendations are conditioned (**Condition 43**).*
- *The project arborist's recommendations regarding demolition are concurred with. These recommendations are conditioned (**Condition No 39**).*
- *Standard tree protection is conditioned, including trunk protection for trees within the access handle (**Condition 9, 10, 11, 12, 13, 14, 37, 38, 40, 41, 42, 43 and 44**).*

Landscape plan/tree replenishment

Not required as the existing landscape setting is to remain.

Stormwater plan

*The proposed stormwater works are acceptable. It is noted that the proposed drainage line to Buckingham Road, which is located within the structural root zone (SRZ) and tree protection zone (TPZ) of numerous trees, is to be thrust bored / directional drilled. This is acceptable. It is conditioned for the drainage line to be installed as recommended (**Condition 43**).*

Conclusion

The application is acceptable, subject to conditions.

Engineering

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

General

A Section 73 Certificate will have to be obtained prior to the issue of the Subdivision Certificate, to confirm that each lot has its own sewer connection.

A preliminary plan of subdivision has been submitted which is acceptable.

Water management

Engineering plans, prepared by ACOR Consultants have been submitted depicting the proposed stormwater disposal. Indicative building footprints have been shown to have sufficient fall to achieve gravity drainage to Buckingham Road. Each allotment is able to implement its own water management system without affecting the other lot.

A new 150mm diameter stormwater pipe is to be provided within the driveway access handle (approx. 55 metres long) and conveyed to the existing kerb and gutter, which is acceptable. The project arborist's recommendations have also been shown on the

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stormwater plan for setting out purposes. The installation of the pipe would require horizontal directional drilling.

A 200mm high earthen berm between the southern edge of the driveway and boundary is proposed to facilitate stormwater runoff infiltration and direct surface water towards the stormwater inlet pits. The proposed fill will not be compacted within the SRZs of the trees. According to the arborist report, the proposed works will not result in any actual incursion to the root zones of the trees to be retained.

The proposed drainage pipe and pits will need to be constructed as part of the subdivision works.

Vehicular access

Access to the site will be via a new driveway crossover to match existing bitumen surface levels.

A new shared driveway will also be constructed within the existing access handle which will benefit from a reciprocal right of carriage way. The driveway width of 3 metres is compliant for an access driveway.

No driveway longitudinal section has been provided given that it will be located substantially within the footprint of the existing driveway at a similar grade. A 2% cross-fall along the driveway will be provided allowing surface runoff directed towards the berm to facilitate stormwater runoff.

An indicative turning area for both lots has been provided to demonstrate that vehicles can safely enter and leave the site in a forward direction. Swept paths for a B85 design vehicle has been provided and complies with AS 2890.1:2004.

The driveway gradients, driveway dimensions and swept paths complies with Australian Standards 2890.1 -2004 "Off Street car parking".

Recommendation

The application is acceptable, subject to conditions.

Ecology

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

During the site inspection, the vegetation was assessed to determine the presence/absence of native plant communities. The vegetation onsite was determined to be representative of Blue Gum High Forest (BGHF) listed as a Critically Endangered Ecological Community (CEEC) under the Threatened Species Conservation Act 1995. Native ground covers were sparse to absent due to past clearing and the establishment of exotic gardens. A number of large mature Sydney Blue Gums are located adjoining the site access which are to be retained and protected.

The native vegetation within the site has been mapped as an area of biodiversity significance under the KLEP 2015 and also as 'Category 2 Support for Core A' and 'Category

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4 Vegetation Biodiversity corridor and consolidation under the Ku-ring-gai Development Control Plan.

The proposal does not propose removal of any native trees/vegetation that comprise part of the onsite Blue Gum High Forest or from the area identified as "biodiversity significance".

Conclusion

The application is acceptable.

STATUTORY PROVISIONS

Environmental Planning and Assessment Act 1979

The proposal is "Local Development" under Part 4 of the Environmental Planning and Assessment Act 1979 (as amended) (EP&A Act) and requires development consent.

The relevant provisions of environmental planning instruments, proposed instruments, DCPs, the regulations and policies are addressed below. The likely impacts, suitability of the site and public interest are also addressed.

State Environmental Planning Policy No. 55 - Remediation of Land

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

Sydney Regional Environmental Planning Policy (Sydney Harbour Catchment) 2005

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

Local Content (LEP, KPSO, etc)

Ku-ring-gai Local Environmental Plan 2015

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

In summary, the objectives of this plan are to:

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

It is considered that the proposed development is consistent with the objectives of the LEP.

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Sections of Ku-ring-gai Local Environmental Plan 2015 relevant to the proposed development are discussed below:

Zoning and permissibility

The site is zoned R2 Low Density Residential. The proposed development is defined as a 'subdivision of land' and development ancillary to "dwelling houses". Subdivision is permissible on the site by virtue of Clause 2.6 of the KLEP 2015, with consent.

The proposal also includes demolition of the existing dwelling which is permissible with consent under Clause 2.7 of the KLEP 2015.

The remainder of the development (being the construction of the driveway and stormwater management system) falls into the definition of development ancillary to "dwelling houses" which is development permitted with consent under the 'R2- Low Density Residential' zoning of the site under the KLEP2015.

Zone objectives

The objectives of this zone seek to:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.*

It is considered that the proposed development is consistent with the objectives of the R2 Low Density Residential zone.

Development standards:

Development standard	Proposed	Complies
4.1 Minimum subdivision lot size: <ul style="list-style-type: none"> • Area of 840m² (excluding access handle) • Minimum site width of 18 metres at 12 metres from the street frontage of the lot Note: this standard does not apply to battle-axe lots as per Clause 4.1(3A) 	Lot A lot size: 843.38m ² (excluding access handle)	YES
	Site width: N/A – battle-axe allotment	N/A
	Lot B lot size – 840.98m ² (excluding access handle)	YES
	Site width: N/A – battle-axe allotment	N/A

Note: the plans submitted detail the area nominated as the access handle extending into the main area of the site. Normally, the access handle is interpreted as the vehicle corridor that ends where the main portion of the site commences. Therefore, in this circumstance, the actual 'lot size' (as

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required by Clause 4.1 of the KLEP 2015) is effectively larger than that area nominated by the applicant (i.e. is well above numerical compliance).

LEP - Part 5 Miscellaneous provisions

Clause 5.9 – Preservation of trees or vegetation

The objective of this clause is to preserve the amenity of area, including biodiversity values, through the preservation of trees and other vegetation. It is considered that the proposed development does not unduly impacting upon any existing significant trees or vegetation. Council's Landscape and Tree Assessment Officer is satisfied that the proposed removal of five trees is acceptable as these trees are assessed as having low and very low retention value.

Clause 5.10 – Heritage conservation

The site is not listed as a heritage item and is not contained within any Heritage Conservation Area. The site is within the vicinity of several listed items.

Council's Heritage Advisor is satisfied that the proposed subdivision has a minimal and acceptable impact on the significance on the neighbouring heritage items.

LEP - Part 6 Additional local provisions

Clause 6.2 - Earthworks

The earthworks required to accommodate the proposal are minimal and limited to the installation of a stormwater drainage line, two pits and a 200mm high 'earthern berm' that will be used to direct the flow of stormwater. The proposed development will not restrict the existing or future use of the site, adversely impact on neighbouring amenity, the quality of the water table or disturb any known relics and are therefore consistent with the matters for consideration set out under this Clause.

Clause 6.3 - Biodiversity protection

The objectives of clause 6.3 (biodiversity protection) of the LEP are as follows:

- a) protecting biological diversity of native fauna and flora, and*
- b) protecting the ecological processes necessary for their continued existence, and*
- c) encouraging the recovery of threatened species, communities, populations and their habitats, and*
- d) protecting, restoring and enhancing biodiversity corridors.*

The subject site is mapped as being located within an area of biodiversity. The proposal is not considered to result in significant adverse impacts to the diverse native fauna and flora. The proposal meets the objectives of Council's biodiversity protection controls and is acceptable.

These provisions have been considered by Council's Ecological Assessment Officer, who is satisfied that the proposed development is consistent with these provisions.

Clause 6.4 - Riparian land and waterways

N/A - The site is not mapped as riparian land.

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The objectives of this clause is to avoid or minimise the adverse impacts of urban stormwater on the land on which development is to be carried out, adjoining properties, native bushland, waterways and groundwater systems.

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

Policy Provisions (DCPs, Council policies, strategies and management plans)**Ku-ring-gai Development Control Plan**

The table below addresses the assessment criteria contained under Section A Part 2 – **Site Analysis** and Part 3 – **Land Consolidation and Subdivision**.

COMPLIANCE TABLE		
Part 2 Site Analysis		
Development applications are to contain a site analysis	Adequate information has been provided with the application to provide a comprehensive analysis of the site	YES
Part 3 land Consolidation and Subdivision		
3A – General Controls for Consolidation and Subdivision		
3A.1 Lot Shape, Orientation and Design		
1. The lot shape, orientation and design of consolidated and subdivided lots is to demonstrate the following:		
i. Ability for the lot to support the land use permitted under the zoning	The proposed lots are of an irregular shape which is consistent with the character of the subdivision pattern of the locality. These lots will be capable of supporting dwellings of a size and positioning similar to those of neighbouring properties, as displayed by the indicative building footprints submitted with the application	YES
ii. Protection of habitat and distinctive environmental features including: <ul style="list-style-type: none"> - Cliffs and rock outcrops - Remnant bushland and trees 	The proposal has been designed to protect environmental features such as remnant trees	YES

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<ul style="list-style-type: none"> - Tree hollows - Natural watercourses 	<p>and bio-diversity significant vegetation</p>	
<p>iii. Sharing of views</p>	<p>Proposal will not change the current view sharing arrangement of the locality</p>	<p>YES</p>
<p>iv. Avoiding the location of development on steep lands</p>	<p>The proposed building footprint is appropriately located and the site is not considered to be steep land</p>	<p>YES</p>
<p>v. Protection and enhancement of the amenity, solar access, privacy, open space and views of the neighbouring lots</p>	<p>The proposed lot shapes and indicative building footprints demonstrate that existing amenity to neighbouring lots is capable of being protected</p>	<p>YES</p>
<p>vi. Minimisation of impacts of the development (including any asset protection zones required) on riparian or Greenweb lands</p>	<p>Impacts of future development considered and likely to be negligible through the satisfactory siting of the building footprints</p>	<p>YES</p>
<p>vii. Incorporation of the principles of water sensitive urban design</p>	<p>Council's Development Engineer is satisfied with the stormwater water management system of the proposal</p>	<p>YES</p>
<p>viii. Easements and servicing requirements</p>	<p>Services to the allotments are to be provided accordingly. An easement is to be created for the proposed ROW</p>	<p>YES</p>
<p>ix. Vehicular, pedestrian and bicycle access</p>	<p>Both lots are to be accessible from the shared driveway located in the ROW</p>	<p>YES</p>
<p>x. Respect for and conservation of cultural heritage including any Aboriginal place or site of heritage significance</p>	<p>No impacts</p>	<p>YES</p>
<p>xi. Minimisation of the need for bushfire</p>	<p>The site is not identified as</p>	<p>N/A</p>

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hazard reduction, while protecting life and property	bushfire prone land	
2. The block width, dimension, orientation and layout are to consider the existing subdivision pattern of the locality	Irregular shaped allotment	NO
3. New lot/s created are to be such that each lot with street frontage allows for the siting of a development which will address the street	N/A – both lots are to be battle-axe allotments	N/A
4. Gated communities will not be permitted	Not a gated community	YES
3A.3 Building Footprint		
1. Potential building footprints are to be identified on the site plan of all consolidation and subdivisions	Building footprints for the new allotments have been identified	YES
2. Building footprints are to be located outside areas of ecological or heritage significance and to avoid the loss of trees	Council's Ecology Officer and Landscape and Tree Assessment Officer are satisfied the proposed building footprints are positioned in a location that will not result in undue impacts upon significant vegetation as a result of the future development of the site	YES
3. The footprint is to be located in an accessible and practical location, preferably with relatively flat terrain, stable soil and geology	As above	YES
4. The building footprint must be located and designed so as to allow useable open space that satisfies the open space requirements of the particular development type	Adequate and appropriately located useable open space will be available for a future dwelling	YES
5. The footprint is to be applied in accordance with the minimum building setbacks	The indicative building footprints detail side and rear building setbacks that do not comply with the setback controls set out for battle-axe allotments under Part 4 of the DCP	NO
6. Practical and suitable access is to be provided from a public road to the building footprint.	Both lots are to be accessible from the shared driveway located in the ROW	YES

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7. The building footprint must be located in accordance with the requirements in Part 24 of this KDCP.	Proposed stormwater management system is appropriate, subject to conditions	YES
3A.4 Trees and Vegetation		
General		
1. Any subdivision proposal must demonstrate that the location and design of: <ul style="list-style-type: none"> • building footprints • access ways • roadways, including perimeter roads or trails • services • inter-allotment drainage easements • asset protection zones Minimises impacts on and maximises the retention of existing significant trees and vegetation on or adjacent to the site	Demonstrated Retention of existing significant trees and vegetation on and adjacent to the site maximised	YES YES
2. Subdivision to facilitate the retention of significant trees and vegetation	Significant trees are retained	YES
3A.5 Access		
1. Each lot is to be provided with vehicular access to a roadway	Via the proposed ROW	YES
2. Access handles are to be a minimum width of 4.6 metres	The width of the access handle, to be provided by the reciprocal ROW to service both sites, is 7.62m wide	YES
3. No more than three lots are to be served by a single access handle	Two lots to be serviced by the access handle	YES
4. Access for emergency and waste vehicles is to be available	Access available	YES
3A.6 Infrastructure		
1. All lots shall be provided services such as electricity, gas, town water supply, sewerage and communications.	Achieved through conditions	YES
6. Water management facilities, such as: <ul style="list-style-type: none"> • inter-allotment drainage for low level lots; • on site detention for new roads and driveways; • rain gardens or bio retention basins; • are to be provided as required by Section C Part 24 of this DCP. 	Council's Development Engineer is satisfied with the proposed drainage arrangements	YES
Part 13 Tree and Vegetation Preservation		

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13.1 Tree and Vegetation Works		
The injury of any tree or other vegetation protected under this DCP is prohibited without the written consent of Council.	Council's Landscape Officer raises no concerns with the proposed tree removal, subject to conditions	YES

3A.1 Lot Shape, Orientation and Design – allotment configuration

The predominant character of the cadastre in the locality is rectangular allotments with a street frontage or regularly shaped battle-axe allotments. However, the subject site is already of an irregular shape and is adjacent to several allotments that also display irregular boundary configurations. In this instance, it is not considered that the allotment could be practically subdivided to create a standard, rectangular shaped allotments and the configuration proposed is assessed as an appropriate response to the site's existing boundary alignments. Moreover, the proposed boundary configurations will not negate the ability to undertake reasonable residential development on the lots.

3A.3 Building Footprint – building footprints in accordance with minimum building setbacks

The indicative building footprints detail side and rear building setbacks that do not comply with the setback controls set out for battle-axe allotments under Part 4 of the DCP. However, the footprints are not definitive as to where the dwellings will be constructed on the respective sites, only the platform on where development is likely to take place. These platforms indicate that a reasonable development of the site for purposes permitted by the R2 – low density zoning (that will be consistent with the DCP controls and objectives) will be possible. These platforms also indicate that the allotments are capable of facilitating dwellings that will not unduly impact neighbouring amenity, the character of the area or result in a poor relationship between the built form of future development.

DCP Section B**Part 15 – Land contamination**

The site is not mapped as being contaminated.

The proposal has been assessed against the provisions of State Environmental Planning Policy 55 – Remediation of Land (SEPP 55). The proposal is satisfactory in this regard as discussed earlier in the report. Refer to the SEPP 55 discussion for further details in this regard.

Part 18 – Biodiversity

The development site is mapped as having biodiversity significance. This matter has been assessed by Council's Ecological Assessment Officer who concludes the proposal would not have a detrimental impact in this regard.

Part 19 – Heritage Items and Heritage Conservation Areas

Council's Heritage Advisor is satisfied that, due to relatively minor nature of the works, the proposed subdivision has a minimal and acceptable impact on the significance on the neighbouring heritage items.

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DCP Section C

Part 21 General site design

The proposal has been assessed against the earthworks provisions contained in this Part. The proposed development is consistent with these provisions as minimal excavation and fill is required, with some minor works required for stormwater drainage and the new driveway and parking area (that will reflect the existing grade). The works will generally maintain the natural topography of the land. The works will not result in a significant impact in relation to existing trees worthy of retention, from soil erosion or siltation or degradation of land, subject to conditions.

In regard to the landscape design provisions, Council's Landscape and Tree Assessment Officer is satisfied that the proposed development has been designed and is consistent with the objectives of the controls.

Part 22 General access and parking

The proposal provides adequate vehicular and pedestrian access to the site in accordance with the requirements of the DCP.

Part 23 General building design and sustainability

23.4 Waste Management and 23.10 Construction, Demolition and Disposal

The proposal has been assessed against the provisions contained in these Parts. A condition is recommended to ensure the applicant provides a suitable waste management plan to the Certifying Authority prior to the issue of the Construction Certificate (**Condition 15**). This plan is to require that all waste material be appropriately dealt with, satisfying the requirements of this section of the DCP. No issues or concerns are raised by Council's Development Engineer in relation to stormwater quality, erosion and sediment control during construction, subject to conditions (**Conditions 7, 8, 36 and 47**).

Part 23.5 and 23.6 General Acoustic and Visual Privacy

The proposed development is limited to demolition and subdivision and will not give rise to any undue impacts upon the acoustic or visual privacy amenity of neighbouring properties.

Part 24 Water management

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

Part 25 – Notification

The application has been notified in accordance with the requirements of the DCP. Due consideration has been given to all submissions received.

Section 94 development contributions

The nature of the proposed development requires the payment of a Section 94 contribution to be required by consent condition imposed (**Condition 20**).

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

The site is suitable for the proposed development.

PUBLIC INTEREST

The proposal is considered to be in the public interest.

CONCLUSION

The proposed development is of low environmental impact that will have minimal effect on the surrounding neighbourhood.

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved, subject to conditions.

RECOMMENDATION:

THAT Council, as the consent authority, being satisfied that the proposed development will be in the public interest, grant development consent to DA0205/17 for the demolition of existing structures and a two lot Torrens title subdivision on land at 16 Buckingham Road, Killara 2071, subject to conditions. Pursuant to Section 95(2) of the Environmental Planning and Assessment Act, 1979, the consent will lapse if the approved works are not physically commenced within two years of the date of the Notice of Determination.

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

Plan no.	Drawn by	Dated
D1 Issue D	ACOR Consultants	15.09.17
D2 Issue D	ACOR Consultants	15.09.17
D3 Issue D	ACOR Consultants	15.09.17
D4 Issue D	ACOR Consultants	15.09.17
D5 Issue D	ACOR Consultants	15.09.17

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

2. Inconsistency between documents

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

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

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

3. Asbestos works

All work involving asbestos products and materials, including asbestos-cement-sheeting (ie. Fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover Authority of NSW.

Reason: To ensure public safety.

4. Notice of commencement

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

Reason: Statutory requirement.

5. Notification of builder's details

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

Reason: Statutory requirement.

6. Archival recording of buildings

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or Digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies (one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

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

Reason: To ensure the proper management of historical artefacts and to ensure their preservation.

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

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

Reason: To preserve and enhance the natural environment.

8. Erosion and drainage management

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

Reason: To preserve and enhance the natural environment.

9. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off as per Appendix 6 of the Arboricultural Impact Assessment Report by Earthscape Horticultural Services dated 17/05/2017. In addition, the following trees shall be fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in metres
T25a <i>Waterhousea floribunda</i> (Weeping Lillypilly) Northern site boundary	3.0m
T28 <i>Harpephyllum caffrum</i> (Kaffir Plum) Adjacent to north-east site corner	6.0m
T31- T33 <i>Syzgium paniculatum</i> (Magenta Cherry) Adjacent to south-east site corner	4.5m
T34 <i>Eucalyptus saligna</i> (Blue Gum) Adjacent to southern site boundary	8.0m
T35 <i>Camellia sasanqua</i> Southern side of existing dwelling	2.5m
T36 <i>Juniperous spp</i> (Juniper) Adjacent to southern site boundary	8.5m
T37 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to southern site boundary	4.0m north, 7.0m elsewhere
T45 <i>Lagerstroemia indica</i> (Crepe Myrtle) Centrally within driveway turning circle	2.5m

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Reason: To protect existing trees during the construction phase.

10. Tree protective fencing type galvanised mesh

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

Reason: To protect existing trees during construction phase.

11. Tree protection signage

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

- Tree protection zone.
- This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted.
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

12. Tree protection - avoiding soil compaction

To preserve all retained trees within the access handle, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) in accordance with AS4970-2009 for the length of the access handle is installed. The ground protection measures shall remain in place until the construction of the proposed driveway:

Reason: To protect existing trees during the construction phase.

13. Trunk protection

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. 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 AQF3 Horticulturist/Arborist, and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location
T5 <i>Cupressus spp</i> (Cypress Pine) Access handle
T6 <i>Ulmus parvifolia</i> (Chinese Elm)

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Access handle
T7 <i>Jacaranda mimosifolia</i> (Jacaranda) Access handle
T10 <i>Eucalyptus saligna</i> (Blue Gum) Access handle
T15a <i>Harpephyllum caffrum</i> (Kaffir Plum) Access handle

Reason: To protect existing trees during the construction phase.

14. Tree fencing inspection

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

Reason: To protect existing trees during the construction phase.

15. Construction waste management plan

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

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

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

Reason: To ensure appropriate management of construction waste.

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

16. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

17. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the

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requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$20,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$20,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

18. Driveway crossing levels

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

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

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

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

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

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

19. Infrastructure damage security bond and inspection fee

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

- (a) All work or activity undertaken pursuant to this development consent must be undertaken in

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a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.

- (b) The applicant, builder, developer or any person acting in reliance on this consent shall be responsible for making good any damage to Council property and for the removal from Council property of any waste bin, building materials, sediment, silt, or any other material or article.
- (c) The Infrastructure damage security bond and infrastructure inspection fee must be paid to Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- (d) In consideration of payment of the infrastructure damage security bond and infrastructure inspection fee, Council will undertake such inspections of Council Property as Council considers necessary and will also undertake, on behalf of the applicant, such restoration work to Council property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure damage security bond payable pursuant to this condition.

- (e) In this condition:

“Council property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure damage security bond and infrastructure inspection fee” means the Infrastructure damage security bond and infrastructure inspection fee as calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

Reason: To maintain public infrastructure.

20. Section 94 development contributions - other than identified centres
(For DAs determined on or after 19 December 2010).

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

Key Community Infrastructure	Amount
Local recreation and cultural facilities; Local social facilities	\$3,036.54
Local parks and local sporting facilities	\$21,749.41
Total:	\$24,785.95

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

The contributions specified above are subject to indexation and may vary at the time of payment in accordance with Ku-ring-gai Contributions Plan 2010 to reflect changes in the consumer price index and housing price index. Prior to payment, please contact Council directly to verify the current payable contributions.

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

Contributions outside the designated centres may be subject to a maximum contribution total in accordance with the s94E Direction issued by the Minister for Planning dated 21 August 2012, for so long as it remains legally in force. If the total amount above is an exact multiple of \$20,000 then the contributions calculated in accordance with Ku-ring-gai Contributions Plan 2010 exceeded the maximum contribution payable and have been capped. If the process of inflation carries the contribution above over the maximum amount permitted by the s94E Direction prior to payment, the amount will be limited at time of receipt. Please contact Council to verify the total contributions payable prior to payment.

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

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

21. Road opening permit

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

22. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- the work must be carried out in accordance with the requirements of the Building Code of Australia
- in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence

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- if the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) protect and support the building, structure or work from possible damage from the excavation, and
 - (b) where necessary, underpin the building, structure or work to prevent any such damage.

Reason: Statutory requirement.

23. Hours of work

Demolition, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

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

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

24. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

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

25. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a

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written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

26. Site notice

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

The site notice must:

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

Reason: To ensure public safety and public information.

27. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

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

28. Use of road or footpath

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During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

29. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

30. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement.

31. Protection of public places

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

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

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

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

Reason: To protect public places.

32. Recycling of building material (general)

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

Reason: To facilitate recycling of materials.

33. Construction signage

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All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

34. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

35. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

36. Erosion control

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

Reason: To protect the environment from erosion and sedimentation.

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The tree/s to be retained shall be inspected, monitored and treated by a qualified AQF5 Arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Project Arborist to the Principal Certifying Authority are required at the following times or phases of work:

Tree/Location	Time of inspection
All retained trees On site and within 5.0m of site boundaries	*Certification of tree protection requirements as per consent conditions *Direct supervision of demolition works within the tree protection zone of retained trees *Direct supervision of installation of underground services *At the completion of all works on site

Reason: To ensure protection of existing trees.

38. Treatment of tree roots

If tree roots are severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced AQF3 Arborist/Horticulturist. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees.

Reason: To protect existing trees.

39. Demolition works

To protect retained trees demolition works shall be undertaken in accordance with Section 10.5 of the Arboricultural Impact Assessment Report by Earthscape Horticultural Services dated 17/05/2017

Reason: To protect existing trees.

40. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following tree/s shall be severed or injured in the process of any works during the construction period. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 - Pruning of Amenity Trees:

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Tree/Location	Radius from trunk
All retained trees on site and within 5.0m of site boundaries	As per Tree Protection Zone detailed within Appendix 4 of the Arboricultural Impact Assessment Report by Earthscape Horticultural Services dated 17/05/2017

Reason: To protect existing trees.

41. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Tree/Location	Approved tree works
T11 <i>Grevillea robusta</i> (Sliky Oak) Access handle	Removal
T12, T13, T14 <i>Jacaranda mimosifolia</i> (Jacaranda) Access handle	Removal
T12a <i>Harpephyllum caffrum</i> (Kaffir Plum) Access handle	Removal

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Development Control Plan.

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

42. Hand excavation

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

Tree/Location	Radius from trunk
All retained trees on site and within 5.0m of site boundaries	As per Tree Protection Zone detailed within Appendix 4 of the Arboricultural Impact Assessment Report by Earthscape Horticultural Services dated 17/05/2017

Reason: To protect existing trees.

43. Thrust boring/directional drilling

Excavation for the installation of any services on site as detailed on Plan D3 Rev D by Acor Consultants shall utilise the thrust boring/directional drilling method. Thrust boring shall be

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carried out at least 800mm beneath natural ground level to minimise damage to tree/s root system. Thrust boring/directional drilling shall also be used to install the 150mm PVC pipeline under the existing driveway crossing of No. 18 Buckingham Road, Killara.

Reason: To protect existing trees and the existing driveway crossover of the adjacent property.

44. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

45. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

46. On site retention of waste dockets

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

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

Reason: To protect the environment.

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

47. Certification of drainage works

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

- the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- the stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans and Ku-ring-gai DCP Part 24 'Water Management'.

Note: Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this control is to be provided to Council prior to the issue of Subdivision Certificate.

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Reason: To protect the environment.

48. Certification of as-constructed driveway

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

- the as-constructed driveway complies with the approved Construction Certificate plans;
- the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 - 2004 "Off-Street car parking";
- finished driveway gradients and transitions will not result in the scraping of the underside of cars.

Note: Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Certifying Authority prior to the issue of Subdivision Certificate.

Reason: To ensure that vehicular access and accommodation areas are compliant with the consent.

49. Infrastructure repair

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

Reason: To protect public infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE:

50. Demolition of structures

Prior to the release of the Subdivision Certificate, the Certifying Authority shall be satisfied that the existing dwelling and associated structures have been demolished and removed from the site.

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

51. Sydney Water Section 73 Compliance Certificate

Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.

Reason: Statutory requirement.

52. Requirements of public authorities for connection to services

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Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

Note: Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

Reason: To ensure that services are available to the allotments of land.

53. Reinstatement of crossings

Prior to issue of the Subdivision Certificate, the principal Certifying Authority is to be satisfied that following works have been completed:

- construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council
- removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council
- reinstatement works match surrounding adjacent infrastructure with respect to marrying of levels and materials
- any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing
- any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete vehicles) has been repaired to the satisfaction of Council and at no cost to Council

Reason: To protect public infrastructure and the streetscape.

54. Construction of works in public road

Prior issue of the Subdivision Certificate all road, footpath and/or drainage works in the public road must be completed in full, inspected and approved by Council. The applicant's designing engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. This certification shall be provided prior to release of the linen plan/issue of the Subdivision Certificate. The completed works are to be approved by Council's Development Engineer prior to release of the linen plan/issue of the Subdivision Certificate.

Reason: To ensure completion of all road, footpath and/or drainage works in the public road.

55. Infrastructure repair – subdivision works

Prior to issue of the Subdivision Certificate, 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 subdivision works, must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.

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Reason: To protect public infrastructure.

56. Provision of services

Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

Reason: Access to public utilities.

57. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and a Subdivision Certificate has been issued by the Principal Certifying Authority.

Reason: To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

58. Submission of 88b instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the burdens.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

59. Submission of plans of subdivision (Torrens title)

For endorsement of the subdivision certificate, the applicant shall submit an original plan of subdivision plus 6 copies, suitable for endorsement by Council. The following details must be submitted with the plan of subdivision and its copies:

- a) the endorsement fee current at the time of lodgement
- b) the 88B instrument plus 6 copies
- c) a copy of the Subdivision Certificate issued for **DA0205/17**
- d) all surveyor's and/or consulting engineers' certification(s) required under this subdivision consent
- e) The Section 73 (Sydney Water) Compliance Certificate for the subdivision.
- f) Proof of payment of S94 contribution

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan and may require payment of rechecking fees. **Plans and copies of subdivision must not be folded. Council will not accept bonds in lieu of completing subdivision works.**

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Reason: Statutory requirement.

60. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required, then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

Stuart Ratcliff
Senior Development Assessment Officer

Selwyn Segall
Team Leader - Development Assessment South

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Manager Development Assessment Services

Michael Miocic
Director Development & Regulation

Attachments:

A1	Subdivision plan	2017/261282
A2	Stormwater plan	2017/261284
A3	A1 Zoning Map	2017/243422
A4	A2 Location Sketch	2017/243424