



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 10 AUGUST 2004 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

**** ** * ** * ** ***

NOTE: For full details, see Council's website –
www.kmc.nsw.gov.au under the link to Business Papers

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 3 August 2004

Minutes numbered 362 to 381

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

**GB.1 210 to 216 Pacific Highway, Lindfield - Demolition of Existing Buildings,
Erection of Residential Flat Building and Strata Subdivision** **1**

File: DA0912/03

Ward: Roseville

Applicant: Revay and Unn Architects

Owner: Rosemary Edgell Bush and F W E Bush

To review the refusal of the application under s82A of the Environmental Planning and Assessment Act, 1979 (as amended).

Recommendation:

Approval

GB.2 7 Shelby Road, St Ives - Supplementary Report **63**

File: DA 1061/03

To address matters raised at the site inspection of 10 July 2004 and for Council to determine a development application for the construction of a new two storey dwelling which, in conjunction with the existing dwelling, would form a detached dual occupancy development.

Recommendation:

That the additional information be noted, and that the application be approved.

GB.3 Marian Street Theatre - Variation of Lease - Marian Street Theatre for Young People 120

File: P51074

To seek the authority of Council to affix the common seal to a variation of lease for the continued occupancy of the Marian Street Theatre by the Marian Street Theatre for Young People.

Recommendation:

That Council approve the variation to lease and authorise its execution and affixing of the common seal.

GB.4 Unit 1, 12 to 18 Tryon Road, Lindfield - Draft Plan of Management 125

File: S03609

To place the Draft Plan of Management for Unit 1, 12-18 Tryon Road, Lindfield on exhibition in accordance with the requirements of the Local Government Act 1993.

Recommendation:

That Council place the Draft Plan of Management for Unit 1, 12-18 Tryon Road, Lindfield on exhibition and hold a public hearing during the exhibition period. That a further report be presented to Council following the exhibition period.

GB.5 Heritage Nomination - Request to Prepare Local Environmental Plan 146

File: P56728 P52770

For Council to consider the heritage status of two properties - 27 Richmond Avenue and 400 Mona Vale Road, St Ives and to determine whether the two properties should be included in the Pettit and Sevitt Display Village heritage group in St Ives.

Recommendation:

That Council prepare a Local Environmental Plan (LEP) to include the properties in the Pettit and Sevitt heritage group and prepare a Draft LEP (LEP29) to include the properties in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

GB.6 Application to Amend Ku-ring-gai Planning Scheme Ordinance in relation to 657 - 661 Pacific Highway, Killara 316

File: S02029

To have Council assess the merits of an application to amend the Ku-ring-gai Planning Scheme Ordinance in relation to Nos 657 - 661 Pacific Highway, Killara.

Recommendation:

That Council formally exhibit Draft Local Environmental Plan No 202 for 657 - 661 Pacific Highway, Killara in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations.

GB.7 Open Space Grass Cutting Contracts 490

File: S02977

For Council to consider exercising its option for the extension of contracts with Menoscape, Sterling Group Service and TK Services for the provision of grass cutting services within Open Space.

Recommendation:

That Council exercise its options with Menoscape, Sterling Group Services and TK Services for two years in accordance with the condition of Contract A, Clause 4 "Period of Agreement" terminating October 2005 and the terms of the option be in accordance with the terms as outlined in the current contract.

GB.8 Five Year Road Program 495

File: S02362

To seek Council's approval of the five year rolling works program for 2004/2005.

Recommendation:

That Council adopts the proposed 2004/2005 Road Program and draft Five Year 2004/09 Rolling Roadworks Program as attached in Appendix A.

GB.9 Annual Tenders for Supply, Supply and Delivery, Supply, Delivery and Laying Of Asphaltic Concrete 513

File: S03563

To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works for the period 2004/2005.

Recommendation:

That the tender rates be accepted, tenderers be advised of Council's decision and that the Common Seal be affixed to the Contract.

GB.10 2004 Local Government Road Safety Conference - 7 to 9 September 2004 517

File: S02307

To advise Council of the 2004 Local Government Road Safety Conference to be held in Parramatta from 7 to 9 September.

Recommendation:

That Council nominates any Councillors interested in attending the conference and for a Councillor to accept the award on Council's behalf.

GB.11 2004 to 2005 Roads and Traffic Authority Block Grant Agreement

533

File: S02585

To consider acceptance of the 2004/2005 Block Grant for assistance from the Roads and Traffic Authority for works on regional roads.

Recommendation:

That the General Manager be authorised to accept the Roads Component of \$173,000 and the Ex 3x3 component of \$82,000 and not accept the Traffic Facilities component of the Regional Roads Block Grant for 2004-2005.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS & PUBLIC EXCLUDED

*** ** ** ** **

Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. The provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

that apply to the land to which the development application relates,

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	210 TO 216 PACIFIC HIGHWAY, LINDFIELD - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	0912/03
SUBJECT LAND:	210 to 216 PACIFIC HIGHWAY, LINDFIELD
APPLICANT:	Revay and Unn Architects
OWNER:	Rosemary Edgell Bush and F W E Bush
DESIGNER:	Revay and Unn Architects
PRESENT USE:	Dwelling and Shops
ZONING:	Residential 2(d)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	DCP 48, DCP 40 and DCP 43
COMPLIANCE WITH CODES/POLICIES:	Satisfactory
GOVERNMENT POLICIES APPLICABLE:	DCP 48. DCP 40 AND DCP 43
COMPLIANCE WITH GOVERNMENT POLICIES:	Satisfactory
DATE LODGED:	8 June 2004 (s82A Review Application)
40 DAY PERIOD EXPIRED:	18 July 2004
PROPOSAL:	Demolition of existing buildings, erection of a residential flat building and strata subdivision
RECOMMENDATION:	Approval

Item 1

DEVELOPMENT APPLICATION N^o	0912/03
PREMISES:	210-216 PACIFIC HIGHWAY, LINDFIELD
PROPOSAL:	DEMOLITION OF EXISTING BUILDINGS, ERECTION OF A RESIDENTIAL FLAT BUILDING AND STRATA SUBDIVISION
APPLICANT:	REVAY AND UNN ARCHITECTS
OWNER:	ROSEMARY EDGELL BUSH AND F W E BUSH
DESIGNER	REVAY AND UNN ARCHITECTS

PURPOSE FOR REPORT

To review the refusal of the application under s82A of the Environmental Planning and Assessment Act, 1979 (as amended).

EXECUTIVE SUMMARY

Issues:	Demolition of existing buildings, erection of a residential flat building and strata subdivision.
Submissions:	One objection received in relation to review application
Land and Environment Court:	Appeal against Council's refusal of the development lodged with the Court on 23 February 2003; 7 April 2004 the appeal listed for hearing for 22 & 23 June 2004; 12 May 2004 expert conferencing produces amendments agreeable to both parties; 4 June 2004 applicant applies to the Court to vacate hearing dates on the basis that a s.82A is to be lodged with the Council. The Court agrees to vacate hearing dates and reschedules hearing for 19 & 20 August 2004
Recommendation:	Approval

HISTORY

Development application No. 1529/00 was lodged on 11 December 2000 for the demolition of the existing buildings and erection of a mixed use development containing 19 residential units, a shop and a café. The development application was refused. The reasons for refusal included: (i) the siting, scale and streetscape impacts of the building; (ii) that commercial redevelopment was not supported; (iii) breach of the FSR control; (iv) variation of the setback control to Pacific Highway; (v) excessive excavation; (vi) loss of solar access; and (vii) detrimental impacts upon heritage items.

Development Application No. 912/03 was lodged on 22 July 2003 for the demolition of the existing buildings and the erection of a strata subdivided residential flat building containing 17 units and parking for 36 cars. A total of 3 x 1 bedroom, 6 x 2 bedroom and 8 x 3 bedroom units were

Item 1

proposed. The application was refused under delegated authority for the following reasons (refer to attachments for a copy of the delegated report):

1. *The design does not respond appropriately to the context of the site, failing to step in height with regard to the topography, the adjoining one and two storey dwellings and the heritage item and as such does not satisfy the context principles of SEPP 65 or the aims of DCP 48.*
2. *The proposal provides inadequate setbacks and is of inappropriate height in relation to the southern and south western portions of the building, being of an inappropriate height, bulk and scale and as such does not satisfy the scale principles of SEPP 65.*
3. *The proposal has an excessive density for the site, significantly breaching the FSR controls contained within Clause 60 of the KPSO and Clause 16 of DCP 48 and as such does not satisfy the density principles of SEPP 65. The SEPP 1 objection lodged to the standard is therefore not well-founded.*
4. *The proposal breaches the setback controls contained in Clause 50 of the KPSO and Clause 18 of DCP 48 and the SEPP 1 objection lodged is not well-founded.*
5. *The proposal provides car parking in breach of the requirements of Clause 53 of the KPSO and not SEPP 1 objection has been lodged to the variation.*
6. *The proposed building will have a detrimental impact upon the amenity of the No. 2 Grosvenor Road and Nos. 5 and 7 Eton Road by way of inappropriate visual bulk, which cannot be satisfactorily ameliorated by landscaping.*
7. *The proposed building is of excessive height in proximity to the adjoining heritage item at No. 2 Grosvenor Road and is inconsistent with the requirements of Schedule 7 of the KPSO.*
8. *The proposal will result in an unsatisfactory loss of privacy to the rear yards of Nos. 5 and 7 Eton Road and the impact cannot be satisfactorily ameliorated by screens or landscaping.*
9. *The proposal breaches the building height plan and height controls of Clause 14 of DCP 48, resulting in a loss of residential amenity to adjoining properties.*
10. *The proposal is inconsistent with the aims and objectives of the residential zones as are contained in Schedule 9 of the KPSO.*

The applicant lodged an appeal to the Land and Environment Court in relation to the refusal of the application. Discussions were held at the request of the applicant to seek guidance on changes to address the reasons for refusal, and as a consequence of these discussions, amended plans were prepared and a s82A review of the refusal was lodged with Council on 8 June 2004. The amended proposal within the s.82A application resolves those issues of contention that arose between expert witnesses for both the applicant and Council. The appeal has been set down for hearing on 19 and 20 August 2004.

Item 1

THE SITE

Zoning:	Residential 2(d)
Visual Character:	1920-1945
Lot Number:	1, 1 and A
DP Number:	662154, 105158 and 370774, respectively
Area:	2106.6m ²
Side of Street:	South western side of intersection of Pacific Highway and Grosvenor Road
Cross Fall:	North-east to south-west
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

The site is located on the south-western side of the intersection of Pacific Highway and Grosvenor Road and comprises three allotments, being Lot 1 in DP 105158, Lot 1 in DP 662154 and Lot A in DP 370774. The site has frontage to Pacific Highway of 42.62m, to Grosvenor Road of 48.77, to the lane to the rear (south west) of 21.115m and to the south-eastern boundary of 29.61m, with a total site area of 2106.6m². The site is irregular in shape and is burdened by a ROW in favour of Lot 5A in DP 337758 and Lot B in DP 337759, which have vehicular access off the lane and a ROW.

The site slopes from Pacific Highway to the rear, with the Pacific Highway portion of the site being relatively level and the rear (south-western) portion of the site falling more steeply to the lane and ROW. The site has a total fall of approximately 4.2m.

The site is currently developed with two shops (Nos. 212-216 Pacific Highway) and a detached dwelling (No. 210 Pacific Highway). The shops are free standing and have zero setbacks to Pacific Highway and Grosvenor Road, with a small shop located between the dwelling and the large shop, which is located at the intersection. Three sheds and outbuildings are located in the rear yard of the shops along with two car parks, one accessed off Grosvenor Road and one off the rear lane. The dwelling house is located towards the Pacific Highway frontage and has an attached garage with access directly off Pacific Highway. The dwelling currently has a substantial rear yard area which is fenced off and at a higher level than the ROW.

The site contains a number of trees, located mainly along the south-eastern boundary with the adjoining properties and to the boundary between the small shop and dwelling on site.

The surrounding area has a mixed character, with the western side of Pacific Highway being characterised by three storey development and Grosvenor Road and Eton Road being characterised

Item 1

by smaller, one to two storey, development. The area is substantially residential in character, with the exception of the retail uses on the subject site and Lindfield Public School.

Located to the immediate north-west (across Grosvenor Road) is Lindfield Public School, which is of three storey scale. To the immediate south-east are a residential flat building at No. 208 Pacific Highway and the rear yard and garages of two detached dwelling house sites at Nos. 5 and 7 Eton Road. The dwelling on No. 5 Eton Road is located closer to the subject site than the dwelling on No. 7 Eton Road and is two storey high. To the immediate south east is a large single storey dwelling located on a large allotment of land at No. 2 Grosvenor Road.

THE PROPOSAL

Original scheme

The original proposal was to demolish the existing dwelling and shops, to erect a residential flat building to contain 17 units and parking for 36 cars and to strata subdivide the proposed development. A total of 3 x 1 bedroom, 6 x 2 bedroom and 8 x 3 bedroom units were proposed in the development, which was to be of three storey construction over basement parking, to be partially above ground level.

Vehicular access to the development is proposed off the rear lane, via the ROW, with the point of access being located opposite the right angle in the ROW.

The development was to be constructed of part face brick and part rendered masonry and was to have a concrete tile roof (slate grey) and metal balustrades. A fence was also proposed to the two street frontages and lane frontage of brick and metal to a height averaging 1.6m, stepping with the topography and with the main pedestrian access off Grosvenor Road. The fence was to be constructed at a staggered setback from Pacific Highway of between 0m and 3.6m, with a small section of setback to the corner with Grosvenor Road and a setback of 2m from the lane. The boundary with the ROW is to be treated with a series of two retaining walls of 1.2m and 1.0m in height. The existing paling fence at the boundary with No. 208 Pacific Highway and No. 5 Eton Road is to be retained.

All of the trees along the south-eastern boundary are to be retained and all other vegetation on the site is to be removed and the site landscaped at the completion of the development. The proposed landscape plan consisted of native trees to be planted around the edges of the development, with an under-storey of shrubs and groundcovers. Several lawn areas are proposed and paved areas are provided near the building, substantially over the underground car park.

The proposal also involves the strata subdivision of the development.

The development is described as follows:

Basement level: Contains parking for 35 cars including 4 visitor parking spaces, a garbage and recycling room, store room and WC.

Item 1

Ground level: Contains six units located around a central lift lobby.

First level: Contains six units located around a central lift lobby.

Second level: Contains five units located around a central lift lobby.

Revised scheme

The Section 82A application proposes a development modified in the following ways:

- Basement**
- Number of parking spaces reduced from 36 to 35, allowing for an increased setback for deep landscaping along the southern boundary with the right-of-way from 1.6m to 3m.
- Ground level**
- Southern patio to Unit 5 reduced in width to allow more landscaping along southern boundary with right-of-way,
 - Relocate fence northward adjacent to No. 2 Grosvenor Road to provide increased landscape buffer; and
 - Amendments to balcony pier locations to improve façade treatment.
- First level**
- Reduction in width of balcony to Unit 11 and provision of 1.5m high privacy screen to south-eastern edge;
 - Provision of obscure glazing to the family room, kitchen and dining room windows of Unit 11;
 - Reduction in size of family room to Unit 12 to provide 8.155m separation between wall of building at this level and lane adjacent to No. 2 Grosvenor Road, previously 5.045m;
 - Provision of balcony off bedroom 1 of Unit 7;
 - Increase size of balcony off living area of Unit 8; and
 - Widen balcony off bedroom 1 of Unit 9.
- Second level**
- Reduction in width and length of balcony to Unit 16 and provision of 1.5m high privacy screen to south-eastern edge;
 - Windows of family room and study at south-eastern façade to be obscure glazing;
 - Reduction in size of family and living rooms to Unit 17 to provide 13.63m separation between wall of building at this level and lane adjacent to No. 2 Grosvenor Road, previously 12.63m;
 - Reduction in size of roof deck to Unit 17 commensurate with reduction in size of unit below;
 - Redesign of roof deck widths along north-western façade to improve façade detailing;
 - Widen balcony off bedroom 1 of Unit 14.
- Roof**
- Ridge lowered and roof reconfigured

Item 1

Key external design changes

The amendments proposed within the s.82A have also resulted in the following key design changes:

- Reduction in the bulk of the roof;
- Introduction of increased stepping in the height of the development with the topography of the site, as viewed from Grosvenor Road;
- Redesign of the appearance of the building (Pacific Highway and Grosvenor Road facades) to improve the modulation of the development, providing appropriate horizontal and vertical elements and provide a greater sense of entry to the development; and
- Reduction in the depth and width of balconies at the southern façade to allow for increased separation between buildings and an improved landscape setback.

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the Section 82A Review application.

One (1) submission has been received, as follows:

1. Dr Cheng Loong Lim owner of 2 Grosvenor Road, Lindfield

The following concerns were raised in the submissions:

Loss of solar access to eastern roof/impact on solar hot water system

The shadow diagrams lodged with the original application showed that the proposal did not result in additional shadowing to the roof of No. 2 Grosvenor Road between 9.00am and 3.00pm in mid-winter. As the amended plans increase the setback of the development from this property at the first and second levels, the shadow cast by the amended proposal will be less and, accordingly, the objector's roof will not be affected.

Use of private land for access/no owners consent given

Information has been provided by the applicant to show that No. 210 Pacific Highway is a beneficiary of the right-of-way. No owners consent is required by the owner of the land burdened by the right-of-way for the lodgment of the development application. It is noted that a deferred commencement condition of consent requires consolidation of the allotments and registration of the right-of-way benefiting the new allotment prior to the commencement of the consent.

Traffic impact and potential danger to pedestrians including school children

It is not considered that the proposal would result in any significant increase in danger to pedestrians or children, with the entry point to the development within the site off the right-of-way

Item 1

and with good sight lines available at the entrance to the lane. The road system will be able to cope with the additional traffic load generated by the development.

CONSULTATION - WITHIN COUNCIL:

Development Engineer

The land drains to the street. The increased stormwater runoff will be dealt with by the construction of a proposed stormwater detention.

The existing public roads will satisfactorily handle the increase in traffic resulting from the development. The entire lane way is to be kerbed and guttered and the pavement reconstructed as part of the development to facilitate construction traffic and increased use as a result of the development.

The applicant has provided engineering plans for drainage and roadworks. They are acceptable as a concept however they must be refined at the Construction Certificate stage. The application has been conditioned (Refer Nos. 44-46, 52, 55-56, 58-60, 67-68, 70-72, 76-80, 89, 91-100).

There are no engineering objections to the proposal.

Landscape Development Officer

Council's Landscape Officer raises no objection to the proposed development subject to appropriate conditions being imposed (Refer Nos. 42-44, 83-86, 101).

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

Section 82A of the Environmental Planning & Assessment Amendment Act 1979 allows for a review of the determination of a development application. These provisions allow an applicant to make changes to the application (as have been detailed previously within this report) and Council can consider such amended plans after it has notified the application in accordance with a development control plan, see section entitled *Consultation – Community*.

The Council must be satisfied that the amended application is substantially the same development as the application in the original application and may review the amended plans. Where an appeal has been lodged in relation to an application the subject of a request for review of determination, and Council seeks to grant development consent, Council may seek to have the appeal withdrawn by the applicant.

1. Substantially the Same Development

Item 1

The development as proposed within the review application is considered to be substantially the same development, still being for a residential flat building containing 3 x 1 bedroom, 6 x 2 bedroom and 8 x 3 bedroom units (total of 17 units) above parking (albeit for 35 spaces). The changes proposed are not substantial and relate to balcony sizes, reductions in the bulk of one portion of the building and changes to the façade.

2. Review Against Reasons for Refusal

Following, each reason for refusal will be identified and the amended application assessed as to whether it now satisfactorily resolves that reason for refusal.

1. *The design does not respond appropriately to the context of the site, failing to step in height with regard to the topography, the adjoining one and two storey dwellings and the heritage item and as such does not satisfy the context principles of SEPP 65 or the aims of DCP 48.*

The most significant change proposed within the amended plans is the reduction of the building bulk to the Grosvenor Road façade in proximity to the heritage item at No. 2 Grosvenor Road. The proposal has been reduced in length along this façade at both the first and second floor levels 3.11m and 1 metres, respectively. The result being the development is now a minimum of 8.155m at the first floor and 13.63m at the second floor from the unnamed laneway to the south-west. This increased setback provides an appropriate stepping in the façade of the development to Grosvenor Road, appropriately respecting the topography of the site and its context with regard to the adjoining smaller scale properties and the heritage item at No. 2 Grosvenor Road. Accordingly, the amended plans have now satisfactorily addressed Reason 1 of the refusal.

2. *The proposal provides inadequate setbacks and is of inappropriate height in relation to the southern and south western portions of the building, being of an inappropriate height, bulk and scale and as such does not satisfy the scale principles of SEPP 65.*

The amended proposal has increased the setback from the south-western boundary. The result being the development is now a minimum of 8.155m at the first floor and 13.63m at the second floor from the unnamed laneway to the south-west. As a result the height, bulk and scale of the development at that point are now appropriate. With regard to the southern portion of the building, the amended plans have reduced the extent of the car park and reduced the depth and width of balconies at the southern façade to allow for increased separation between buildings and an improved landscape setback. The combination of the reduction in the balconies and the improved setback for landscaping result in a development of appropriate height, bulk and scale as viewed from the south. Accordingly, the amended plans have now satisfactorily addressed Reason 2 of the refusal.

3. *The proposal has an excessive density for the site, significantly breaching the FSR controls contained within Clause 60 of the KPSO and Clause 16 of DCP 48 and as such does not satisfy the density principles of SEPP 65. The SEPP 1 objection lodged to the standard is therefore not well-founded.*

Item 1

Clause 60 of the KPSO and clause 16 of DCP 48 prescribe a maximum FSR for buildings in the Residential 2(d) zone at 0.85:1.

The original SEPP 1 objection was not considered to be well-founded on the basis that the increased density had inappropriate impacts with regard to the bulk and scale of the development (see reasons for refusal 1 and 2). The original application sought a floor space of 2305m² (including the parking in excess of Council's controls, access thereto and the garbage storage area) equating to a FSR of 1.09:1 or a breach of 0.24:1 (515m²) or 28.2%.

The amended proposal seeks a floor space 2259m² (including the parking in excess of Council's controls, access thereto and the garbage storage area) equating to a FSR of 1.07:1 or a breach of 0.22:1 (469m² of which 157m² is in the basement) or 26.2%. The amended proposal is now accompanied by an amended SEPP 1 objection indicating that the breach should be supported for the following reasons:

- *The orderly and economic use of the land and achievement of the objects of the Act would be hindered by the strict enforcement of the standard;*
- *The variation of the control is minor in the overall planning context and in view of the circumstances of the case;*
- *The variation is consistent with the aims and objects of SEPP 1;*
- *The breach of FSR is only 75% of the existing floor space of the commercial component of the current site, which enjoys existing use rights;*
- *Account should be taken of Council's previous stated position that the 0.85:1 standard should be relaxed only on the basis that commercial development is removed from the site, which it is;*
- *The proposal will have no significant adverse environmental impacts;*
- *The building is well modeled and articulated; and*
- *The proposal is consistent with the underlying standard of the control, providing a building of suitable height, scale and character in the context of the site.*

Given the extent of changes to the design of the development, the height, bulk and scale of the development is now appropriate in the local context. The development results in no unacceptable solar access views or privacy impacts. Furthermore, as a substantial portion of the floor space in breach of the control is contained underground within the basement, the variation of FSR sought by the amended proposal is acceptable and the SEPP 1 objection well-founded. Accordingly, the amended plans have now satisfactorily addressed Reason 3 of the refusal.

4. *The proposal breaches the setback controls contained in Clause 50 of the KPSO and Clause 18 of DCP 48 and the SEPP 1 objection lodged is not well-founded.*

Clause 50 of the KPSO provides that a residential building shall not be erected within a Residential 2(d) zone closer than 9.1m from Pacific Highway. The original application proposed a setback from the Pacific Highway between 6.02m and 10.17m.

Clause 18 of DCP 48 requires a minimum setback of 9m from the front boundary, with side and rear setbacks defined by the building height plane, with a minimum 5m setback. The original proposal breached the front setback control.

Item 1

The SEPP 1 objection lodged with the original application addressed the streetscape component of the objections satisfactorily and no concern was raised with regard to the reduced setback to Pacific Highway, due to its corner location. However, as the SEPP 1 objection did not adequately deal with the amenity impacts of the smaller setback upon the units proposed, particularly in relation to acoustic amenity, the application was refused.

Additional information has been provided with the review application from Acoustic Logic Consultancy Pty Ltd indicating that the variation in setback would have little impact on the acoustic amenity of the proposed units. It was noted that both the units with complying setbacks and those with reduced setbacks would need acoustic treatment to ensure an appropriate level of acoustic amenity internally.

Given this additional advice, the amended SEPP 1 objection, which relies on this advice, is supported and is considered to be well-founded. There is no detrimental visual impact upon the streetscape due to the variation from the control nor any detrimental impact with regard to the amenity of the units subject to appropriate acoustic treatments, which can be conditioned (**Refer Condition No. 83**). Accordingly, the amended plans have now satisfactorily addressed Reason 4 of the refusal.

5. *The proposal provides car parking in breach of the requirements of Clause 53 of the KPSO and no SEPP 1 objection has been lodged to the variation.*

Clause 53 requires that consent shall not be given for the erection of a residential flat building unless provision is made for a parking space of not less than 5.5m x 2.4m for each flat and proper vehicular access is provided to any such parking spaces. The proposed basement garage provides a minimum of one car parking space per apartment and all spaces have minimum dimensions of 5.4m x 2.625m. Accordingly, whilst the width of the spaces is acceptable, the length is 0.1m shorter than that required. No SEPP 1 objection was lodged with the original development application and, accordingly, the application could not be approved for this reason alone.

A SEPP 1 objection was lodged with the s.82A review. The basis for the objection is as follows:

“The proposal has been designed in accordance with the Australian Standard AS?NZA 2890.1:2004 and each parking space has a length of 5.4m. The purpose of the clause is not offended because a reasonable standard of parking is proposed. All of the spaces are significantly wider than the Council’s requirement of 2.4m”

The SEPP 1 is supported in this instance as the spaces are of appropriate dimension notwithstanding the breach of the control, and no objection to the proposal is raised by Council’s Development Engineer. Accordingly, the amended plans have now satisfactorily addressed Reason 5 of the refusal.

6. *The proposed building will have a detrimental impact upon the amenity of the No. 2 Grosvenor Road and Nos. 5 and 7 Eton Road by way of inappropriate visual bulk, which cannot be satisfactorily ameliorated by landscaping.*

Item 1

The amended plans address this issue by stepping the development further from No. 2 Grosvenor Road and by the increased setback to the balconies in the southern façade, which together with the reduction in the size of the basement, allows for appropriate screen landscaping. Both of these amendments have been discussed previously and are considered to satisfactorily address the visual bulk impact of the development when viewed from the neighbouring properties. Accordingly, the amended plans have now satisfactorily addressed Reason 6 of the refusal.

7. *The proposed building is of excessive height in proximity to the adjoining heritage item at No. 2 Grosvenor Road and is inconsistent with the requirements of Schedule 7 of the KPSO.*

This reason for refusal has been addressed by the additional stepping back of the first and second floors of the building adjacent to No. 2 Grosvenor Road. Accordingly, the amended plans have now satisfactorily addressed Reason 7 of the refusal.

8. *The proposal will result in an unsatisfactory loss of privacy to the rear yards of Nos. 5 and 7 Eton Road and the impact cannot be satisfactorily ameliorated by screens or landscaping.*

The amended plans allow for better screen landscaping along the southern boundary. Together with the provision of smaller decks, privacy screening and obscure glazing to windows, the landscaping will ensure an appropriate level of privacy is retained to the rear yards of Nos. 5 and 7 Eton Road. Accordingly, the amended plans have now satisfactorily addressed Reason 8 of the refusal.

9. *The proposal breaches the building height plane and height controls of Clause 17 of DCP 48, resulting in a loss of residential amenity to adjoining properties.*

Built form controls are contained in clause 17 and include a maximum 3 storey height and a building height plane of 45° measured from 3.5m above the ground level on the boundary of the site.

The impact of the breach of the control relates to loss of privacy to the adjoining properties and visual bulk, which could not be appropriately softened by landscape screening in the original proposal. The combination of the reduction in the width of the balconies on the southern façade and the additional width for landscaping in the amended plans, will ensure an appropriate level of amenity is now retained by adjoining properties. Accordingly, the amended plans have now satisfactorily addressed Reason 9 of the refusal.

10. *The proposal is inconsistent with the aims and objectives of the residential zones as are contained in Schedule 9 of the KPSO.*

The proposal as amended now ensures an appropriate level of amenity is retained by adjoining properties and that the building is appropriate to its context. As such, it is now consistent with the aims and objectives of the residential zones. Accordingly, the amended plans have now satisfactorily addressed Reason 10 of the refusal.

Item 1

3. Environmental Planning Instruments

This application is Local Development under Part 4 of the Environmental Planning & Assessment (Amendment) Act and requires development consent under the Ku-ring-gai Planning Scheme Ordinance.

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

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development aims to improve the design quality of residential flat developments to provide sustainable housing in social and environmental terms that is a long-term asset to the community and presents a better built form within the streetscape. It also aims to better provide for a range of residents, provide safety, amenity and satisfy ecologically sustainable development principles.

In order to satisfy these aims the plan sets design principles in relation to context, scale, built form, density, resources, energy and water efficiency, landscaping, amenity, safety and security, social dimensions and aesthetics. The amended proposal is now satisfactory with regard to all of the above design principles, with the previous concerns in relation to context, scale and density being addressed by the increased stepping of the development when viewed from Grosvenor Road.

The previous concerns in relation to the built form and aesthetics have been addressed by the previously discussed additional stepping to the Grosvenor Road façade, amendments to the roof form to break up its bulk and changes to the façade detailing to both Grosvenor Road and Pacific Highway. The changes to the façade detail improve the modulation of the development, providing appropriate horizontal and vertical elements and provide a greater sense of entry to the development. The built form and aesthetics of the development as amended are considered to be appropriate.

The ten principles identified in SEPP 65 are discussed below:

Context

“Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.”

The context of the site includes both the topography of the site and its surrounds, and the built form surrounding the site. The topography of the area is such that the Pacific Highway is at the high point of the area and the site and other properties adjoining fall away from the Pacific Highway to the south west. A relatively level building platform exists on this site and the adjoining site at No. 208 Pacific Highway, adjacent to the highway, with a steeper fall on the site towards the rear. This fall continues on adjoining properties including the adjoining Grosvenor Road and Eton Road. A good design that responds to the topography of the site would step down in height with the topography of the land.

Secondly, a significant component of the context of the site is the surrounding built form in both height and scale. The adjoining properties on the Pacific Highway are of a three storey scale (with

Item 1

the school building being of this scale despite the two-storey construction). However, the single detached residential development to the south and south-west is of a single and two storey height and is set in landscaped grounds.

As such, any development that responds to context on this site would provide for a three storey height and scale to the Pacific Highway frontage, stepping down the slope of the site. Further, the development would reduce its height where in close proximity to the single detached dwellings to the south and south-west.

The proposed development achieves an appropriate three storey scale to the Pacific Highway frontage, with an appropriate bulk and scale in context with the adjoining residential flat building and school building. In addition, the amended development proposal has appropriately responded to the topography change along Grosvenor Road and has introduced a stepping down towards the centre of this façade. In addition, the reduction in the size of the living room to Unit 17 has provided greater separation to No. 2 Grosvenor Road.

Scale

“Good design provides an appropriate scale in terms of the build and height that suits the scale of the street and the surrounding buildings.”

The scale of development in the area is mixed. The proposal has introduced a stepping down towards the rear of the site so as to provide better amenity and relationship with the adjoining lower scale developments.

Built Form

“Good design achieves an appropriate built form for the site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of the building elements.”

The development is considered to have reasonable proportions and alignments, providing a setback commensurate with that of the adjoining dwelling at No. 2 Grosvenor Road and a similar setback adjacent to No. 208 Pacific Highway. The reduction in setback in proximity to the intersection of Grosvenor Road and Pacific Highway is not considered to be detrimental to the streetscape, with a lesser setback in this area being an appropriate method of corner emphasis. The lesser setback still allows for an appropriate degree of landscaping forward of the building line in this location.

Further, the level of articulation of the building’s facades is considered appropriate and achieves an acceptable façade presentation when combined with the location and treatment of the balconies to the Pacific Highway frontage.

Density

“Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).”

Item 1

The site is well located to provide a higher level of density, being on the Pacific Highway and, as such, being well serviced by public transport, with bus services running along the frontage of the site. This higher level of density is reflected in the zoning of the site, which allows residential flat buildings along the Pacific Highway, with lower scale residential development located to the south and south west.

Resources, Energy and Water Efficiency

“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.”

The design of the development provides all living areas and balconies with an appropriate level of solar access and cross ventilation.

Landscaping

“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.”

The landscaping as proposed is considered to be generally satisfactory. Additional conditions have been imposed to ensure a high level of landscaping is achieved upon the site.

Amenity

“Good design provides amenity through the physical, spatial and environmental qualities of a development.”

As discussed above, the design of the development provides for an appropriate level of solar access and natural ventilation to the majority of the units. The units are of an appropriate size and layout and are provided with private open space of good size, orientation and location to provide a reasonable level of amenity. Lift accessing the garage and all residential levels provides a good level of access for all residents and visitors.

The location of the units on the Pacific Highway results in the potential for additional sound attenuation treatment to be required to ensure an appropriate noise level internally. A condition of any consent requiring an acoustic report to address the mitigation measures necessary to ensure an appropriate level of acoustic amenity has been imposed (**Refer Condition No. 83**).

All bedrooms and all units have been provided with built in wardrobes and linen cupboards, providing an appropriate level of storage within the units. The garage area provides three areas for storage and a condition of consent could require these areas to be divided to allow all units a secure and accessible storage area.

Therefore, the proposed development would provide a suitable level of amenity for future occupants.

Item 1

Safety and Security

“Good design optimises safety and security, both internal to the development and for the public domain.”

The development provides for satisfactory levels of direct and passive surveillance of entryways and communal open space areas.

Social Dimensions

“Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.”

The development contains an appropriate mix of one, two and three bedroom units, some with courtyards at ground level, some with balconies and some with roof terraces. The range in sizes and open space provision will cater for a wide range of future residents and is considered to be an appropriate response to the mainly single detached dwelling area of Lindfield.

Aesthetics

“Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development.”

The materials proposed for the development are a mix of face brick and rendered masonry (no colours identified), with aluminium framed doors and windows and with slate gray concrete roof tiles.

The materials proposed are generally considered acceptable in the context of the surrounding development, however details of the proposed colours have not been provided.

The abovementioned consideration has taken into account the principles within The Residential Flat Design Code. The development is consistent with the requirements of the Residential Flat Design Code.

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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 and retail use and as such is unlikely to be contaminated. Accordingly, no further investigation is warranted.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Permissibility

Item 1

The site is zoned Residential 2(d) under the provisions of Ku-ring-gai Planning Scheme Ordinance and the erection of a residential flat building is permissible with consent within the zone.

Aesthetic Appearance

Clause 33 of the KPSO requires Council to consider the aesthetic appearance of the development as viewed from Pacific Highway. This has been addressed previously and is now considered acceptable.

Minimum Standards for Residential Flat Buildings

Clause 43 sets a minimum allotment size for the erection of a residential flat building within the Residential 2(d) zone of 1208m², a minimum width of 24.4m at a distance of 12.2m from the street alignment and a maximum height of three storeys.

The site has an area of 2106.6m² and the site has a width of 28.9m for a length of 29.61m from the Pacific Highway frontage and the proposed building has three storeys of residential accommodation, satisfying the controls.

Setback from Pacific Highway

Clause 50 provides that a residential building shall not be erected within a Residential 2(d) zone closer than 9.1m from Pacific Highway. The proposal is set back from the Pacific Highway between 6.02m and 10.17m. The variation to this clause has been addressed in relation to the reasons for refusal and the SEPP 1 objection provided is now supported.

Parking and Access

Clause 53 requires that consent shall not be given for the erection of a residential flat building unless provision is made for a parking space of not less than 5.5m x 2.4m for each flat and proper vehicular access is provided to such parking spaces.

The proposed basement garage provides a minimum of one car parking space per apartment and all spaces have minimum dimensions of 5.4m x 2.625m. Accordingly, whilst the width of the spaces is acceptable, the length is 0.1m shorter than required. The SEPP 1 objection submitted in relation to this control has been addressed in relation to the reasons for refusal and the SEPP 1 objection provided is supported.

Floor Space Ratio

Clause 60 sets a maximum FSR for buildings in the Residential 2(d) zone at 0.85:1. The proposal has a FSR in breach of this control, which has been addressed in relation to the reasons for refusal and the SEPP 1 objection provided is now supported.

Schedule 7

Item 1

Schedule 7 contains items of heritage significance and identifies the adjoining dwelling at No. 2 Grosvenor Road as an item of heritage significance. It is considered that the stepping down in height of the development with the topography of the site as viewed from Grosvenor Road has appropriately resolved the built form concern in relation to the component of the building adjoining the heritage item.

Schedule 9

Schedule 9 contains general aims and specific objectives for the Ordinance in relation to residential zones, including the Residential 2(d) zone. The amended proposal satisfies the aims and objectives of the zone.

4. Any Draft Environmental Planning Instruments

No draft environmental planning instruments apply to the assessment of this application.

5. Any Development Control Plan**Development Control Plan 40 - Waste Management**

The proposal provides a waste and recycling storage area.

Development Control Plan 43 – Carparking (DCP 43)

The car parking demanded by the proposal has been dealt with previously within this report.

Ku-ring-gai Development Control Plan No. 48 – Medium Density Residential Development (DCP 48)

DCP 48 applies to development for residential flat buildings, townhouses and villas in the Residential 2(d) zone and, as such, applies to the subject application. The concerns in relation to the original application with regard to the controls of DCP 48 have been addressed by the amended plans and the proposal is considered to be consistent with the objectives and aims of DCP 48, notwithstanding the breach of the FSR and setback controls discussed previously.

Standard	<i>Requirement</i>	<i>Proposal</i>	<i>Compliance</i>
FSR	0.85:1	1.07:1	NO
Density	1/150m ²	1/124	NO. These figures are only a guide and development applications will be assessed on individual merits.
Building height	Maximum 3 storeys	3 storeys	YES

Item 1

Allotment size	Minimum 1208m ²	2107m ²	YES
Length of building	No wall length greater than 12 metres without a physical break. Total length of wall no greater than 24 metres.	No wall length greater than 12 metres without a physical break. Total wall length approximately 38 metres.	YES NO
Building Setbacks	Front – 9 metres Side – 5 metres Rear – 5 metres	Front – 6m-10.2m Side – 7.9 metres Rear – 5 metres	NO YES YES
Privacy and overlooking	Appropriate orientation of windows and balconies. The provision of appropriate screening.	The design provides adequate privacy to the adjoining properties at 2 Grosvenor, 5 & 7 Eton Road and 208 Pacific Highway. It is noted that through the use of better screen planting along the southern boundary together with smaller decks. Privacy screens and obscure glazing to windows, privacy to Nos. 5 & 7 Eton Road is maintained.	YES
Sunlight	Access to sunlight Overshadowing of adjoining properties	Adequate solar access is provided to the units within the development. Adjoining properties receive adequate levels of solar access throughout the day.	YES YES
Site development	Maximum built upon area of 50%. However 60% may be considered where landscaping is provided over car parking areas.	60%	YES

Item 1

Energy efficiency	Achieve a NATHERS rating of 3.5 stars	All units have ratings between 3.5 & 5 stars.	YES
Views	View sharing	Existing views and outlook predominantly maintained.	YES
Private Open Space	Each dwelling is to have an identifiable area of private and useable open space or balcony area	Each dwelling has access to private open space or balcony area.	YES
Common Open Space	Must be functional and accessible. Total area is merits based.	Common open space is accessible.	YES
Traffic Car Parking	35 car spaces required	35	YES
Stormwater Management	Comply with Council's Water Management Plan	The land drains to the street and increased stormwater run-off will be dealt with by on-site stormwater detention	YES
Heritage Protection	Protect adjoining heritage items from structural damage.	The development will not affect the heritage item. The excavation is in excess of 10m from the adjoining heritage item	YES

6. Any Matters Prescribed by the Regulations

No other matters prescribed by the Regulations are of relevance to the assessment of this application.

7. Likely Impacts

The likely impacts of the development have been assessed throughout this report and are considered to be satisfactory.

8. Suitability of The Site

The site is considered to be appropriate for the erection of a residential flat building of the form and design proposed.

9. Any Submissions

The submissions received in relation to the application have been summarised and addressed previously within this report.

Item 1

10. Public Interest

The proposed development will not result in any significant detrimental impact in relation to the public interest.

Any other Relevant Matters Considerations Not Already Addressed

This proposal is subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development.

CONCLUSION

The original application, which was refused, had merit, however, it did not respond appropriately to its setting, adjacent to single detached houses and an item of heritage, and did not respond appropriately in relation to the topography of the area. For these reasons the breach of the FSR controls proposed could not be supported.

However, the amended plans show a building that will respond appropriately to its context, stepping satisfactorily down Grosvenor Road in the context of both the topography of the site and its proximity to the low scale heritage item at No. 2 Grosvenor Road. Further, the amendments have satisfactorily addressed issues of privacy and visual bulk (through appropriate landscape setbacks) in relation to Nos. 5 and 7 Eton Road.

Accordingly, the breach in FSR proposed, whilst still significant, is now supportable as the design is appropriate for the site and context, affords a good level of amenity for future residents and appropriately protects the amenity of adjoining properties.

For these reasons the SEPP 1 objections to the FSR, car parking space dimensions and setback from the Pacific Highway are supported and considered to be well-founded and the proposal and additional information put forward in the review of determination application is worthy of approval.

Accordingly, the application is recommended for approval.

RECOMMENDATION

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* in clauses 50, 53 & 60 of the Kuring-gai Planning Scheme Ordinance are well founded. The Council is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.

THAT Development Application No 912/03 for the construction of a residential flat building and strata subdivision of the building on Lot 1, DP 662154, Lot 1, DP 105158 and Lot A, DP 370774,

Item 1

No 210-216 Pacific Highway, Lindfield for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 912/03 and Development Application plans prepared by Revay and Unn Architects, Drawing Nos. A-02 – A-03, A-06 – A-07, A-09 – A-10, A-16, A-17, Issue C, dated 18.5.2004, A-04 – A-05, A-08, Issue D, dated 1.6.2004, as amended by any conditions of this consent.
2. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
3. The works shall be erected in conformity with the approved plans and specifications and in accordance with the conditions of approval set out herein.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

Item 1

9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
11. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
12. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
13. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
14. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
15. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

Item 1

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

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

- 16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- 17. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the occupation Certificate.
- 18. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
 - c. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - d. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

- 19. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 20. The fence and footings shall be constructed entirely within the boundaries of the property.
- 21. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
- 22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

Item 1

23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. The Applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
29. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.

Item 1

30. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
31. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
32. Trees and vegetation on a site shall not be disturbed other than in accordance with the approved landscape plan, except with the approval of the Council.
33. Fire hoses are to be maintained on site during the course of demolition.
34. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
35. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
36. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
37. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
38. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
39. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

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

Item 1

41. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

42. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
43. Root pruning of the following tree which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location

Eucalyptus cinerea. (Argyle Apple)/Adjoining property to the south

44. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk of the following tree until root pruning by hand along the perimeter line of such works is completed:

Tree/Location

Radius From Trunk

Eucalyptus cinerea. (Argyle Apple)
Adjoining property to the south

5.5m

45. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
46. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual and generally in accordance with the drainage concept plans Lyall & Associates, JobAG11, except where modified by the requirements of a conditions. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

Item 1

NOTE 1: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 2: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 3: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

47. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
48. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council. It is the Applicant's responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
49. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the 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 circulation is diverted on to the roadway, 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, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
50. Safe and clear access is to be maintained to the adjoining right-of-way (adjacent to southern boundary) at all times.
51. Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of any shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of the Principal Certifying Authority (PCA), before the commencement of the works. Backfilling of excavations

Item 1

adjoining Council property, or any void remaining at completion of construction between the building and Council property, must be fully compacted prior to issue of the Final Compliance Certificate.

52. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – “Off-Street car parking”.
53. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas, prior to discharge to the stormwater system.
54. In order to allow unrestricted access by Council’s waste collection vehicles to the basement garbage area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service. Council or its contractors cannot and will not accept keys or security devices in order to gain access past security devices.
55. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
56. The Applicant must carry out the following infrastructure works in the “Right of Way”, Laneway and Public Road, at their expense:

Public Laneway and “Right of way”

Reconstruction and resealing & of the Public laneway over its entire length and width, to facilitate a fully laden concrete truck/garbage truck and the increased traffic loading. Unless otherwise specified, this is to include a 150 mm DGS 40 sub-base, a 100mm DGB20 F.C.R basecourse and a 50mm AC14 seal. The full width of the pavement of the existing laneway (under the kerb and between the kerbs) is to be reconstructed. **Existing vehicular access to the garage accessed at the end of the Public lane is to be maintained.** Grades and transitions in this location must comply with Australian Standard 2890.1 – 1993 “Off-street car parking”.

Removal and levelling of embankments as required. Suitable sight distances to be provided at the bend.

Provision of kerb and gutter along the both sides of the public lane, to convey stormwater to the low point in the right of carriageway, fronting the garage at 2 Grosvenor Rd, Lindfield. The kerb and gutter along the laneway is to be placed so that the back of the kerb is 200mm off the property boundary.

Item 1

Full re-construction of the existing PVC drainage line and grated inlet pits in the public lane and right of carriageway. The replacement line is to be 375mm RC pipe (class 2) minimum and laid accordingly to facilitate the increased traffic loadings in the lane. The new inlet pits are to be trafficable, heavy duty grated and sized to accommodate expected flows. In the event of blockage at the low point inlet, the grate level of upstream pit is to be located as a high level overflow thus preventing inundation of the neighbouring property. The new inground line is to connect into a new drainage pit to be constructed in Grosvenor Rd.

Construction of a new commercial grade concrete driveway crossing and layback where the laneway meets Grosvenor Rd. The crossing is to be 5.5m wide at the boundary and 7.0m wide at the layback on Grosvenor Rd.

Construction of a new concrete driveway crossing in the right of carriageway, where the basement entry is to be located.

Note: These works are required to facilitate the increased traffic movements in the lane during and after construction. The laneway and section of road over the existing PVC pipe is showing considerable wear/rutting, and this is expected to be considerably exacerbated with increased traffic loading as a result of the development.

Grosvenor Road

Construction of a fully new double grated gully (DGG) pit with kerb inlet, on the downstream side of the (newly constructed) commercial layback into the Public lane. The new 375 mm drainage line to be constructed in the Public lane (described in point "d") must connect into this new pit in Grosvenor Rd. Location and invert of this pit is to suit required falls from the newly constructed drainage line in the lane.

Construction of a fully new in-ground drainage line from the new drainage pit discussed in point "g" at gutter lip alignment, to connect the new DGG pit to the existing downstream Council drainage pit fronting no. 1 Grosvenor Rd, Lindfield. Drainage crossing of Grosvenor Rd is required to facilitate this in-ground connection, together with new pit at change of direction to cross Grosvenor Rd.

All drainage from the development to be piped to the new DGG pit in Grosvenor Road described in point "g".

Complete removal of the full width bitumen footpath over the Grosvenor Rd street frontage and construction of 1.8m wide concrete footpath in its place. Maximum crossfall on footpath to be 2.5%. This is to occur along that section of the frontage where the full width footpath presently occurs. Area between newly constructed concrete footpath and back of kerb to be turfed.

Removal of all redundant driveway crossings and laybacks, and reinstatement to match adjacent infrastructure

Item 1

Pacific Hwy frontage

Reconstruction of any cracked and dilapidated sections of 1.2m wide concrete footpath, (along the frontage of 210 Pacific Hwy).

Reconstruction of the pram ramps at the corner of Pacific Hwy and Grosvenor Rd.

Removal of all redundant crossings and replacement of them with upright kerb to match the adjoining kerb and gutter.

In regard to existing public services in the laneway and “right of way”, footway or road the applicant is required to undertake any or all of the following items in order to make the work effective: - (a) adjustment of any services (b) repositioning of any services, or (c) raising or lowering of the lids of any services.

57. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures, inlets and/or barriers that direct runoff to the formal drainage system.
58. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.
59. For the purpose of any inspections by Council engineers, the corresponding fees set out in Council's adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
60. No dividing structures such as cages or partitioning walls shall be placed that divide individual car spaces. The design is approved based on an open space parking layout.
61. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
62. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

Item 1

63. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must supervise the excavation procedure.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE RELEASE OF THE CONSTRUCTION CERTIFICATE

64. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
65. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
66. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
67. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.

Item 1

- b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
- c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
- d. Should the development be certified by a Principal Certifying Authority other than Council, a fee of \$15.00 for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

68. **Insert s94 contribution**

69. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Traffic Control Plan. This is required due to the proximity of the site to the primary school and intersection. The plan must be prepared by a qualified civil/traffic engineer in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998), addressing all of the following matters:

Heavy Vehicle Routes

- a. Safe points of vehicular access to the construction site and details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site particularly in the vicinity of pedestrians.
- e. How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.
- f. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads or during school peak periods where located near schools of full time where located near shopping centres.
- c. Special measures to be implemented during school drop off and collection times (8.00am to 9.30am and 2.30pm to 4.00pm) to ensure that the safety of young school children will not be compromised at any time.

RTA Concurrence

Item 1

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan as the site is located on an arterial road.

Stages

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

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

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

70. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

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

71. Fill shall not extend beyond the edge of the basement car park along its southern side to ensure the preservation of existing trees located within the site and in the adjoining property. The architectural sections shall be amended to show this and shall be submitted for approval with the Construction Certificate.

72. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

Item 1

73. A CASH BOND/BANK GUARANTEE of \$2,500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

2 x <i>Eucalyptus cinerea</i> (Argyle Apple)	
Adjoining property to south	\$1,500
2 x <i>Phoenix canariensis</i> . (Canary Island Palm)	
Close to the southern boundary	\$1,000

74. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No. 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$460 will be payable on lodgment of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Multi-Unit Housing \$100 plus \$30 per unit

NOTE

- The plan shall be at 1:100 scale;
- Some deciduous trees shall be planted to improve solar access during winter;
- Screen planting must be long lived species and need not only be native;
- Canopy trees shall be planted inside the property fronting Grosvenor Road rather than as street trees. Consideration needs to be given to winter solar access;
- Street trees shall be located close to the boundary of this site in a 1.5 metre wide garden bed which extends from the entry gate to the path at the Pacific Highway. The trees would grow to approximately 6 metres in height so that they do not interfere with the power lines. The area closest to the Pacific Highway corner should be grassed with native grasses (consultation with Council's Landscape Development Officer is required)";
- The footpath area below the pedestrian entry shall be left as paving but upgraded with brick header courses as has occurred in recent Council paving upgrades (consultation with Council's Landscape Development Officer is required);

Item 1

- A group of indigenous canopy trees is required at the corner of Grosvenor Road and the Pacific Highway to reinforce the native tree canopy;
 - Tree species selection should consider the winter solar access to the unit block to the south along the Pacific Highway;
 - The height of the fence to Grosvenor Road should generally be no higher than 1.5m but may reach 1.8m at its western end.
75. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan. The Plan is to be prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998) and section 8.2.1 of Council’s Water Management DCP 47 and by a suitably qualified and experienced civil/environmental engineer or surveyor.
76. Provision to Council prior to the issue of a Construction Certificate of a \$30,000.00 bond to cover the restoration by Council of any damage to Council’s infrastructure in the public road along the frontage or within close proximity to the subject development, or for any incomplete works, caused as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council’s Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
77. Prior to issue of the Construction Certificate, the Applicant shall submit a fully dimensioned layout (including widths of spaces) for the basement parking spaces, for approval by the Principal Certifying Authority (PCA). A qualified civil/traffic engineer, shall certify on this plan that the parking provisions provided in common areas and within private parking areas comply with the following standards:
- a. Australian Standard 2890.1 – 2004 “Off-street car parking”, and
 - b. The 2.5 metre headroom requirement under DCP40 for waste collection trucks in the relevant area (where internal collection is required).
78. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced

Item 1

civil/hydraulic engineer in accordance Council's Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 – Plumbing and Drainage Code.

79. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for provision of a rainwater tank(s) within the subject property, to be utilised for garden irrigation purposes. The total volume provided by the rainwater tank system shall be between 5000 and 10,000 litres. The tank(s) shall designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of rainwater storage , after which runoff reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website.
80. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for the required on-site stormwater detention system. The design shall be generally based on the drainage concept plans by Lyall & Associates, jobAG111 dated May 2003, and shall be advanced for construction issue purposes. The storage volumes and design shall comply with Councils 1993 Stormwater Management Manual. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.
81. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
82. The Applicant must carry out the following infrastructure works in the “Right of Way”, Laneway and Public Road:

Public Laneway and “Right of way”

- c. Reconstruction and resealing & of the Public laneway over its entire length and width, to facilitate a fully laden concrete truck/garbage truck and the increased traffic loading. Unless otherwise specified, this is to include a 150 mm DGS 40 sub-base, a 100mm DGB20 F.C.R basecourse and a 50mm AC14 seal. The full width of the pavement of the existing laneway (under the kerb and between the kerbs) is to be reconstructed.
Existing vehicular access to the garage accessed at the end of the Public lane is to

Item 1

- be maintained** . Grades and transitions in this location must comply with Australian Standard 2890.1 – 1993 “Off-street car parking”.
- d. Removal and levelling of embankments as required. Suitable sight distances to be provided at the bend.
 - e. Provision of kerb and gutter along the both sides of the public lane, to convey stormwater to the low point in the right of carriageway, fronting the garage at 2 Grosvenor Rd, Lindfield. The kerb and gutter along the laneway is to be placed so that the back of the kerb is 200mm off the property boundary.
 - f. Full re-construction of the existing PVC drainage line and grated inlet pits in the public lane and right of carriageway. The replacement line is to be 375mm RC pipe (class 2) minimum and laid accordingly to facilitate the increased traffic loadings in the lane. The new inlet pits are to be trafficable, heavy duty grated and sized to accommodate expected flows. In the event of blockage at the low point inlet, the grate level of upstream pit is to be located as a high level overflow thus preventing inundation of the neighbouring property. The new inground line is to connect into a new drainage pit to be constructed in Grosvenor Rd.
 - g. Construction of a new commercial grade concrete driveway crossing and layback where the laneway meets Grosvenor Rd. The crossing is to be 5.5m wide at the boundary and 7.0m wide at the layback on Grosvenor Rd.
 - h. Construction of a new concrete driveway crossing in the right of carriageway, where the basement entry is to be located.

Note: These works are required to facilitate the increased traffic movements in the lane during and after construction. The laneway and section of road over the existing PVC pipe is showing considerable wear/rutting, and this is expected to be considerably exacerbated with increased traffic loading as a result of the development.

Grosvenor Road

- i. Construction of a fully new double grated gully (DGG) pit with kerb inlet, on the downstream side of the (newly constructed) commercial layback into the Public lane. The new 375 mm drainage line to be constructed in the Public lane (described in point “d”) must connect into this new pit in Grosvenor Rd. Location and invert of this pit is to suit required falls from the newly constructed drainage line in the lane.
- j. Construction of a fully new in-ground drainage line from the new drainage pit discussed in point “g” at gutter lip alignment, to connect the new DGG pit to the existing downstream Council drainage pit fronting no. 1 Grosvenor Rd, Lindfield. Drainage crossing of Grosvenor Rd is required to facilitate this in-ground connection, together with new pit at change of direction to cross Grosvenor Rd.
- k. All drainage from the development to be piped to the new DGG pit in Grosvenor Road described in point “g”.
- l. Complete removal of the full width bitumen footpath over the Grosvenor Rd street frontage and construction of 1.8m wide concrete footpath in its place. Maximum crossfall on footpath to be 2.5%. This is to occur along that section of the frontage where the full width footpath presently occurs. Area between newly constructed concrete footpath and back of kerb to be turfed.

Item 1

- m. Removal of all redundant driveway crossings and laybacks, and reinstatement to match adjacent infrastructure

Pacific Hwy frontage

- n. Reconstruction of the cracked and dilapidated sections of 1.2m wide concrete footpath, (along the frontage of 210 Pacific Hwy).
- o. Reconstruction of the tram ramps at the corner of Pacific Hwy and Grosvenor Rd.
- p. Removal of all redundant crossings and replacement with upright kerb to match the adjoining kerb and gutter.

In regard to existing public services in the laneway and “right of way”, footway or road the applicant is required to undertake any or all of the following items in order to make the work effective: - (a) adjustment of any services (b) repositioning of any services, or (c) raising or lowering of the lids of any services.

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

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

All works are to be designed in accordance with Council’s “Specification for Road and Drainage Works”. In addition, **the drawings are to detail erosion control requirements and traffic management requirements during the course of works**. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

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

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

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering

Item 1

letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

83. An acoustic report is to be prepared by a suitably qualified acoustic consultant detailing the measures required to be provided to ensure all units within the development comply with AS2107-2000. The report is to be submitted to the PCA for approval prior to the release of the Construction Certificate. All works required by the report are to be completed and the works certified by a suitably qualified acoustic consultant prior to the release of the Occupation Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

84. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
85. To preserve the group of trees in the adjoining property to the south and along the southern boundary, no work shall commence until the area beneath their canopies is fenced off as described below to prevent any activities, storage or the disposal of materials within the fenced area. The fences shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location

Location of Fence

2 x *Eucalyptus cinerea* (Argyle Apple)
Adjoining property to south

Commence fence at the Pacific Hwy boundary 7m north of the southern boundary. Joint to a point 1.5m outside the line of the basement car park and extend 7m west parallel to this and then at a right angle back to the southern boundary

86. To preserve the following trees, no work shall commence until the area beneath their canopies, excluding the area of the basement car park, is fenced off as described below to prevent any activities, storage or the disposal of materials within the fenced area. Where the fence would encroach into the exclusion zone, the fence may be located 1.5m outside the line of the basement car park. The fences shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location

Radius from Trunk

2 x *Phoenix canariensis*. (Canary Island Palm)
Close to the southern boundary
Pittosporum undulatum (Sweet Pittosporum)

3.5m
3.5m

Item 1

87. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
88. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
89. The Applicant shall ensure that no underground services (ie. water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

90. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, the applicant shall submit to the Principal Certifying Authority (PCA) and Council a full dilapidation report on the visible and structural condition of the existing structures at the following locations:
- a. Existing right-of carriageway between the public lane and boundary of 5 Eton St, Lindfield.
 - b. No. 2 Grosvenor Road

The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

91. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
- a. The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
 - b. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.

Item 1

- c. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
- d. The existing groundwater levels in relation to the basement structure, where influenced.
- e. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- f. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

NOTE: The design principles for the geotechnical report are as follows:

No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.

Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.

An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 – 1996

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

Item 1

92. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
93. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
- a. Full completion of the *Roads Act* approved road, drainage and footpath works.
 - b. Removal of all redundant driveway crossings and kerb laybacks fronting the subject site. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter must be completed to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged or new grass verge are to be fully 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) must be fully repaired to the satisfaction of Council Engineers prior to issue of any Occupation Certificate. This shall be at no cost to Council.

94. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

95. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and

Item 1

- c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council

96. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
97. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection, available upon request.
98. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
- a. The dimensions of all as-constructed private carparking spaces meet the dimension requirements of Australian Standard 2890.1 – 2004 "Off-Street car parking", and
 - b. The as-constructed carpark complies with the approved Construction Certificate plans, and
 - c. The vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking", and
 - 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement carpark, and
 - d. No doors or gates have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
99. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval.

Item 1

Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certification is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". A completed copy of Council standard on-site detention certification sheet shall be attached. The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.
- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

100. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500, 3.2, and
- g. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

In addition, a Works-as-Executed (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.
 - a. As built reduced level(s) at the approved point of discharge to the public drainage system.
 - b. Gradients of drainage lines, materials and dimensions.

101. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a maintenance regime shall be prepared for the basement stormwater pump-out

Item 1

system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

102. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
- a. According the relevant Australian Standards and guidelines and
 - b. In accordance with geotechnical report prepared for the site
 - c. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

CONDITIONS TO BE COMPLIED PRIOR TO OCCUPATION

103. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Occupation Certificate.
104. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
105. The subdivision certificate shall not be released until an Occupation Certificate has been issued for the building.
106. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.
107. 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.
108. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the required burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

Item 1

109. Prior to release of the linen plan/issue of the subdivision certificate, an easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
110. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
111. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
- a. The endorsement fee current at the time of lodgment.
 - b. The 88B Instruments plus six (6) copies,
 - c. A copy of the Occupation Certificate,
 - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.
 - e. A copy of all works-as-executed plans required under the consent,
 - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
 - g. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council officers 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.

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

112. To ensure minimal acoustic impacts to the southern adjoining property the roller garage door and mechanism shall be limited/enhoused so that it does not omit acoustics above 5dB(A) above the ambient background noise at the property boundary.

Item 1

Kerry Gordon
**Consultant Town
Planner**

Matthew Prendergast
**Manager
Development Assessment Services**

Michael Miocic
**Director
Environment And Regulatory
Services**

Attachments: Site Location Plan
Elevations

7 SHELBY ROAD, ST IVES - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To address matters raised at the site inspection of 10 July 2004 and for Council to determine a development application for the construction of a new two storey dwelling which, in conjunction with the existing dwelling, would form a detached dual occupancy development.

BACKGROUND:

Council at its meeting of 29 June 2004 deferred consideration of the application pending a site inspection.

COMMENTS:

The matters raised at the site inspection are addressed in this report.

RECOMMENDATION:

That the additional information be noted, and that the application be approved.

PURPOSE OF REPORT

To address matters raised at the site inspection of 10 July 2004 and for Council to determine a development application for the construction of a new two storey dwelling which, in conjunction with the existing dwelling, would form a detached dual occupancy development.

BACKGROUND

An assessment report was prepared and considered by Council on 29 June 2004 where Council resolved to defer determination pending a site inspection. The site inspection was carried out on Saturday 10 July 2004. The following matters were raised at the site inspection and are addressed accordingly.

1. Kitchen window

Concern was raised as to the location of the window to the kitchen and opportunities for views to the front door of the neighbouring property, No 128 Collins Road. Council was advised that screen planting to a height of 5 metres was required along the southern boundary by Condition No 39 of the recommended development consent. This planting would prevent overlooking from the window to the neighbouring property.

2. Landscaping

It was resolved that the applicant submit a Landscape plan showing:

- (i) all proposed landscaping including screen planting as required by Council's recommended conditions;
- (ii) distances between fence lines and the dwellings (existing and proposed);
- (iii) distances between the screen planting along the boundaries and the dwellings (existing and proposed);
- (iv) proposed ground levels around the new dwelling;
- (v) all pathways, retaining walls including the depth of soil to be retained

A landscape plan has been submitted by the applicant which includes the above information.

The landscape plan includes a retaining wall along the western site boundary for a length of 14 metres and returning in an easterly direction for 8 metres along the proposed northern boundary of the new dwelling and also along the southern boundary of the proposed new dwelling for a length of 6 metres. The retaining wall is to be set back 2 metres from the western site boundary and set back 1 metre from both the southern site boundary and from the proposed northern site boundary to the new dwelling.

The retaining wall would support a maximum 900mm cut along the western boundary decreasing in height down to existing levels along its northern and southern locations. As a result of the retaining wall, the existing site levels will be modified as follows:

Item 2

- In the north-western corner of the site of the new dwelling, fill up to 150mm is proposed on the western side of the retaining wall and a cut of 600mm on the eastern side of the proposed retaining wall.
- The ground level located at the entrance to the garage of the new dwelling will be raised by 380mm to allow for the new driveway.
- A concrete path 900mm is proposed along the southern side of the new dwelling for a length of 13.6 metres. The path is set back 1.1 metres from the southern site boundary and between 800mm and 1.2 metres from the southern side of the dwelling to allow for planting.

The distances proposed between the screen planting and the external walls of the new dwelling are as follows:

- 2 metres from the western plant screening, 1.8 metres to 2.2 metres from the southern plant screening and 3.0 metres to 4.4 metres from the northern plant screening.

The Landscape plan is an attachment to this report.

3. Setbacks

Concern was raised over the setback of the new dwelling and its relationship to the existing house as well as its relationship to the character of Collins Road.

The new dwelling is located forward of the existing house and significantly forward of the adjoining dwelling at 128 Collins Road. Shelby Road and Collins Road are characterised by a mixture of single and two storey developments with varied setbacks from the street. The streetscape is undergoing transition from older, single storey, dwellings to newer, two storey, dwellings.

The proposed building line setback, side setbacks and separation between dwellings comply with the requirements of Council's Dual Occupancy Code.

4. Cut and fill

The extent of cut and fill was discussed on site. Concern was raised as to how the cut would be retained, in particular, along the western boundary. It was resolved that details be provided on this matter.

The landscape plan shows that a maximum cut of 900mm along the western boundary. The retaining wall is proposed to be set back 2 metres from the western site boundary.

5. Height

The height of the development was considered by Council. No recommendations were provided on this matter.

Item 2

6. Private open space

The location of private open space for each of the dwellings was indicated. There was some concern over the availability of private open space and over the impact that screen planting would have on useable space particularly for the new dwelling.

The plant screening strip proposed along the northern, western and portion of the southern boundaries to Dwelling 2 will reduce the useable private open space by approximately 33m². However, 83m² of useable open space will still be available for the future residents which is considered to be acceptable.

7. Subdivision

Concern was raised as to the size of the allotments should the site be subdivided. Council was advised that, based upon a notional subdivision line, the new dwelling would be located on an allotment of 400m² and the existing house on 744m².

Discussion was held as to how the notional subdivision line could be relocated to provide greater equality in the allotment sizes. It was generally concluded that the existing dwelling did place a significant constraint on the site and the subdivision of the land.

RECOMMENDATION

THAT the Council, as the consent authority, grant development consent to DA 1061/03 for construction of a new dwelling to create a detached dual occupancy on land at 7 Shelby Road, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1061/03 and Development Application plans prepared by Champion Homes, reference number Sheet 1 of 9, 2 of 9, 3 of 9, 4 of 9, 6 of 9, 7 of 9, 8 of 9 and 9 of 9, dated 26 February 2004 and sheet 5 of 9 dated 10 May 2004 and lodged with Council on 2 April 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the

Item 2

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.

6. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
12. The fence and footings shall be constructed entirely within the boundaries of the property.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body

Item 2

for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

15. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

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

16. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
17. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
18. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Collins Street. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Eucalyptus haemastoma (Scribbly Gum)

19. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
20. 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.
21. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor,

Item 2

where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.

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

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

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

NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.

NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

23. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
24. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all

times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*".

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

25. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
26. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking".
27. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
28. The dual occupancy development approved under DA 1061/03 is to be completed and an occupation certificate is to be issued by the Principal Certifying Authority prior to a Subdivision Certificate being released by Council under any separate subdivision application.
29. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
30. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.

Item 2

31. Bathrooms and toilets must have installed maximum 6/3 litre dual flush cisterns and shower heads with reduced water flow devices to ensure water conservation.
32. The proposed fence between the existing and new dwelling shall comply with the requirements of Development Control Plan No.46, Exempt and Complying Development.
- 32A. The 1.8 metres high lapped and capped fencing located forward of the Collins Road building line being reduced in height to 1.0 metre. Additional screen planting to a height of 3 metres shall be located on both the northern and southern sides of the common boundary fence and on the northern side of the fence located adjacent to the existing garage to ensure privacy and separation.

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

33. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
34. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
35. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity

Item 2

at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

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

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

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm) 1.25 persons

Item 2

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

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

Landscape Plan Certification Fees	
Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

39. A plan detailing screen planting of the dwellings shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of HEIGHT (NUMBER ONLY) metres.

To Dwelling along western boundary	5m
To Dwelling along southern boundary	5m
To Dwelling along northern boundary	3m

40. To preserve the natural landscape, retaining walls are to be set back a minimum of 2 metres from side boundaries. Amended plans to be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.
41. To preserve the streetscape, screen planting to 2 metres in height shall be located along eastern boundary of the private open space of the existing dwelling. Amended plans to be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.
42. To preserve neighbour amenity, existing screen planting along southern boundary is to be retained. Amended plans to be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.
43. The property shall support a minimum number of 3 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

Item 2

44. The 3 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
45. A CASH BOND/BANK GUARANTEE of \$1000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

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

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

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

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

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

Item 2

47. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

48. The stormwater plan prepared by ANA Civil & Structural Engineers P/L, dated 10/03/2004, dwg no. 2003160-H1-Rev 3 is to be amended, but not limited to the following:
- i. The maximum allowable depth of open storage shall not be greater than 300mm unless enclosed with pool fencing and childproof, self closing gates;
 - ii. The design of the proposed surface basin is to be compatible to any approved landscape plan and/or landscape conditions. The storage areas must not extend over the shrubs and/or groundcovers areas.
 - iii. The OSD tank shall be designed in accordance with Council's Stormwater Management Manual as follow:
 - The orifice plate shall be placed to the outlet pipe;
 - The deletion of weir wall. Provide an 150 ϕ overflow pipe connected to the outlet pipe;
 - iv. Provide sealed pit cover for first flush trenches;

Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention including the above mentioned matters and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

49. For stormwater control, the provision of an interceptor drainage system to capture and convey all stormwater runoff arriving at the subject property from upslope areas to the Council or public drainage system and bypassing any on-site stormwater detention systems. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to

Item 2

be designed in accordance with Council's Stormwater Management Manual. This drainage system is to be designed for storm events up to and including the 100-year ARI. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

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

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

51. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

Item 2

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

52. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
53. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

54. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
55. The screen planting shall be completed prior to release of the Certificate of Occupation and be maintained in a satisfactory condition at all times.
56. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the release of the Occupation Certificate.
57. Prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
58. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Item 2

59. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
60. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:
- The works were carried out and completed in accordance with the approved plans.
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

61. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

- invert levels

Item 2

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

BUILDING CONDITIONS

62. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - c. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
63. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

Item 2

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

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

64. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
65. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.

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

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

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

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

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

Item 2

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

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

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

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

G Bolton
Team Leader, St Ives
Ward

M Prendergast
Manager
Development Assessment
Services

M Miocic
Director
Environment &
Regulatory Services

Attachments: **Original Report to Council
Landscape Plan**

MARIAN STREET THEATRE - VARIATION OF LEASE - MARIAN STREET THEATRE FOR YOUNG PEOPLE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek the authority of Council to affix the common seal to a variation of lease for the continued occupancy of the Marian Street Theatre by the Marian Street Theatre for Young People.
BACKGROUND:	The Marian Street Theatre for Young People is in occupancy of the Marian Street Theatre premises under a holding over provision in an expired lease. Council has approved the continued occupancy until the head lease is entered into.
COMMENTS:	The proposed variation to lease is an interim measure to formalise the occupancy.
RECOMMENDATION:	That Council approve the variation to lease and authorise its execution and affixing of the common seal.

PURPOSE OF REPORT

To seek the authority of Council to affix the common seal to a variation of lease for the continued occupancy of the Marian Street Theatre by the Marian Street Theatre for Young People.

BACKGROUND

Council at its Ordinary Meeting of 17 December 2002 resolved in part :

- D. That until the head Lease is entered into the Marian Street Theatre for Young People continue occupancy on a holding over basis.*

Copy of Resolution **attached** as Appendix A

Further, Council at its Ordinary Meeting of Council 10 June 2003 resolved in part:

- A. That Council grant a five (5) year lease to Mr Peter McNamee over the premises known as the Marian Street Theatre, 2 Marian Street, Killara, subject to approval of a subsequent Development Application.*

Copy of Resolution **attached** as Appendix B

The above DA is currently in the process of assessment.

COMMENTS

The Marian Street Theatre for Young People (MSTYP) are at present occupying the theatre premises with Council's consent under a holding over clause in an expired lease.

Legal advice was sought regarding the formalization of Council's resolution of 17 December 2002 to facilitate the continued occupancy of the premises by MSTYP on a monthly holding over until a head lease is entered into, after which MSTYP will become a sublessee to the holder of the head lease.

Legal advice was to the effect that a deed varying the lease would satisfactorily address the situation.

CONSULTATION

Advice was provided by Mr John Boland of Matthews Folbigg Solicitors.

FINANCIAL CONSIDERATIONS

N/A

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

N/A

SUMMARY

Council has resolved that *“until the head lease is entered into the Marian Street Theatre for Young People continue occupancy on a holding over basis”*.

Formalization of the continued occupancy by MSTYP of the Marian Street Theatre premises above requires a deed of variation of lease to be executed under seal.

RECOMMENDATION

- A. That Council approve the variation of lease.
- B. That Council authorise the Mayor and General Manager or their nominees to sign the deed for the continued occupancy of the Marian Street Theatre 2 Marian Street, Killara on a monthly holding over until such time that a head lease is entered into.
- C. That Council authorise the affixing of the common seal of Council to the deed of variation of the lease.

Keith Woosnam
Commercial Services Coordinator

John McKee
Director Finance and Business

Attachments: **Appendix A. Council Resolution 673 dated 17 December 2002**
 Appendix B. Council Resolution 455 dated 10 June 2003

RESOLUTION OF ORDINARY MEETING OF COUNCIL

17 December 2002

673

MARIAN STREET THEATRE SITE - EXPRESSIONS OF INTEREST

File: 02/0428

To consider the Expressions of Interest received in regard to the Marian Street Theatre Site and determine a preferred submission.

Resolved:

(Moved: Councillors Coleman/Kitson)

- A. That Council enter into further negotiations with Peter McNamee in regard to the potential lease of Council owned premises known as Marian Street Theatre.
- B. That the other persons / organisations who provided an Expression of Interest be advised of Council's decision.
- C. That a report be brought back to Council to advise on the outcome of negotiations with Peter McNamee prior to further consideration of this matter.
- D. That until the head Lease is entered into the Marian Street Theatre for Young People continue occupancy on a holding over basis.

CARRIED UNANIMOUSLY

RESOLUTION OF ORDINARY MEETING OF COUNCIL

10 JUNE 2003

Councillor Coleman declared a conflict of interest
in respect of the following item - GB.16 - 2 Marian Street, Killara
and withdrew from the Chamber taking no part
in discussion and voting on the item

455 **2 MARIAN STREET, KILLARA - MARIAN STREET THEATRE PREMISES -
OUTCOME OF PUBLIC NOTIFICATION**

File: P00214

The following members of the public addressed Council:

**M Inglis
H McNamee**

Councillor Keays returned during address

To advise Council on the outcome of the public notification process for the proposed grant of lease over the Marian Street Theatre premises, located at 2 Marian Street, Killara.

Resolved:

(Moved: Councillors Kitson/Keays)

- A. That Council grant a five (5) year lease to Mr Peter McNamee over the premises known as the Marian Street Theatre, 2 Marian Street, Killara, subject to approval of a subsequent Development Application.
- B. That subject to approval of the Development Application in "A" above, Council authorise the Mayor and the General Manager or their delegates to sign the lease and associated documents for Council premises at 2 Marian Street, Killara.
- C. That Council authorise the affixing of the Common Seal of Council to lease documentation.

CARRIED UNANIMOUSLY

UNIT 1, 12 TO 18 TRYON ROAD, LINDFIELD - DRAFT PLAN OF MANAGEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To place the Draft Plan of Management for Unit 1, 12-18 Tryon Road, Lindfield on exhibition in accordance with the requirements of the Local Government Act 1993.
BACKGROUND:	The Local Government Act 1993 provides significant requirements for planning and management of Community Land and extensive restrictions on its use. Council acquired Unit 1, 12-18 Tryon Road, Lindfield when the site was developed in the late 1980s. The land was classified as Community Land in January 2000.
COMMENTS:	A Plan of Management for the land is required to permit the finalisation of a lease with Northern Sydney Area Health Service who occupy the Unit as the Lindfield Early Childhood Centre.
RECOMMENDATION:	That Council place the Draft Plan of Management for Unit 1, 12-18 Tryon Road, Lindfield on exhibition and hold a public hearing during the exhibition period. That a further report be presented to Council following the exhibition period.

PURPOSE OF REPORT

To place the Draft Plan of Management for Unit 1, 12-18 Tryon Road, Lindfield on exhibition in accordance with the requirements of the Local Government Act 1993.

BACKGROUND

The Local Government Act 1993 provides significant requirements for planning and management of Community Land and extensive restrictions on its use. Amendments to the Act in 1998 placed further restrictions on use of Community Land and increased the requirements in respect to Plans of Management. A number of these amendments relate to the composition of and process for preparation of Plans of Management for Community Land.

The amendments require that Plans for a specific area (such as Unit 1, 12-18 Tryon Road) must now include the following additional information:-

- Leases prohibited as well as authority to grant leases.
- Include core objectives (performance targets) for the land as detailed in the changes to the Act.
- A description of the condition of the land and any buildings or improvements on the land.
- Use of the land at the time of adoption of the Plan.
- Permitted uses.
- Purposes for which further development of the land will be permitted.
- Description of the scale and intensity of permitted uses.

On 9 September 1988 Council issued a consent for development of a commercial building at 12-18 Tryon Road, Lindfield.

Condition 6 of the consent required:-

6. *The construction and dedication to Council free of all costs a separate strata lot within the building with an area of 100m², prior to occupation of any part of the building.*

Condition 36 of the consent required:-

36. *The applicant is to enter into an agreement prior to the release of building plans to ensure that the baby health centre space is fully fitted out including lighting, electrical, airconditioning, heating and basin facilities, the area to be painted, carpeted and partitioned. The work is to be done in accordance with specifications of the Manager Health and Building and condition 6 (above).*

On 28 June 1994 Unit 1, 12-18 Tryon Road, Lindfield was transferred to Council and has since been occupied by Northern Sydney Area Health Service and provides services via the Lindfield Early Childhood Centre.

Item 4

S03609
28 July 2004

On 21 January 2000 that land was classified as Community Land following a Council resolution in late 1999.

Until a Plan of Management for the land is prepared, exhibited and adopted in accordance with the requirements of the Local Government Act 1993 Council cannot finalise a lease with Northern Sydney Area Health Service.

The Draft Plan for Unit 1, 12-18 Tryon Road, Lindfield has been prepared in accordance with the new requirements of the Local Government Amendment (Community Land Management) Act 1998.

COMMENTS

The Draft Plan is **attached** as **Appendix A** and is considered ready for exhibition in accordance with the Act's requirements.

It follows the same format used in other Plans prepared for various areas of community land in Kuring-gai.

The Draft Plan of Management comprises 4 sections being:-

- Introduction (Section 1) – containing relevant background material, plan objectives and approach.
- Basis for Management (Section 2) – incorporates the core values of the site and issues affecting its management, which are reflected in the vision and role for the land and is the driving force for the Plan.
- Issues, Performance Targets and Strategy Plan (Section 3) – developed in response to the key issues that were identified through the consultative process and defines the strategies that will be implemented to achieve the performance targets of the Plan.
- Monitoring Program (Section 4) – sets out the process for review of the Plan's implementation.

The Draft Plan is a practical document, containing management objectives developed in response to the limited issues affecting management of the unit. The level of detail provides for flexibility and innovation in the implementation of strategies.

As with other Plans of Management this draft provides Council with the legal ability to enter into lease, licence or other estate agreements in relation to the unit.

The Draft Plan is considered appropriate for exhibition unless there are specific issues / comments Council wishes to include for public comment.

CONSULTATION

Item 4

S03609
28 July 2004

During the exhibition period copies of the Draft Plan will be placed at the Council Chambers, the Ku-ring-gai Library and the branch libraries at St Ives, Lindfield and Turramurra and at Unit 1, 12-18 Tryon Road, Lindfield.

In addition to this a public hearing will be held and relevant stakeholders will be notified.

Posters and an advertisement in the North Shore Times will provide detail about the dates of the exhibition period, the date, time and location of the public hearing and the location of where copies of the Plan can be found.

FINANCIAL CONSIDERATIONS

Exhibition of the Draft Plan will result in direct costs associated with advertising, printing etc. and indirect costs of staff time in consultation.

Once adopted, implementation of the Plan will be achievable through / within annual operational costs. However, specific proposals requiring additional funding would be the subject of a separate submission as part of Council's annual capital works program.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has been undertaken with Community Services and Technical Services during preparation of this Draft Plan of Management.

SUMMARY

1. Council acquired Unit 1, 12-18 Tryon Road, Lindfield in 1994 as a result of a condition of consent granted in 1988.
2. Unit 1, 12-18 Tryon Road, Lindfield is classified as Community Land and under the requirements of the Local Government Act 1993 must be managed in accordance with a Plan of Management.
3. A Draft Plan of Management for the site has been prepared and is considered ready to be placed on exhibition.
4. Until the Plan is adopted Council cannot formalize a lease agreement with the occupier of the unit.

RECOMMENDATION

- A. That the Draft Plan of Management for Unit 1, 12-18 Tryon Road, Lindfield be exhibited for a period of 42 days with a further 14 days for public comment in accordance with the requirements of the Local Government Act 1993.

Item 4

S03609
28 July 2004

- B. That during the exhibition period, copies of the Draft Plan be placed at the Council Chambers, the Ku-ring-gai Library and branch libraries at St Ives, Lindfield and Turramurra and at Unit 1, 12-18 Tryon Road, Lindfield.
- C. That a Public Hearing be held during the exhibition and public comment period in accordance with the requirements of the Local Government Act 1993.
- D. That a further report be presented to Council following the public consultation process.

Guy Paroissien
Manager Environmental Policy

Leta Webb
Director Planning & Environment

Attachments: Draft Plan of Management

KU-RING-GAI COUNCIL

DRAFT PLAN OF MANAGEMENT

**UNIT 1, 12 - 18 TRYON ROAD, LINDFIELD
(Lindfield Early Childhood Centre)**



JULY 2004

TABLE OF CONTENTS

SECTION 1 – INTRODUCTION	2
1.1 Introduction/Land Covered by the Plan	3
1.2 Plan Objectives	3
1.3 Description of the Land	4
1.4 Categorisation	5
1.5 Current and Permitted Uses	5
1.6 Scale and Intensity of Permitted Uses	6
SECTION 2 –BASIS FOR MANAGEMENT.....	7
2.1 Introduction.....	8
2.2 Context.....	8
2.3 Values and Issues	8
2.4 Leases/Licences Permitted and Prohibited by the Plan	8
SECTION 3 - PERFORMANCE TARGETS AND STRATEGY PLAN	10
3.1 Introduction.....	11
3.2 Access.....	11
3.3 Asset Management.....	12
3.4 Commercial Opportunities	12
SECTION 4 – MONITORING PROGRAM	14
4.1 Monitoring Program	15

SECTION 1 – INTRODUCTION

1.1 Introduction/Land Covered by the Plan

This Plan of Management covers the land known as Unit 1, 12 – 18 Tryon Road, Lindfield. It is part of Lot 12 in DP 804448 and is currently occupied by Northern Sydney Area Health Service and used for services provided by the Lindfield Early Childhood Centre.

Unit 1 is part of Strata Plan 37466.

The land was dedicated to council as a condition of Consent No 1515/87 issued by Council on 9 September 1988. The consent also required the area to be “fitted out” for a “baby health centre” but placed no longer term requirements for this use. The land was transferred to Council on 28 June 1994.

The Plan is strategic in its focus and does not provide specific details on how works or actions are to be achieved.

This approach has been taken to allow for innovation and flexibility in implementation of the Plan to take advantage of opportunities and to recognise fluctuations in funding.

1.2 Plan Objectives

This Plan has been developed to meet the following objectives;

- To meet Council’s obligations under Chapter 6 of the Local Government Act 1993 in respect to Community Land Management.
- To enable Council to renew and/or enter into lease/licence agreements in respect to the use or management of Unit 1, 12 – 18 Tryon Road, Lindfield.
- To provide for an effective program of asset management at Unit 1, 12 – 18 Tryon Road, Lindfield.
- In accordance with the requirements of the Local Government Act 1993 this Plan also includes the following Core objectives for land categorised as General Community Use:

The core objectives for management of community land categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:

- (a) *in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and*
- (b) *in relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).*

1.3 Description of the Land

Unit 1, 12-18 Tryon Road, Lindfield comprises 100m² of commercial office space and includes the following layout:

- 1 x reception area.
- 2 x consulting offices.
- 1 x staff office.
- 1 x feeding room / change facility.
- 1 x unisex disabled access toilet.
- 1 x storeroom.

Fixtures include air conditioning, light fittings and carpet, glass and gyprock partitions create the current layout.

The facilities are in good condition and appear well maintained.

1.4 Categorisation

Under Division 2, Section 36 (Clause 4) of the Local Government Act 1993 Plans of Management for Community Land must categorise the land covered by the Plan.

The Act provides the following choices for categorisation:

- A natural area
- A sports ground
- A park
- General community use
- An area of cultural significance

For the purposes of Section 36 (Clause 4) this Plan of Management categorises Unit 1, 12 – 18 Tryon Road, Lindfield as general community use.

1.5 Current and Permitted Uses

This Plan provides for and authorises the current and permitted uses:

Current Uses

Service activities (early childhood centre)

Permitted Uses

Service activities (eg. early childhood centre)

Commercial activities permitted by the zoning of the land.

Community uses / purposes.

1.6 Scale and Intensity of Permitted Uses

Use	Scale	Intensity
Service Activities (eg. Early Childhood Centre)	Limited to the physical capacity of the facility	7am to midnight, 7 days a week but within limitations/conditions of any relevant consents/approvals/licences/leases issues by Ku-ring-gai council or other relevant Authority.
Commercial Activities	Limited to the physical capacity of the facility	7am to midnight, 7 days a week but within limitations/conditions of any relevant consents/approvals/licences/licences issues by Ku-ring-gai council or other relevant Authority.
Community Uses / Purposes	Limited to the physical capacity of the facility	7am to midnight, 7 days a week but within limitations/conditions of any relevant consents/approvals/licences/licences issues by Ku-ring-gai council or other relevant Authority.

SECTION 2 –BASIS FOR MANAGEMENT

2.1 Introduction

The Basis for Management is the part of the Plan which identifies the facility's context, values of the facility and issues affecting its Management. The Basis for Management also provides the relevant authority for leases and licences affecting the land.

2.2 Context

The facility currently accommodates an early childhood centre which predominately services the local area.

Given its size, it is considered unlikely to provide accommodation for services on a regional basis.

2.3 Values and Issues

Consultation with staff responsible for management of the facility has identified the following values of the site and issues affecting its management:

Values	Issues
<ul style="list-style-type: none"> Accommodation for community service providers 	Access Asset Management Commercial opportunities
<ul style="list-style-type: none"> Commercial opportunities 	

2.4 Leases/Licences Permitted and Prohibited by the Plan

Leases/Licences Permitted

The grant of a lease, licence, or other estate in respect of the land to which this Plan applies, as comprises Unit 1, 12 – 18 Tryon Road, Lindfield is hereby expressly authorised:

- a) for any purpose for which the land was being used at the date of this Plan was adopted (or, for any purpose referred to in Clause 1.5 of this Plan);
- or
- b) for any purpose prescribed by Section 46 of the Local Government Act 1993 or the Regulations made thereunder.

The granting of leases, licences and other estates must be consistent with the core objectives of the land's categorisation by this Plan of Management (General Community Use) as follows:-

To promote, encourage and provide for the use of the land and to provide facilities on the land to meet the current and future needs of the local community and of the wider public in relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public.

Leases/Licences Prohibited

This Plan of Management prohibits leases, licences and other estates in respect of the land to which this Plan applies, as comprises Unit 1, 12 – 18 Tryon Road, Lindfield for the following:

- Activities prohibited by the zoning of the land and inconsistent with the objectives of the Plan (Section 1.2).

**SECTION 3 - PERFORMANCE TARGETS
AND STRATEGY PLAN**

3.1 Introduction

The Performance Targets and Strategies in this Plan have been developed in response to management issues identified through consultation for the Plan.

The priority assigned to each strategy gives an indication of Council's intended timing to implement the strategies as follows:

High – within 1 year

Medium – within 2 to 3 years

Low – within 5 years

Ongoing – throughout time whilst Plan of Management is current.

3.2 Access

Issue

The site is currently wheelchair accessible and includes disabled access toilet facilities

Access to this site is only an issue at this site with respect to ensuring that access continues to be available to all persons regardless of ability.

There is also potential to improve wheelchair access from the adjoining car park by reducing the grade of the small ramp between the car park and the entrance to the unit.

Performance Target

To maximise access to Unit 1, 12 – 18 Tryon Road, Lindfield:

Strategies	Priority
Undertake an accessibility audit of Unit 1, 12 - 18 Tryon Road, Lindfield.	High
Identify constraints to and opportunities for maximising access to Unit 1, 12 - 18 Tryon Road, Lindfield.	High
Develop and implement an action plan to maximise access to facilities within Unit 1, 12 - 18 Tryon Road, Lindfield	High + Ongoing

3.3 Asset Management

Issue

Currently day to day management for the land covered by this Plan is the responsibility of Council through strata fees. The current occupant is only responsible for the operation of its service (early childhood services).

However, long term asset management, as opposed to day to day maintenance, is Council's responsibility as the owner of the land. strata plan fees currently paid by Council. Negotiations are under way to enter into a formal agreement with Northern Sydney Area Health Service.

Performance Target

Assets at Unit 1, 12 - 18 Tryon Road, Lindfield are effectively managed in a cost efficient, competitive manner.

Strategies	Priority
Council undertake a review of the unit within 18 months of adopting the Plan of Management to determine asset maintenance requirements.	Medium

3.4 Commercial Opportunities

Issue

Unit 1, 12 – 18 Tryon Road, Lindfield is currently occupied by Northern Sydney Area Health Service and is used to provide early childhood services.

The land is zoned Business 3(b) – (B2) Commercial Services under the Ku-ring-gai Planning Scheme Ordinance and can be used for a variety of business/commercial purposes as follows:

Bulk stores; bus stations; car parking; child care centres; clubs; commercial premises; community centres; drainage; light industries; motor showrooms; open space; public buildings; recreation areas; recreation facilities; refreshment rooms; service stations; subdivision; utility installations (other than gas holders or generating works); warehouses; any other purposes which, in the opinion of the Council, are consistent with the objectives of this zone.

The above uses are only permissible with development consent.

Performance Target

To maximise the return to Council from Unit 1, 12-18 Tryon Road, Lindfield.

Strategies	Priority
Lease conditions and rental are comparable to market standards for similar commercial office space	Ongoing

SECTION 4 – MONITORING PROGRAM

4.1 Monitoring Program

The strategy plan will be reviewed every 5 years unless the land is reclassified as Operational Land by a Local Environmental Plan in accordance with the requirements of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

The review will include:

- A report on the progress of the plan.
- Recommendations for alterations to the existing strategy plan for the coming year.
- Any other necessary changes due to new usage trends.

HERITAGE NOMINATION - REQUEST TO PREPARE LOCAL ENVIRONMENTAL PLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider the heritage status of two properties - 27 Richmond Avenue and 400 Mona Vale Road, St Ives and to determine whether the two properties should be included in the Pettit and Sevitt Display Village heritage group in St Ives.
BACKGROUND:	The properties at 27 Richmond Avenue and 400 Mona Vale Road, St Ives were identified in the 1986 Heritage Study as part of a display village of Pettit and Sevitt houses.
COMMENTS:	When previously considering the matter, Council decided not to include 400 Mona Vale Road as it was not consistent with the group of Richmond Avenue houses. The then owner of 27 Richmond Avenue claimed the house was not a Pettit and Sevitt design and should not be included in the group listing.
RECOMMENDATION:	That Council prepare a Local Environmental Plan (LEP) to include the properties in the Pettit and Sevitt heritage group and prepare a Draft LEP (LEP29) to include the properties in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

PURPOSE OF REPORT

For Council to consider the heritage status of two properties - 27 Richmond Avenue and 400 Mona Vale Road, St Ives and to determine whether the two properties should be included in the Pettit and Sevitt Display Village heritage group in St Ives.

BACKGROUND

The 1986 heritage study prepared by consultants for Council comprised a broad field survey and a thematic history of the development of Ku-ring-gai (team including Robert Moore, Penelope Pike and, Helen Proudfoot and Lester Tropman). The consultant brief originally provided for a standard inventory of 200 items. Once the study began, a pilot survey of Roseville and Lindfield was undertaken to establish how realistic the numerical limit would prove to be, since both Council and the study team were concerned that the wealth and diversity of the Municipality's heritage might exceed the budget and time limit.

As was suspected the number of items which were preliminarily identified in the pilot area was 3 to 4 times the number budgeted. Since further funds were not available, the consultant team suggested two alternatives to Council:

- To survey only a particular geographical area of the Municipality, in accordance with the full detailed inventory forms; or
- To do a preliminary survey the whole Municipality concentrating more on identification than detailed research – using codified inventory forms to summarize information. The more detailed histories and descriptive information could then be completed by or for Council later.

Council decided to follow the second option and only undertook preliminary identification. The study thus provided a basis for future investigation which is ongoing. New items are being included from time to time and the management of heritage is also constantly changing.

The heritage study identified eight properties as being part of an early Pettit and Sevitt display village which including 400 Mona Vale Road, 17, 19, 21, 23, 25, 27 & 29 Richmond Avenue.

The Council of the day had a policy of removing properties from the draft list if objections were received from the owner. Those properties were deferred to be reconsidered in 5 years time. Many properties were included in subsequent amending LEPs and the remaining deferred items were subject to a detailed review undertaken by consultants in 1996 (Tropman & Tropman). Council then prepared 3 draft LEPs (LEP19, 20 & 21) to include most of the deferred items. No 23 Richmond Avenue was reviewed as part of the study and recommended to be added to the heritage schedule. It was included in draft LEP 20, which was finalized by Council about two years ago and is awaiting gazettal. No. 27 Richmond Avenue was not reviewed as it was removed by Council in LEP No 1. There appears to be no information on why 400 Mona Vale Road was not included in the review.

Item 5

P56728 P52770
4 August 2004

The owner of No 27 Richmond Avenue, St Ives made an application to Council on 14 June 2002 to demolish the house for two new dwellings under the provisions of SEPP 53 (dual occupancy). During assessment of the application, the heritage issues were raised as the properties on either side (No 29 & 25) are heritage items and Council is bound to consider the impact of development “within the vicinity” of a heritage item. Sean Johnson, Council’s Heritage and Urban Design Advisor did not oppose demolition, but was concerned about the following design issues:

Unit 1 fails to take advantage of the northern aspect. I would suggest cutting back the overhanging roof to the north of the lounge room. It should also be possible to obtain northern sunlight to bedroom 2. Sun shading devices are needed to west facing windows to unit 1.

Unit 2 also has un-shaded west-facing windows to bedroom 1 and living and rumpus rooms.

The two houses should be both drawn on combined sections in order to check privacy issues and overshadowing. More information should be provided on materials and finishes.

I have no in principle objection to the proposal but the above points should be addressed prior to approval.

The design was amended and Sean Johnson made the following comment:

I support the design improvements suggested by Robert Staas. These changes in fenestration and detailing would markedly improve the integration of the proposal with its architectural context but they should be applied to the whole development and not just to the front elevation of dwelling A. The current design pays little regard to the character of the nearby group of listed Sydney School houses and similar local buildings.

Council’s Heritage Conservation Planner was concerned that the replacement buildings did not fit with the adjoining heritage items and would visually disrupt the group of Pettit and Sevitt houses and was also concerned that the house might be a Pettit and Sevitt design. He urged caution in approving demolition. The application was subsequently refused on 24 June 2003 and the owner appealed to the Land & Environment Court.

As part of its defence, Council commissioned a consultant to investigate the heritage issues. The evidence clearly indicated that No. 27 Richmond Avenue is a Pettit & Sevitt house designed by the well known architect, Ken Woolley (see attached letter by Mr Ken Woolley indicating that the design is known as the “Gambrel”). Mr Woolley also identified No. 400 Mona Vale Road as a “Lowline” design and states that “the house appears to be not altered or compromised, apart from paint colours, to any extent that would affect its heritage qualities”. The “Gambrel” design won the RAIA NSW Chapter Project House design award in 1968.

The owner subsequently withdrew the Land & Environment appeal however on 23 June 2004, the owner re-lodged his appeal to the Land & Environment Court.

The potential demolition of No. 27 Richmond Avenue raised much interest over the heritage value of the group. Several requests to the NSW Heritage Office were made for Interim Heritage Orders and protection under the provisions of the NSW Heritage Act. The president of the RAIA wrote to

Item 5

P56728 P52770
4 August 2004

Council on 24 July 2003 (attached letter) with concerns over the potential demolition and advised Council that they are undertaking an extensive study of the architecture of the "Sydney School". The RAlA advised Council that the Pettit and Sevitt group included 400 Mona Vale Road, 17, 19, 21, 23, 25, 27 & 29 Richmond Avenue and urged Council to include all properties in the LEP. The National Trust also wrote to Council (attached letter) with similar advice and concerns.

The NSW Heritage Council considered the requests (attached report) and on 3 December 2003, resolved to give their notice to consider listing the group on the State Heritage Register (SHR). A summary of their view was:

The Pettit and Sevitt Display Village had been identified as the first-designed by merchant builders Pettit and Sevitt, as the most intact still remaining, and has been assessed several times as being of state significance. The owner of one of the seven houses maintains a firm opposition to any sort of heritage listing, despite several offers of assistance (financial) by the Heritage Office.

On 2 June 2004 the Heritage Council considered the matter and made a site visit to inspect the houses. The (attached) resolution found that:

the group is of heritage significance, but in the absence of any conclusive comparative assessments on a state-wide basis, cannot reach any definitive conclusion that the group is of State heritage significance

The NSW Heritage Council are of the opinion that Ku-ring-gai Council should proceed to list the two remaining houses at 27 Richmond Avenue and 400 Mona Vale Road, St Ives in its heritage schedule.

PETTIT & SEVITT

The firm of Pettit and Sevitt began operating in 1961. Both partners worked for another project home builder, Sun- Line before establishing the partnership. Their first development was at Carlingford with a "Split Level" and a "Lowline" design. The success of that venture allowed them to build a larger display village at the corner of Mona Vale Road and Richmond Avenue, St Ives.

The St Ives group started with four houses designed by Ken Woolley, a "Split Level Mk 1", a "Split Level Mk 2", a "Lowline" (400 Mona Vale Road) and a "Courtyard House". The center was opened buy the Premier, Mr Askin with three other Ministers in 1964. Two more houses were added shortly after, including the "Mk V11", later called the "Gambrel" (No 27 Richmond Avenue) and the "Two Storey". The house at No 23 and 29 were built on private contracts to Pettit and Sevitt designs.

In 1966 the company built another exhibition centre at Staddon Close, St Ives, which is near Richmond Avenue. The company built about 3,500 houses throughout NSW to the designs demonstrated in the display village.

A feature that set the Pettit and Sevitt houses apart form other project builders was the personal contact between the client and architects. 'Architect designed' was central to the marketing of Pettit

Item 5

P56728 P52770
4 August 2004

and Sevitt homes, as was the incorporation of gourmet kitchens fit-outs, modern furnishing and stylish promotional material featuring the philosophy of Max Dupain (architectural photographer). Clients were able to choose a house design from the collection and the clients had interviews with the architects to allow for personal modifications of the base design to suit their site and specific wishes. The various models could be extended in modules, or various features, such as roof design, could be interchanged between models. In 1968, a “Gambrel” design built at Belrose won the RAlA Chapter Project House Design Award.

The group of display houses in Richmond Avenue was sited so as to be aligned with the first house, No 400 Mona Vale Road, meaning they were each set slightly askew to their Richmond Avenue frontage. They were orientated to the slope, creating opportunities to ‘borrow’ views across the gardens and adjacent landscape. The initial development was free of fences between the six buildings, setting a sense of the group to prospective buyers. The landscaping for the group was carried out by Bruce Mackenzie, one of Australia’s foremost landscape designers who promoted a harmonious approach to the natural landscape. The builders were under strict instructions to work only between the pegged areas and to preserve all trees and shrubs. This approach was used at other sites, including the UTS site at Lindfield.

SIGNIFICANCE OF THE PETTIT & SEVITT RICHMOND AVENUE DISPLAY VILLAGE

The group of houses is graded as having local and State significance by a number of authorities including the Heritage Council and the National Trust and the RAlA. Two statements of heritage significance are included here. The following is based on the heritage assessment prepared by Mr. Moore for Council in July 2003 and is attached to this report.

In expressing the significance of the group in current heritage terms, the over reaching concepts which lead into their detailed significances would have to be those of their design excellence and aesthetic qualities, which underpinned their remarkable social and community impact – there influence upon the appreciation, absorption and assimilation of modern design within the Australian community, affecting Australians’ tastes and aspirations for modern living.

The following is the statement of significance prepared by the NSW Heritage Council. The full statement is attached to this report:

The group of display homes in Richmond Avenue (including 400 Mona Vale Road) are of state significance as the first Exhibition Centre built by Pettit & Sevitt (as distinct from several individual display homes) in NSW that remains largely intact and readable in the landscape. Pettit & Sevitt were market leaders in project house design and the use of well-known architects to design and furnish their exhibition houses. The village was widely visited by architects and builders as well as prospective owners, and was the most influential exhibition centre of its type in the 1960s, inspiring merchant builders in Melbourne and similar operations in Brisbane and Perth. The houses all represent early examples of architect Ken Woolley's domestic work and, as a group of project houses built between 1964-1965, are a significant example of the Sydney School of domestic architecture. The original landscaping associated with the Exhibition Centre is significant as an early design by

Item 5

P56728 P52770
4 August 2004

prominent landscape architect Bruce Mackenzie and represents his then innovative ideas of preserving and using the site's natural landscape and flora. The group demonstrates the close collaboration between Woolley and Mackenzie to maximize the orientation of the houses to retain the existing native landscape and in particular the scribbly gum trees. The Exhibition Centre offered suburban home buyers the opportunity to own an architect-designed home in a landscape architect designed setting that emphasised the unique physical features of the rocky Sydney environment. The survival and integrity of the group is indicative of the esteem with which they have been held by residents for some 40 years.

The following is taken from a letter prepared by the National Trust. The letter is attached to this report.

The Pettit and Sevitt homes are part of a prototype of housing that were developed by the Sydney School of architects. These houses responded to the natural aesthetic and each related intrinsically to the surrounding environment, often on the neighboring houses and their gardens.

The following is taken from the letter prepared by the president of the RAIA. The letter is attached to this report:

This village development had been identified as the place where Pettit and Sevitt, architect Ken Woolley and landscape architect Bruce Mackenzie, introduced the mechanisms that protect the original landscape from clearing. This was achieved by providing fencing off the building footprint including envisaged driveways, turf and drying areas. This is the first project home village development associated with the Sydney School that laid the foundations for the philosophy of the conservation of an indigenous Australian landscape where the landscape of the place is preserved and reinforced by the development.

SITE INSPECTION

Council's Heritage Conservation Planner and another officer visited the site on Monday 2 August 2004 to inspect the group of houses including No 27 Richmond Avenue and 400 Mona Vale Road, St Ives. An interior inspection of No 400 Mona Vale Road was made but only an external inspection of No 27 Richmond Avenue was made. A series of photographs were taken (Attached).

400 Mona Vale Road, St Ives

The house and garden were found to be in very good condition and it is obvious that the owners have taken much care in looking after the property. Several changes have been made, including an extension at the northern end, remodeling of the kitchen/family area with relocation of the laundry, a pool, a brick fence on the eastern boundary along Mona Vale Road, a small extension to the carport, a garden shed and extension of a shed near the carport.

The owner went to great lengths to explain that No 400 was orientated on an east/west axis with the kitchen on the east side facing Mona Vale Road and the main bedroom facing west. In his opinion the orientation should have been on a north/south axis and a sketch was provided to show how it should have been sited. The owner felt that the orientation was a basic architectural mistake and

Item 5

P56728 P52770
4 August 2004

was probably sited in that way so that the long facade would face Mona Vale Road and be a kind of landmark or advertisement for the display village. Additionally there was almost no north facing rear yard as the extension had occurred to the north side, leaving only a very small area which could not be effectively used. The owner also explained that the view of the adjoining gardens had been changed from the original concept of shared gardens with no fences by the addition of boundary fences. A copy of a report by the owner has been circulated to the Councilors.

It was clear that the owner is very concerned at the possible heritage listing, strongly opposes it and feels that Council has been harassing his family over the heritage issue. He feels that a heritage listing is not warranted as the house is oriented badly, not visually part of the Pettit and Sevitt display group and a listing would prevent demolition for an appropriate development on the site that would allow the north aspect to be enjoyed.

Comment

The house is orientated to Mona Vale Road and the additions/alterations have been made to the north end of the house altering its original design. The garden has also changed and is different to the original landscape concept of shared gardens developed by the well known landscape architect Bruce Mackenzie.

The alterations are considered to be sympathetic to the original design and use a palate of similar design elements such as bagged painted walls, timber windows, a flat roof and wide eaves with exposed timber rafters (some on the north addition are not structural). The alterations to the internal layout of the house do not eliminate the original design. Much of the interior is still intact, including the copper fireplace hood which is a feature in the living room. It should be noted that a local heritage listing does not place much importance on management of the interior.

From the Mona Vale Road view, the house is not easily seen above the vine covered brick fence, but the top of the windows and flat roof are evident. Certainly the brick fence and plantings have effectively screened this view but not entirely eliminated it. The early landmark view of the house as an advertisement for the display group has been reduced. When considering that the display village was built in the early 1960s when Mona Vale Road was only 2 lanes and much quieter, the alterations are seen as a reasonable response to the changed conditions. The entry to the house is now via Richmond Avenue with the door bell, driveway letter box and most of the garden facing Richmond Avenue. It might be said that the house is now more visually connected to Richmond Avenue than Mona Vale Road. The architect, Ken Woolley states in a letter dated 11 July 2003 that:

The original "Lowline" house at 400 Mona Vale Road, which was apparently removed from a heritage listing, appears to be not altered or compromised, apart from paint colours, to any extent that would affect its heritage qualities.

The Pettit and Sevitt display village is seen to be important for both the architecture, as one of the early 'Sydney School' designs and the landscape design, which is an important early work by Bruce Mackenzie. Changes to the house and garden of 400 Mona Vale Road have changed it but the historical connection is clear and the house is easily interpreted as one of the Pettit and Sevitt designs. The "Lowline" was one of the most popular designs built by the company.

Item 5

P56728 P52770
4 August 2004**27 Richmond Avenue, St Ives**

This house is known as the “Gambrel” design and is subject to an appeal in the Land & Environment Court to be heard shortly. From the external inspection, its existing condition is considered reasonable although it is acknowledged that maintenance has been deferred. Alterations include a garage in front of the house and an addition in 1991 which added a timber framed extension providing a new kitchen and dining room. The extension is clad with a modern composite weatherboard material with aluminum windows. Some of the original cedar timber boards have been painted. These additions and alterations are not sympathetic to the original design, however they are not considered to eliminate the design concept or the contribution of this house to the whole display village group. There would be an opportunity to reverse some of the work and undertake further extensions in the spirit of the original concept. It is understood that the NSW Heritage Council recently offered \$5,000 to fund the cost of an architect to design appropriate additions/alterations, but the owner refused the offer.

The owner of the house has made numerous submissions opposing the listing of his property. A recent letter from the owner is attached to this report. The owner states he purchased the property about 5 years ago and there was no indication that it could possibly be subject to a heritage listing and his intention was always to demolish the house and build a new one after a few years. His application for demolition for two new dwellings on the land under the provisions of SEPP 53 was refused by Council. After the NSW Heritage Council took an interest in the group of houses and considered listing the house as part of the group of the State Heritage Register he decided to sell the house. The owner claims he could not sell the house and is of the view that the potential heritage listing completely prevented its sale and reduced its value. He claims that he will lose tens of thousands of dollars if the listing was made. The owner has provided a statutory declaration from a local real estate agent to that effect but has not provided any evidence from a qualified valuer. His letter also states that the Mayor, inspected the house recently.

Comment

It is clear that the owner of this house strongly opposes any heritage listing and feels that a heritage listing would devalue the property. It is also clear maintenance to this house has been deferred because it was the intention of the owner to demolish.

It is proposed to include this house in the group listing, along with No 400 Mona Vale Road. Being a component in a group listing would not place unreasonable limitations on the property and appropriate alterations/additions would be encouraged. Limited funding is available from Council to assist in maintenance and grants from other authorities might also be available to assist the owner.

Under the existing statutory requirements, Council is required to consider the impact of development of this property as it might affect the adjoining heritage items. In this case, the potential demolition has led to the heritage issue being raised and it is clear that the information provided to Council in 1991 was incorrect and this property is a Pettit and Sevitt design. The “Gambrel” design won a RIAA design award for a project house in 1968. It is considered that the

Item 5

P56728 P52770
4 August 2004

heritage significance of this house and the whole group of houses will be subject to further study and it is highly likely that the understanding of the group will be enhanced in future years.

The NSW Heritage Council has undergone a lengthy process of assessment and is of the view that this house and the group is significant but not at the State level, mainly due to a lack of comparative assessment with other similar groups, which may indicate the level of significance as being important to the State.

COMMENTS

It appears that Council's decision to remove 27 Richmond Avenue from the heritage schedule may not have been based on accurate information and it is appropriate that Council reconsiders the issue. The architect for the group, Ken Woolley has provided new information. Further information has been prepared for the appeal. This additional information warrants consideration of the significance of the houses and the group.

It is also apparent that there is much current interest in the "Sydney School" of Architecture within heritage authorities and the community. The outer areas of Ku-ring-gai were developing at a rapid rate during the early 1960s and they contain many important examples of the style and the earlier work of the modern school, including the work of Harry Seidler, Sydney Ancher and other important architects. Many of those houses are listed as heritage items and there is a group of houses in Wahroonga by Harry Seidler and a group of houses in Gordon by Sydney Ancher.

The NSW Heritage Council has prepared a detailed assessment of the group broken down into the various accepted criteria. Their assessment has used the Inclusion and Exclusion guidelines for each criteria and the report is attached.

CONSULTATION

Consultation with Council's Heritage Advisory Committee, the NSW Heritage Office, the National Trust, and the Royal Australian Institute of Architects has occurred regarding this property. Further consultation will occur if Council proceeds to a Draft LEP.

FINANCIAL CONSIDERATIONS

Preparation of a draft LEP involves ongoing use of Council's resources, staff time and advertising for the public exhibition. Additional costs might be associated with Council's grant program for local heritage items for the two houses.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation between Planning and Environment, Environmental and Regulatory Services and also Property Services has occurred in preparation of this report.

SUMMARY

Item 5

P56728 P52770
4 August 2004

In response to Council's refusal of an application to demolish the house at 27 Richmond Avenue St Ives, Council commissioned consultants to prepare a detailed heritage assessment. The assessment found 27 Richmond Avenue part of the Pettit and Sevitt display village and has heritage significance at a local and State level. It also found that 400 Mona Vale Road is a Pettit and Sevitt house and its inclusion in the group is warranted. Other heritage authorities have encouraged Kuring-gai Council to include the properties in the existing heritage group. The NSW Heritage Council has considered the matter and found that the display village group has local significance and may have State heritage significance, but due to a lack of comparative assessments on a state-wide basis, could not reach a definitive conclusion that the group is of State heritage significance. The owners of both properties are strongly opposed to including their properties within the group listing of the Pettit and Sevitt display village.

Inclusion of these two properties could potentially increase the significance of the Pettit and Sevitt group and Council should consider that if these two properties are not included that the value of the group could be reduced.

RECOMMENDATION

- A. That Council prepares a Local Environmental Plan to include 27 Richmond Avenue and 400 Mona Vale Road, St Ives as a draft heritage items.
- B. That Council notifies the Department of Infrastructure, Planning and Natural Resources of its intention to prepare a draft Local Environmental Plan in accordance with Section 54 of the EP & A Act.
- C. That Council notifies the owners of all affected properties of its decision.
- D. That the Draft Plan be placed on exhibition on accordance with the requirements of the EP & A Act and Regulations.
- E. That a report be brought back to Council at the end of the exhibition period.

Paul Dignam
Heritage Conservation Planner

Leta Webb
Director Planning & Environment

Attachments:

- A. Report to the NSW Heritage Council dated 2 June 2004.**
- B. Recommendation of the NSW Heritage Council dated 2 June 2004.**
- C. Letter from Ken Woolley.**
- D. Letter from Royal Australian Institute of Architecture.**
- E. Letter from the National Trust.**

Item 5

P56728 P52770
4 August 2004

- F. Letter from Mr Rahmani, owner of 27 Richmond Avenue, St Ives.**
- G. Report prepared by R Moore for Council.**
- H. Report prepared by GML for Council.**
- I. Photographs taken on 2 August 2004.**

APPLICATION TO AMEND KU-RING-GAI PLANNING SCHEME ORDINANCE IN RELATION TO 657 - 661 PACIFIC HIGHWAY, KILLARA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To have Council assess the merits of an application to amend the Ku-ring-gai Planning Scheme Ordinance in relation to Nos 657 - 661 Pacific Highway, Killara.
BACKGROUND:	The application seeks rezoning of the site to permit a residential flat building and townhouse development. This matter has been the subject of previous Council reports. Additional information has been provided by the applicant with a 35% deep soil zone and a re-designed parking layout.
COMMENTS:	Additional information has been provided from the applicant for Council's consideration. This information is an attempt to address the issues raised at the Council meeting on 27 July 2004.
RECOMMENDATION:	That Council formally exhibit Draft Local Environmental Plan No 202 for 657 - 661 Pacific Highway, Killara in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations.

PURPOSE OF REPORT

To have Council assess the merits of an application to amend the Ku-ring-gai Planning Scheme Ordinance in relation to Nos 657 - 661 Pacific Highway, Killara.

BACKGROUND

The application seeks rezoning of the site to permit a residential flat building and townhouse development. Additional information has been provided by the applicant with a 35% deep soil zone and a re-designed parking layout.

A level of basement car parking is also to be provided for the patrons of the Greengate Hotel adjoining the site.

At the Council meeting held on 27 July 2004 the proposal was considered but no resolution was made in respect to the item. The applicant has subsequently submitted additional concept design that now provides an indicative deep soil zone of 35% (compared with 27% on the previous proposal) with a re-designed parking layout that provides an 8 metre setback deep soil zone on both Pacific Highway and Bruce Avenue, Killara frontages as per Draft LEP No 202.

The car parking has been extended by an additional half level with a total of 80 residential car spaces and 60 car spaces for the hotel patrons is provided. This is 7 spaces fewer for hotel patrons than the proposal previously submitted. An indicative site cover of 33% is provided.

Traffic entry/exit arrangements to the car parking has been retained as per the original proposal.

Site information provided by the applicant see revised Plan **Attachment B**.

Deep Soil zone: 35% or 1511m²

Site Cover: 33%

Total Units 42 + 9 townhouses

FSR: 1:1

Parking: 80 residential and 60 for the hotel.

COMMENTS

At the Council meeting held on 27 July 2004, a concept proposal for the rezoning was discussed but no resolution was made. The applicant has subsequently provided revised concept plans that provide a 35% deep soil planting zone and an 8 metre setback (with corresponding deep soil zone along Bruce Avenue and the Pacific Highway).

Issues raised at the Council meeting included the provision of adequate deep soil landscaping, consistency with LEP 194 controls, setback controls and the provision of commercial car parking in a residential zone. These issues are still relevant to the proposal and have been considered in the previous report to Council however the applicant has responded to expressed concerns by supplying

Item 6

**S02029
4 August 2004**

a concept plan that shows that an 8 metre setback can be achieved and by increasing the area available for deep soil landscaping to 35%.

The applicant has provided a revised plan for Council's consideration.

A revised Draft Local Environmental Plan No 202 has been prepared that:

- Increases the required deep soil area from 25% to 35%;
- Retains the minimum deep soil landscaping zone of at least 8 metres in width for the site along the Pacific Highway and Bruce Avenue, Killara frontages;
- Rezones No 657 Pacific Highway to Residential 2(d3); and
- Permits a basement car park for the use of the Greengate Hotel that adjoins the site.

CONSULTATION

Please refer to Council Officer's report presented at Council on the 27 July 2004.

FINANCIAL CONSIDERATIONS

Assessment and exhibition costs are covered by the rezoning fee and advertising fees.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Please refer to Council Officer's report presented at Council on the 27 July 2004.

SUMMARY

This application seeks to amend the KPSO to permit the subject land to be developed as a part 5 storey apartment building and part 3 level townhouse style building with two basement car parking levels. One of the basement car parks is proposed to be used exclusively for Greengate Hotel patrons and staff. The proposed floor space ratio is indicative at 1.1:1.

The footprints of the basement car parks are larger than the requirements for the apartments parking needs due to the incorporation of the Greengate Hotel car park. The result of this enlarged basement footprint is a deep soil landscaped area of 35%. As a consequence the revised proposal presents additional opportunity for larger canopy trees, most notably along street boundaries.

Thirty five (35) submissions (including a petition with 35 signatures) were received in response to preliminary public exhibition of the application. Of the submissions 33 objected to the proposal and 2 supported or did not object. The applicant has submitted additional information and has amended the plans.

CONCLUSION

The following amendments have been made to achieve an appropriate planning outcome.

1. Include No 657 Pacific Highway as an additional site (2d3) zone under the same provisions of LEP 194 with associated residential basement level parking this will allow a single residential zone and associated planning controls across the site.
2. Permit one level of basement commercial car parking for the exclusive use of the Greengate hotel patrons, on the basis that the site is adjoining the hotel currently zoned Business – (3a) Retail Services, the proposal provides additional parking for continued use of the heritage listed Greengate Hotel.
3. To meet the requirements for landscaping and provision/maintenance of deep soil zone, and the requirements for the commercial car parking associated with the Greengate Hotel permit a variation the deep soil zone requirements (normally required under the KPSO as amended by LEP 194) for this site at a minimum of 35% (Note: the NSW Residential Flat Design Code requires 25%) and requiring along the Bruce Avenue frontage a minimum 8 metre deep soil setback zone and minimum deep soil zone of 8 metres along the Pacific Highway frontage.
4. Accordingly Draft Ku-ring-gai LEP 202 has been prepared for exhibition purposes (see attachment) . At this stage an amendment to DCP No.55 is recommended to further clarify the controls under DLEP 202 for the proposed deep soil zones, setbacks, heritage and parking and access. The proposed DCP amendment will be brought to council, following the finalisation of the DLEP 202.

RECOMMENDATION

- A. That Council exhibit Draft Local Environmental Plan No 202 for Nos 657-661 Pacific Highway, Killara.
- B. That Council notifies the Department of Infrastructure Planning and Natural Resources under Section 54 of the EPA Act of its decision.
- C. That Council publicly exhibit the draft Ku-ring-gai Plan No 202 in accordance with provisions of the Environmental Planning and Assessment Act 1979 and Regulations.
- D. That development controls under DCP No. 55 Multi Unit housing under DCP No55- Railway/Pacific Highway Corridor and St Ives Centre be prepared for Nos 657-661 Pacific Highway for consideration by Council at the end of the exhibition period.
- E. That a report be brought back to Council at the end of the exhibition period.

Item 6

S02029
4 August 2004

Antony Fabbro
Manager
Urban Planning

Leta Webb
Director
Planning and Environment

Attachments:

- A - Copy of Draft LEP 200 and Associated Map**
- B - Copy of revised concept plans - 4 sheets from applicant**
- C - Copy of Officers report from 27 July 2004 Council Meeting**
- D. Copy of officers comments from Heritage, Landscape and Traffic**
- E. Copy of rezoning application**
- F. Copy of submissions and analysis**

OPEN SPACE GRASS CUTTING CONTRACTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider exercising its option for the extension of contracts with Menoscape, Sterling Group Service and TK Services for the provision of grass cutting services within Open Space.

BACKGROUND:

In June 2000, Council appointed three contractors to cut grass across 400 sites throughout the Kuring-gai local government area. The contracts are for a total period of 5 years including options and all service providers have expressed a willingness for Council to exercise the optional period in the contract.

COMMENTS:

The current 3 service contractors have generally provided a satisfactory level of service and demonstrated responsiveness to service requests. The current level of service (13 cuts per year) is still considered to be the absolute minimum standard expected by the public. A comprehensive review of the contracts is currently underway that is addressing improvements in the documentation, performance management and service delivery, including alternate management regimes and service frequency to best address a wide diversity of public expectation regarding Open Space management.

RECOMMENDATION:

That Council exercise its options with Menoscape, Sterling Group Services and TK Services for two years in accordance with the condition of Contract A, Clause 4 "Period of Agreement" terminating October 2005 and the terms of the option be in accordance with the terms as outlined in the current contract.

PURPOSE OF REPORT

For Council to consider exercising its option for the extension of contracts with Menoscape for Area A, Sterling Group Service for Area B and Area C and TK Services for Area D for the continued provision of grass cutting services within Open Space.

BACKGROUND

A large component of Council's management responsibility of open space areas involves grass cutting. The delivery of this service is predominantly undertaken by contract service providers. Council has divided the 400 sites being maintained into 4 separate contracts, 3 geographically based contracts and one contract that focuses on high profile parks and reserves across Ku-ring-gai. There are three contractors delivering the four contracts. They are Menoscape Limited for Area A, Sterling Group Service for Areas B & C, and TK Services for Area D.

The contracts involve the mowing and mechanical edging of grass, together with removal of sticks and debris from subject areas and on nearby paths prior to and at the end of grass cutting at all specified sites. Broad acre mowing of sportsfields is not included within these contracts.

Following a tender process and reporting to Council the four contracts were entered into simultaneously in October 2000 for a total period of 5 years including options. The initial period of the contracts concluded in October 2003 and all of the contracts have been maintained on a month to month basis since that date.

Staff have commenced a thorough review of the contracts that will be complete prior to the next formal tendering of this service. The review is addressing both the structure of the contracts and their documentation including improvements to the contract specification. Specific elements of the review include service frequency, alternate management regimes where appropriate (such as bush regeneration or low mow regimes), current and future uses to best address a wide diversity of public expectation regarding open space management. Some increased flexibility in the provisions of the contracts may aid Council in this regard.

Whilst this process continues, this report has been prepared for Council to consider exercising its options for these contracts for the period ending October 2005. The three service providers have all indicated their willingness to accept the option periods under the terms outlined in the contracts.

COMMENTS

The delivery of services from all contractors has ranged from satisfactory to good.

A generally positive professional relationship with each of the three contractors, the public and Council Officers has and continues to be maintained throughout the contract.

Item 7

S02977
28 July 2004

Issues raised with the service providers (generally as either a reactive request from the community or as a consequence of staff inspections), have and continue to be responded to within appropriate times and to the appropriate quality.

A number of changes have been implemented with regards to improving both the management of and service delivery relating to these contracts over the last three years. These include proactive and random inspections and a minimum monthly liaison session with each service provider and the nominated Council contract manager.

From this process some minor issues have been identified, but to this point the service providers demonstrate a positive and responsive approach.

There is only one level of cutting frequency specified (13 cuts per year) in the contracts for each site. In normal situations this level of service is considered to be the absolute minimum standard that the community will accept. During periods of strong growth of grass within some parks Council does receive community complaint regarding the level of service provided. Additionally individual site reviews have identified sites where due to aspect and soil type a decrease in mowing frequency will lead to an increase in the quality of the reserve.

Staff are consequently reviewing each site to ensure that the service level and structure of service delivery reflect the diversity of public expectation, sustainability of ecological process, land management objective, community use and climate extremes.

This information will need to be carefully considered in the development of the new contract and specification. Further consultation with Council will occur in early 2005.

Accordingly, it is considered appropriate that Council implement an Expression of Interest for the future provision of this service prior to the expiration of the options period (16 October 2005) and following further reporting to Council.

This process will allow potential organisations that can demonstrate a capacity to deliver the services required within available resources to be shortlisted and required to submit a detailed, costed tender for evaluation and subsequent recommendation of preferred tenderers to Council.

Successfully managing the process outlined above will require considerable lead time.

Given the overall performance of the service providers to date and the changes implemented regarding the management of each contract, the next 16 months will provide further useful information for service and performance review that will assist in future Expression of Interest and Tender appraisal. It would be appropriate therefore to exercise Council's option in relation to these contracts.

CONSULTATION

Council staff have liaised with each contractor to explain the basis of the recommendation to Council as contained in this report and to confirm the terms of agreement regarding the options period for Council's consideration.

TK Services confirmed their acceptance of the option periods subject to Council's resolution in formal correspondence dated 12 July 2004.

Sterling Group Services confirmed their acceptance of the option periods subject to Council's resolution in formal correspondence dated 28 June 2004.

Menoscape confirmed their acceptance of the option periods subject to Council's resolution in formal correspondence dated 25 June 2004.

In relation to the review of the contracts consultation will be undertaken with the community through the Bushland and Parks Reference Groups and through analysis of resident survey and customer service requests.

FINANCIAL CONSIDERATIONS

Please refer to confidential Attachment 1 – Financial Considerations

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space staff have consulted with staff from Finance and Business Development in the preparation of this report.

SUMMARY

The current Contractors have agreed to continue beyond the current contract term Year 3 rate multiplied by CPI (2.4%) and have been made aware that Council will proceed with an Expression of Interest and selective tender process for grass cutting services prior to the expiration of the options, following resolution from Council.

Aside from the alignment of cut frequency to park hierarchy, the proposed tender model will consider the benefits provided by a more flexible grass cutting regime in managing the longer term sustainability of our biodiversity and natural resources as it gives capacity to respond to changes in vegetation management processes.

Council requires appropriate lead time to ensure the new contract will incorporate a greater degree of flexibility and responsiveness to address the issues as identified in this report and achieve the most effective and efficient management of its Open Space grass cutting service.

Consequently it is recommended that Council exercise the option periods for the continued provision of grass cutting services consistent with the terms and conditions of the existing contract as outlined in this report.

Recommendations regarding an Expression of Interest and tender process will be reported to Council following the conclusion of the current tender review.

RECOMMENDATION

- A. That Council exercise its option for a subsequent period for its contract with Menoscape, Sterling Group Services and TK Services for the provision of grass cutting services for two years in accordance with the condition of Contract Part A – Clause 4 “Period of Agreement”.
- B. That the option period of two years commences October 2003 and terminates October 2005.
- C. That the terms of the option to be in accordance with the terms as outlined in the current contract.
- D. That the Mayor and General Manager be authorised to execute all necessary documents in relation to the contract option.
- E. That Common Seal of Council be affixed to all necessary documents.

Amanda Colbey
MANAGER PARKS, SPORT
& RECREATION

Phillip Ambler
PARKS TECHNICAL
OFFICER

Steven Head
DIRECTOR OPEN SPACE

Attachments: Financial Considerations (Confidential)

FIVE YEAR ROAD PROGRAM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval of the five year rolling works program for 2004/2005.
BACKGROUND:	On 3 July 2001 the Minister for Local Government approved Council's application for a special rate levy to increase funding of road infrastructure rehabilitation works. This has increased the value of the annual Road Rehabilitation and Refurbishment Program to \$4,223,000. This amount includes grants from the NSW State Government of \$301,300 under the RTA Repair Program and from the Federal Government of \$165,000 under the Roads to Recovery Program.
COMMENTS:	A proposed five year rolling roads program has been prepared for Council approval to the value of \$4.223 million.
RECOMMENDATION:	That Council adopts the proposed 2004/2005 Road Program and draft Five Year 2004/09 Rolling Roadworks Program as attached in Appendix A.

PURPOSE OF REPORT

To seek Council's approval of the five year rolling works program for 2004/2005.

BACKGROUND

On 3 July 2001 the Minister for Local Government approved Council's application for a special rate levy to increase funding for road infrastructure rehabilitation works.

The Infrastructure Levy commenced in 2001/02 and provided approximately \$1.6 million per annum for five (5) years which is indexed over time. The levy concludes in 2005/06 and if Council is to maintain the current level of funding, then alternative funding sources will need to be determined or Council can resolve to submit an application to the Department of Local Government for an extension of the levy.

In 2001/02 Council resolved to commit \$4 million to road works and this amount was to be indexed annually.

Council's Management Plan has indicated that \$4,223,000 has been provided for road works under the Capital Works program. This amount includes grants from the NSW State Government of \$226,300 under the RTA Repair and Enhancement Program and from the Federal Government of \$165,000 under the Roads to Recovery Program.

Council has adopted in the Management Plan, an allocation of \$4,223,000 that is made up of the following funding sources.

PROGRAM	Grant Funded	Council Funded	Total
RTA Repair Program	\$301,300	\$301,300	\$602,600
Infrastructure Levy		\$1,704,700	\$1,704,700
Rehabilitation Program		\$1,750,700	\$1,750,700
Roads To Recovery	\$165,000		\$165,000
Total	\$466,300	\$3,756,700	\$4,223,000

COMMENTS

Attached as **Appendix A** is a copy of the proposed Five Year Rolling Road Program that has been determined using Council's SMEC Pavement Management System.

The condition of the pavement has been assessed by visual assessment of the road surface against various distress criteria. Pavement testing has also been carried out to determine the sub-grade strengths. The result of these tests confirmed that typical sub-grade strength allows for a typical pavement life span of 12 years subject to heavy traffic conditions.

Item 8

S02362
16 July 2004

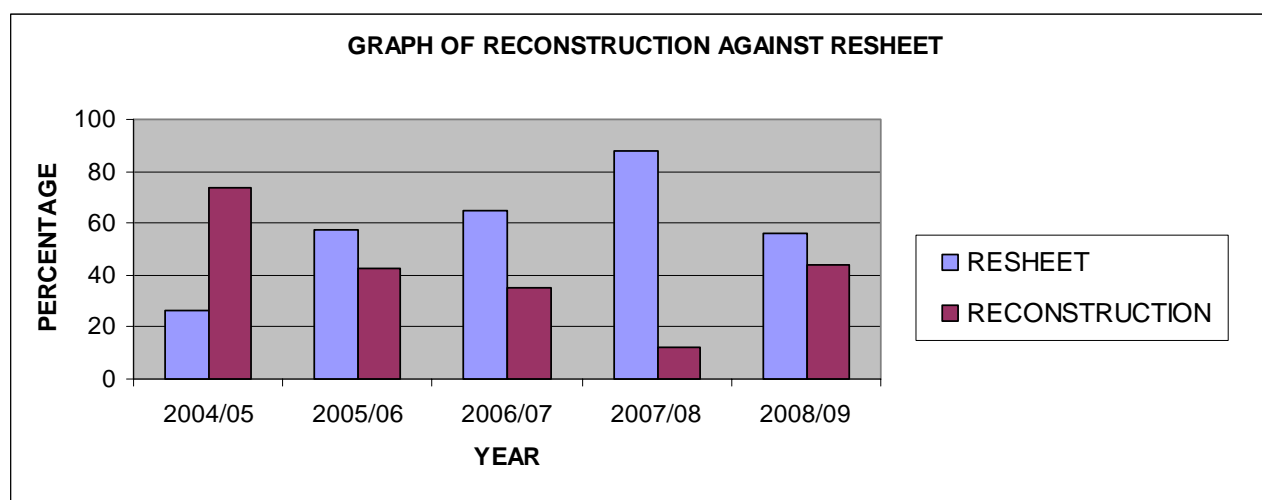
This criteria along with the traffic data is entered into the Pavement Management System along with the annual budget amounts and the program assesses the priorities based on the criteria.

Based on the Pavement Management System, Council requires a minimum of \$4.2 million per annum to bring its road assets up to a satisfactory standard over a fifteen year period from 2001/02.

Further consideration will need to be given to maintain future funding beyond 2005/06 when the Infrastructure Levy and the Roads to Recovery Program concludes and at this stage it is proposed to re-apply to the Department of Local Government for an extension of the levy.

Resheeting works involves the replacement of the top layer of pavement with some minor patching works where required. This is necessary to ensure that the pavements that are considered to be in a reasonable condition remain that way and are not allowed to deteriorate to a situation where reconstruction is required. Resheeting works currently cost about \$8 per square metre whereas reconstruction works can range from \$25 to \$40 per square metre and the Pavement Management System indicates the optimal timing to carry out the mix of resheeting and reconstruction works.

Below is a graph showing the funding distribution for rehabilitation and resheeting works based on the annual allocation of approximately \$4.2 million per annum:



Tenders for the supply and laying of asphaltic concrete were called by NSROC on behalf of Council and were closed on 29 June 2004. A separate report is being submitted to Council to advise on the primary supplier to Council for 2004/05. Following adoption of the proposed Five Year Rolling Works Program, tenders will be called for stabilisation works and reconstruction work.

Rehabilitation works on Regional Roads that are funded on a dollar for dollar basis under the RTA's Repair Program is shown separately in **Appendix A**. The 2004/2005 Repair Program was approved by the RTA and adopted by Council on 9 December 2003. Funding for the Regional Road works proposed for future years will be subject to assessment by the RTA based on Council's

Item 8

**S02362
16 July 2004**

submission and the benefit cost ratios. Additional to this, heavy patching works will be carried out on other Regional Roads using the Block Grant funding.

The Regional Road network is 38.9 kilometres in length and given that the entire network is 489 kilometres, this represents approximately 8% of the road network. The funding allocation for Regional Road works is \$602,600 and has been for the last 3 years. Therefore, the total allocation for Regional Road works represents approximately 14% of the budget. Hence there is a higher pro-rata amount allocated to Regional Roads than Local Roads.

CONSULTATION

Residents will be notified by letterbox drop prior to any works being carried to allow for comments and address any concerns raised by residents.

FINANCIAL CONSIDERATIONS

Funds are available in accordance with the adopted Ku-ring-gai Council Management Plan 2004-2008 from a combination of grants, infrastructure levy and Council funding as shown in the above table.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Finance and Business section were consulted in the preparation of this report.

SUMMARY

The purpose of this report is to seek Council's approval to adopt the 2004/05 and the draft 2004/09 road rehabilitation rolling works program based on the available funding.

The program has been assessed using the SMEC Pavement Management System. However, consideration was also given to any roads that are adjacent to likely future developments under LEP 194 and the targeted sites and these roads were deferred as conditions of consent may require upgrade of the roads.

Public utility authorities are notified of Council's five year road program seeking comment on any utility upgrade program. Energy Australia have advised of a proposed upgrade plan for the Lindfield and Roseville area but this does not impact on any of the roads in the next two year's program.

Item 8

S02362
16 July 2004

The five year Rolling Works Program assists with future planning, designs and communication with residents on the likely timing of works. It should be noted that while Council has completed a number of roads over the last two years but there is still approximately 190 kilometers of roads that are rated as unsatisfactory or failed.

RECOMMENDATION

- A. That Council adopts the proposed 2004/2005 Road Program and the draft Five Year Rolling Road Works Program as attached in **Appendix A**.
- B. That Council endorses the preparation of the application for an extension of the Infrastructure Levy to take effect from 2006/07 in order to maintain the funding levels required to bring Council's road assets up to a satisfactory standard.

Alexx Alagiah
Pavements & Assets Engineer

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Attachments: Appendix A Draft Five Year Rolling Road Works Program

PROGRAM FOR 2004/05

Infrastructure Levy 2004/05 (\$1,681,026)

NAME	SUBURB	SECTION FROM	SECTION TO	TREATMENT STRATEGY	COST	WARD
ADDITION AVENUE	ROSEVILLE	ARCHBOLD ROAD	MOORE AVENUE	50MM AC14 OVERLAY	\$82,122	R
ADDITION AVENUE	ROSEVILLE	MOORE AVENUE	BABBAGE ROAD	50MM AC14 OVERLAY	\$63,524	R
AYRES ROAD	ST IVES	MONA VALE ROAD	NO.1	HEAVY PATCH WITH 40MM ASPHALT	\$83,598	S
BANKS AVENUE	NORTH TURRAMURRA	BOBBIN HEAD ROAD	CUL-DE-SAC	DENSE GRADED OVERLAY 40MM	\$65,684	W
BRIAR STREET	ST IVES	KILLEATON STREET	FLINDERS AVENUE (L)	DENSE GRADED OVERLAY 40MM	\$24,563	S
CURAGUL ROAD	NORTH TURRAMURRA	BOBBIN HEAD ROAD	END	STABILISATION 200 MM + SEAL+40MM AC	\$201,661	W
EDGEcombe ROAD	ST IVES	MAWSON STREET	CUL-DE-SAC	DENSE GRADED OVERLAY 40MM	\$15,755	S
FIDDEN WHARF ROAD	KILLARA	GRASSMERE STREET	GOLF LINK ROAD	DENSE GRADED OVERLAY 50MM	\$133,753	G/R
GLADYS AVENUE	WAHROONGA	HAMPDEN AVENUE	WESTBROOK AVENUE	STABILISATION 200 MM + SEAL+40MM AC	\$100,855	W
HOWARD STREET	LINDFIELD	TRYON ROAD	VALLEY ROAD	DENSE GRADED OVERLAY 40MM	\$65,865	R
KYLIE STREET	KILLARA	# 28	WATTLE STREET	DENSE GRADED OVERLAY 40MM	\$101,195	G
MOORE STREET	ROSEVILLE	ADDITION STREET	EARL STREET	DENSE GRADED OVERLAY 50MM	\$79,418	R
NELSON STREET	GORDON	CARTER STREET	BELL STREET	STABILISATION 200 MM + SEAL+40MM AC	\$132,653	G
NELSON STREET	GORDON	MATONG STREET	CLIFFORD STREET	DENSE GRADED OVERLAY 40MM	\$13,918	G
PARK LANE	GORDON	ROSEDALE ROAD	WERONA AVENUE	DENSE GRADED OVERLAY 40MM	\$15,634	G
STANLEY STREET	ST IVES	HORACE STREET	YARRABUNG ROAD	STABILISATION 200 MM + SEAL+40MM AC	\$90,341	S
THE CHASE ROAD	TURRAMURRA	EASTERN ROAD	NO 12 FB	STABILISATION 200 MM + SEAL+40MM AC	\$140,955	W
WEMBURY ROAD	ST IVES	ASHLAR STREET	EDGEcome ROAD	DENSE GRADED OVERLAY 40MM	\$82,100	S
WINDSOR PLACE	ST IVES CHASE	WARRIMOO AVENUE	CUL-DE-SAC	DENSE GRADED OVERLAY 40MM	\$38,289	S
YIRGELLA AVENUE	EAST KILLARA	SPRINGDALE AVENUE	CHURCHILL ROAD	STABILISATION 200 MM + SEAL+40MM AC	\$80,897	G
ZELDA AVENUE	WAHROONGA	EASTERN ROAD	MORRIS AVENUE	STABILISATION 200 MM + SEAL+40MM AC	\$51,920	W
INFRASTRUCTURE LEVY - PAVEMENT CONDITION SURVEY					\$40,000	
					\$1,704,700	

Rehabilitation 2004/05

ALVONA AVENUE	ST IVES	LYNBARA AVENUE	AMESBURY AVENUE	STABILISATION 200 MM + SEAL+40MM AC	\$130,041	S
CARRINGTON ROAD	WAHROONGA	EASTERN ROAD	WAHROONGA AVENUE	STABILISATION 200 MM + SEAL+40MM AC	\$245,776	W
HEYDON AVENUE	WARRAWEE	PACIFIC HIGHWAY	YOSEFA AVENUE	STABILISATION 200 MM + SEAL+40MM AC	\$92,050	W
JOHNSON STREET	LINDFIELD	CHARLES STREET	KNOX STREET	STABILISATION 200 MM + SEAL+40MM AC	\$223,035	R
MARLBOROUGH PLACE	ST IVES	WARRIMOO AVENUE	NO 29 ND-6M	STABILISATION 200 MM + SEAL+40MM AC	\$120,366	S
MINNAMURRA AVENUE	PYMBLE	RYDE ROAD	CUL-DE-SAC	STABILISATION 200 MM + SEAL+40MM AC	\$222,803	G
MUDIES ROAD	ST IVES	COLLINS ROAD	MEMORIAL AVENUE	STABILISATION 200 MM + SEAL+40MM AC	\$72,596	S
RAVENHILL ROAD	TURRAMURRA	THE COMENARRA PARKWAY	PEMBROKE AVENUE	STABILISATION 200 MM + SEAL+40MM AC	\$139,863	C
RAY STREET	TURRAMURRA	PACIFIC HIGHWAY	WILLIAM STREET	STABILISATION 200 MM + SEAL+40MM AC	\$108,494	C

ROBERT STREET	GORDON	WERONA AVENUE	ROSEDALE STREET	STABILISATION 200 MM + SEAL+40MM AC	\$81,694	G
ROTHERY STREET	GORDON	ELGIN STREET (RIGHT)	DARNLEY STREET	STABILISATION 200 MM + SEAL+40MM AC	\$47,576	G
WAHROONGA AVENUE	WAHROONGA	JUNCTION ROAD	CARRINGTON ROAD	STABILISATION 200 MM + SEAL+40MM AC	\$85,250	W
YARABAH AVENUE	GORDON	PACIFIC HIGHWAY	NO 19 FB	STABILISATION 200 MM + SEAL+40MM AC	\$131,156	G
HYDRANT MARKERS					\$10,000	
REHAB - PAVEMENT CONDITION SURVEY					\$40,000	
					\$1,750,700	

Roads to Recovery 2004/05

BANGALLA STREET	WARRAWEE	YOUNG STREET	ROUNDABOUT	STABILISATION 200 MM + SEAL+40MM AC	\$165,000	W
					\$165,000	

RTA Program 2004/05

Repair

FOX VALLEY ROAD	WAHROONGA	FIELD PLACE	ROLAND AVENUE	HEAVY PATCH+50MM OVERLAY	\$37,132	C
THE COMENARRA PARKWAY	SOUTH TURRAMURRA	KISSING POINT ROAD	PARKINSON AVENUE	RECONSTRUCTION WITH DEEPLIFT ASPHALT	\$228,395	C
THE COMENARRA PARKWAY	SOUTH TURRAMURRA	PARKINSON AVENUE	HICKS AVENUE	RECONSTRUCTION WITH DEEPLIFT ASPHALT	\$187,073	C
					\$452,600	

Enhancement

BURNS ROAD	WAHROONGA	LOVERS JUMP CREEK CULVERT		STRENGTHENING OF CULVERT	\$150,000	W
					\$150,000	

Total Program for 2004/05

\$4,223,000

PROGRAM FOR 2005/06**Infrastructure Levy 2005/06 (\$1,760,103)**

NAME	SUBURB	SECTION FROM	SECTION TO	TREATMENT STRATEGY	COST	WARD
AMUSBURRY STREET	ST IVES	ALVONA STREET	HORACE STREET	40MM AC14 OVERLAY	\$12,911	S
BARANA PARADE	ROSEVILLE CHASE	MALGA AVENUE	CUL -DE-SAC	40MM AC14 OVERLAY	\$32,267	R
BLACKBURN STREET	ST IVES	ROMA ROAD	ACRON ROAD	40MM AC14 OVERLAY	\$44,551	S
BLIGH STREET	EAST KILLARA	KOOLA AVENUE	WENTWORTH AVENUE	40MM AC14 OVERLAY	\$16,998	G
BUCKINGHAM ROAD	KILLARA	PACIFIC HIGHWAY	WARWICK STREET	50MM AC14 OVERLAY	\$33,944	G
BURNLEY AVENUE	NORTH TURRAMURRA	ALLARA AVENUE	CUL-DE-SAC	40MM AC14 OVERLAY	\$21,495	W
BYAMEE STREET	EAST KILLARA	KOOLA AVENUE	KANOWAR AVENUE	40MM AC14 OVERLAY	\$20,250	G
CALDER PLACE	ST IVES	WEMBURY ROAD	CUL DE SAC	40MM AC14 OVERLAY	\$4,773	S
CARRINGTON ROAD	WAHROONGA	GROSVENOR STREET	COONANBARRA ROAD	HEAVY PATCH+50MM AC14 OVERLAY	\$43,258	W
COLLEGE CRESCENT	ST IVES	YARRABUNG ROAD (NTH)	YARRABUNG ROAD (STH)	40MM AC14 OVERLAY	\$61,900	S
GARRICK ROAD	ST IVES	MONA VALE ROAD	CUL-DE-SAC	40MM AC14 OVERLAY	\$44,818	S
GERALD AVENUE	ROSEVILLE	ROSEVILLE AVENUE	DUDLEY AVENUE	STABILISATION 200 MM + SEAL+AC	\$99,835	R
GROSVENOR STREET	WAHROONGA	BURNS ROAD	JUNCTION ROAD	50MM AC14 OVERLAY	\$116,429	W
HAMSHIRE AVENUE	WEST PYMBLE	KOOLLOONA CRESCENT	CUL-DE-SAC	40MM AC14 OVERLAY	\$26,532	C
HOBART AVENUE	EAST LINDFIELD	SYDNEY ROAD	MELBOURNE ROAD	40MM AC14 OVERLAY	\$51,562	R
KAROO AVENUE	EAST LINDFIELD	CRANA AVENUE	NO 14	40MM AC14 OVERLAY	\$19,310	R
KARUAH ROAD	TURRAMURRA	KU-RING-GAI AVENUE	EVELYN AVENUE	40MM AC14 OVERLAY	\$26,743	W
KU-RING-GAI AVENUE	TURRAMURRA	BOOMERANG ST (RIGHT)	KARUAH ROAD	40MM AC14 OVERLAY	\$33,445	W
MELBOURNE ROAD	EAST LINDFIELD	WOODLANDS ROAD	CANBERRA CRESCENT	50MM AC14 OVERLAY	\$34,469	R
MILBURN PLACE	ST IVES CHASE	WARRIMOO AVENUE	TIMBARRA ROAD	40MM AC14 OVERLAY	\$70,707	S
MONTEITH STREET	TURRAMURRA	FINLAY ROAD	ROLAND AVENUE	40MM AC14 OVERLAY	\$56,371	C
ORMONDE ROAD	ROSEVILLE CHASE	THE KINGSWAY	END	HEAVY PATCH+50MM AC14 OVERLAY	\$40,261	R
PARK AVENUE	GORDON	PEARSON AVE	ROSEDALE RD	HEAVY PATCH+50MM AC14 OVERLAY	\$62,262	G
POLDING ROAD	LINDFIELD	COOCUPARA AVENUE	KOONAWARRA AVENUE	HEAVY PATCH+50MM AC14 OVERLAY	\$14,433	R
POLDING ROAD	LINDFIELD	KOONAWARRA AVENUE	PRIMULA STREET	HEAVY PATCH+50MM AC14 OVERLAY	\$38,705	R
RESERVOIR RD	PYMBLE	SELWYN ST	PACIFIC HIGHWAY	40MM AC14 OVERLAY	\$69,832	W
RICHMOND AVENUE	ST IVES	MONA VALE ROAD	NO 1 FB	40MM AC14 OVERLAY	\$14,165	S
RUSHALL ST	PYMBLE	BANNOCKBURN RD	CROWN RD	40MM AC14 OVERLAY	\$71,768	W
SARNIA CRESCENT	KILLARA	NORFOLK STREET	CUL-DE-SAC	40MM AC14 OVERLAY	\$7,118	G
STONECROP ROAD	NORTH TURRAMURRA	NO 14 FB	END	50MM AC14 OVERLAY	\$11,214	W
TOROKINA AVENUE	ST IVES	NO 28 FB+4M	NO 62 NB	40MM AC14 OVERLAY	\$65,869	S
TRYON RD	LINDFIELD	LINDFIELD AVE	NELSON RD	50MM AC14 OVERLAY	\$265,821	R
WARRAGAL ROAD	TURRAMURRA	PACIFIC HIGHWAY	AVOCA ROAD	HEAVY PATCH + 50MM OVERLAY	\$99,887	C
WARREGO PLACE	EAST KILLARA	CHURCHHILL ROAD	CUL-DE-SAC	40MM AC14 OVERLAY	\$16,080	G
WARRIMOO AVENUE	ST IVES	MUDIES ROAD	CARBEEN AVENUE	HEAVY PATCH + 50MM OVERLAY	\$110,120	S
					\$1,760,103	

Rehabilitation 2005/06 (\$1,939,897)

ADELAIDE AVENUE	LINDFIELD	SYDNEY ROAD	MELBOURNE ROAD	STABILISATION 200 MM + SEAL+AC	\$141,239	R
BALDWIN STREET	GORDON	GLENVIEW STREET	ELGIN STREET	STABILISATION 200 MM + SEAL+AC	\$100,781	G
BOUNDARY ROAD	WAHROONGA	WAHROONGA AVENUE	GROSVENOR STREET	STABILISATION 200 MM + SEAL+AC	\$141,706	W
BUXTON PLACE	NORTH TURRAMURRA	BURNLEY AVENUE	CUL-DE-SAC	STABILISATION 200 MM + SEAL+AC	\$32,815	W
EDEN AVENUE	SOUTH TURRAMURRA	MAXWELL STREET	START OF TWAY CO	STABILISATION 200 MM + SEAL+AC	\$132,143	C
FERN STREET	PYMBLE	MONA VALE ROAD	GRANDVIEW STREET	STABILISATION 200 MM + SEAL+AC	\$125,100	G
GILLIAN PARADE	WEST PYMBLE	YANKO ROAD	CUL-DE-SAC	STABILISATION 200 MM + SEAL+AC	\$123,135	C
INVERALLAN AVENUE	WEST PYMBLE	LOFBERG ROAD	KENDALL ST (R-22M)	STABILISATION 200 MM + SEAL+AC	\$55,154	C
KEATS ROAD	NORTH TURRAMURRA	BOBBIN HEAD ROAD	SHELLEY ROAD	STABILISATION 200 MM + SEAL+AC	\$62,208	W
KEATS ROAD	NORTH TURRAMURRA	SHELLEY ROAD	ELLALONG AVENUE	STABILISATION 200 MM + SEAL+AC	\$48,672	W
KNOX STREET	LINDFIELD	EDMUND STREET	FIDDEN WHARF ROAD	STABILISATION 200 MM + SEAL+40MM AC	\$99,784	R
NORMURRA AVENUE	NORTH TURRAMURRA	BOBBIN HEAD ROAD	MIOWERA ROAD	STABILISATION 200 MM + SEAL+AC	\$98,345	W
POWELL ST	KILLARA	WERONA AVE	KARRANGA AVE	HEAVY PATCH+50MM AC14 OVERLAY	\$205,967	G
RAWHITI STREET	ROSEVILLE	CLANVILLE ROAD	NO 1A,FB-20M	STABILISATION 200 MM + SEAL+AC	\$39,749	R
RAWHITI STREET	ROSEVILLE	NO 1A,FB-20M	WAIMEA ROAD (RIGHT)	STABILISATION 200 MM + SEAL+AC	\$32,738	R
STATION ST	PYMBLE	GRANDVIEW ST	ALMA ST	STABILISATION 200 MM + SEAL+AC	\$101,185	G
TRAFALGAR AVENUE	ROSEVILLE	CLANVILLE ROAD	OLIVER ROAD	STABILISATION 200 MM + SEAL+AC	\$200,398	R
VICTORIA STREET	ROSEVILLE	SPEARMAN STREET	WANDELLA AVENUE	STABILISATION 200 MM + SEAL+AC	\$114,138	R
WARRABINA AVENUE	ST IVES	BUNDABAH AVENUE	WOODBURY ROAD	40MM AC14 OVERLAY	\$84,641	S
					\$1,939,897	

RTA Program 2005/06 (Indicative only and subject to RTA approval)

EASTERN ARTERIAL RD	ST IVES	BARRA BRUI CRESCENT	NICHOLSON AVENUE	HEAVY PATCH, MILL AND RESHEET	\$325,000	S
EASTERN ROAD	TURRAMURRA	ROHINI STREET (RIGHT	BRENTWOOD AVENUE	HEAVY PATCH, MILL AND RESHEET	\$175,000	W
					\$500,000	

Total Program for 2005/06

\$4,200,000

PROGRAM FOR 2006/07

NAME	SUBURB	SECTION FROM	SECTION TO	TREATMENT STRATEGY	COST	WARD
ACRON ROAD	ST IVES	DOUGLAS STREET	WOODBURY RD RIGHT	40MM AC14 OVERLAY	\$93,178	S
ALICE STREET	TURRAMURRA	EASTERN ROAD	CUL-DE-SAC	STABILISATION 200 MM + SEAL+AC	\$210,156	W
ALLARA AVENUE	NORTH TURRAMURRA	MIOWERA ROAD FB-2M	CUL-DE-SAC	HEAVY PATCH + 40MM OVERLAY	\$49,804	W
CALVERT AVENUE	KILLARA	SPENCER ROAD	MILDURA STREET	STABILISATION 200 MM + SEAL+AC	\$122,461	G
CAMPBELL DRIVE	WAHROONGA	BOGAN PLACE	COOPER CRESCENT	40MM AC14 OVERLAY	\$137,540	C
CANOON ROAD	SOUTH TURRAMURRA	CHISHOLM STREET	END AC/START PARKING	40MM AC14 OVERLAY	\$126,076	C
CARLYLE ROAD	EAST LINDFIELD	SYLVAN AVENUE	PLEASANT AVENUE	40MM AC14 OVERLAY	\$118,683	R
CHURCHILL ROAD	EAST KILLARA	KOOLA AVENUE	NO 1 FB (CS)	40MM AC O/LAY WITH GEO FABRIC	\$21,530	G
CONGHAM ROAD	WEST PYMBLE	YANKO ROAD	WALLALONG CRESCENT	40MM AC14 OVERLAY	\$121,219	C
COONANBARRA ROAD	WAHROONGA	BAREENA AVENUE	LOCHVILLE STREET	40MM AC14 OVERLAY	\$30,811	W
EASTGATE AVENUE	EAST KILLARA	TRUSCOTT PLACE	FAIRBAIRN AVENUE	40MM AC14 OVERLAY	\$50,239	G
EURONG STREET	WAHROONGA	MORONA AVENUE	WONGALEE AVENUE	40MM AC14 OVERLAY	\$13,599	C
FLINDERS AVENUE	ST IVES	NO 23 FB-2M	BRIAR STREET	40MM AC14 OVERLAY	\$38,793	S
GLENEAGLES AVENUE	KILLARA	NO 15 FB-14M	NO 31 FB-4M	40MM AC14 OVERLAY	\$46,272	G
GREENWAY DRIVE	PYMBLE	WARROWA AVENUE	GOLFERS PARADE	HEAVY PATCH + 40MM OVERLAY	\$80,000	C
HALCYON AVENUE	WAHROONGA	CHILTON PARADE	BILLYARD AVENUE	STABILISATION 200 MM + SEAL+AC	\$73,920	W
HENRY STREET	GORDON	RAVENSWOOD AVENUE	CECIL ST MID CURV	HEAVY PATCH + 40MM OVERLAY	\$138,252	G
KAMILAROY ROAD	WEST PYMBLE	RYDE ROAD	YANKO ROAD	40MM AC14 OVERLAY	\$117,899	C
KARLOO STREET	TURRAMURRA	FAIRLAWN AVENUE	BILLABONG AVENUE	STABILISATION 200 MM + SEAL+AC	\$68,302	W
KARUAH ROAD	TURRAMURRA	EASTERN ROAD	TURRAMURRA AVENUE	STABILISATION 200 MM + SEAL+AC	\$78,392	W
KILLEATON STREET	ST IVES	LUCIA AVENUE	ACRON ROAD	40MM AC14 OVERLAY	\$28,556	S
KINGS AVENUE	ROSEVILLE	POCKLEY AVENUE	CORONA AVENUE END	STABILISATION 200 MM + SEAL+AC	\$85,378	R
LINDFIELD AVENUE	LINDFIELD	TREATTS RD (LEFT KE)	KENILWORTH ROAD	50 MM AC OVERLAY	\$30,249	R
MCINTOSH STREET	GORDON	ROSEDALE ROAD	CARTER STREET	STABILISATION 200 MM + SEAL+AC	\$183,051	G
MONTEITH STREET	TURRAMURRA	KISSING POINT ROAD	CORNWALL AVENUE	HEAVY PATCH + 40MM OVERLAY	\$62,424	C
OWEN STREET	LINDFIELD	ARCHBOLD ROAD	SYDNEY ROAD	HEAVY PATCH + 40MM OVERLAY	\$159,519	R
PARK CRESCENT	PYMBLE	PARK CR BLOCK I	NO 36 FB-20M	HEAVY PATCH + 40MM OVERLAY	\$64,458	G
PARK CRESCENT	PYMBLE	ALMA STREET (SW)	END NO 14 14B	HEAVY PATCH + 40MM OVERLAY	\$100,069	G
PEARSON AVENUE	GORDON	MT WILLIAM STREET	PARK AVENUE	STABILISATION 200 MM + SEAL+AC	\$213,385	G
PINDARI AVENUE	ST IVES	EUCALYPTUS STREET	KILPA PLACE	40MM AC14 OVERLAY	\$91,186	S
PROVINCIAL ROAD	LINDFIELD	NO 98 NB+13M (CS)	LADY GAME DRIVE	STABILISATION 200 MM + SEAL+AC	\$206,532	R
RAYMOND AVENUE	WARRAWEE	BANGALLA STREET	CHILTON PARADE	HEAVY PATCH + 40MM OVERLAY	\$62,247	W
STANLEY STREET	ST IVES	LYNBARA AVENUE	HORACE STREET	40MM AC14 OVERLAY	\$120,251	S
STUART STREET	WAHROONGA	COONANBARRA ROAD	ILLOURA AV NK-18M	STABILISATION 200 MM + SEAL +	\$74,595	W
SYDNEY ROAD	EAST LINDFIELD	WOODLANDS ROAD	CARNARVON ROAD	40MM AC14 OVERLAY	\$40,024	R

SYDNEY ROAD	EAST LINDFIELD	CHELMSFORD AVENUE	WOODLANDS ROAD	40MM AC14 OVERLAY	\$37,126	R
SYLVAN AVENUE	EAST LINDFIELD	WELLINGTON ROAD	PLEASANT AVENUE	HEAVY PATCH + 50MM OVERLAY	\$63,448	R
TALGAI AVENUE	WAHROONGA	THE BROADWAY	WONGALEE AVENUE	40MM AC14 OVERLAY	\$18,473	C
TIMBARRA ROAD	ST IVES CHASE	WARRIMOO AVENUE	CUL-DE-SAC	40MM AC14 OVERLAY	\$63,423	S
WAMBOOL STREET	TURRAMURRA	AVOCA ROAD	CUL-DE-SAC	STABILISATION 200 MM + SEAL+AC	\$123,409	C
WINCHESTER AVENUE	LINDFIELD	ETON ROAD	LYLE AVENUE	HEAVY PATCH + 50MM OVERLAY	\$135,073	R
					\$3,700,000	

RTA Program 2006/07 (Indicative only and subject to RTA approval)

STANHOPE ROAD	KILLARA	PACIFIC HIGHWAY	CULWORTH AVENUE	RECONSTRUCTION WITH DEEPLIFT ASPHALT	\$325,144	G
STANHOPE ROAD	KILLARA	CULWORTH AVENUE	WERONA AVENUE	RECONSTRUCTION WITH DEEPLIFT ASPHALT	\$43,120	G
THE COMENARRA PARKWAY	WAHROONGA	HICKS AVENUE	STIANSBY CLOSE	HEAVY PATCH+50MM MILL AND FILL	\$131,736	C
					\$500,000	

Total Program for 2006/07

\$4,200,000

PROGRAM FOR 2007/08

NAME	SUBURB	SECTION FROM	SECTION TO	TREATMENT STRATEGY	COST	WARD
ACRON ROAD	ST IVES	WOODBURY RD RIGHT	AYRES ROAD (LEFT)	40MM AC OVERLAY	\$65,738	S
ALEXANDER PARADE	ROSEVILLE	KINGS AVENUE	NO 37FB	STABILISATION 200 MM + SEAL+AC	\$79,232	R
ALLAN AVENUE	TURRAMURRA	DUFF STREET	HOLMES STREET	40MM AC OVERLAY	\$7,294	C
ANDREW AVENUE	WEST PYMBLE	RYDE ROAD	YANKO ROAD	40MM AC OVERLAY	\$60,076	C
BEAUMONT ROAD	KILLARA	MANNING ROAD	FIDDENS WHARF ROAD	STABILISATION 200 MM + SEAL + AC	\$217,265	G
BEECHWORTH ROAD	PYMBLE	BRIDGE	MYOORA STREET	50MM AC OVERLAY	\$21,253	C
BOOMERANG STREET	TURRAMURRA	BOBBIN HEAD ROAD	KU-RING-GAI AVENUE	HEAVY PATCH + 50MM OVERLAY	\$89,663	W
BOOMERANG STREET	TURRAMURRA	KU-RING-GAI AVENUE	TURRAMURRA AVENUE	HEAVY PATCH + 50MM OVERLAY	\$37,635	W
BRADFIELD ROAD	LINDFIELD	MOORE AVENUE	CHARLES STREET	50MM AC OVERLAY	\$18,000	G
BUNDABAH AVENUE	ST IVES	WARRABINA AV (RIGHT)	NO 33 FB-3M	40MM AC OVERLAY	\$11,198	S
BURGOYNE STREET	GORDON	PEARSON AVENUE	NO 4 NB+7M	STABILISATION 200 MM + SEAL+AC	\$18,043	G
BURNLEY AVENUE	NORTH TURRAMURRA	ALLARA AVENUE	BUXTON PLACE	STABILISATION 200 MM + SEAL+AC	\$26,324	W
BUSHLANDS AVENUE	GORDON	PACIFIC HIGHWAY	YARABAH AVENUE	50MM AC OVERLAY	\$43,296	G
CARBEEN AVENUE	ST IVES	BIMBURRA AVENUE	MUDIES ROAD	40MM AC OVERLAY	\$44,744	S
CARLOTTA AVENUE	GORDON	MONA VALE ROAD	NO 8 FB	40MM AC OVERLAY	\$15,434	G
CARNARVON ROAD	ROSEVILLE	MYCUMBENE AVENUE	CUL-DE-SAC	40MM AC OVERLAY	\$21,585	R
CARNARVON ROAD	ROSEVILLE	ARCHBOLD ROAD	SYDNEY ROAD	50MM AC OVERLAY	\$43,469	R
CASSANDRA AVENUE	ST IVES	ELEGANS AVENUE	GREVILLEA AVENUE	40MM AC OVERLAY	\$72,396	S
CHELMSFORD AVENUE	LINDFIELD	STRICKLAND AV(RIGHT)	TRAFALGAR AVENUE	50MM AC OVERLAY	\$36,087	R
CLEVELAND STREET	WAHROONGA	BILLYARD AVENUE	BURNS ROAD	40MM AC OVERLAY	\$68,216	W
COLLINS ROAD	ST IVES	BINNOWEE AVENUE	MUDIES ROAD	40MM AC OVERLAY	\$47,969	S
COONANBARRA ROAD	WAHROONGA	BURNS ROAD RIGHT	BAREENA AVENUE	40MM AC OVERLAY	\$26,712	W
CORONA AVENUE	ROSEVILLE	PACIFIC HIGHWAY	KINGS AVENUE	40MM AC OVERLAY	\$15,526	R
CORONGA CRESCENT	KILLARA	FIDDENS WHARF (EAST)	NO 29 FB	40MM AC OVERLAY	\$32,854	G
CRANA AVENUE	EAST LINDFIELD	KAROO AVENUE FK+19M	ORMONDE ROAD	50MM AC OVERLAY	\$43,973	R
DARRI AVENUE	WAHROONGA	JUNCTION ROAD	CARRINGTON ROAD	40MM AC OVERLAY	\$25,543	W
DENMAN STREET	TURRAMURRA	FINLAY ROAD	HOLMES STREET	40MM AC OVERLAY	\$52,544	C
DOUGLAS STREET	ST IVES	KENTHURST ROAD	WARRABINA AVENUE	40MM AC OVERLAY	\$50,789	S
DOUGLAS STREET	ST IVES	TAMBU STREET	ACRON ROAD	STABILISATION 200 MM + SEAL+AC	\$77,283	S
DUMARESQ STREET	GORDON	NO 15 NB + 4M	VALE STREET	STABILISATION 200 MM + SEAL+AC	\$202,455	G
FIDDENS WHARF ROAD	KILLARA	NO 60 NB+7M	MOORE AVENUE	50 MM AC OVERLAY	\$23,209	G
FIONA AVENUE	WAHROONGA	CHERRYWOOD AVENUE	DEAD END	40MM AC OVERLAY	\$18,103	W
GLENCROFT ROAD	ROSEVILLE	BANCROFT AVENUE	LORD STREET	50MM AC OVERLAY	\$17,051	R
GOLFERS PARADE	PYMBLE	PYMBLE AVENUE	GOLFERS PARADE	40MM AC OVERLAY	\$34,971	C
GRANDVIEW STREET	PYMBLE	WALTON CLOSE	MONA VALE ROAD	50MM AC OVERLAY	\$9,126	G
HEREFORD PLACE	WEST PYMBLE	BORONGA AVENUE	CUL-DE-SAC	40MM AC OVERLAY	\$11,801	C
HIGHFIELD ROAD	LINDFIELD	WALLACE PARADE	COOK ROAD	HEAVY PATCH + 50MM OVERLAY	\$79,275	R
HILL STREET	ROSEVILLE	BOUNDARY STREET	BANCROFT AVENUE	HEAVY PATCH + 50MM OVERLAY	\$47,319	R

HILL STREET	ROSEVILLE	ROSEVILLE AVENUE	CLANVILLE ROAD	HEAVY PATCH + 50MM OVERLAY	\$63,415	R
HOPE STREET	PYMBLE	NO 5 NB	STATION STREET	STABILISATION 200 MM + SEAL+AC	\$128,445	G
INVERALLAN AVENUE	WEST PYMBLE	KENDALL ST (R-22M)	KENDALL ST (R+15M)	STABILISATION 200 MM + SEAL+AC	\$36,773	C
KAROOM AVENUE	ST IVES	MUNGARRA AVENUE	BIMBURRA AVENUE	40MM AC OVERLAY	\$12,796	S
KAROOM AVENUE	ST IVES	BIMBURRA AVENUE	CUL-DE-SAC	40MM AC OVERLAY	\$28,693	S
KILLEATON STREET	ST IVES	LINK ROAD	MONA VALE ROAD	40MM AC OVERLAY	\$40,438	S
KOOLA AVENUE	EAST KILLARA	BENWERRIN CLOSE	REDFIELD ROAD	50MM AC OVERLAY	\$28,606	G
KU-RING-GAI AVENUE	TURRAMURRA	WONGA WONGA STREET	BOOMERANG ST (RIGHT)	40MM AC OVERLAY	\$49,926	W
LIVINGSTONE AVENUE	PYMBLE	RAND AVENUE	PENRHYN AVENUE	50MM AC OVERLAY	\$40,410	C
LORD STREET	ROSEVILLE	HILL STREET	GLENCROFT ROAD	STABILISATION 200 MM + SEAL+AC	\$186,768	R
LOWRY CRESCENT	ST IVES	NO 8 FB	NO 24 FB	40MM AC OVERLAY	\$58,274	S
MACLAURIN PARADE	ROSEVILLE	LARKIN STREET	POCKLEY AVENUE	STABILISATION 200 MM + SEAL+AC	\$36,744	R
MANNING ROAD	KILLARA	BEAUMONT ROAD	TERRACE ROAD	40MM AC OVERLAY	\$62,155	G
MELBOURNE ROAD	EAST LINDFIELD	ADELAIDE AVENUE	HOBART AVENUE	50MM AC OVERLAY	\$28,815	R
MIDDLE HARBOUR ROAD	LINDFIELD	TRAFALGAR AVENUE	CAPPER ST (RIGHT)	40MM AC OVERLAY	\$42,240	R
REELY STREET	PYMBLE	PENTECOST AVENUE	BANNOCKBURN ROAD	40MM AC OVERLAY	\$19,896	W
ROMA ROAD	ST IVES	WHITEHAVEN STREET	KITCHENER ROAD	40MM AC OVERLAY	\$41,185	S
ROSEBERY ROAD	KILLARA	MONTAH AVENUE	DEAD END AT # 70	50MM AC OVERLAY	\$6,440	G
SPENCER ROAD	KILLARA	PACIFIC HIGHWAY	WARWICK STREET	50MM AC OVERLAY	\$31,741	G
SPENCER ROAD	KILLARA	WARWICK STREET	NORFOLK STREET	50MM AC OVERLAY	\$31,603	G
SPRINGDALE ROAD	KILLARA	ROSEBERY ROAD	BIRDWOOD AVENUE	50MM AC OVERLAY	\$39,769	G
STANHOPE ROAD	KILLARA	GARNET STREET (LEFT)	ROSEBERY ROAD	50MM AC OVERLAY	\$55,097	G
STANLEY STREET	ST IVES	MONA VALE ROAD	LYNBARA AVENUE	40MM AC OVERLAY	\$84,554	S
STATION STREET	PYMBLE	TELEGRAPH ROAD	MERRIVALE ROAD	50MM AC OVERLAY	\$38,752	G
STUART STREET	WAHROONGA	ILLOURA AV NK-18M	ILLOURA AV FK+20M	50MM AC OVERLAY	\$20,197	W
STUART STREET	WAHROONGA	ILLOURA AV FK+20M	CLEVELAND STREET	HEAVY PATCH + 50MM OVERLAY	\$32,986	W
SYDNEY ROAD	EAST LINDFIELD	TRYON ROAD	CHELMSFORD AVENUE	40MM AC OVERLAY	\$43,983	R
THE CHASE ROAD	TURRAMURRA	BILLABONG AVENUE	BURNS ROAD	40MM AC OVERLAY	\$122,097	W
TRYON ROAD	LINDFIELD	NO128 NB-7M	COOPERNOOK AVENUE	50MM AC OVERLAY	\$36,213	R
WALLALONG CRESCENT	WEST PYMBLE	HILLARY STREET	YANKO ROAD (NORTH)	50MM AC OVERLAY	\$43,816	C
WARATAH ROAD	TURRAMURRA	TAYLOR AVENUE NK-8M	MIMOSA ROAD	40MM AC OVERLAY	\$12,786	C
WARRIMOO AVENUE	ST IVES	GOULD AVENUE	TOMAH STREET	50MM AC OVERLAY	\$46,751	S
WARRIMOO AVENUE	ST IVES	TOMAH STREET	TIMBARRA ROAD	40MM AC OVERLAY	\$39,270	S
WATTLE STREET	KILLARA	ROSEBERY ROAD	NO 21 FB	STABILISATION 200 MM + SEAL +AC	\$116,899	G
WATTLE STREET	KILLARA	NO 21 FB	KARRANGA AVENUE	HEAVY PATCH + 50MM OVERLAY	\$59,099	G
WAUGOOLA STREET	GORDON	DARNLEY STREET	TAYLOR STREET	40MM AC OVERLAY	\$36,755	G
WESTBOURNE ROAD	LINDFIELD	PACIFIC HIGHWAY	ORTONA ROAD	40MM AC OVERLAY	\$28,779	R
YARRABUNG ROAD	ST IVES	MELALEUCA DRIVE	GREVILLEA AVENUE	50MM AC OVERLAY	\$53,381	S
					\$3,700,000	

RTA Program 2007/08 (Indicative only and subject to RTA approval)

BOBBIN HEAD ROAD	TURRAMURRA	NO 162 - 5 M	SPURWOOD ROAD	HEAVY PATCH, MILL AND RESHEET	\$188,000	W
BOBBIN HEAD ROAD	NORTH TURRAMURRA	NO 190 (DRIVEWAY)	KEATS ROAD	HEAVY PATCH, MILL AND RESHEET	\$147,000	W
KISSING POINT ROAD	TURRAMURRA	CATALPA CRESCENT	BORONIA AVENUE	HEAVY PATCH, MILL AND RESHEET	\$165,000	C
					\$500,000	

Total Program for 2007/08

\$4,200,000

PROGRAM FOR 2008/09

NAME	SUBURB	SECTION FROM	SECTION TO	TREATMENT STRATEGY	COST	WARD
ABINGDON ROAD	ROSEVILLE	SHIRLEY ROAD	WESTBOURNE ROAD	STABILISATION 200 MM + SEAL+AC	\$156,600	R
ANNABELLE PLACE	PYMBLE	INVERALLAN AVENUE	CUL-DE-SAC	40MM AC14 OVERLAY	\$14,100	C
AVOCA ROAD	TURRAMURRA	CATALPA CRESCENT	WARRAGAL ROAD	STABILISATION 200 MM + SEAL+AC	\$71,266	C
AVON ROAD	PYMBLE	PYMBLE AVENUE	LADDIES COLLGE	40MM AC14 OVERLAY	\$51,751	C
BALFOUR LANE	LINDFIELD	BALFOUR STREET	END	STABILISATION 200 MM + SEAL+AC	\$37,404	R
BEAUMONT ROAD	KILLARA	BLAXLAND RD MID CURV	MANNING ROAD	STABILISATION 200 MM + SEAL+AC	\$84,823	G
BIMBURRA AVENUE	ST IVES	COLLINS ROAD	CARBEEN AVENUE	50MM AC14 OVERLAY	\$53,453	S
BLAXLAND AVENUE	KILLARA	BEAUMONT ROAD	TERRACE ROAD	40MM AC14 OVERLAY	\$34,230	G
BLENHEIM ROAD	LINDFIELD	TREATTS ROAD	WOODSIDE AVENUE	40MM AC14 OVERLAY	\$30,056	R
BLYTHESWOOD AVENUE	WARRAWEE	PACIFIC HIGHWAY	WIRREANDA CLOSE	40MM AC14 OVERLAY	\$56,432	C
BURGOYNE STREET	GORDON	PEARSON AVENUE	MINS ROAD	STABILISATION 200 MM + SEAL+AC	\$114,543	G
BURRANEER AVENUE	ST IVES	NO 67 FB	EASTERN ART RD (SE)	HEAVY PATCH + 40MM OVERLAY	\$103,421	S
CARDIGAN ROAD	ROSEVILLE CHASE	ORMONDE ROAD	ATTUNGA ROAD	40MM AC14 OVERLAY	\$31,405	R
COLLINS ROAD	ST IVES	SHELBY ROAD	DALTON ROAD	HEAVY PATCH + 40MM OVERLAY	\$145,934	S
CRANA AVENUE	EAST LINDFIELD	NO 8 FB-9	ORMONDE ROAD	STABILISATION 200 MM + SEAL+AC	\$42,280	R
DALY AVENUE	NORTH WAHROONGA	BOUNDARY ROAD	NO 11 NB+4M	40MM AC14 OVERLAY	\$19,390	W
ELVA AVE	KILLARA	WERONA AVE	ARTHUR ST	40MM AC14 OVERLAY	\$53,236	G
FIONA AVENUE	WAHROONGA	CHERRYWOOD AVENUE	DEAD END	40MM AC14 OVERLAY	\$22,165	W
GILDA AVENUE	WAHROONGA	PACIFIC HIGHWAY	ADA AVENUE	HEAVY PATCH + 40MM OVERLAY	\$150,375	C
GREENGATE RD	KILLARA	BRUCE AVE	WERONA AVE	40MM AC14 OVERLAY	\$13,018	G
GREENGATE RD	KILLARA	WERONA AVE	NORTHCOTE AVE	STABILISATION 200MM+SEAL+AC	\$227,585	G
GROSVENOR STREET	LINDFIELD	AUSTRAL AVENUE	NO 98 FB	HEAVY PATCH+50MM AC14 OVERLAY	\$94,725	R
GROSVENOR STREET	LINDFIELD	NO 98 FB	LADY GAME DRIVE	HEAVY PATCH+50MM AC14 OVERLAY	\$120,557	R
KEITH STREET	LINDFIELD	CHELMSFORD AVENUE	MARJORIE STREET	40MM AC14 OVERLAY	\$11,095	R
MARANOA PLACE	WAHROONGA	MACLEAY AVENUE	CUL-DE-SAC	STABILISATION 200 MM + SEAL+AC	\$16,660	W
MARSHALL AVENUE	WARRAWEE	PACIFIC HIGHWAY	NO.18	50 MM AC14 OVERLAY	\$23,500	C
MC INTYRE ST	GORDON	MEDIAN END	VALE ST	HEAVY PATCH+50MM AC14 OVERLAY	\$64,765	G
MILLEWA AVE	WAHROONGA	COONANBARRA RD	BRIDGE	HEAVY PATCH+50MM AC14 OVERLAY	\$87,360	W
MT WILLIAM STREET	GORDON	CARLOTTA AVENUE	PEARSON AVENUE	STABILISATION 200 MM + SEAL+AC	\$118,944	G
MYALL AVENUE	WAHROONGA	PACIFIC HIGHWAY	CUL-DE-SAC	40MM AC14 OVERLAY	\$23,676	C
NARELLE AVENUE	PYMBLE	NO 37 ND -11M	CUL-DE-SAC	STABILISATION 200 MM + SEAL+AC	\$110,888	G
ONslow LANE	GORDON	DARNLEY STREET	CUL-DE-SAC	40MM AC14 OVERLAY	\$11,668	G
PARK AVENUE	GORDON	BRIDGE	BRIDGE	40MM AC14 OVERLAY	\$4,595	G
PAUL AVENUE	ST IVES CHASE	CATHERINE STREET3	#32 NB	40MM AC14 OVERLAY	\$16,099	S
PENTECOST AVENUE	PYMBLE	MONA VALE ROAD	ROSEDALE ROAD	40MM AC14 OVERLAY	\$88,380	S
PENTECOST AVENUE	PYMBLE	MOORINA ROAD	MONA VALE ROAD	HEAVY PATCH + 40MM OVERLAY	\$73,373	S

POST OFFICE LANE	PYMBLE	POST OFFICE STREET	DEAD END	40MM AC14 OVERLAY	\$3,549	G
PROVINCIAL ROAD	LINDFIELD	PACIFIC HIGHWAY	COOK ROAD (RIGHT)	STABILISATION 200 MM + SEAL+AC	\$191,654	R
REDLEAF AVENUE	WAHROONGA	PACIFIC HIGHWAY	RAILWAY AVENUE	STABILISATION 200 MM + SEAL+AC	\$175,034	W
ROSEDALE ROAD	GORDON	NO 48 ND -15M	# 90 FD+4	40MM AC14 OVERLAY	\$155,573	G
SURREY ROAD	TURRAMURRA	THE MALL	SANDFORD ROAD	40MM AC14 OVERLAY	\$35,287	W
TELEGRAPH ROAD	PYMBLE	MERRIVALE ROAD	STATION ST (LEFT)	40MM AC14 OVERLAY	\$80,617	G
TELEGRAPH ROAD	PYMBLE	STATION ST (LEFT)	GANMAIN ROAD	40MM AC14 OVERLAY	\$81,419	G
TELEGRAPH ROAD	PYMBLE	GANMAIN ROAD	MONA VALE ROAD	HEAVY PATCH + 40MM OVERLAY	\$62,940	G
VALE STREET	GORDON	MERRIWA STREET	DUMARESQ	50MM AC14 OVERLAY	\$67,174	G
WERONA AVENUE	GORDON	ELVA AVENUE	POWELL STREET	STABILISATION 200 MM + SEAL+AC	\$302,000	G
WERONA AVENUE	GORDON	POWELL STREET	LOCKSLEY AVENUE	STABILISATION 200 MM + SEAL+AC	\$165,000	G
					\$3,700,000	

RTA Program 2008/09 (Indicative only subjective to RTA approval)

KISSING POINT ROAD	TURRAMURRA	BORONIA AVENUE	WATTLE PLACE	HEAVY PATCH, MILL AND RESHEET	\$176,713	C
KISSING POINT ROAD	TURRAMURRA	WATTLE PLACE	THE COMENARRA PARKWAY	HEAVY PATCH, MILL AND RESHEET	\$180,287	C
LADY GAME DRIVE	LINDFIELD	NO.37 NB CHANGE OF SURFACE	BRIDGE NE-197M, CHANGE OF SURFACE	HEAVY PATCH, MILL AND RESHEET	\$143,000	R
					\$500,000	

Total Program for 2008/09

\$4,200,000

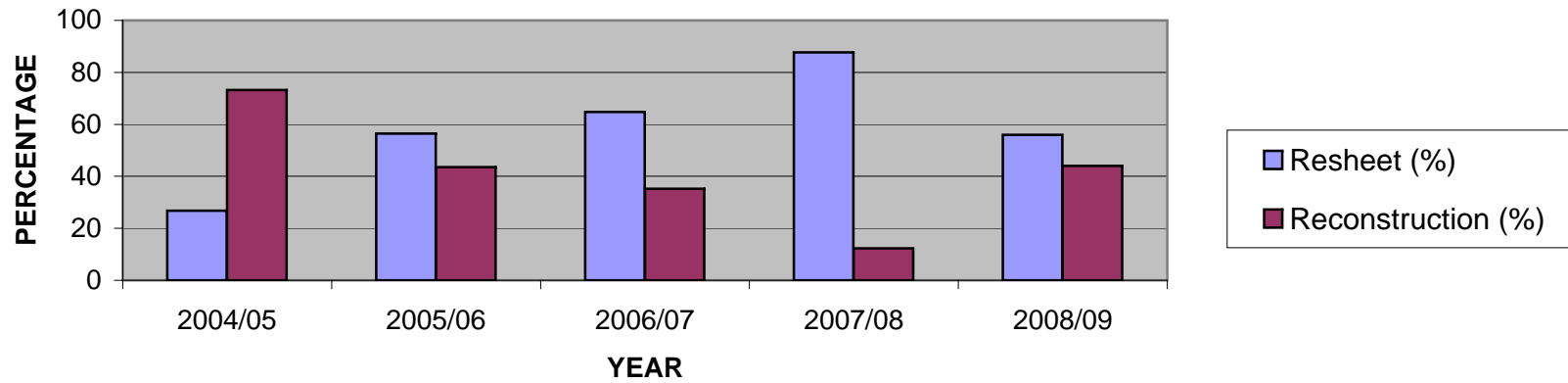
Funds Distribution

Year	Resheet (%)	Reconstruction (%)	Resheet	Reconstruction	Total	Resheet (km)	Reconst (km)
2004/05	27	73	\$1,067,550	\$2,915,450	\$3,983,000	4.48	6.23
2005/06	56	44	\$2,372,090	\$1,827,910	\$4,200,000	10.95	5.27
2006/07	65	35	\$2,722,098	\$1,477,903	\$4,200,000	10.27	2.55
2007/08	88	12	\$3,684,406	\$515,594	\$4,200,000	18.49	2.80
2008/09	56	44	\$2,350,033	\$1,849,967	\$4,200,000	10.40	4.14

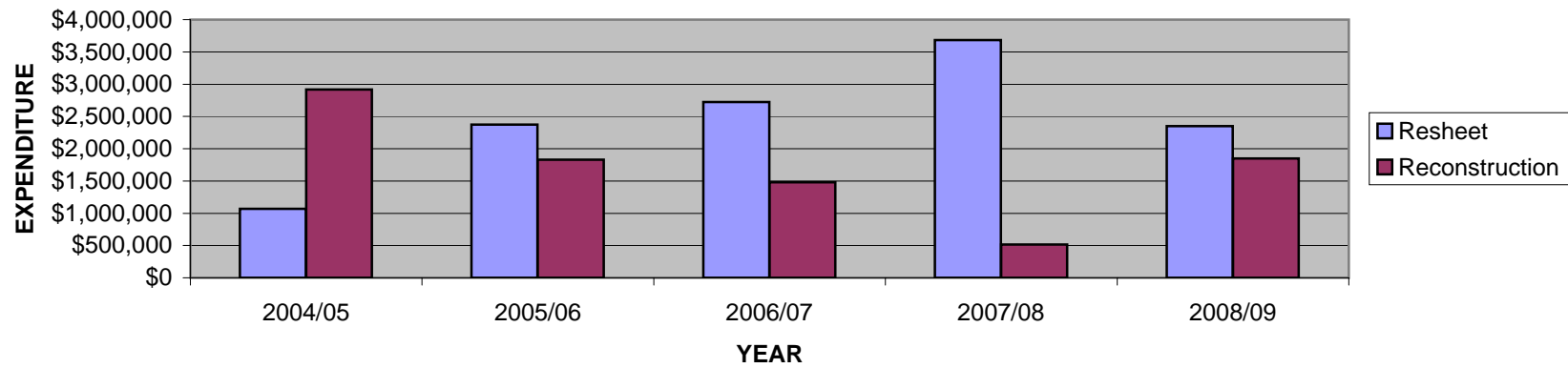
Ward Distribution

	2004/05	2005/06	2006/07	2007/08	2008/09	TOTAL
Comenarra	\$718,957	\$493,221	\$932,375	\$486,722	\$748,100	\$3,379,374
Gordon	\$912,403	\$689,685	\$1,307,981	\$1,215,044	\$1,756,568	\$5,881,680
Roseville	\$598,841	\$1,224,708	\$876,032	\$850,475	\$858,776	\$4,408,831
St Ives	\$675,649	\$839,456	\$435,386	\$775,460	\$480,660	\$3,206,612
Wahroonga	\$1,167,151	\$952,930	\$648,227	\$872,299	\$355,896	\$3,996,502
Total	\$4,073,000	\$4,200,000	\$4,200,000	\$4,200,000	\$4,200,000	\$20,873,000

GRAPH OF RECONSTRUCTION AGAINST RESHEET



FUNDS DISTRIBUTION OF RESHEET AGAINST RECONSTRUCTION



ANNUAL TENDERS FOR SUPPLY, SUPPLY AND DELIVERY, SUPPLY, DELIVERY AND LAYING OF ASPHALTIC CONCRETE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works for the period 2004/2005.
BACKGROUND:	Tenders for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete were called by NSROC in May 2004 on behalf of all member Councils.
COMMENTS:	Tenders received for 2004/05 resulted in Emoleum being the preferred candidate for Kuring-gai Council. However, lower rates were submitted by other tenderers for supply of asphaltic concrete and heavy patching rates.
RECOMMENDATION:	That the tender rates be accepted, tenderers be advised of Council's decision and that the Common Seal be affixed to the Contract.

PURPOSE OF REPORT

To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works for the period 2004/2005.

BACKGROUND

The Northern Sydney Regional Organisation of Councils (NSROC) recently called tenders for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete including the associated road profiling and heavy patching works.

Although the tender was called by NSROC, each Council will enter into individual contracts with the successful tenderer(s).

Tenders were received from the following seven (7) companies:

1. Pioneer Road Services Pty Ltd
2. Boral Asphalts Pty Ltd
3. Pavement Salvage Operations Pty Ltd
4. Emoleum (Formally CSR Emoleum)
5. FRH Astech Pty Ltd
6. Sharpe's Asphalt
7. A & J Paving Pty Ltd

Some companies did not bid for supply, supply and delivery and supply, delivery and laying of asphaltic concrete but did submit bids for profiling and heavy patching works.

In 2001/2002 Boral Asphalt did not complete the program work due to other commitments and consequently, a clause in was inserted in the last two contracts that require all tenderers to maintain their prices until 30 September 2003 and 2004 respectively.

COMMENTS

The tenders have been assessed by a tender review committee consisting of staff from Finance and Technical Services. Emoleum has provided the lowest tender for supply, delivery and laying of asphaltic concrete of AC14, AC20 and AC28 that are predominantly used by Ku-ring-gai for contract and day labour works. Boral Asphalt has submitted lowest tender for supply, delivery and laying of asphaltic concrete of AC10 and AC5 respectively. Council hardly uses AC10 and AC5 for contract work.

Emoleum has provided lowest tenders for most of the profiling depths and areas over 1000 square metres whilst Boral Asphalt has provided lowest rates for profiling depths of 40mm and 50mm up to 1000 square metres. It should be noted that most of the projects in 2004/05 road works program are over 1000 square meters. Last year Emoleum was the successful tenderer and the program was

Item 9

S03563
23 July 2004

completed ahead of schedule. As profiling tasks and the laying of asphalt are carried out concurrently, it is considered that Emoleum be the preferred candidate for supply, delivery and laying of asphalt and associated profiling works for Ku-ring-gai Council. Their performance and quality standards are the best of all the companies that tendered. They have a reputation across Sydney as the most reliable and skilled of all the companies.

Boral has provided lowest tender for the supply ex-bin and supply and delivery of material to Council's day labour works whilst Emoleum has provided lowest tender for supply and delivery of coldmix.

For heavy patching A & J Paving is the lowest tenderer for extent up to 500 square metres. A & J Paving are a relatively new company but have performed reasonably well with Ku-ring-gai in the past. Their rates are very competitive and offer a reasonable saving for Council for this type of work. Emoleum has provided the second lowest tender for this work up to 500 square metres and it is recommended that they be used in the event that A & J Paving does not meet the performance standards. For work in excess of 500 square metres, Emoleum has provided the lowest rates.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The rates submitted will be utilised to undertake works under the 2004/2005 Road Pavement Program for local and regional roads.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Emoleum is proposed to be the primary supplier for 2004/2005. It should be noted that Emoleum has carried out works in a professional manner in the past years and Boral Asphalt will be the alternate supplier in the event that Emoleum is unable to meet the performance standard.

RECOMMENDATION

- A. That the tender rates submitted by Emoleum for supply and delivery of coldmix and the supply, delivery and d laying of asphaltic concrete and associated road profiling works for 2004/2005 be accepted as the primary supplier and Boral Asphalt as an alternate supplier, if Emoleum is unable to supply.

Item 9

S03563
23 July 2004

- B. That the tender rates submitted by Boral Asphalt for supply ex-bin and supply and delivery of asphalt for 2004/2005 be accepted and that Emoleum be accepted as an alternate supplier if Boral Asphalt is unable to supply.
- C. That the tender rates submitted by A & J Paving for heavy patching for 2004/2005 be accepted and the tender for Emoleum for areas in excess of 500 square metres.
- D. That the tenderers be advised of Council's decision.
- E. That authority be given to the Mayor and General Manager to affix the Common Seal of the Council to the instrument for the Contract for the Supply and Laying of Asphaltic Concrete and associated specifications.

Alexx Alagiah
Pavements & Assets Engineer

Greg Piconi
Director Technical Services

Attachments: **Schedule of Rates submitted by all Tenderers-Confidential**
 Memorandum from Tender Evaluation Committee-Confidential

2004 LOCAL GOVERNMENT ROAD SAFETY CONFERENCE - 7 TO 9 SEPTEMBER 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the 2004 Local Government Road Safety Conference to be held in Parramatta from 7 to 9 September.
BACKGROUND:	Conference to be held from 7 to 9 September 2004.
COMMENTS:	The Local Government Road Safety conference will be held from 7 to 9 September 2004 and this Council will be presented with a plaque to recognise its involvement with road safety for over ten years.
RECOMMENDATION:	That Council nominates any Councillors interested in attending the conference and for a Councillor to accept the award on Council's behalf.

PURPOSE OF REPORT

To advise Council of the 2004 Local Government Road Safety Conference to be held in Parramatta from 7 to 9 September.

BACKGROUND

This Council has been involved in the Local Government Road Safety Program for over ten years. A Road Safety Officer has been engaged by this Council in partnership with the Roads and Traffic Authority for this period.

COMMENTS

The conference provides information on research into road safety matters and is aimed at ways in which councils can assist in improving road safety. Council's Road Safety Officer will be attending the conference.

The conference is to be held at the Crowne Plaza in Parramatta on 8 and 9 September 2004. An itinerary of the conference is included in the **attachments**.

In recognition of this Council's support for road safety, Council will be presented with a commemorative plaque at the conference and a complimentary pass for the conference is available for a representative of Council to attend the conference and collect the plaque.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Funding is available from Council's training and development budget for attendance at the conference and a complimentary pass is available.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Human Resources Department has been advised about the conference.

SUMMARY

The road safety conference is to be held in Parramatta on 7 to 9 September 2004 and a copy of the conference details is attached.

This Council will be presented with a commemorative plaque for its involvement in road safety. The conference will provide research information on road safety and ways in which Councils can assist in improving road safety.

RECOMMENDATION

That Council nominates any Councillors interested in attending the conference and for a Councillor to accept the award on Council's behalf.

Greg Piconi
Director Technical Services

Attachments: **A. Copy of Conference Details**
 B. Copy of letter of invitation for the RTA

2004 TO 2005 ROADS AND TRAFFIC AUTHORITY BLOCK GRANT AGREEMENT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider acceptance of the 2004/2005 Block Grant for assistance from the Roads and Traffic Authority for works on regional roads.
BACKGROUND:	The RTA provides funds to assist Council with the maintenance of regional roads. The Block Grant has a Roads component, a Traffic Facilities component and an Ex 3x3 Council Determined component.
COMMENTS:	Council has always accepted the Road component of the Block Grant. Council has not previously accepted the Traffic Facilities component. Council has in the past accepted the Ex 3x3 component and used it to fund its share of work to be carried out under the RTA's REPAIR Program.
RECOMMENDATION:	That the General Manager be authorised to accept the Roads Component of \$173,000 and the Ex 3x3 component of \$82,000 and not accept the Traffic Facilities component of the Regional Roads Block Grant for 2004-2005.

PURPOSE OF REPORT

To consider acceptance of the 2004/2005 Block Grant for assistance from the Roads and Traffic Authority for works on regional roads.

BACKGROUND

By letter received by Council on 20 July 2004 (**attached**), the RTA advised Council's component of the 2004/2005 Block Grants comprising:

Regional Roads component	\$173,000
Ex 3x3 Council Determined component	\$82,000
Traffic Facilities component	<u>\$263,000</u>
Total	\$518,000

The grant does not require matching funding by Council but acceptance is the subject of separate formal approval and documentation by way of an "Agreement for Block Grant Assistance to Council for Regional Roads 2004/2005".

COMMENTS

Regional Roads Component

The RTA provides this component of the grant to assist with maintenance of regional roads. In 1995/1996 the RTA adopted a distribution formula to determine the allocation of funds amongst the 41 Councils in the Sydney region. The formula takes into account heavy traffic, traffic volume, and pavement area based on the length of regional roads and number of lanes. It was phased in over seven years to reduce the effect on those councils (including Ku-ring-gai) whose grant was to be reduced. Ku-ring-gai Council's allocation was fixed for three years then reduced annually as follows:

1998/1999	\$185,000
1999/2000	\$173,000
2000/2001	\$163,000
2001/2002	\$155,000
2002/2003	\$159,000

For 2003-2004 the Regional Roads component was increased to \$167,000 and for 2004-2005 has been further increased to \$173,000.

In addition to this Block Grant, the RTA has allocated \$301,000 to Council (on a 50/50 share basis) for pavement rehabilitation and enhancement works under the REPAIR Program. This was adopted by Council at its meeting of 9 December 2003 for works on Fox Valley Road, The Comenarra Parkway and Burns Road.

Item 11

S02585
29 July 2004

Acceptance of this component of the Agreement is recommended.

It is proposed to use the Block Grant for heavy patching on the following regional roads in 2004-2005:

- ◆ Eastern Arterial Road
- ◆ Eastern Road
- ◆ Bobbin Head Road
- ◆ Kissing Point Road

Ex 3x3 Council Determined Component

The Ex 3x3 component of \$82,000 is the same as that provided in previous years. These funds are available for any roadworks on regional roads as determined by Council and can be used to offset Council's share of the REPAIR Program works. In 2003-2004 these funds were used for heavy patching on Eastern Arterial Road. It is intended to also use these funds for maintenance works on the above regional roads.

Acceptance of the Ex 3x3 Council determined component of the Agreement is recommended.

Traffic Facilities Component

Council has not previously accepted the Traffic Facilities component of the Block Grant. Community perception is that the maintenance of traffic facilities infrastructure is a Council responsibility, but this work is currently the responsibility of the RTA on both regional and local roads. Funds available under this component are currently administered and expended by the RTA on Council's behalf. The RTA believes that Council should accept responsibility for facilities on local roads and will not fund Local Area Traffic Management Schemes or facilities that it considers non-essential.

By accepting this grant, Council would be accepting full responsibility for the maintenance of all road markings and signage on both regional and local roads. Council has contended that the grant offered is inadequate, that the existing infrastructure is still degraded and that the RTA should upgrade the facilities before Council accepts responsibility for their maintenance. Also, Council would need to employ staff to undertake this work and also invest in suitable equipment.

Council's position is validated by the fact that only 29 of the 41 councils in the Sydney Region have accepted the grant. Some of those councils that have accepted the grant consider the allocated funds insufficient to maintain facilities on local and regional roads in their areas.

Ku-ring-gai has been offered the following grants:

1999-2000	\$150,000
2000-2001	\$158,000
2002-2003	\$254,000
2003-2004	\$245,000
2004-2005	\$263,000

The RTA accepts that the grant levels are insufficient and the distribution of funds has been inequitable. There is no doubt that the reluctance of Councils like Ku-ring-gai to take up the grants has forced the RTA to increase the quantum of the grants and to develop a more equitable distribution formula. As the offer for 2003-2004 was less than 2002-2003 and the 2004-2005 increase barely covers inflation, it appears that there is currently no RTA commitment to provide more adequate funding in future years.

The RTA is developing a new formula to provide a more evenhanded distribution without any initial reduction of a council's allocation. Councils have been asked to provide additional infrastructure data to enable the formula to be introduced. A complete survey of the number and condition of facilities in the Ku-ring-gai area has been completed and the RTA is currently conducting an audit of the information provided by all councils.

Council was previously that the funds required to bring its traffic facilities up to a satisfactory standard was \$2,355,144 and the annual expenditure required to maintain the standard is \$572,111.

Funds allocated to councils that do not accept the grant are pooled and work in those council areas is prioritised by the RTA. Each council is allowed to draw from the pool until funds are exhausted. It is considered that this arrangement does not materially affect councils (such as Ku-ring-gai) whose past grants have been inadequate because in previous years Council's allocation was usually fully expended early in the financial year. In fact, by submitting a significant number of work requests early last year, Ku-ring-gai received more than its share of pooled funds.

It is recommended that Council not accept the Traffic Facilities component for 2004-2005 and await assessment of the impact of any changes in 2004-2005 when work has been assigned to the RTA and its performance has been monitored.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

These grants do not have to be matched by Council. Acceptance of the Ex 3x3 grant will assist Council in funding its share of the RTA REPAIR program.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Finance and Business Development Section has been consulted in relation to the funding of the program.

SUMMARY

The RTA provides funds to assist Council with the maintenance of regional roads. The Block Grant has a Roads component, a Traffic Facilities component and an Ex 3x3 Council Determined component.

Council has always accepted the Road component of the Block Grant and the Ex 3x3 component. Council has not previously accepted the Traffic Facilities component.

RECOMMENDATION

- A. That the General Manager be authorised to accept the Roads component of \$173,000 and the Ex 3x3 component of \$82,000 of the Regional Roads Block Grant for 2004-2005.
- B. That Council not accept the Traffic Facilities component of the Regional Roads Block Grant for 2004-2005 and continue to use RTA resources to carry out traffic facilities work.

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

Attachments: Letter received from RTA on 20 July 2004

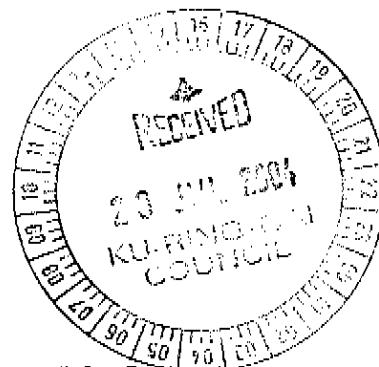


Our Reference: 238,5415
Contact: John Gill
Telephone: 8814 2110

The General Manager
Ku-ring-gai Council
DX 8703
Gordon,

Attention: Roger Guerin
Manager Design & Projects

2004_2005 Block Grant Agreement



Dear Sir/Madam

Attached in duplicate is the *Agreement for Block Grant of Assistance to Council for Regional Roads 2004_2005*. This Agreement is similar in content to that of previous years. The *Ex 3x3* component is available for road works only on Regional Roads as determined by Council.

Under this Agreement the Grant amounts are,

Roads Component:	\$173,000
Ex 3x3 Component:	\$82,000
Total (Above 2 components only)	\$255,000

Traffic Facilities Component:	\$263,000
Total (includes Traffic Facilities Component)	\$518,000

Tick **Option A** in the *Block Grant Agreement* (Page 7) to accept the Traffic Facilities Component or

Tick **Option B** in the *Block Grant Agreement* (Page 7) if you do not wish to accept the Traffic Facilities Component

Please note that if Council accepts the *Traffic Facilities Component* the total grant will be **\$518,000**. If Council decides to accept the *Traffic Facilities Component* part way through the financial year then the amount of the grant paid to Council will be adjusted to reflect the cost of any works that have been carried out on behalf of Council prior to Council's acceptance.

For Council's information, in the event that Council determines to not accept the *Traffic Facilities Component* of the Block Grant the funds now advised will be pooled with the funds of other Councils also not accepting the Grant and administered under the RTA Business Rules.

A copy of the *RTA Business Rules* and the procedures the RTA will adopt to administer the *RTA Business Rules* can be obtained from the RTA web site www.rta.nsw.gov.au/localcouncils.htm

For Council to participate in the Block Grant arrangements for 2004_2005 Council should execute **both** copies of the Agreement and return them to this office marked to **John Gill** for execution by the RTA. One copy of the Agreement will be returned to Council for its record.

In anticipation that Council will participate, arrangements have been put in place to make an initial payment of 25% of the Grant to Council. In the event of Council's non-participation this payment will be fully refundable to the RTA.

Once the copies are executed and provided that the *Final Certificate of Expenditure* for 2003_2004 has been received, further payments in accordance with the terms of the Agreement will be made. Please note that no further payments beyond the initial payment will be made until such time as a signed Agreement is received.

The amounts stated in the Agreement are for actual work. The RTA will provide an additional 10% to cover for the GST component.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Ken Lyssaught', with a stylized flourish at the end.

Ken Lyssaught
Manager – Traffic Management