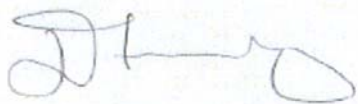


Concept Approval

Section 75O of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning under delegation executed on 14 September 2011, and in accordance with the decision of the Land and Environment Court on 5 December 2014 to uphold appeal proceedings No. 10648 of 2013, the Planning Assessment Commission of NSW (Commission) determines:

- (a) pursuant to Section 75O and s75Q(3) of the *Environmental Planning and Assessment Act 1979*, to approve the Concept Plan referred to in Schedule 1, subject to the terms of approval and modifications in Schedule 2 and the Statement of Commitments in Schedule 4, as determined by the Court;
- (b) pursuant to Section 75P(1)(a) and 75P(2)(c) of the *Environmental Planning and Assessment Act 1979*, that the further environmental assessment requirements for approval to carry out the development are as set out in Schedule 3; and
- (c) pursuant to section 75P(1)(b) of the *Environmental Planning & Assessment Act 1979*, that all future stages (apart from project application no MP10_0219 which is (at any time) the subject matter of Land and Environment Court proceedings No. 10834 of 2013) of the Concept Plan approval are subject to Part 4 of that Act.



David Furlong
Member of the Commission



Jan Murrell
Member of the Commission

Sydney

19 December 2014

SCHEDULE 1

PART A: PARTICULARS

Application No.:	MP 08_0207
Proponent:	Brett Stephen Lord and Marcus William Ayres as Joint and Several Receivers and Managers of the Site
Approval Authority:	Minister for Planning
Land:	1, 1A, 3 and 5 Avon Road and 4 and 8 Beechworth Road, Pymble (Lot 1 DP 583803, Lot 2 DP 583803, Lots 1 and Lot 2 DP 205504, Lot 1 DP 403072 and Lot 3 DP 403072)
Project:	Residential development comprising: <ul style="list-style-type: none">• three (3) building envelopes incorporating basement level parking;• 15,136m² GFA for residential flat building use (excluding 1 Avon Rd) and 187 dwellings and up to 257 parking spaces;• subdivision into four (4) residential lots with building footprints for single dwellings on the western (Beechworth Ave) side of the site with maximum GFA of 1,151m² and subdivision of associated vehicular access lot;• retention and restoration of 1 Avon Rd for common use of future residents;• vegetation management plan for conservation and rehabilitation of Blue Gum High Forest;• landscape concept;• stormwater concept.

PART B: NOTES RELATING TO THE DETERMINATION OF MP 08_0207

Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

Legal notices

Any advice or notice to the approval authority shall be served on the Secretary.

PART C: DEFINITIONS

Act means the *Environmental Planning and Assessment Act 1979* (as amended).

Advisory Notes means advisory information relating to the approved development but do not form a part of this approval.

Council means Ku-ring-gai Council.

Department means the Department of Planning & Environment or its successors.

Secretary means the Secretary of the Department or his/her nominee or delegate.

FFL means finished floor level as defined by the Standard Instrument.

FSR means floor space ratio as defined by the Standard Instrument

GFA means gross floor area as defined by the Standard Instrument.

Minister means the Minister for Planning.

MP No. 08_0207 means the Major Project described in the plans and documentation listed in condition A2 below.

Second Further Preferred Project Report (PPR) means the Second Further Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd and dated September 2014.

Project Application/s means transitional Part 3A Project No. MP10_0219 the subject of Land and Environment Court proceedings 10834 of 2013.

Proponent means Brett Stephen Lord and Marcus William Ayres as Joint and Several Receivers and Managers of the Site or any party lawfully acting upon this approval.

Certifying Authority has the same meaning as Part 4A of the Act.

Regulation means the Environmental Planning and Assessment Regulation 2000 (as amended).

Subject Site has the same meaning as the land identified in this Schedule.

End of Schedule 1

SCHEDULE 2

PART A – TERMS OF APPROVAL

Development Description

A1 Concept approval is granted to the development as described below:

Use of the subject site for a residential development including:

- three (3) building envelopes incorporating basement level parking;
- 15,136m² GFA for residential flat building use (excluding 1 Avon Rd) and 187 dwellings and up to 257 parking spaces;
- subdivision into four (4) residential lots with building footprints for single dwellings on the western (Beechworth Ave) side of the site with maximum GFA of 1,151m² and subdivision of associated vehicular access lot;
- retention and restoration of 1 Avon Rd for common use of future residents;
- vegetation management plan for conservation and rehabilitation of Blue Gum High Forest;
- landscape concept; and
- stormwater concept.

Development in Accordance with the Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- i) Second Further Revised Preferred Project Report prepared by JBA Urban Planning Consultants Pty Ltd dated 19 September 2014; and
- ii) Landscape Architect Design Report – Revised Concept Plan Proposal prepared by Site Image (NSW) Pty Limited, Issue F, dated 13 November 2014,

including all associated documents and reports;

- the Statement of Commitments prepared by JBA Urban Planning Consultants Pty Ltd included in the Second Further Revised Preferred Project Report dated 19 September 2014 at Appendix 4; and
- specifically, the following reports and drawings:

<i>Drawings Prepared by Marchese Partners International Pty Ltd</i>		
Drawing No	Name of Plan	Date
MP 20.00 Revision P	Cover Page	27/11/14
MP 21.01 Revision P	Comparison Plan Current & Previous	27/11/14
MP 21.02 Revision P	Separation Plan	27/11/14
MP 21.03 Revision P	Tree Plan	27/11/14
MP 21.04 Revision P	Planting Protection Zone Plan	27/11/14
MP 21.05 Revision P	Heritage Lot Plan	27/11/14
MP 21.06 Revision P	Building Position Plan	27/11/14
MP 21.07 Revision P	Site Area Plan	27/11/14
MP 22.03 Revision P	Indicative Design Floor Plan Level RL + 126	27/11/14
MP 22.04 Revision P	Indicative Design Floor Plan Level RL + 129	27/11/14
MP 22.05 Revision P	Indicative Design Floor Plan Level RL + 132	27/11/14

MP 22.06 Revision P	Indicative Design Floor Plan Level RL + 135	27/11/14
MP 22.07 Revision P	Indicative Design Floor Plan Level RL + 138	27/11/14
MP 22.08 Revision P	Indicative Design Floor Plan Level RL + 141	27/11/14
MP 22.09 Revision P	Indicative Design Floor Plan Level RL + 144	27/11/14
MP 22.10 Revision P	Indicative Design Floor Plan Level RL + 147	27/11/14
MP 22.11 Revision P	Indicative Design Floor Plan Level RL + 150	27/11/14
MP 22.12 Revision P	Indicative Design Floor Plan Level RL + 153	27/11/14
MP 22.13 Revision P	Indicative Design Floor Plan Level RL + 156	27/11/14
MP 22.14 Revision P	Indicative Design Floor Plan Level RL + 159	27/11/14
MP 22.15 Revision P	Indicative Design Floor Plan Level RL + 162	27/11/14
MP 22.16 Revision P	Indicative Design Floor Plan Level Roof	27/11/14
MP 23.01 Revision P	Indicative Design Section AA	27/11/14
MP 23.02 Revision P	Indicative Design Section BB	27/11/14
MP 23.03 Revision P	Indicative Design Section CC	27/11/14
MP 23.04 Revision P	Indicative Design Section Driveway	27/11/14
MP 23.05 Revision P	Indicative Design Section DD	27/11/14
MP 24.01 Revision P	Soil Section 01-01' Building 04	27/11/14
MP 24.02 Revision P	Soil Section 02-02' Building 04 & Building 01	27/11/14
MP 24.03 Revision P	Soil Section 03-03' Building 04 & Building 01	27/11/14
MP 24.04 Revision P	Soil Section 04-04' Building 01	27/11/14
MP 24.05 Revision P	Soil Section 05-05' Building 04 & Building 01	27/11/14
MP 24.06 Revision P	Soil Section 06-06' Building 3 & Building 1	27/11/14
MP 24.07 Revision P	Soil Section 07-07' Building 03	27/11/14
MP 24.08 Revision P	Soil Section 08-08'	27/11/14
MP 24.09 Revision P	Soil Section 09-09'	27/11/14
MP 24.10 Revision P	Soil Section 10-10'	27/11/14
MP 25.00 Revision P	Avon Road Elevation Impression	27/11/14
MP 26.01 Revision P	Concept Plan Shadow Diagram Jun 21 9AM	27/11/14
MP 26.02 Revision P	Concept Plan Shadow Diagram Jun 21 10AM	27/11/14
MP 26.03 Revision P	Concept Plan Shadow Diagram Jun 21 11AM	27/11/14

MP 26.04 Revision P	Concept Plan Shadow Diagram Jun 21 12PM	27/11/14
MP 26.05 Revision P	Concept Plan Shadow Diagram Jun 21 1PM	27/11/14
MP 26.06 Revision P	Concept Plan Shadow Diagram Jun 21 2PM	27/11/14
MP 26.07 Revision P	Concept Plan Shadow Diagram Jun 21 3PM	27/11/14
MP 27.01 Revision P	View from the Sun 9.00AM 21 Jun	27/11/14
MP 27.02 Revision P	View from the Sun 9.30AM 21 Jun	27/11/14
MP 27.03 Revision P	View from the Sun 10.00AM 21 Jun	27/11/14
MP 27.04 Revision P	View from the Sun 10.30AM 21 Jun	27/11/14
MP 27.05 Revision P	View from the Sun 11.00AM 21 Jun	27/11/14
MP 27.06 Revision P	View from the Sun 11.30AM 21 Jun	27/11/14
MP 27.07 Revision P	View from the Sun 12.00PM 21 Jun	27/11/14
MP 27.08 Revision P	View from the Sun 12.30PM 21 Jun	27/11/14
MP 27.09 Revision P	View from the Sun 1.00PM 21 Jun	27/11/14
MP 27.10 Revision P	View from the Sun 1.30PM 21 Jun	27/11/14
MP 27.11 Revision P	View from the Sun 2.00PM 21 Jun	27/11/14
MP 27.12 Revision P	View from the Sun 2.30PM 21 Jun	27/11/14
MP 27.13 Revision P	View from the Sun 3.00PM 21 Jun	27/11/14
MP 28.01 Revision P	Photomontage Overview	27/11/14
MP 28.02 Revision P	Photomontage Avon Road M1	27/11/14
MP 28.03 Revision P	Photomontage Avon Road M2	27/11/14
MP 28.04 Revision P	Photomontage Neighbouring Sites View 6	27/11/14
MP 28.05 Revision P	Photomontage Neighbouring Sites View 7	27/11/14
MP 28.06 Revision P	Photomontage Neighbouring Sites View 11	27/11/14
MP 28.07 Revision P	Photomontage Neighbouring Sites View 12	27/11/14
MP 28.08 Revision P	Photomontage Neighbouring Sites View 14	27/11/14
MP 29.01 Revision P	GFA Plan Building 1	27/11/14
MP 29.02 Revision P	GFA Plan Building 3	27/11/14
MP 29.03 Revision P	GFA Plan Building 4	27/11/14
MP 29.04 Revision P	GFA Plan Heritage Building	27/11/14
MP30.01 Revision P	Material Board	27/11/14
Issue 141127 Refer Plans Issue P	GFA Development Data Sheet	27/11/14
Issue 141127 Refer Plans Issue P	Apartment Size & Mix Development Data Sheet	27/11/14

<i>Landscape Plans Prepared by Site Image (NSW) Pty Ltd</i>		
MP-000 Issue V (Job Number SS12-2482)	Coversheet	13/11/14
MP-001 Issue V (Job Number SS12-2482)	Landscape Masterplan	13/11/14
MP-002 Issue T (Job Number SS12-2482)	Tree Removal & Retention Plan	13/11/14
MP-003 Issue V (Job Number SS12-2482)	Landscape Zones	13/11/14
MP-006 Issue H (Job Number SS12-2482)	Tree Protection Plan	13/11/14
MP-C100 Issue T (Job Number SS12-2482)	Landscape Masterplan Colour	13/11/14
<i>NPC Management Consultants and Project Managers</i>		
Drawing No. 1 of 1, Issue D, DA Issue V4	Proposed Stormwater Drainage Concept Plan (SDCP)	21/10/14
<i>Traffic Traffic and Transport Planners</i>		
TX.00 (Project 14.243)	Proposed Footpath	17/07/14
TX.01 Revision B (Project 14.243)	Proposed Footpath	17/07/14
TX.02 (Project 14.243)	Proposed Footpath	17/07/14
TX.03 (Project 14.243)	Proposed Footpath	17/07/14
TX.04 (Project 14.243)	Proposed Footpath	17/07/14
TX.05 (Project 14.243)	Proposed Footpath	17/07/14

except as modified by the following conditions in Part B Modifications pursuant to Section 75O(4) of the Act and the conditions below.

Inconsistencies Between Documentation

- A3 In the event of any inconsistency between modifications of the Concept Plan approval identified in this approval and the drawings / documents including the Statement of Commitments referred to above, the modifications of the Concept Plan shall prevail. To the extent of inconsistency between documents, the later document shall prevail.

Building Envelopes

- A4 Building footprints and setbacks are to be generally consistent with the Building Position Plan Drawing MP21.06, Revision P, dated 27 November 2014.

Building height

- A5 Building heights are to be consistent with the RLs shown on MP 22.16 Indicative Design Floor Plan Level Roof, Revision P, dated 27 November 2014 subject to condition B12.

Maximum FSR

- A6 The maximum FSR for development on the site shall not exceed 0.66:1 (excluding the GFA of 1 Avon Rd). The FSR is to be calculated on a site area of 24,643m².

Maximum GFA (residential flat building use)

- A7 The maximum GFA for the development shall not exceed 15,136m² GFA for residential flat building use (excluding the GFA of the heritage building at 1 Avon Rd).

Maximum Number of Residential Units and Car Spaces (residential flat building use)

- A8 This approval is for 187 dwellings in the residential flat buildings and up to 257 car spaces. However, the dwelling numbers may vary by up to 10% subject to there being:
- a. No increase in the GFA for the residential flat buildings of 15,136m² (excluding the GFA of the heritage building at 1 Avon Road); and
 - b. No increase in the number of parking spaces (257 spaces); and
 - c. No increase in the approved basement footprint.

Maximum GFA and FSR (single dwelling building footprints)

- A9 The maximum GFA for the development shall not exceed 1,151m² GFA for the single dwelling building footprints for the residential subdivision or the following FSR for each individual dwelling:
- a. Lot 1 – 0.3:1
 - b. Lot 2 – 0.3:1
 - c. Lot 3 – 0.3:1; and
 - d. Lot 4 – 0.2:1

Any unrealised GFA for any or all of these lots may not be transferred to the Residential Flat Building Use.

Lapsing of Approval

- A10 Approval of the Concept Plan shall lapse 5 years after the determination date shown on this Instrument of Approval, unless an application is submitted to carry out a project or development for which concept approval has been given.

Unit Mix

- A11 A range of apartment sizes and types (studio, one, two and three bedrooms) must be included within the residential flat buildings as required by Ku-ring-gai Local Centres Development Control Plan 2013 Volume A Part 7 clause 7C.6.

PART B - MODIFICATIONS

Rehabilitation and maintenance of the Blue Gum High Forest

- B1. The building footprint for House 4 is not to extend into the 10 m wide Asset Protection Zone/Buffer Zone to the Conservation Area.
- B2. The impact of the stormwater management works on Blue Gum High Forest Trees 39 and 201 is to be assessed by a suitably qualified arborist. The works are to be modified if necessary to ensure that these trees are not significantly affected.
- B3. The Blue Gum High Forest Conservation Area and Buffer Zone/Asset Protection Zone in the multi-unit residential development area are to be protected on title in perpetuity. The unit owners will be required to manage the Conservation Area and Buffer Zone in accordance with the approved vegetation, stormwater and fire management plans. An annual levy will be imposed on each unit to fund these management obligations. The Owners Corporation will set, collect and spend the levies, both for regular maintenance and monitoring, and for any additional works that may be required from time to time. There is to be no alienation of Conservation Area land for purposes inconsistent with conservation of Blue Gum High Forest. There is to be no clearing of Blue Gum High Forest trees or vegetation for bushfire protection except as required under the approved fire management plan (i.e. no additional clearing under the 10/50 Vegetation Clearing Code).
- B4. Blue Gum High Forest Trees 23 and 24 are to be retained in House Blocks 2 and 3, respectively, and are to be protected on title. There are to be no soil level changes within the Tree Protection Zones (TPZs) of the two trees. Construction work within the TPZs is to be restricted to less than 10% of each TPZ, except for decking or other suspended structures. The trees are not to be removed under the 10/50 Vegetation Clearing Code.
- B5. A 10 m wide strip along the eastern boundaries of House Blocks 2, 3 and 4 is to be managed as both an Asset Protection Zone (Inner Protection Area) for bushfire protection, and a Buffer Zone to the adjoining Blue Gum High Forest Conservation Area (i.e. plants growing within the Buffer Zone are to be Blue Gum High Forest species derived from material of known local provenance). No houses are to be constructed within the Asset Protection Zone. There is to be a restriction on the titles of House Blocks 2, 3 and 4 to ensure appropriate management of the Asset Protection Zone/Buffer Zone in perpetuity.
- B6. The Vegetation Management Plan dated 19 September 2014 is to be modified as follows:
- p.6 - Add a paragraph stating that although the vegetation in the gully does not currently meet the criteria for recognition as Blue Gum High Forest under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, it may meet those criteria if successfully rehabilitated, i.e. the Conservation Area has potential high conservation significance at national level as well as state level.
 - p.11 - 2nd dot point – Reword as ‘No communities listed under the EPBC Act were recorded because of extensive weed occurrence. Single isolated trees or stands of trees, characteristic of the canopy of Blue Gum High Forest of the Sydney Basin Bioregion, without a native understorey are not included in the

Commonwealth listing. However, successful weed control and restoration of a native understorey may mean that the vegetation may in future correspond to BGHF as listed under the EPBC Act.'

- p.19 - Section 4.2 – Expand to include the size of the Conservation Area (0.899 ha) and the Buffer Zone (0.2918 ha, not including the western Buffer Zone in House Blocks 2, 3 and 4). Outline the management arrangements for the western Buffer Zone and how these will be coordinated with management of the Conservation Area and the eastern Buffer Zone.
- p.19 - Management objectives – Rewrite Objective 2 so that it is clear that the primary purpose of the ephemeral ponds is for stormwater management (including protection of water quality) and that they have incidental value as fauna/gully habitat. Reorder the objectives so that Objective 3 is weed control, Objective 4 is stimulation of natural regeneration, and Objective 5 is enhancement through revegetation and planting. Adjust the remainder of the Vegetation Management Plan accordingly.
- p.20 - 8th dot point in first set of dot points – Clarify by rewording as 'Trees or tree groups to be retained in the Buffer Zone are to be'
- p.20 - 1st dot point in second set of dot points – Clarify by rewording as 'All earthworks in the Conservation Area and Buffer Zone are to be'
- p.23 - Section 4.3.2 heading – Delete '(fauna habitat and flight paths)'
- p.24 - Ephemeral ponds section – Refer to the Stormwater Management Plan that provides the design for the works.
- p.25 - Section 4.3.4 – Add an introductory paragraph stating that assisted natural regeneration is the preferred means for restoring Blue Gum High Forest wherever possible, but that supplementary plantings are likely to be necessary in this highly degraded site for effective restoration of the community.
- p.27 - 1st dot point under revegetation of bare ground – A wider range of species is to be planted, not just ferns and *Dichondra*. Use the list of species in the 1st paragraph at the top of p.27 as a guide for these plantings.
- p.35 - After paragraph 12 of the Final Determination, list other relevant key threatening processes involving weeds, namely invasion by African Olive, invasion by *Chrysanthemoides monilifera*, and invasion by escaped garden plants.
- p.37 - 3rd dot point – Clarify by rewording as 'Trees or tree groups to be retained are to be'
- Table 1 - Add a statement at the top of the table that the tree height data are estimates and may be subject to error.
- Table 4, p.1 - Delete '(fauna habitat and flight paths)' after Objective 2.
- Table 4, p.2, 3rd target - Change target to 'All new residents made aware of environmental significance of site'.

Table 4, p.3, 5th target - Change target to 'Remove at least 95% of primary weed cover'.

Table 4, p.4, 1st target - Change target to 'All vehicles and machinery cleaned and inspected before entering site'. Don't restrict it to the first two weeks of construction.

Table 4, p.4, 2nd target - Change target to 'Remove at least 95% of secondary weed cover'.

Table 4, p.5, 5th target - Change target to '<5% total projected foliage weed cover in the Conservation Area and Buffer Zone'.

Table 4, p.6, 2nd target - Change target to 'Recruitment of at least 1 canopy tree per 20 m x 20 m area'.

Appendix 3, Assessment of Significance – Correct all descriptions of the impact of the proposal. There are 59 local native trees or possible local native trees (some may be plantings) on the subject site. These include 53 eucalypts (44 *Eucalyptus saligna*, 6 *E. pilularis*, 2 *E. paniculata* and 1 *Angophora floribunda*) and 6 other trees (3 *Acmena smithii*, 2 *Ficus rubiginosa* and 1 *Pittosporum undulatum*). Seven of the 59 trees will be removed, including 4 *Eucalyptus saligna* trees (Trees 49, 175, 180 and 343), 1 *Ficus rubiginosa* tree (Tree 328) and 2 *Acmena smithii* trees (Trees 327a and 329). The *Ficus rubiginosa* tree is in poor condition and growing on an old dead tree; the two *Acmena smithii* trees are possible plantings of unknown provenance; and *Eucalyptus saligna* Tree 49 has apparently been poisoned and is suffering severe dieback. Include this information in the assessment.

Appendix 3, Assessment of Significance, p.3, Section 3.2, last paragraph – Rewrite to say that 7 of the 59 local native trees or possible local native trees on the subject site will be removed, which is a loss of 11.9% of those trees. Four of the 53 canopy trees (eucalypts) will be removed, which is a loss of 7.5%. These losses are greater than the acceptable maximum limit loss of 5% of a Blue Gum High Forest stand discussed in Court evidence by Dr Smith. However, they are not considered a significant impact in this case because of the poor condition or doubtful provenance of 4 of the 7 trees to be removed, and the proposed restoration and long-term management of this highly degraded stand. Include a commitment here and in the main part of the Vegetation Management Plan to compensate for the loss of the *Ficus rubiginosa* and *Acmena smithii* trees by replacement plantings of these two species in the Conservation Area using material of known local provenance.

Access and parking

B7. Bicycle Parking

Bicycle storage is to be provided in accordance with Marchese Partners Drawing MP22.06 Revision P, with two bicycle spaces to be provided within each of the boxes shown on this plan. The design of the bicycle storage is to conform to AS2890.3. The minimum number of bicycle storage spaces is to comply with Ku-ring-gai Local Centres Development Control Plan 2013.

B8. Car Parking

A maximum of 257 car parking spaces is to be provided for the residential flat buildings and contained within the approved basement footprint. In all other respects,

the design of the carpark is to comply with Ku-ring-gai Local Centres Development Control Plan 2013 Volume C Part 2.

B9. Carpark Layout

The driveway and internal layout of the site access and car parking are to comply with AS/NZS 2890.1-2004. Compliance is required for all aspects of the design, including the ramp gradients between parking levels. The location of the driveway off Avon Road is to be as shown on Marchese Partners Drawing MP22.06 Revision P.

B10. Avon Road Footpath

Subject to owners consent being granted by the landowner a new footpath is to be constructed along the northern side of Avon Road between the site and the existing footpath on the northern side, in accordance with the Traffix plans Project 14.243 Drawings TX.00-TX.05.

Waste Management

B11. Waste management storage and collection is to be designed and operated in accordance with the requirements of Ku-ring-gai Local Centres Development Control Plan 2013, and to the satisfaction of Council.

Reduction in GFA

B12. To satisfy the maximum GFA of 15,136sqm (0.66:1) for the Residential Flat Buildings (1, 3 and 4) a minimum of 186sqm of GFA is to be deleted from the development as approved in the plans in condition A2. This GFA shall be removed from the height of Building 4 through the deletion of the entire top level of the southern portion of the building. 53sqm of the GFA removed from the height of Building 4 can be transferred to another building so long as it does not increase the height of any building.

Cross ventilation

B13. All communal corridors in the residential flat buildings must be naturally lit and ventilated.

Legal curtilage of the heritage lot

B14. The legal curtilage of the heritage lot (1 Avon Road) is to include the heritage building and land to the boundary of the rail corridor consistent with the "Heritage Lot Plan" Drawing No. MP 21.05, Revision P, dated 27 November 2014.

End of Schedule 2

SCHEDULE 3

FUTURE ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Built Form: Utility Infrastructure

1. Future Development Applications or Project Applications shall provide for utility infrastructure, including substations, within the building footprint, wherever possible. If this is not possible, infrastructure shall be located outside of the public domain and appropriately screened.

Vegetation Management

2. Future Development Applications or Project Applications shall be accompanied by assessment by an environmental auditor as to the costing for the delivery of the Vegetation Management Plan dated 19 September 2014 (VMP) to practical completion of revegetation / rehabilitation works and ongoing monitoring, maintenance and reporting, including the calculation of the annual cost of the VMP delivery.
3. Future Development Applications or Project Applications shall demonstrate that appropriate measures are in place for the delivery of the VMP to practical completion of revegetation / rehabilitation works and ongoing monitoring, maintenance and reporting, including:
 - (a) an establishment fund calculated at whatever percentage of the anticipated costs of the delivery of the VMP is required to ensure that sufficient funds are available to meet those costs as and when they arise; and
 - (b) an annual charge to be levied only if necessary so that sufficient funds are available to fund the delivery of the VMP to practical completion.
4. Future Development Applications or Project Applications for subdivision of the site shall ensure that adequate arrangements are in place for the ongoing monitoring and management of the Conservation Area as identified by the Landscape Masterplan and specified in the VMP, including:
 - (a) The appointment of an environment manager to implement the VMP;
 - (b) The arrangements for scheduled monitoring, maintenance and reporting to the Council relating to the time periods of Month 1, Month 3, Month 6 and Month 12 and then annually for the life of the proposed development.

Public Positive Covenant for the BGHF Conservation Area

5. Prior to the determination of any future Development Applications or Project Applications, the proponent shall cause to be registered against the titles of the BGHF Conservation Area as shown in Figures 1A and 2G of the VMP a public positive covenant and/or restriction on the use of the land, in favour of the Council, requiring the Proponent to implement and observe the conditions of this approval and the VMP in relation to that land.

The public positive covenant shall remain in force in perpetuity.

Residential Amenity

6. Future Development Applications or Project Applications shall demonstrate compliance with the provisions of the *State Environmental Planning Policy 65 – Design Quality of Residential Flat Development* (SEPP 65) and the accompanying *Residential Flat Design Code 2002* (RFDC) (except where modified by this Concept Plan approval), including demonstrating that:

- (a) a minimum of 60% of apartments within each building are capable of being naturally cross ventilated including through consideration of methods such as ventilation chimneys, through apartments and corner apartments; and
- (b) a minimum of 70% of apartments within each building receive a minimum of 3 hours solar access to living areas and balconies mid winter.

ESD

- 7. Future Development Applications or Project Applications shall demonstrate the incorporation of ESD principles in the design, construction and ongoing operation phases of the development.

Section 94 Contributions

- 8. Future Development Applications or Project Applications shall be required to pay development contributions to the Council towards the provision or improvement of public amenities and services. The amount of the contribution shall be determined by Council in accordance with the requirements of the Contributions Plan current at the time of approval of the Future Development Applications or Project Applications, including any applicable credits.

Adaptable Housing

- 9. Future Development Applications or Project Applications shall provide a minimum of 10% of apartments as adaptable housing in accordance with Australian Standard 4299-1995.

Roads and Maritime Services Requirements

- 10. Future Development Applications or Project Applications shall be accompanied by a detailed Construction Traffic Management Plan (CTMP) detailing the various construction stagings and, for each stage, identifying the truck access routes, expected number of trucks per day by truck size, hours of operation, site access arrangements, parking arrangements for construction workers and proposed traffic and pedestrian control measures. The CPTMP shall prevent all truck activity by vehicles larger than a 6.4m MRV between 8am and 9.30am and 2.30pm and 4pm on weekdays (the school peaks) during school terms and such other times required by the Council. The CPTMP shall be forwarded to Council for approval and the RMS for review and any Road Occupancy License applications required shall be obtained from RMS.

Bushfire Safety Requirements

- 11. Future Development Applications or Project Applications shall demonstrate compliance with the recommendations set out in the Amended Bushfire Protection Assessment prepared by Australian Bushfire Protection Planners Pty Ltd dated 18 September 2014.
- 12. Future Development Applications or Project Applications shall address the bushfire risk associated with the proximity of the conservation area to the dwelling at No. 1 Arilla Road.
- 13. Future Development Applications or Project Applications shall demonstrate compliance with the requirements of the Rural Fire Service as detailed in its correspondence dated 14 February 2013.

RailCorp Requirements

14. Future Development Applications or Project Applications shall demonstrate compliance with the requirements set out in Attachment A of RailCorp's correspondence dated 15 March 2013.

Sydney Water Requirements

15. Future Development Applications or Project Applications shall address Sydney Water's requirements in relation to:
 - (a) required amplification works to existing drinking water mains (if required);
 - (b) any required amplification works to the wastewater system; and
 - (c) application for Section 73 certificates as necessary.

Contamination

16. Future Development Applications or Project Applications shall provide evidence that the site is suitable for the intended residential use and include the following:
 - (a) further site investigations that includes sampling and analysis after the vegetation (weeds and noxious plants) has been cleared undertaken in accordance with the recommendations of the Stage 1 Environmental Assessment prepared by Environmental Investigation Services dated December 2012;
 - (b) a waste classification is assigned to any fill material that is excavated for off-site disposal; and
 - (c) a Hazardous Building Materials Survey of the existing buildings and structures on the site is undertaken prior to demolition.
17. In the event that any significant contamination is encountered, a Remedial Action Plan (RAP) will be required

Design of Future Dwellings on Housing Lots

18. Future dwelling houses on the housing lots are to be designed to comply with Kuring-gai Local Centres Development Control Plan 2013 Part 4.

Exterior finishes and material

19. The design of the residential flat buildings is to incorporate a mix of materials. The exterior or buildings must be high quality and comprised of durable materials and finishes. Large, unbroken expanses of any single material and finish should be avoided. The use of high reflective materials should also be avoided. The exterior finish material must be integral to the overall building façade and must not appear as cosmetic. Lightweight materials and finishes should be used on the upper levels to assist in minimising bulk and scale.
20. The selection of a colour scheme for the residential flat buildings must comply with the following:
 - (a) Base colours for major areas of the façade are to be light in tone and hue;
 - (b) Highlight colours to details of the building are to contrast with the base colour;
 - (c) Trim colours for window frames and awning fascias are to be darker contrast to base and highlight colours;
 - (d) Natural earth tones are to be used on building facades in close proximity to bushland.

Heritage Management Document

21. A Heritage Management Document is to be prepared and submitted to Council/Minister for approval in accordance with Clause 5.1(10) of the Ku-ring-gai Local Centres LEP 2012 when the first Project Application or Development Application is lodged. The document is to address conservation issues relevant to the adaptation of 1 Avon Rd to community uses and must include detail of the proposed use of the community building.

Water Sensitive Urban Design

22. Future Development Applications or Project Applications shall be generally in accordance with:
- (a) the approved Stormwater Concept Plan prepared by NPC Management Consultants and Project Managers and dated 21 October 2014; and
 - (b) the Water Sensitive Urban Design principles as outlined in Ku-ring-gai Local Centres Development Control Plan 2013, Volume C, Part 4.

Arborist impact assessment and Tree Protection Plan

23. As part of any future Development Applications or Project Applications an arborist impact assessment shall be undertaken and tree protection plan developed by an arborist with a minimum qualification AQF 5.

Trees assessed are those trees to be retained within the subject site and those trees on adjacent sites whose tree protection zones are impacted by the proposed works. The plan shall include an inventory of all trees on and adjacent the site and whether proposed to be retained or removed, and a plan to scale of 1:100 clearly indicating all of these trees. The assessment shall be undertaken to establish likely impacts on these trees from the proposed works including construction access impacts and to ensure that the proposed works and site management plans are amended to ensure the viability of trees retained.

A tree protection plan shall be developed to ensure the ongoing protection of retained trees during construction works.

The tree protection plan shall document the trees to be retained and include specifications for and specific locations of fencing, ground protection and the like. The plan shall indicate the specific stages of inspections of works, by the project arborist. Both the assessment and protection plan shall be undertaken consistent with AS4970-2009 Protection of Trees on Development Sites. The plan shall also include the protection of trees during the various stages of construction within the conservation area.

Landscape Plans

24. As part of any future Development Applications or Project Applications for this site, a suitably qualified landscape architect is to prepare and submit to Council/Minister, detailed landscape plans to comply with Council's Development Application Guide, relevant development control plans, approved VMP and the approved Landscape Architect Design Report and plans (referred to in condition A2) and these conditions of approval.

In addition the following issue is to be addressed by the detailed landscape plans:

- a. A marker tree or trees of advanced, 100 litre size Hoop Pine (*Araucaria cunninghamii*) be planted to replace the Bunya Pines removed at the corner of Avon Rd.

Staging of VMP and Landscaping Works

25. As part of any future Development Applications or Project Applications, a further plan is to be provided to the Council/Minister to confirm commencement of the VMP works and landscape works as part of early works in the areas adjacent to No. 7 and 15 Avon Road and No 1 Arilla Avenue, and specifically to demonstrate:
 - a. Early planting of screen tree species to No. 7 boundary as shown on the detailed landscape plans; and
 - b. Staged removal of Privet plants within the first 18 months to assist temporary visual screening of the development from these three adjoining residences, while new plantings are establishing.

Relocation of driveway to Building 1

26. At the time of the preparation of a Development Application or Project Application for Building 1, consideration is to be given to whether the access driveway could be relocated to the north and/or made perpendicular to Avon Road with a view to reducing amenity impacts on No 7 Avon Road and whether the mechanical garage door can be setback from the facade of Building 1.

End of Schedule 3

SCHEDULE 4

PROPONENT'S STATEMENT OF COMMITMENTS

REFERENCE	COMMITMENT
Contributions	<ul style="list-style-type: none"> ▪ Section 94 Contributions will be paid in accordance with Council's Contributions Plan. Contributions will be calculated at Development Application or Project Application stage and paid prior to the issue of construction certificates. These contributions will be paid in addition to commitments to off-site improvement works to the Avon Road footpaths and the Pacific Highway pedestrian underpass.
Erosion of Sediment Control	<ul style="list-style-type: none"> ▪ An Earthworks Management Plan, including Erosion and Sedimentation Plans will accompany each Development Application.
Waste	<ul style="list-style-type: none"> ▪ A Waste Management Plan relating to demolition, construction and operation will be prepared for each of the proposed buildings in the Concept Plan and lodged at Development Application stage. A proposed operational Waste Management Plan for the Buildings is at Appendix Q of the Second Further Revised Preferred Project Report.
Water and Utilities	<ul style="list-style-type: none"> ▪ Water, electricity and gas will comply with Section 4.1.3 of Planning for Bush Fire Protection 2006. <p style="margin-left: 20px;"><u>Electricity</u></p> <ul style="list-style-type: none"> ▪ Where practical and reasonable, electrical transmission lines are to be underground. ▪ Where overhead electrical transmission lines are proposed: <ul style="list-style-type: none"> ▪ Lines are installed with short pole spacing (30m) unless crossing gullies and gorges and no part of a tree is closer to a power line than the distance set out in accordance with the specifications in 'Vegetation Safety Clearances' issued by Energy Australia (NS179, April 2002) <p style="margin-left: 20px;"><u>Gas</u></p> <ul style="list-style-type: none"> ▪ Reticulated or bottled gas is installed and maintained in accordance with AS1596 and the requirements of relevant authorities. Metal piping is to be used. ▪ All fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation. ▪ If gas cylinders need to be kept close to building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. ▪ Connections to and from gas cylinders are metal. ▪ Polymer sheathed flexible gas supply lines to gas metres adjacent to buildings are not used.
Bushfire	<ul style="list-style-type: none"> ▪ Future Development Applications or Project Applications will implement the relevant recommendations of the Bushfire Report prepared by Australian Bushfire Protection Planners (Appendix J of the Second Further Revised Preferred Project Report) as follows: <ul style="list-style-type: none"> ▪ The design and maintenance of the landscaped gardens to the

	<p>complex, including the 10.00 metre wide buffer zone to Buildings 3, 4 & 5, will comply with the prescriptions of an Inner Protection Area [IPA] pursuant to the specifications of Appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Services document 'Specifications for Asset Protection Zones'.</p> <ul style="list-style-type: none"> ▪ Buildings will be constructed to comply with BAL 29 specifications pursuant to A.S. 3959 - 2009 - 'Construction of Buildings in Bushfire Prone Areas'. ▪ A hydrant booster assembly will be provided inside the boundary and adjacent to the entry driveway off Beechworth Road prior to occupation of Building 5. ▪ The minimum pavement width of the internal driveways will be 6.5 metres. Corners will be designed to permit a Fire & Rescue Urban Pumper [Heavy Rigid Vehicle] and a B9 vehicle to pass and turning facilities will be provided to enable fire appliance egress from the site in a forward direction.
Heritage	<p>The following heritage requirements will be incorporated into Future Development Applications or Project Applications:</p> <ul style="list-style-type: none"> ▪ Nos. 3 and 5 Avon Road will be recorded prior to demolition, following the guidelines of the NSW Office of Environment and Heritage (Heritage Office) for archival recording. A copy of the archival recording being deposited into Ku-ring-gai's Local Library. ▪ 1 Avon Road: The following items will be preserved and integrated as far as possible into the new development: ▪ The eastern inter war dry laid sandstone boundary wall together with the small fountain (at the southern end of the site near the entry gates) ▪ The front sandstone fence (repaired as necessary), vehicle and pedestrian and gate posts. ▪ Salvage all sandstone building blocks and paving and reuse within the new development. ▪ The two mature palm trees in the front yard of 5 Avon Road, adjacent to Avon Road, will be preserved and integrated into the new development. ▪ An Interpretation Strategy will be prepared for the development that incorporates the history and images of Nos. 3 and 5 Avon Road. The interpretation will be able to be viewed in public areas of the development.

End of Schedule 4
