



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 12 OCTOBER 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 21 September 2004

Minutes numbered 469 to 471

MINUTES FROM THE MAYOR

PETITIONS

PT.1 Petition to Request Underground Power-Lines to Save Our Wildlife - (Nineteen [19] Signatures)

File: S03121

Letter from Clare Chinchin addressed to the Mayor, Councillor A Ryan:

"I assume that this has been brought to your attention before, but I must stress that you should try to help the Ring tail possums in the St Ives area.

These possums have paid a large price because of the positioning of power lines. The poor things wobble across them just and get electrocuted, others have crossed the road only to be hit by a car. I beg of you to put the power-lines underground."

PT.2 Petition to Request Council Build Challenging Bike/BMX Courses - (Forty-Four [44] Signatures)

File: S02025

"Letter from Sam Hyman, Emile Pienaar and Jong-Dae Shin:

We have noticed that every time a challenging bike jump is built, the Ku-ring-gai Council knocks them down. If you could give reasoning for this we would be grateful.

Our group thinks that it would be good if the Ku-ring-gai Council build a safe but challenging bike/BMX course. It would get used a lot due to the fact that kids our age are into bike riding and we have nowhere to ride our bikes on a safe and fun jump course.

We are enclosing a plan for a bike track that we think everyone would like."

PT.3 Support UTS Kuring-gai being maintained as a UTS University Campus - (Thirteen [13] Signatures)

File: S03664

"We, the undersigned:

1. Support UTS Kuring-gai being maintained as a UTS University Campus.
2. Do not support the sale of the campus for residential or other development.
3. Recognise the environmental and heritage value of the UTS Kuring-gai campus and the value that the campus provides for the local community."

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 23 September 2004

Minutes numbered KTC22 to KTC24

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 Annual Financial Statements for the year ended 30 June 2004

1

File: S03611

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer for the year ended 30 June 2004.

Recommendation:

That Council receive the audited Financial Statements and the report of Council's external auditor, Spencer Steer.

GB.2 68 Collins Road, St Ives - Demolition of Existing Structures and Subdivision of the Site into Two Allotments

16

File: DA0340/04

Ward: St Ives

Applicant: Mr Grahame R Fear

Owner: S G and J Fear

To determine Development Application 340/04 that proposes demolition of the existing dwelling and subdivision of 68 Collins Road into two Torrens Title allotments.

Recommendation:

Approval

GB.3 44 Kulgoa Road, Pymble - Demolition of the Existing Dwelling and Inground Swimming Pool and Construction of a Detached Dual Occupancy and Inground Swimming Pool

File: DA1543/03

Applicant: Mrs J Milledge C/- Glendinning Minto and Associates P/L

To determine an application for the demolition of an existing dwelling and inground swimming pool and the construction of a dual occupancy and inground swimming pool.

Approval.

File: DA1181/03

Applicant: W & H Mackie

To determine Development Application No DA1181/03, which seeks consent for the subdivision of one existing lot into two lots and demolition of existing outbuildings.

Approval

File: S03537

Recommendation:

GB.6 Heritage Assessment - Camellia Grove Nursery 238 to 240 Mona Vale Road, St Ives 104

File: P52812

To report back to Council following the site inspection on 25 September 2004 on the heritage assessment of Camellia Grove Nursery 238-240 Mona Vale Road, St Ives.

Recommendation:

That the Camellia Grove Nursery 238-240 Mona Vale Road, St Ives not be listed as a heritage item under the provisions of the Ku-ring-gai Planning Scheme Ordinance. That Council request the owners to undertake archival recording of the site to Heritage Office guidelines for local significance in its current ownership. That the owners be notified of Council's decision.

GB.7 Carried Forward Works - 2003/2004 149

File: S02394

To seek endorsement from Council to carry forward the attached list of 2003/2004 projects into the current financial year.

Recommendation:

That Council approve the attached list of carried forward projects and that the net balance of \$428,400 be funded from working funds.

GB.8 Ku-ring-gai Mini Wheels Training Club Inc - Proposed Five Year Licence to Use part of St Ives Showground Cycle Track & Clubhouse Building 161

File: S02159

For Council to consider granting a five (5) year licence to the Ku-ring-gai Mini Wheels Training Club for use of the designated Mini Wheels Club area within the Showground.

Recommendation:

That Council as Trustee of the St Ives Showground (St Ives Showground Reserve Trust) grant a five year licence to the Ku-ring-gai Mini Wheels Club area, commencing from the date of Council's Resolution and on the terms and conditions as outlined in this report.

GB.9 Companion Animal Advisory Committee - Minutes of 12 August 2004 185

File: S03449

To submit minutes of the Companion Animals Advisory Committee, held on 12 August 2004, for the information of Council.

Recommendation:

- A. That the minutes of the Companion Animals Advisory Committee meeting, held on 12 August 2004, be received and noted.
- B. That the next Council Pet's Day Out be held in late 2005.

GB.10 Costing for Undergrounding of Cables 191

File: S02051

To identify the likely cost for undergrounding of powerlines and cables.

Recommendation:

That the report be received and noted.

GB.11 Investment Cash Flow and Loan Liability as at 31 August 2004 198

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for August 2004.

Recommendation:

That the summary of investments, daily cash flows and loan liability for August 2004 be received and noted.

GB.12 Options for a New Voting System and Mayoral Elections 206

File: S03733 & S03662

For Council to consider possible options in relation to:

- 1. The current ward system of voting in Ku-ring-gai, and
- 2. Mayoral elections.

Recommendation:

That Council consider any amendments to the current voting system used in Ku-ring-gai.

GB.13 Lease - 265 - 271 Pacific Highway, Lindfield 218

File: P55058

To consider the granting of a lease to the Rotary Club of Lindfield Inc. for the occupation of the rooms at the rear of the Lindfield Library, 265-271 Pacific Highway, Lindfield to operate a Youth Development Centre.

Recommendation:

That Council grants a lease to the Rotary Club of Lindfield Inc. for a period of 2 years inclusive of the 90% rental rebate, as per the conditions of Council's Policy for Leasing Council Property to Community Organisations.

GB.14 Pecuniary Interest Returns Register 231

File: S02167

To table Council's Pecuniary Interest Returns Register in accordance with the Local Government Act.

Recommendation:

That the tabling of the Pecuniary Interest Returns Register be noted.

GB.15 Expression of Interest - Mobile Coffee/ Refreshment Opportunity - Bicentennial Park 233

File: S02373

For Council to approve an expression of interest regarding the licensing of a mobile coffee/light refreshment franchise within Bicentennial Park.

Recommendation:

That an Expression of Interest process be used for the selection of persons or organisations to enter into a one year licence for the provision, management and operation of a mobile coffee/ refreshment opportunity at Bicentennial Park, West Pymble.

GB.16 Feasibility of Investing with Turrumurra Community Bank 245

File: S03537

To investigate the feasibility of Council investing a portion of its surplus funds with Turrumurra Community Bank.

Recommendation:

That Council consider whether it wishes to invest any surplus funds with Turrumurra Community Bank.

GB.17 Delegation of Authority - Deputy Mayor 251

File: S02017

For Council to give consideration to granting Delegations of Authority to the Deputy Mayor.

Recommendation:

That the Delegations of Authority as set out in the report be granted to the Deputy Mayor, Councillor N Ebbeck.

GB.18 Gordon Bowling Clubhouse Site - Five Year Lease with Two Further Five Year Options - 4 Pennant Avenue, Gordon 254

File: S02711

For Council to consider granting a five year lease with two further options of five years to the Gordon Bowling Club at 4 Pennant Avenue, Gordon

Recommendation:

That Council grant a five year lease with two further options of five years to the Gordon Bowling Club Inc and authorise the Mayor & General Manager to sign the documentation and affix the Common Seal of Council to the lease, subject to no significant objections to the proposal.

GB.19 Cultural Plan 272

File: S02954

To provide Council with a draft Cultural Plan, which updates Council's 1997 Cultural Policy.

Recommendation:

That the 2004 Draft Cultural Plan be adopted by Council and that the 2004 draft Cultural Plan be exhibited publicly for a period of 28 days.

GB.20 Capital Works Program for Traffic Facilities 2004 to 2009 311

File: S03753

To seek Council approval for the capital works program for traffic facilities for 2004 to 2009.

Recommendation:

That Council adopts the 2004/05 Traffic Facilities Program and the draft 2005 to 2009 Program.

GB.21 West Lindfield Community Hall - Air Conditioning 317

File: P36314

To consider the proposal from Lady Game Kindergarten to contribute to the installation of air conditioning at the West Lindfield Community Hall.

Recommendation:

That Council agree to provide part funding for the installation of air conditioning at the West Lindfield Community Hall of up to \$20,000 from the 2004/05 Building Maintenance Program and Lady Game Kindergarten fund the difference.

GB.22 Building Maintenance Program

342

File: S02533

To advise Council of the proposed building maintenance program for 2004/05 and the draft 5 year program.

Recommendation:

That the 2004/05 building maintenance program and the draft 2005/09 building maintenance program be adopted.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Guidelines for Opening Tulkiyan

439

File: P54737

Notice of Motion from Councillor G Innes dated 14 September 2004

I move:

That in reply to the General Managers response dated 1 September 2004 to my Question without Notice regarding the Guidelines for Opening Tulkiyan, that the Guidelines be amended to "permit children less than 12 years of age only when accompanied by an adult for supervision".

NM.2 Sustainability Project

440

File: S02763

Notice of Motion from Councillor E Malicki dated 14 September 2004

I move that:

"The General Manager prepares a report detailing how an appropriate portion of the money received from the bus shelters may be used on a project to increase the long term sustainability of Council's operations through improving our water and energy efficiency and through adopting renewable energy sources where possible."

**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.*

PETITION

PETITION TO REQUEST UNDERGROUND POWER-LINES TO SAVE OUR WILDLIFE - (NINETEEN [19] SIGNATURES)

Letter from Clare Chinchon addressed to the Mayor, Councillor A Ryan:

"I assume that this has been brought to your attention before, but I must stress that you should try to help the Ring tail possums in the St Ives area.

These possums have paid a large price because of the positioning of power lines. The poor things wobble across them just and get electrocuted, others have crossed the road only to be hit by a car. I beg of you to put the power-lines underground."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

PETITION

PETITION TO REQUEST COUNCIL BUILD CHALLENGING BIKE/BMX COURSES - (FORTY-FOUR [44] SIGNATURES)

"Letter from Sam Hyman, Emile Pienaar and Jong-Dae Shin:

We have noticed that every time a challenging bike jump is built, the Ku-ring-gai Council knocks them down. If you could give reasoning for this we would be grateful.

Our group thinks that it would be good if the Ku-ring-gai Council build a safe but challenging bike/BMX course. It would get used a lot due to the fact that kids our age are into bike riding and we have no where to ride our bikes on a safe and fun jump course.

We are enclosing a plan for a bike track that we think everyone would like."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

Attachments: **Adaptation of a Plan for Challenging Bike/BMX Courses & designs for the courses**

PETITION

SUPPORT UTS KURING-GAI BEING MAINTAINED AS A UTS UNIVERSITY CAMPUS - (THIRTEEN [13] SIGNATURES)

"We, the undersigned:

1. Support UTS Kuring-gai being maintained as a UTS University Campus.
2. Do not support the sale of the campus for residential or other development.
3. Recognise the environmental and heritage value of the UTS Kuring-gai campus and the value that the campus provides for the local community."

RECOMMENDATION

That the Petition be received and referred to the appropriate officer of Council for attention.

ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer for the year ended 30 June 2004.
BACKGROUND:	<p>In accordance with Section 419(1) and 419(2) of the Local Government Act 1993:</p> <p><i>“A Council must present its financial reports and audit reports at a public meeting of Council. Council’s auditor upon request, should attend the meeting at which the reports are presented to answer questions.”</i></p> <p>In addition, under Section 417(5) of the Local Government Act 1993:</p> <p><i>“Council must send a copy of the audited financial reports and the auditor’s reports to the Director General and the Australian Bureau of Statistics”.</i></p>
COMMENTS:	This is the final stage of the process of adopting Council’s annual financial statements for 2003/2004.
RECOMMENDATION:	That Council receive the audited Financial Statements and the report of Council's external auditor, Spencer Steer.

PURPOSE OF REPORT

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer for the year ended 30 June 2004.

BACKGROUND

In accordance with Sections 419(1) and 419(2) of the Local Government Act 1993:

“A Council must present its audited financial reports together with the auditor’s reports at a meeting of Council held on the date fixed for the meeting” and

“The Council’s auditor, on request, attend the meeting at which the financial reports are presented”.

Council’s external auditors, Spencer Steer will be in attendance to present their report on Council’s financial statements and to answer questions.

In addition, Section 417(5) of The Local Government Act 1993 states that:

“Council as soon as practicable after receiving the auditor’s reports must send a copy of the audited financial reports and the auditor’s reports to The Director General and the Australian Bureau of Statistics”.

COMMENTS

The audited Financial Statements, together with the audit reports for the year ended 30 June 2004 are hereby presented to Council. (**Attachment A** – Financial Statements have been circulated under separate cover).

Council resolved on 24 August 2004 to receive and certify the Draft Financial Statements for 2003/2004 and to refer them to the external auditor. Council also resolved to fix 12 October 2004 as the date for the public meeting to present the statements and audit reports.

In accordance with Section 418(1) and 418(3) of the Local Government Act 1993 a public notice was placed in the North Shore Times on 1 October 2004 advising of this meeting.

Written submissions from the public were invited, but at the time of writing none have been received. Submissions received up to 4.30pm on 12 October 2004 will be circulated to Councillors on the night.

This is the final stage of the process of adopting the Financial Statements for 2003/2004.

Analysis of Results

Council's overall financial position should be assessed by taking into account the following:

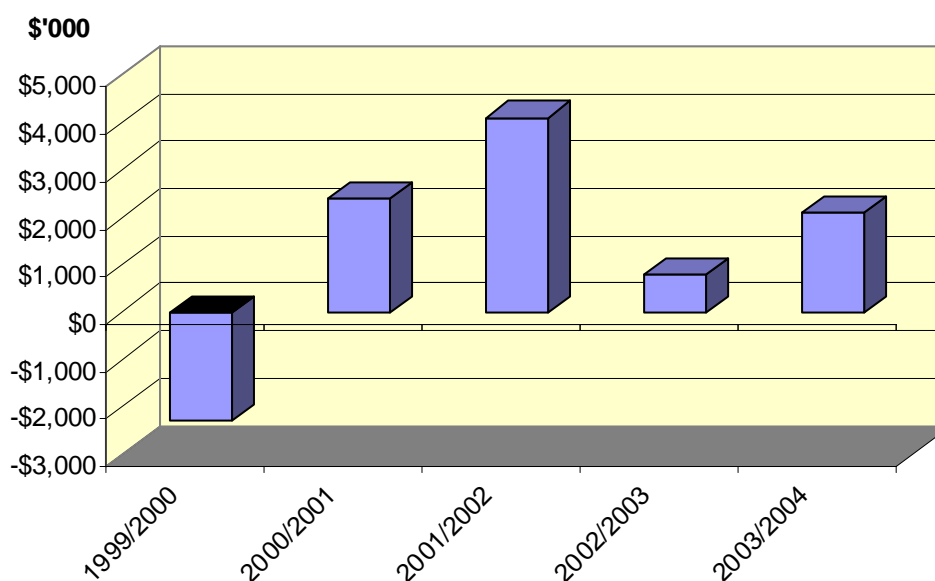
- Statement of Financial Performance – Profit and Loss
- Statement of Financial Position – Balance Sheet
- Financial Ratios
- Working Funds

Statement of Financial Performance

Council's operating result for the year ended 30 June 2004 after accounting for \$6.9 million in depreciation charges was a surplus of \$2,093,000.

	F2004	F2003	% Change
	\$'000	\$'000	
Revenue from all Activities	64,454	63,754	+ 1.1%
Expense from all Activities	62,361	62,957	- 0.9%
Surplus (Deficit) from all Activities	2,093	797	+162.6%

Surplus / Deficit
From all activities 1999/2000-2003/2004



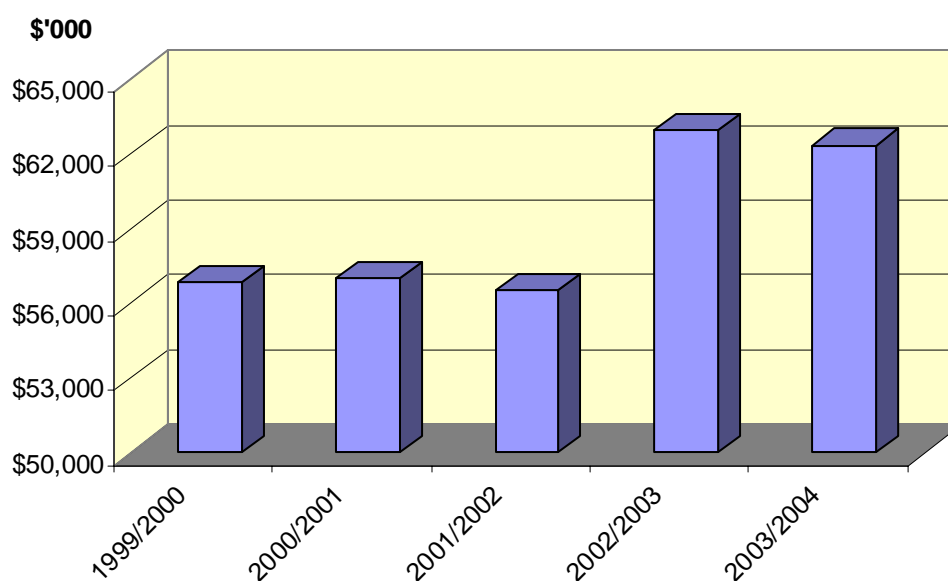
Item 1

S03611
6 September 2004

The following items contribute to this result:

Expenditure

The following graph shows Total Expenses for the period 1999/2000 to 2003/2004.



Total expenses for the year decreased from \$62,957,000 to \$62,361,000 a decrease of \$596,000.

The breakdown of expenses by category is shown in the table below:

Category	F2004 \$'000	% of Total	F2003 \$'000	% of Total
Employee Costs	24,211	38.8%	23,277	37.0%
Borrowing Costs	727	1.2%	829	1.3%
Materials and Contracts	15,832	25.4%	16,090	25.6%
Depreciation	6,861	11.0%	7,340	11.6%
Other Operating Expenses	14,608	23.4%	15,301	24.3%
Loss From Disposal	122	0.2%	120	0.2%
Total	62,361	100%	62,957	100%

Item 1

S03611
6 September 2004↳ Employee Costs

Employee costs increased by \$934,000. A breakdown of this amount is as follows:

Item	Increase or Decrease	Amount
Salaries & Wages	↑	\$638,000
ELE	↓	\$83,000
Workers Compensation	↑	\$344,000
Superannuation	↑	\$127,000
Other Employee Costs (Training, FBT, PPE etc)	↓	\$91,000

↳ Borrowing Costs

Borrowing costs decreased by \$102,000, in line with loan repayment schedules.

↳ Materials and Contracts

Total materials and contracts decreased by \$258,000 from \$16,090,000 to \$15,832,000. A breakdown of this amount is as follows:

Item	Increase or Decrease	Amount
Computer Costs	↓	\$54,000
Repairs & Maintenance	↓	\$82,000
Contractor Expenses	↓	\$113,000
Materials	↓	\$50,000
Waste Disposal	↑	\$47,000

Item 1

S03611
6 September 2004

↳ Depreciation

Depreciation decreased by \$479,000 from \$7,340,000 to \$6,861,000. A breakdown of this amount is as follows:

Item	Increase or Decrease	Amount
Domestic Waste Vehicles	↓	\$166,000
Domestic Waste Bins	↓	\$244,000
Library Books	↓	\$133,000

↳ Other Operating Expenses

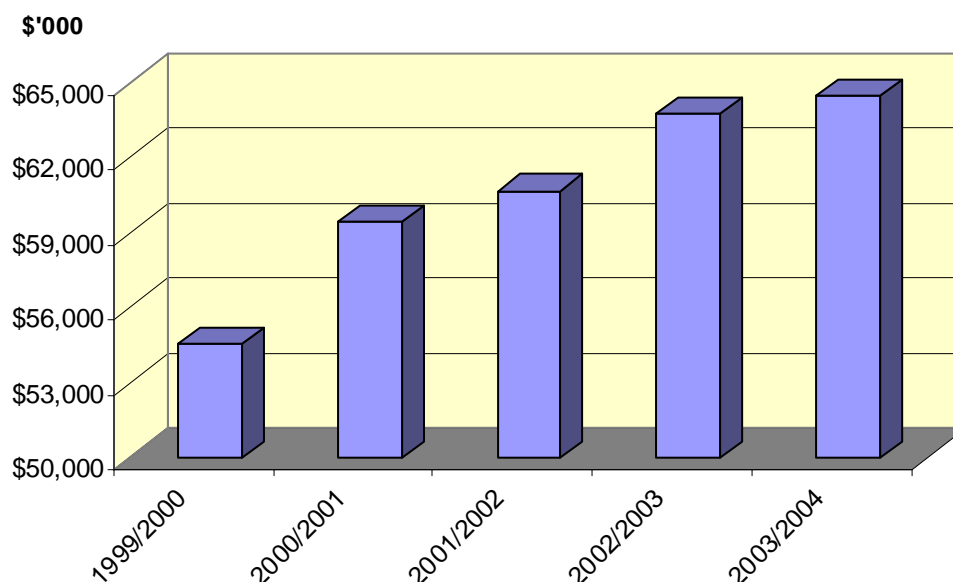
Other operating expenses decreased by \$693,000 from \$15,301,000 to \$14,608,000. A breakdown of this amount is as follows:

Item	Increase or Decrease	Amount
Bad and Doubtful Debts (Section 611 Telstra/Optus)	↓	\$1,416,000
Legal Costs	↓	\$441,000
Insurance	↑	\$191,000
Street Lighting	↑	\$78,000
Temporary Salaries	↑	\$99,000
Consultants	↑	\$38,000
Advertising Costs	↑	\$112,000
Rental Rebates	↑	\$207,000
Election Costs	↑	\$229,000

Item 1

S03611
6 September 2004**Revenue**

The following graph shows Total Revenues for the period 1999/2000 to 2003/2004.



Total revenue for the year increased from \$63,754,000 to \$64,454,000 an increase of \$700,000.

The breakdown of revenue by category is shown in the table below:

Category	F2004	% of Total	F2003	% of Total
	\$'000		\$'000	
Rates & Annual Charges	42,570	66.1%	41,038	64.4%
User Charges & Fees	11,736	18.2%	14,216	22.3%
Interest	1,007	1.6%	901	1.4%
Other Revenue	969	1.5%	790	1.2%
Grants & Contributions	8,172	12.6%	6,809	10.7%
Total	64,454	100%	63,754	100%

Item 1

S03611
6 September 2004

↳ Rates and Annual Charges

Rates and annual charges increased by \$1,532,000. A breakdown of this amount is as follows:

Item	Increase or Decrease	Amount
Infrastructure Levy	↑	\$61,000
Residential Rates	↑	\$1,152,000
Business Rates	↑	\$115,000
Domestic Waste Management	↑	\$204,000

↳ User Fees and Charges

User Fees and Charges decreased by \$2,480,000. This is further broken down as follows:

Item	Increase or Decrease	Amount
Section 611 Optus / Telstra	↓	\$1,480,000
Regulatory/ Statutory Fees	↓	\$83,000
Golf Courses	↓	\$172,000
Parks	↓	\$96,000
Road / Footpath Restoration	↓	\$521,000
Rent & Hire of Council Property	↓	\$132,000

↳ Interest

Interest revenue increased by \$106,000, the most significant variation being a \$125,000 increase in interest earned on Council's investment portfolio.

↳ Other Revenue

Other revenue increased by \$179,000. This is further broken down as follows:

Item	Increase or Decrease	Amount
Fine income	↑	\$284,000
Filming Fees	↓	\$32,000
Legal Fees Recovered (Rates)	↓	\$48,000

Item 1

S03611
6 September 2004

➡ Grants and Contributions:

Grants and contributions increased by \$1,363,000. The most significant increase relates to additional Section 94 funds of \$1,055,000 being collected during 2003/2004.

Statement of Financial Position

Council's net assets total \$1,601,382,000. Whilst this is a significant number, it is predominantly made up of Council's Property, Plant & Equipment of \$1,603,413,000.

A summary of the most significant changes during 2003/2004 are listed below:

Item	Increase or Decrease	Amount
<i>Assets</i>		
Cash Assets	↓	\$1,244,000
Investment Securities	↑	\$3,923,000
Receivables	↓	\$901,000
Other (prepayments, inventory)	↓	\$283,000
<i>Liabilities</i>		
Payables	↑	\$1,889,000
Loans	↓	\$755,000

Statement of Performance Measurement

These indicators provide a snap shot of financial performance. When compared to previous financial periods, they indicate upturns or downturns in performance for the year.

Ratio	Industry Benchmark	Ku-Ring-Gai			
		F2004	F2003	F2002	F2001
Current Ratio	100%	175%	220%	182%	169%
Unrestricted Current Ratio	100%	163%	181%	151%	125%
Debt Service Ratio	10%	5.6%	6.0%	7.5%	7.1%
Rate Coverage Ratio	50%	66%	64%	65%	64%
Outstanding Rates	5%	3.0%	2.9%	3.0%	2.8%

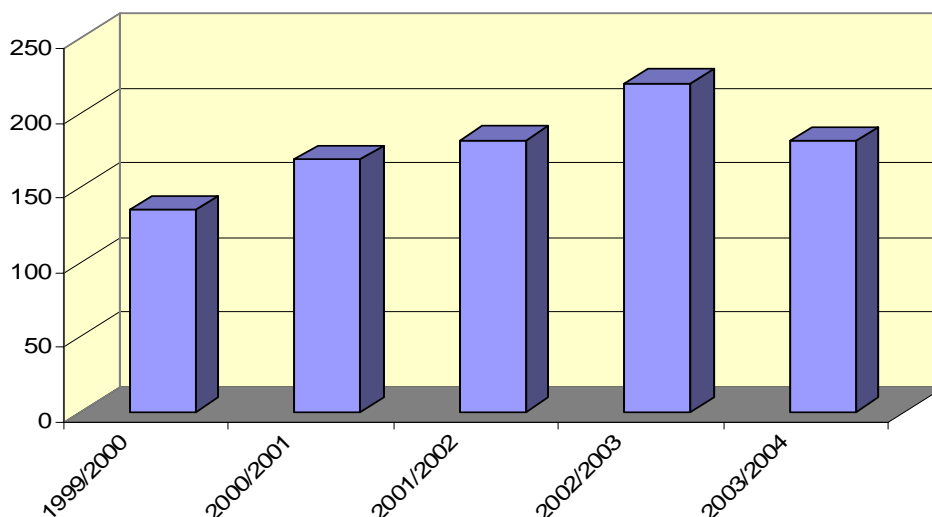
Item 1

S03611
6 September 2004Current Ratio

The current ratio assesses the Council's liquidity and its ability to satisfy obligations as they fall due in the short-term, such as payment for goods and services supplied. This indicator has fallen from 220% in 2002/2003 to 175% in 2003/2004.

The reduction in this ratio primarily stems from the fact that the recently executed contract for waste collection services phases in the cost of providing new bins over the term of the contract. Accordingly, a portion of domestic waste reserve funds which were previously identified as being current on the basis that the purchase of bins would be an upfront expense are now regarded as non-current to reflect the phasing of the expense.

The following graph shows the Current Ratio for the period 1999/2000 to 2003/2004.

Unrestricted Current Ratio

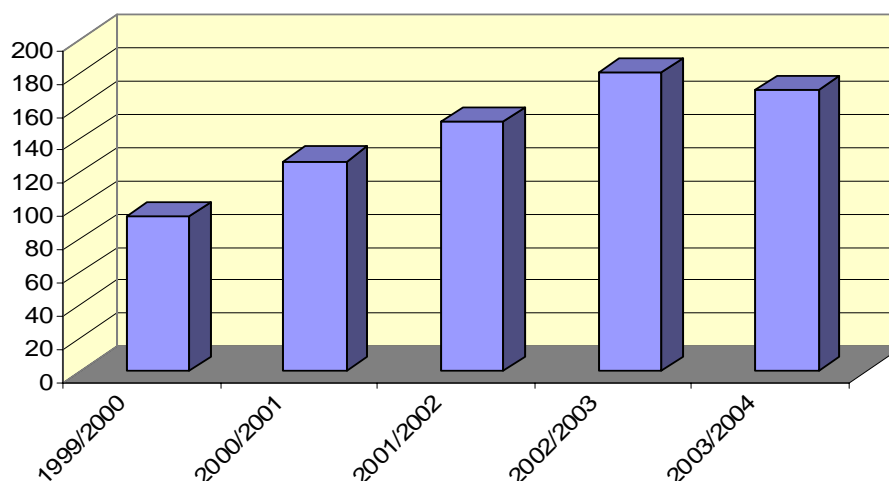
The unrestricted current ratio assesses the Council's liquidity and its ability to satisfy obligations as they fall due in the short-term net of restricted funds. This indicator has fallen from 181% in 2002/2003 to 163% in 2003/2004.

The slight reduction in this ratio is to be expected on the basis that Council incurred 'one-off' costs of \$967,000 for the replacement of the corporate information technology system. In addition a higher percentage of Council's capital works program was cash funded. For the 2003/2004 financial year, Council spent a total of \$8,859,400 on capital works, an increase of \$320,600 over the previous financial year.

Item 1

S03611
6 September 2004

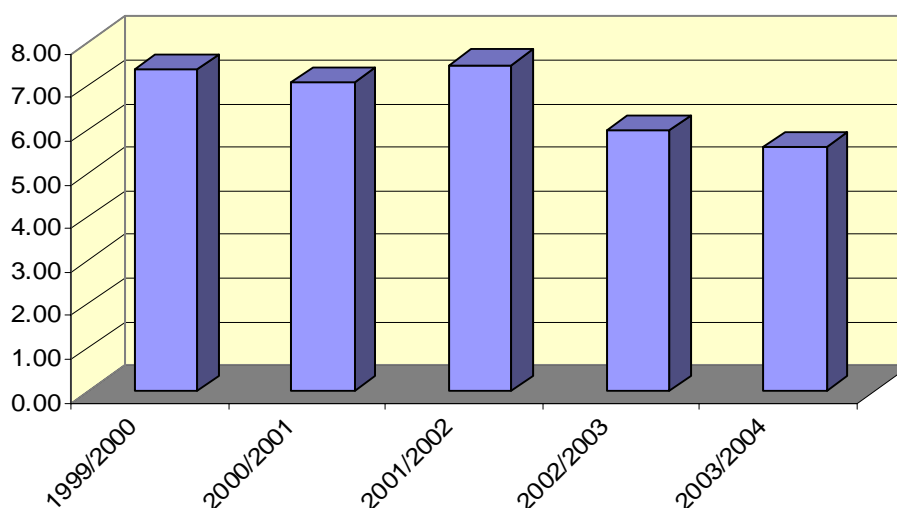
The following graph shows the Unrestricted Current Ratio for the period 1999/2000 to 2003/2004.



Debt Service Ratio

The objective of this indicator is to assess the degree to which operating revenues are committed to the repayment of debt. This indicator has fallen from 6.0% in 2002/2003 to 5.6% in 2003/2004 which is a significant improvement.

The following graph shows the Debt Service Ratio for the period 1999/2000 to 2003/2004.



Rate Coverage Ratio

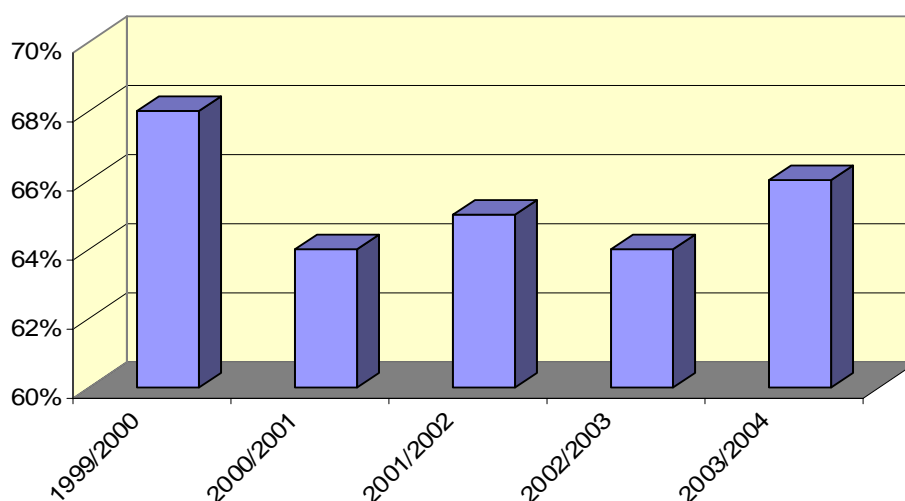
This indicator assesses the degree of dependence on rate revenue. This indicator has increased from 64% in 2002/2003 to 66% in 2003/2004.

Item 1

S03611
6 September 2004

The primary reason for this increase relates to the outcome of the Courts decision regarding Section 611 charges raised against telecommunication carriers. This resulted in a write off of \$1,480,000 in User Charges and Fees and whilst it was offset by a corresponding reduction in expenditure (provision for doubtful debts), it resulted in rate revenue increasing as a proportion of total revenue.

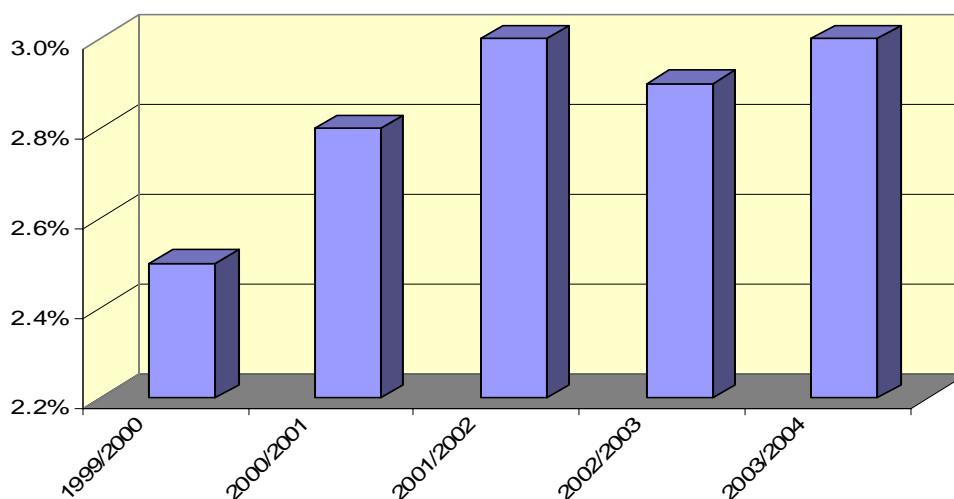
The following graph shows the Rate Coverage Ratio for the period 1999/2000 to 2003/2004.



Rates & Annual Charges Outstanding Ratio

The percentage of rates, charges & fees unpaid at the end of an accounting year is a measure of a Councils effectiveness in managing debt recovery. This indicator rose slightly in 2003/2004 from 2.9% to 3.0%.

The following graph shows the Rates & Annual Charges Outstanding Ratio for the period 1999/2000 to 2003/2004.



Item 1

S03611
6 September 2004

With the exception of the Rate Coverage Ratio, all of Council's financial indicators are well within accepted industry benchmarks.

Working Funds

Working funds are determined by taking net current assets less internally and externally restricted reserves and adding those current liabilities to be funded from 2004/2005.

A summary of the working funds calculation is shown as follows:

Working Funds	F2004	F2003	F2002	F2001	F2000
	\$'000	\$'000	\$'000	\$'000	\$'000
Current Assets	17,484	19,162	18,193	19,956	15,189
<i>Less</i>					
Current Liabilities	9,667	8,760	10,023	11,892	11,216
<i>Equals</i>					
Net Current Assets	7,817	10,402	8,170	8,064	3,973
<i>Less</i>					
Externally Restricted Assets	2,552	3,774	3,380	6,289	5,314
Internally Restricted Assets	9,401	9,877	7,795	5,986	4,843
<i>Add</i>					
Current Liabilities to be funded from 2004/2005	4,617	4,718	4,457	6,441	4,708
<i>Equals</i>					
Available Working Funds	481	1,468	1,452	2,230	(1,476)

Current working funds of \$481,000 will be further reduced by any cash funded carried forward requests.

CONSULTATION

Council officers have consulted with staff from Spencer Steer in the preparation of the Financial Statements. (**Attachment B** – copy of audit opinion).

FINANCIAL CONSIDERATIONS

The Statements provide an analysis of Councils financial position as at 30 June 2004.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not Applicable.

SUMMARY

The following provides a brief summary of the significant indicators contained in Council's Financial Statements.

Surplus from all activities	\$2,093,000	Increase of \$1,296,000
Total Revenue	\$64,454,000	Increase of \$700,000
Total Operating Expenditure	\$62,361,000	Decrease of \$596,000
Cash and Investment Securities	\$20,996,000	Increase of \$2,679,000
Loans	\$11,850,000	Reduced by \$755,000
Internally Restricted Reserves	\$9,401,000	Decrease of \$676,000
Current Ratio	175%	Down from 220%
Unrestricted Current Ratio	163%	Down from 181%
Debt Service Ratio	5.6%	Down from 6.0%
Working Funds Available	\$481,000	Down from \$1,468,000

During 2003/2004 Council's financial indicators continued to demonstrate a positive improvement in the organisations financial position.

Council's commitment to the repayment of net debt has resulted in a 0.4% reduction in the organisations debt service ratio during 2003/2004.

In terms of assets, current cash increased by \$2.7 million. Balances held in internally restricted reserves decreased by \$676,000 from \$10.1 million to \$9.4 million, while externally restricted reserves increased \$2.3 million from \$7.5 million to \$9.8 million.

RECOMMENDATION

That Council receive the 2003/2004 audited Financial Statements and the report of the external auditor, Spencer Steer.

John McKee
Director Finance And Business

Brian Bell
General Manager

Attachments: **Annual Financial Statements for the year ended 30 June 2004 (circulated under separate cover).**

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	68 COLLINS ROAD, ST IVES - DEMOLITION OF EXISTING STRUCTURES AND SUBDIVISION OF THE SITE INTO TWO ALLOTMENTS
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	340/04
SUBJECT LAND:	68 Collins Road, St Ives
APPLICANT:	Mr Grahame R Fear
OWNER:	S G and J Fear
DESIGNER:	Not Applicable
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Subdivision Code
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy No. 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	7 April 2004
40 DAY PERIOD EXPIRED:	17 May 2004
PROPOSAL:	Demolition of existing structures and subdivision of the site into two allotments
RECOMMENDATION:	Approval

DEVELOPMENT APPLICATION N^o	340/04
PREMISES:	68 COLLINS ROAD, ST IVES
PROPOSAL:	DEMOLITION OF EXISTING STRUCTURES AND SUBDIVISION OF THE SITE INTO TWO ALLOTMENTS
APPLICANT:	MR GRAHAME R FEAR
OWNER:	S G AND J FEAR
DESIGNER	NOT APPLICABLE

PURPOSE FOR REPORT

To determine Development Application 340/04 that proposes demolition of the existing dwelling and subdivision of 68 Collins Road into two Torrens Title allotments.

EXECUTIVE SUMMARY

Issues:	Non-compliance with the minimum allotment size required under the KPSO.
Submissions:	No submissions were received.
Land and Environment Court Appeal:	No appeal lodged.
Recommendation:	Approval.

HISTORY

There is no history relevant to this development application.

THE SITE AND SURROUNDING DEVELOPMENT

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1945-1968
Lot Number:	3
DP Number:	598621
Area:	1825.6m ²
Side of Street:	Western
Cross Fall:	South-west to north-east
Stormwater Drainage:	To Collins Road
Heritage Affected:	No
Required Setback:	12 metres
Integrated Development:	No
Bush Fire Prone Land:	No

Item 2

Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

Existing development on 68 Collins Road, consists of a single story brick and tile dwelling house located on the north-eastern corner of the intersection of Collins and Mudies Road, St Ives.

The site in comparison to Collins Road, rises gently to the rear, where it shares a common boundary with the adjoining dwelling to the west (1 Mudies Road). In respect of Mudies Road, the site falls slightly to the north, where it adjoins a battle axe shaped allotment which accommodates a dwelling house known as 72 Collins Road (this property is subject to a Land and Environment Appeal for a series of dual occupancies and subdivisions to create 5 small allotments which was refused under delegation).

Surrounding development

The battleaxe allotment, 72 Collins Road, is adjoined further to the north by a regular shaped allotment (No 74 Collins Rd), containing a dwelling house and attached garage.

Development on the opposite (eastern) side of Collins Road, consists of two storey brick and tile dwellings located on the north-eastern side of the intersection of Collins and Mudies Road. Development on the opposite (southern) side of Mudies Road, consists of two-storey brick and tile dwellings on the south-west side of Collins and Mudies Road. These developments are well screened from Mudies Road by street trees and trees within their allotments. There are a number of trees of various height and maturity distributed across the subject site, particularly at the Collins and Mudies Road frontages.

THE PROPOSAL

The proposal seeks approval for the demolition of the site's existing structures and the torrens title subdivision of the site into two allotments of land. The application does not include any proposed new works or vehicular access points into the site.

Proposed lot 1 will have an area of 912.8sqm and a 22.629 metre frontage to Mudies Road.

Proposed lot 2 will have an area of 912.8 sqm and a 23.086 metre frontage (incorporating a splayed corner) to Mudies Road, and a 34.265 metre eastern boundary to Collins Road.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, adjoining owners were given notice of the application.

No objections were received.

CONSULTATION - WITHIN COUNCIL

Council's Landscape Development Officer

Council's Landscape Development Officer raised no objection to the proposed subdivision of the site.

Council's Development Engineer

Council's Development Engineer raised no objections to the proposed subdivision of the site. Engineering conditions have been provided relating to the drainage of the two sites (*Refer Conditions Nos 4-15*).

STATUTORY PROVISIONS**State Environment Planning Policy 55 (SEPP 55)**

There is no site history to suggest that the site is likely to be contaminated.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

The following table shows the compliance of the proposal against the relevant provisions of the KPSO.

Minimum allotment size and frontage**Proposed Lot 1:**

Clause	Development Standard	Proposal	Compliance
58B(3)(b)(i)	Residential 2(c) Zone Min. Lot Size for street front Lot = 929m ²	912.8m ²	No (SEPP 1 Lodged)
	Min. width of street front lot at a distance of 12.2m from the street = 18m	22.269m	Yes

Proposed Lot 2:

Clause	Development Standard	Proposal	Compliance
58B(3)(b)(i)	Residential 2(c) Zone Min. Lot Size for street front Lot = 929m ²	912.8m ²	No (SEPP 1 Lodged)
	Min. width of street front lot at a distance of 12.2m from the street = 18m	23.086m	Yes

The proposed subdivision does not comply with the minimum allotment development standards prescribed in clause 58B of the KPSO in respect of Lots 1 & 2 (**Refer compliance table**). An objection under SEPP 1 seeking a variation to the development standard has been prepared and

Item 2

lodged with the application (the complete SEPP 1 provided by the applicant can be found in the attachments).

The proposed lots will be of similar area and dimension as others adjoining in this area. Although not forming part of this development application, the applicant has submitted indicative sketch plans that demonstrate that each allotment can accommodate a two storey three bedroom dwelling with an internal area of 320 sqm each. Such building represents the average in this area. On this basis, it is established that strict imposition of the standard is unreasonable and unnecessary in the circumstances as the minor non-compliance with the development standard does not prevent the economic use and development of the resulting allotments in accordance with Council's controls and policies, in particular the KPSO and DCP No 38. The SEPP 1 objection is considered to be satisfactory and should be supported.

Schedule 9 of the KPSO

The development for a two-lot subdivision satisfies the objectives of Schedule 9, which aims to maintain and where appropriate improve the existing amenity and environmental character of residential zones.

Subdivision Code

The subdivision code reflects the identical controls within the KPSO. The non compliance with the minimum allotment size has been previously addressed in this report and is considered to be satisfactory. The development complies with the minimum width control.

LIKELY IMPACTS

All likely impacts have been considered in the assessment of the development application. The proposed two-lot subdivision will have no significant adverse environmental, social or economic impacts on the amenity of the adjoining properties or upon the character of the surrounding area.

SUITABILITY OF THE SITE

The subject site is not known to be affected by any natural hazards or other site constraints that are likely to have a significant adverse impact on the proposed two lot subdivision application and as such the subject site is suitable for subdivision.

ANY SUBMISSIONS

No submissions were received.

PUBLIC INTEREST

Except for a minor shortfall in the required areas, the development is compliant with Council's controls and has no detrimental impact on the surrounding environment.

CONCLUSION

Development Application No. 340/04, for demolition of the existing structures and a two lot subdivision, has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979. The development will have no significant effect on the amenity of the area and is considered satisfactory.

RECOMMENDATION

- A. That the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No 1 – Development Standards* to clause 58B of the Ku-ring-gai Planning Scheme Ordinance is well founded as strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.
- B. That Development Application DA 340/04 for consent for the subdivision of the existing lot at 68 Collins Road, St Ives being lot 3 DP 598621 to create two separate lots be approved for a period of two (2) years from the date of the notice of Determination subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with development Application No 340/04 lodged with council on the 7 April 2004 and subdivision plan prepared by LineaKad Pty. Ltd. dated February 2004 and received by council on the 2 September 2004.
2. The applicant shall carry out the following infrastructure works associated with the subdivision:
 - Construction of interallotment drainage infrastructure to carry uncontrolled runoff from proposed Lot 1 to Collins Road.
 - Interallotment drainage infrastructure shall be constructed so that proposed Lot 1 will have a point for drainage connection (drainage pit) when future development takes place on that lot.

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

3. Submission for approval by the Principal Certifying Authority (PCA), prior to issue of the subdivision Certificate, full engineering design documentation for the following drainage works on the site:
 - Interallotment drainage infrastructure to carry uncontrolled runoff from proposed Lot 1 to Collins Road;
 - Interallotment drainage infrastructure shall be designed so that proposed Lot 1 will have a point for drainage connection (drainage pit) when future development takes place on that lot;

Item 2

Plans are to be prepared by a suitably qualified and experienced engineer in accordance with the requirements of Council's Water Management Plan DCP47 and the Plumbing and Drainage Code (AS3500). Pipes within the proposed interallotment easements must be sized to have adequate capacity to carry future design flowrates and uncontrolled detention system overflows, where detention systems shall be provided, from the proposed lots to the approved point of discharge. The following details must be included on the engineering plans submitted for approval:

- Plan view of the interallotment drainage system to scale showing dimensions, materials, grades, locations and reduced levels of all pits, pipes, flushing facilities and point of discharge to Council system,
- Supporting pipe sizing and contributing catchment calculations,
- Longitudinal section showing existing ground levels and proposed invert levels,
- Surrounding survey detail including all trees to be retained within seven (7) metres of the proposed interallotment drainage systems,
- Means to preserve the root systems of significant trees within seven (7) metres of the drainage system.

4. The submission of an original Plan of Subdivision plus five (6) copies suitable for endorsement by the Certifying Authority.

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

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

- The 88B Instrument.
- Any Engineers and/or Surveyors Certification and Works-as-Executed plan required by other conditions in this consent.
- The Sydney Water Section 73 Compliance Certificate.

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

5. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (6) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc, with Ku-ring-gai Council being named as the authority whose consent is required to release, vary or modify the same.
6. Prior to issue of a Subdivision Certificate, creation of all burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify, prior to issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed 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.

Item 2

7. Creation of suitable drainage easements with minimum widths in accordance with Council's Water Management Plan DCP47 over all of the inter-allotment and Council drainage systems.
8. 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.

9. 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 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.
10. In order to maintain Council's database of all as-constructed infrastructure works, interallotment drainage works and on-site stormwater detention system, if the Principal Certifying Authority is not Council then a copy of the approved stormwater 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 issue of a Subdivision Certificate.
11. Submission, of certification from the designing engineer and Works-as-Executed plan from a registered surveyor, for approval by the Principal Certifying Authority that the following infrastructure works have been constructed in accordance with the approved construction plans, prior to issue of the Subdivision Certificate:
 - Construction of interallotment drainage infrastructure to carry uncontrolled runoff from proposed Lot 1 to Collins Road;
 - Interallotment drainage infrastructure shall be constructed so that proposed Lot 1 will have a point for drainage connection (drainage pit) when future development takes place on that lot;
12. Construction of the interallotment drainage works in accordance with the approved construction documentation must be completed prior to issue of the subdivision certificate. The works are to be supervised by the designing engineer and certified upon completion that the as-constructed works comply with the approved construction documentation and with Council's Water Management Plan DCP47. A registered surveyor is to provide a Works-as-executed drawing of the as-constructed drainage works.

Item 2

13. Prior to issue of the subdivision certificate, any redundant driveway crossings, pipe crossing and/or kerb laybacks on Mudies Road and Collins Road 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.

Selwyn Segall
Executive Planner

Kerrin Lithgow
Acting Team Leader – St Ives

Matthew Prendergast
**Manager Development
Assessment Services**

Attachments: **Location Sketch**
 Subdivision Plan
 Indicative dwelling house plans
 SEPP 1 Objection

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	44 KULGOA ROAD, PYMBLE - DEMOLITION OF THE EXISTING DWELLING AND INGROUND SWIMMING POOL AND CONSTRUCTION OF A DETACHED DUAL OCCUPANCY AND INGROUND SWIMMING POOL.
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1543/03
SUBJECT LAND:	44 Kulgoa Road, Pymble
APPLICANT:	Mrs J Milledge C/- Glendinning Minto and Associates P/L
OWNER:	Mrs J Milledge
DESIGNER:	Lindsay Little and Associates P/L
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER: COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance Ku-ring-gai Planning Scheme Ordinance, Dual Occupancy Development Control Code, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 53, SEPP 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	27 November 2003
40 DAY PERIOD EXPIRED:	6 January 2004
PROPOSAL:	Demolition of the existing dwelling and inground swimming pool and construction of a detached dual occupancy and inground swimming pool.
RECOMMENDATION:	Approval.

DEVELOPMENT APPLICATION N^o 1543/03
PREMISES: 44 KULGOA ROAD, PYMBLE
PROPOSAL: DEMOLITION OF THE EXISTING
DWELLING AND INGROUND SWIMMING
POOL AND CONSTRUCTION OF A
DETACHED DUAL OCCUPANCY AND
INGROUND SWIMMING POOL.
APPLICANT: MRS J MILLEDGE C/- GLENDINNING
MINTO AND ASSOCIATES P/L
OWNER: MRS J MILLEDGE
DESIGNER LINDSAY LITTLE AND ASSOCIATES P/L

PURPOSE FOR REPORT

To determine an application for the demolition of an existing dwelling and inground swimming pool and the construction of a dual occupancy and inground swimming pool.

EXECUTIVE SUMMARY

Issues: Separation between the new buildings.
Submissions: Five submissions have been received.
Land & Environment Court Appeal: A deemed refusal appeal has been lodged. The appeal has been set down for a call over on 14 October 2004.
Recommendation: Approval.

HISTORY

Property history:

There is no history of the site relevant to the development application.

The site and surrounding development

Zoning:	Residential 2(c)
Visual Character Study Category:	1945 - 68
Lot Number:	1
DP Number:	504651
Area:	1530m ²
Side of Street:	Western
Cross Fall:	South to north
Stormwater Drainage:	To street
Heritage Affected:	No
Required Setback:	58 metres
Integrated Development:	No
Bush Fire Prone Land:	Yes. Bush fire prone vegetation buffer.
Endangered Species:	No

Item 3

Urban Bushland: No
Contaminated Land: No

The subject site is identified as Lot 1 in DP 504651 and is known as 44 Kulgoa Road, Pymble. The property is located on the western side of Kulgoa Road between Woodlands Avenue and Riddles Lane.

The property is a battleaxe allotment and has a total site area of 1530m² (including the access handle). The site area excluding access handle is 1300m². The width of the access handle servicing the lot is 4.57m. The property slopes from the south western corner to the north eastern corner, with a cross fall of approximately 7m. (RL of north eastern corner 129.03 to RL 135.83 at south western corner).

The site contains 2 large trees both of which are to be retained.

Access to the site is via a right of carriageway from Kulgoa road.

Surrounding development:

The surrounding development consists of single residential dwellings on regular and hatchet shaped allotments.

THE PROPOSAL

The proposal is to demolish an existing dwelling and inground swimming pool and construct a new detached dual occupancy and inground swimming pool. Details of the proposed development are as follows:

Dwelling 1:

Dwelling 1, due to the change in topography, is single and two storey in height and is located towards the eastern boundary. The dwelling includes an integrated double garage accessible via the right of carriageway from Kulgoa Road.

Dwelling 1 will consist of living areas at ground level orientated towards the north. The living areas will have direct access the northerly facing courtyard. The main bedroom 1 and ensuite will be located at ground level adjacent the entrance of the building along the southern elevation. The first floor will consist of two bedrooms, bathroom, study and storage areas.

Dwelling 2:

Dwelling 2, due to the change in topography, is single and two storey in height. The dwelling is located towards the rear of the site. An inground swimming pool is proposed between dwelling 2 and the western boundary. The swimming pool will have a setback to the western boundary of 2m. A double garage has been integrated into the design of the dwelling.

Item 3

The ground floor of dwelling 2 will consist of living, dining, family, kitchen, rumpus, study, bedroom and laundry. The living areas have a westerly outlook towards the courtyard, terrace and pool area. The living areas are orientated to receive solar access. The first floor consists of three (3) bedrooms, ensuite, bathroom, WC and storage area. A small balcony projects from bedroom 1 over the terrace below.

The materials of construction for both dwellings include masonry with sections of render finish and concrete tiled roofing.

Amended Plans dated 5 August 2004.

The timber deck along the eastern elevation of dwelling 2 has been deleted and the retaining walls have been reduced in height. The amended plans rectified the inconsistencies between the landscape plan and the architectural plans. The internal layout of both dwellings was not modified.

Additional architectural plans showing sections through the swimming pool and relative levels of the pool coping in comparison to surrounding ground levels were received. This additional information did not warrant the application being re-notified to surrounding residents.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications Policy, owners of surrounding properties were given notice of the application. In response, submissions from the following were received:

Original scheme dated 27 November 2003

1. Ivan Silink - 46A Kulgoa Road, Pymble
2. Nancy Douglas - 3A Macquarie Road Pymble
3. John Douglas - 3A Macquarie Road Pymble
4. John and Patricia Swann - 7A Macquarie Road Pymble
5. S & D Alperstein - 7 Macquarie Road Pymble

The submissions raised the following issues:

The land area is not large enough to accommodate a dual occupancy development.

SEPP 53 allows for the development of detached dual occupancies on allotments having a minimum area of 600m². The subject site area is 1300m² (excluding access handle).

The development is out of character.

The surrounding development is characterised by single and two storey dwellings. The proposed development will consist of two, part single and part two storey dwellings. The construction of two dwellings on one allotment of land is permissible under SEPP 53.

Insufficient separation of houses from neighbours.

The separation (minimum setback) to the surrounding dwellings at the following properties is:

- 42A Kulgoa Road, Pymble - 3.6m
- 44A Kulgoa Road, Pymble - 8m
- 46A Kulgoa Road, Pymble - 8.6m
- 3A Mcquarie Street, Pymble - 35m
- 5 Mcquarie Street Pymble - 75m
- 7A Mcquarie Street, Pymble - 25m

The setback of 3.6m for the proposed development from 42A Kulgoa Road is reasonable as there is a difference in levels between the two properties of approximately 1.2m, with the proposed development being lower than the dwelling at 42A Kulgoa Road. A separation of greater than 8m from the other surrounding properties is reasonable and it allows for the provision of the proposed landscaping for screening and privacy. **(Refer to condition no.74).**

The proposed development will alter existing drainage patterns.

Council's development engineers have assessed the proposal with regard to drainage and raise no concerns.

The loss of trees and vegetation will result in the loss of screening and privacy to neighbours.

The two existing large trees (Chinese Elm and Liquidamber) will be retained. The proposed development will be landscaped with suitable plant and tree species to maintain and embellish existing screening and privacy. **Condition 74** requires that screen planting to all surrounding boundaries be provided with species that will attain a height of 3 to 4 metres.

There will be extensive cut and fill.

The cut and fill levels across the site will be less than the maximum level of 1.8m specified in the Dual Occupancy Development Control Code. Both dwellings and landscaping have been designed to accommodate the slope of the site. The cut and fill will not cause any unreasonable impact to adjoining properties.

There will be a marked increase in traffic and on-street parking.

The increase in traffic as a result of the construction of an additional dwelling will be negligible. Council's Development Control Engineer have assessed the proposal with regard to traffic impacts and raises no concerns.

Amended Plans dated 5 August 2004.

The amended plans were not notified as the two buildings remained substantially the same. The amendments were in relation to the deletion of the deck of dwelling 2, reduction in the height of the retaining walls, the inclusion of a passing bay and ensuring consistency between all sets of plans.

CONSULTATION - WITHIN COUNCIL.

Heritage/Urban Design

Council's Heritage/Urban Design Officer has commented on the proposal as follows:

Streetscape/context

The proposal will not impact on the streetscape as it is a battle axe block set behind others.

Bulk, form & scale

The scale of both dwellings is kept down to single storey on the south side, the elevations are attractive, varied and contain sympathetic materials.

Landscaping

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

The following 2 trees are the dominant landscape elements within the subject site:

1 Liquidambar styraciflua (Liquidambar), of 17 metres height and 20 metres canopy spread is located adjacent to the site's central eastern boundary.

1 Ulmus parvifolia (Chinese Elm), of 12 metres height and 17 metres canopy spread is located adjacent to the site's southwestern corner.

The applicant's arborist - Arborcraft has understated the canopy spread of both trees ie: 10 metres for the Liquidambar styraciflua (Liquidambar) and 11 metres for the Ulmus parvifolia (Chinese Elm). The Liquidambar's canopy is graphically shown at 10 metres and the Chinese Elm's canopy is graphically shown at 14 metres on the architectural site plan and the landscape concept plan. Both trees are in healthy condition and structurally sound.

The understatement of the Liquidambar is far more critical than the Chinese Elm as approximately 1/3 of proposed House 1 will intrude beneath the Liquidambar's canopy, which is shown as half its actual spread. Approximately 1/3 of the Liquidambar tree's canopy will become exempt pending approval of this application.

The 2 proposed dwellings should be rearranged so that they are generally located beyond the canopy spread of the Liquidambar styraciflua (Liquidambar) and Ulmus parvifolia (Chinese Elm).

Landscape concept plan

The landscape concept plan indicates proposed massed boundary screen and understorey plantings, feature trees and (appropriately) the existing northern and western boundary screen plantings. No replenishment canopy trees are proposed for the site – the largest tree being 6 metres high. The plant selection list includes no species from the Blue Gum High Forest vegetation community although it includes 2 undesirable species.

Drainage plan

The proposed drainage works is satisfactory as they will be well clear of all existing trees on site.

The arborist report lodged with the application concluded that the two trees (Chinese elm and Liquidamber) would not be damaged as a result of construction activities. A condition of consent will be imposed to ensure protection of the tree during construction (**Refer to conditions 47, 53, 54 & 80**). An additional landscape condition addressing screen planting have been recommended. (**Refer to condition no.74**).

Engineering

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

The stormwater concept plan prepared by Argent Consulting, Dwg no. 0326:SW01:DA, dated 23/9/03 is considered satisfactory in principle, however it is not to be stamped approved with the DA plans. Driveway gradients are considered satisfactory.

With respect to vehicular access, it is noted on the architectural plan that the subject site is affected by a right-of-way. In this regard, the applicant is required to submit documentary evidence that the subject site benefits from a rights-of-carriageway prior to any consent being given. Also, passing opportunities are to be provided within the existing driveway in accordance with AS2890.1-1993 where sight distance from one end is restricted, and/or the length of driveway exceeds 30 metres.

Amended plans were received with the inclusion of a passing bay within the driveway. Documentary evidence has been submitted that identifies that the subject property is benefited by a right of carriageway over no. 42A Kulgoa Road.

CONSULTATION – OUTSIDE COUNCIL

Rural Fire Services

In accordance with the provisions of section 79BA of the Environmental Planning and Assessment Act 1979, Council has consulted with the Commissioner of the NSW Rural Fire Service, concerning measures to be taken with respect to the protection of persons, property and the environment from danger that may arise from a bush fire. The comments provided by the Rural Fire Service are as follows:

The NSW Rural Fire Service raise no concerns or special consideration to bushfire matters in relation to the proposed development.

STATUTORY PROVISIONS

State Environmental Planning Policy No. 53

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a))		
• 400m ² attached dual occ (min)		N/A
• 600m ² attached dual occ. (min)	1530m ² (including handle) 1300m ² (excluding handle)	YES YES
Floor space ratio (cl.19(1)(b))		
• 0.5:1 (max)	0.35:1	YES
Car parking (cl.20)		
• Dwelling 1: 2 car spaces (min)	Dwelling 1: 2 car spaces	YES
• Dwelling 2: 2 car spaces (min)	Dwelling 2: 2 car spaces	YES

Site analysis (cl.31):

A site analysis has been submitted with the application and meets the requirements of SEPP 53.

Streetscape (cl.32(a)):

The subject site is hatchet shaped. Development on the land will not be visible from Kulgoa Road. There are no streetscape issues.

Visual privacy (cl.32(b)):

Living areas for both dwellings will be at ground level. Screen planting and dividing fences will ensure privacy to private open space areas of the development and surrounding properties. (**Refer condition no.74**).

Acoustic privacy (cl.32(b)):

The living areas and private open space of the proposed development will be separated from sensitive areas such as bedrooms. The proposed development has adequate setbacks to neighbouring properties so as to not impact on existing acoustic privacy levels.

Solar access and design for climate (cl.32(c)):Solar access to adjoining properties

The extent of overshadowing cast by the proposal at 21 June is as follows:

9.00am (June 22):

Item 3

Shading of driveway and minor portion of the rear courtyard of dwelling 2. A small portion of No.42A Kulgoa Road will be shaded. The extent of overshadowing will not result in any adverse amenity impacts.

12.00 noon (June 22):

Shading of 50% of the driveway and a small portion of 42A Kulgoa Road, along the northern boundary. The extent of overshadowing will not result in any adverse amenity impacts.

3.00pm (June 22):

Shading of driveway and a small portion of the northern boundary of No.42A Kulgoa Road. The extent of overshadowing will not result in any adverse amenity impacts.

Solar access to the proposed development

The proposed development receives 3⁺ hours solar access to its internal living areas and private open space areas during the winter solstice.

Stormwater (cl.32(d)):

The stormwater drainage design is considered to be satisfactory. (Refer to comments by Council's Development Engineer.

Crime prevention (cl.32(e)):

Casual surveillance of the driveway and front entries is provided.

Accessibility (cl.32(f)):

A driveway of a gentle grade of 1:19 will provide access to the dwellings from Kulgoa Road. The driveway will be erected across an existing right of carriageway. The owners of 44 Kulgoa Road have provided evidence of their benefit for use of the carriageway over no.42A Kulgoa Road. A passing bay will be provided along the driveway to allow two way passing.

Waste management (cl.32(g)):

The proposed development can be provided with standard waste management facilities in accordance with Council's requirements that will maximise recycling. (**Refer condition no.64**).

Visual bulk (cl.32(h)):

The bulk of the buildings is consistent with surrounding dwellings. The buildings have been designed to include single and two storey components that respond to the slope of the site.

State Environmental Planning Policy No 55 - Remediation of Land

There is no clear evidence to suggest that the site is contaminated nor is there evidence available to link the site to previous contaminating activities. Based on the available information in relation to the site, it would be unreasonable for Council to require the applicant to have a contamination assessment prepared.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Aims and Objectives for Residential Zones

The development: (i) provides satisfactory levels of solar access & privacy to surrounding properties; (ii) is of a bulk, scale and design, characteristic of the area; (iii) maintains adequate levels of soft landscaping; (iv) provides suitable egress/ingress for vehicles; and (v) maintains the landscape quality of the municipality. Consequently, the aims and objectives for residential development as outlined by Schedule 9 have been satisfied.

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	Dwelling 1: 7.4m Dwelling 2: 7.5m The following information is not a statutory control. This information is provided for the benefit of the Councillors: Height to roof ridge - Dwelling 1: 7.7m Height to roof ridge - Dwelling 2: 7.7m Height to eaves line – Dwelling 1: 5.8m Height to eaves line – Dwelling 2: 6.2m	YES YES
Built-upon area 60% (max)	46.7% (excluding handle)	YES
Notional built-upon area	Dwelling 1: 46% Dwelling 2: 47%	YES YES

Building Height (cl.46):

The building heights of both buildings are less than the maximum height of 8m.

Built-upon areas (cl.60(C)):

The built upon areas do not exceed the maximum of 60%.

POLICY PROVISIONS

Development Control Plan 40 - Waste Management

Item 3

The site is of a sufficient size to accommodate waste storage and recycling facilities associated with the proposed use. In regard to the waste generated from the demolition works and construction activities, an appropriate condition is included in the recommendation. (Refer to condition no.64)

Development Control Plan No 43 - Car Parking

The proposal complies with DCP 43 which requires the provision of 2 parking spaces per dwelling.

Council's Dual Occupancy Development Control Code

COMPLIANCE TABLE		
Development control	Proposed	Complies
4.2 Streetscape:		
Architectural design		
Roof pitch		
<ul style="list-style-type: none"> 5m roof height-1 storey (max) 	Dwelling 1: 3.3m Dwelling 2: 3.1m	YES YES
<ul style="list-style-type: none"> 3m roof height-2 storey (max) 	Dwelling 1: 1.8m Dwelling 2: 1.7m	YES YES
<ul style="list-style-type: none"> Roof pitch 35⁰ (max) 	Dwelling 1: 25 ⁰ Dwelling 2: 20 ⁰	YES
4.3 Visual and acoustic privacy:		
Visual privacy		
<ul style="list-style-type: none"> Windows to habitable rooms set back 9m from neighbouring windows (min) 	Dwelling 1 : 10.5m Dwelling 2: 10m	YES YES
Acoustic privacy		
<ul style="list-style-type: none"> Pool pumps/air conditioning units – noise generation < 5dBA (max) 	Pool to Dwelling 2: <5dBA	YES
4.4 Solar access and design for climate:		
Solar access		
<ul style="list-style-type: none"> Dual occupancy receive 3+ hours of solar access between 9am and 3pm (min) 	Dwelling 1: 3+ hours solar access received Dwelling 2: 3+hours solar access received	YES YES
<ul style="list-style-type: none"> Neighbouring properties receive 3+ hours of solar access between 9am and 3pm (min) 	All neighbouring properties receive 3+ hours solar access]	YES

Item 3

Energy efficiency <ul style="list-style-type: none"> 3.5 star NatHERS Rating (min) 	Dwelling 1 Dwelling 2	YES YES
4.7 Accessibility:		
Vehicular access and car parking dimensions <ul style="list-style-type: none"> Garage – 3.1m x 5.4m (min) 	Dwelling 1: 6.1m x 5.9m Dwelling 2: 5.7m x 5.4m	YES YES
4.9 Visual bulk:		
Building setbacks <ul style="list-style-type: none"> Setbacks between buildings -7m or 5m (50% of building) (min) Side setback: Ground floor: 3m (min) 1st floor: 3m (min) Rear setback: 12m (min) 	4.8m Dwelling 1: Ground Floor: 3.1m, 5.4m & 6.4m Dwelling 2: Ground Floor: 3.05m, 2.02m & 24m Swimming pool: 2.0m Dwelling 1: 1 st Floor: 3.1m, 5.4m & 6.4m Dwelling 2: 1 st Floor: 3.05m, 2.02m & 24m Dwelling 1: 30.2m Dwelling 2: 12m	NO YES YES YES YES YES YES YES
Building form <ul style="list-style-type: none"> Unrelieved wall length: 12m (max) Total building length: 24m (max) 	Dwelling 1: 11.8m Dwelling 2: 12.8m Dwelling 1: 13.8m Dwelling 2: 16.5m	YES NO YES
Built-upon area <ul style="list-style-type: none"> Total built upon area (max): 40% Notional built-upon area 	46.7% Dwelling 1: 46% Dwelling 2: 47%	NO
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 1st floor – 40% 	0.35:1 Dwelling 1: 32.4% Dwelling 2: 35%	YES YES YES

Height of buildings <ul style="list-style-type: none"> Dwelling fronting street: 8m (max) Rear dwelling: 3.6m (max) Building envelope: 45° from horizontal at any point 3m above boundary 	Dwelling 1: 7.4m	YES
	Dwelling 2: 7.5m	NO
	Dwelling 1	YES
	Dwelling 2	YES
Cut and fill (building works) <ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	Dwelling 1: 900mm (cut) & 500mm (fill) Dwelling 2: 500mm (cut) & 700mm (fill)	YES YES
Section 5: Landscaping & Open Space		
Total soft landscaping : 60% (min)	53.3%	NO
Notional soft landscaping:	Dwelling 1: 54% Dwelling 2: 53%	
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: 7 (min) 	7 Trees	YES
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	1400mm (cut) located adjacent future boundary dividing building. 500mm (fill) located in the north eastern corner of the courtyard to house 2.	YES YES
Open space provisions <ul style="list-style-type: none"> Area: 100m² or 2 x 75m² areas (min) Min dimension 5m x 5m (min) Grade: 1 in 8 (max) 50% receives 3+ hours solar access (min) 	Dwelling 1: 168m ² Dwelling 2: 345m ² Dwelling 1: 117m Dwelling 2: 308m Dwelling 1: 1:14 Dwelling 2: 1:14 Dwelling 1: Open space receives 6 hours solar access Dwelling 2: Open space receives 6 hours solar access	YES YES YES YES YES YES

Energy Efficiency

A NATHERS certificate was not submitted with the application. The living areas and private open space of both dwellings are orientated to the north and receive more than 3 hours of sunlight. The western elevations are shaded so as to reduce excessive heat in the summer months. As a condition of consent, wall and ceiling insulation will be required to complement the northern orientation of the dwellings. **(Refer to condition no.100).**

Setbacks

A separation distance of 4.8m in association with the offset of habitable rooms, limited fenestration along facing elevations, landscaping and fencing will provide acoustic and visual privacy to each dwelling.

Building Height

The height of dwelling 2 varies from 5m to 7.5m and is consistent with the building heights of surrounding dwellings. The non-compliance does not result in a development having a height inconsistent with other developments in the area, nor does it contribute to any adverse amenity impacts to surrounding developments.

Section 94 Plan

The development attracts a section 94 contribution of \$33,057.22, which is required to be paid by **Condition No.63.**

LIKELY IMPACTS

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants.

The site is not within a wilderness area nor an area of critical habit.

The site can be adequately landscaped and conditions relating to soil erosion can be imposed. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood.

SUITABILITY OF THE SITE

The site is not constrained by subsidence, slip or contamination. The site is located within the Kuring-gai Bush Fire Prone Land Map in the Category 2 Bush Fire Prone Vegetation Buffer (100m and 30m) and has been referred to the Rural Fire Service (RFS) for their concurrence. The RFS raise no concerns. The site is suitable for the proposed development.

ANY SUBMISSIONS

The submissions have been dealt with previously in this report.

PUBLIC INTEREST

The application proposes a more intensified use of residential land in an established residential area. The proposal is compatible with the existing and desired future environment and its approval is in the wider public interest, as envisaged by State Environmental Planning Policy No 53.

CONCLUSION

Having regard to the provisions of s79C of the Environmental Planning and Assessment Act, 1979, the proposed development is satisfactory. Therefore, the development application is recommended for approval.

RECOMMENDATION

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

THAT the Council, as the consent authority, grant development consent to DA 1543/03 for the demolition of a dwelling and an inground swimming pool on land at 44 Kulgoa Road, Pymble, and erection of a dual occupancy and inground swimming pool for a period of two (2) years, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1543/03 and Development Application plans prepared by Lindsay Little & Associates Pty Ltd, reference number Job No 2802/03-1-4, dated 2 August 2004 and lodged with Council on 5 August 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 health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
5. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal

Item 3

Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.

6. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
7. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
8. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
9. For the purpose of residential amenity, the exposed external surfaces below concourse level shall be treated and finished off to a smooth surface.
10. 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.
11. 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.
12. **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.

Item 3

13. 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.
14. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
15. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
16. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
17. 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.
18. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
19. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
 - a. must preserve and protect the building from damage, and
 - b. if necessary, must underpin and support the building in an approved manner, and
 - c. must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

Item 3

20. 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.
21. The fence and footings shall be constructed entirely within the boundaries of the property.
22. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
23. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
24. 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.
25. 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.
26. 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.
27. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
28. 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.

Item 3

- 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.
- 29. 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.
- 30. 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.
- 31. 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.
- 32. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
- 33. 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.
- 34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
- 35. 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, 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.
- 36. 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.

37. For stormwater control, driveway areas are to be drained to the main drainage system.
38. 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.
39. 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.

40. 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

Item 3

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.

41. 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”.
42. 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.
43. 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.
44. 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.
45. Provision of passing opportunities are to be provided within the existing driveway in accordance with AS2890.1-1993 - “Off street car parking”, ie. where sight distance from one end to the other is restricted, and/or the length of driveway exceeds 30 metres.
46. To collect stormwater overflow from the swimming pool surface only, a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. **A certificate from the installer indicating compliance with this condition must be submitted and approved by the Principal Certifying Authority (PCA), prior to occupation, or issue of an Occupation Certificate.**
47. 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.

Item 3

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.

48. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
49. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
50. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
51. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
52. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
53. Canopy and/or root pruning of the following tree/s 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

Liquidambar styraciflua (Liquidambar) / Close to the site's central eastern boundary.

Ulmus parvifolia (Chinese Elm) / Close to the site's southwestern corner.

54. 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.
55. 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.
56. On completion of the LANDSCAPE WORKS including TREE and SCREEN PLANTING, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

Item 3

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

Plant Species

Acer negundo (Box Elder)
Asparagus densiflorus (Asparagus Fern)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Erigeron karvinskianus (Seaside Daisy)
Hedera helix (English Ivy)
Hedera sp. (Ivy)
Hedychium gardnerianum (Ginger lily)
Impatiens balsamina (Impatiens)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Senna pendula (Cassia)
Tradescantia albiflora (Wandering Jew)

58. 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.

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

59. 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.

60. 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

Item 3

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).

61. 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.
62. 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.
63. 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 ADDITIONAL DWELLINGS IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

- | | |
|-------------------------------------|---------|
| 1. Preparation of New Residents Kit | \$10.98 |
|-------------------------------------|---------|

Item 3

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 -Pymble	\$1,966.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

64. A complete Waste Management Plan is to be prepared in accordance with the requirements of Development Control Plan No 40 - Construction & Demolition - Waste Management. The Plan is to be submitted and approved prior to the release of the Construction Certificate.
65. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of design documentation for the passing bay within the existing driveway. The designing engineer is to certify that the proposed passing bay and the existing driveway is structurally adequate for design vehicles up to a fully laden concrete truck, and complies with AS2890.1-1993 – “Off-street car parking.”
66. If levels and driveway surface within the rights-of-carriageway needs to be changed, altered or relaid in any way, this work shall only be undertaken with the written approval of the owner 42A Kulgoa Avenue. This letter of authority must submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
68. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location 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.

69. 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.

70. The stormwater concept plan prepared by Argent Consulting, Dwg no. 0326:SW01:DA, dated 23/9/03 shall be amended, but not limited to the following:
- (i) Any piping under the slab is not to include bends/ joints but to be straight runs with inspection openings at either end;
 - (ii) All downpipe adaptors and grated drains are to be located above the Weir Level of the on-site detention system to avoid any surcharge occurs when the system is full. Any

Item 3

uPVC piping exposes to direct sunlight must be protected in accordance with AS3500.3.2 and AS2032;

- (iii) The storage volume of each OSD system shall be based on the actual built-upon area.
- (iv) The location of the proposed OSD system under House 2 is not permitted.

Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention 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.

71. 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.

Item 3

72. 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.

73. 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.

At least 50% of the tree and shrub plantings on the landscape plan for the site shall be selected from the Blue Gum High Forest assemblage of vascular plants (included) to conserve and promote biodiversity.

Erigeron karvinskianus (Seaside Daisy) and *Ficus benjamina* (Weeping Tree) shall be deleted from the landscape plan due to their invasive characteristics.

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.

74. A plan detailing screen planting of the NORTHERN, EASTERN, WESTERN and SOUTHERN BOUNDARIES 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 3 – 4 metres.
75. The property shall support a minimum number of 7 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
76. The 5 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
77. A CASH BOND/BANK GUARANTEE of \$2,000 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

Item 3

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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

78. 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.

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

Tree/Location	Radius in Metres
Screen planting Along the site's northern and central western boundaries.	1.5m

80. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed HOUSE 1 and POOL FOR HOUSE 2 shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Liquidambar styraciflua</i> (Liquidambar) Close to the site's central eastern boundary.	10m
<i>Ulmus parvifolia</i> (Chinese Elm) Close to the site's southwestern corner.	8.5m

81. 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.
82. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

83. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
84. Construction of the passing bay is to be supervised and upon completion certified by a suitably qualified civil engineer that the works were carried out in accordance with the approved plans. Certification must be provided to the Principal Certifying Authority prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate.
85. 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.
86. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. 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.

87. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
88. 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

Item 3

occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:

- a. The works were carried out and completed in accordance with the approved plans.
- b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

89. 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
- 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)

Item 3

90. Any damage to the existing driveway and/or as-constructed passing bay within the rights-of-carriageway must be fully restored to the satisfaction of the Principal Certifying Authority and the owner of 42A Kulgoa Avenue. Documentary evidence to this effect must be submitted to the Principal Certifying Authority for approval prior to occupation, or issue of an Occupation Certificate, or issue of the Subdivision Certificate

BUILDING CONDITIONS

91. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and documentary evidence of compliance with the relevant terms of the approval/standards of construction detail in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. Reinforcement AND circulation lines in position prior to any concrete being poured, placed or sprayed.
 - b. Drainage lines and circulation lines outside the pool area prior to any backfilling.
 - c. Safety fences, gates and latches erected and installed - pools are not to be filled unless a satisfactory inspection of the pool fencing has been made.
 - d. Final Inspection - on completion when all conditions of approval have been met including soundproof enclosures, resuscitation posters, depth markers installed and all landscaping completed.

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.

92. 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. Retaining walls and associated drainage.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
93. 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.

Item 3

- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

- 94. 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).
- 95. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
- 96. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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.

- 97. 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.

98. 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.

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

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- e. A Registered Surveyor's Reports confirming approved floor levels for all floors.

Item 3

100. In order to achieve reasonable levels of energy efficiency, the ceiling and walls of each dwelling are to be lined with thermal insulation.

S Cox
Acting Team Leader,
Gordon Ward

M Prendergast
Manager
Development Assessment
Services

M Miocic
Director
Development &
Regulatory Services

Attachments: **Locality Plan**
 Architectural Plans
 Shadow Diagrams
 Landscape Plans

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	29 STANHOPE ROAD, KILLARA - SUBDIVISION OF ONE LOT INTO TWO LOTS
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1181/03
SUBJECT LAND:	29 Stanhope Road, Killara
APPLICANT:	W & H Mackie
OWNER:	W & H Mackie
DESIGNER:	M Bauer - Bauer Bisits Architects
PRESENT USE:	Single Residential Dwelling
ZONING:	Residential 2(b)
HERITAGE:	Yes
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, Subdivision Code
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy 55
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	15 September 2003 Amended Plans 30 August 2004
40 DAY PERIOD EXPIRED:	25 October 2003
PROPOSAL:	Subdivision of one lot into two lots
RECOMMENDATION:	Approval

Item 4

DEVELOPMENT APPLICATION N^o 1181/03
PREMISES: 29 STANHOPE ROAD, KILLARA
PROPOSAL: SUBDIVISION OF ONE LOT INTO TWO LOTS
APPLICANT: W & H MACKIE
OWNER: W & H MACKIE
DESIGNER: M BAUER - BAUER BISITS ARCHITECTS

PURPOSE FOR REPORT

To determine Development Application No DA1181/03, which seeks consent for the subdivision of one existing lot into two lots and demolition of existing outbuildings.

EXECUTIVE SUMMARY

Issues: The development is fully compliant with all relevant controls.
Submissions: Three (3) submissions received.
Land and Environment Court Appeal: N/A
Recommendation: Approval.

THE SITE AND SURROUNDING DEVELOPMENT

The site

Zoning:	Residential 2(b)
Visual Character Study Category:	1920-1945
Lot Number:	1
DP Number:	662493
Area:	3492m ²
Side of Street:	Southern (Stanhope Road)
Cross Fall:	To street
Stormwater Drainage:	To street
Heritage Affected:	Yes
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is located off Stanhope Road and is accessed by a battle-axe handle providing both vehicular and pedestrian access to the site. The western boundary of the property has a 58.04m frontage to Werona Avenue, Killara.

The subject site is irregular in shape and has a total site area of 3492m². Presently the site contains a two storey brick and tile residence, tennis court, single fibro garage, shed, large circular driveway with access from Stanhope Road and gardens.

Item 4

The property is heritage listed under Schedule 7 of Council's Ku-ring-gai Planning Scheme Ordinance. The property's heritage significance relates to the fact that the site:

- (i) remains substantially intact with a well established garden;
- (ii) is a good example of Federation Arts and Crafts style; and
- (iii) forms an important element when viewed as part of a local collection of other heritage listed properties in the locality.

Surrounding development

The site is generally surrounded on the southern side by low scale brick and tile dwellings circa 1950's and older. More established 1-2 storey dwellings circa 1920's are located to the north. A 1.8m high timber paling fence runs along the entire Werona Avenue boundary and is repeated by similar fencing along the western boundaries at 23 Stanhope Road and 23 Kiamala Crescent.

THE PROPOSAL

The proposed development seeks to subdivide the existing single lot into two lots. Lot 1 (2652m²) shall include the existing heritage listed dwelling, tennis court and the majority of the circular driveway. Vehicular access to this lot will be maintained from Stanhope Road. Lot 2 (840m²) includes the area containing the existing fibro garage and part of the existing weatherboard shed with separate vehicular access off Werona Avenue to the west of the site.

Demolition of the existing weatherboard shed and fibro garage is also proposed.

Amended plans dated 12 December 2002 and prepared by Hammond Smealie & Co were submitted to Council on the 30 August 2004. The amended plans alter the boundary to fully contain the existing driveway within Lot 1 as per the requirements of Council's Heritage Officer.

CONSULTATION - COMMUNITY

In accordance with Council's Notification Policy, adjoining owners were given notice of the application on 5 November 2003. Council received three (3) submissions regarding the development.

- D & J Wheeler – 8 Clarence Avenue, Killara
- C Chen – 21 Kiamala Crescent, Killara
- M & E Lambert – 19 Kiamala Crescent, Killara

The submissions raised the following issues:

Vehicular access off Werona Avenue is dangerous on crest of hill

Item 4

The proposed driveway access for Lot 2 is located approximately 45m to the south along the western boundary facing Werona Avenue. Following an inspection, the proposed location for vehicular access is afforded adequate site distance in both directions to the intersection of Werona Avenue and Stanhope Road (90m to the north) and Kiamala Avenue (40m to the south). The crest of Werona Avenue is approximately 20m from the driveway access point to Lot 2 and provides a suitable level of visibility for entering and exiting, of the proposed lot. Council's Development Engineer has reviewed the application and raised no objection to the location of vehicular access to the site.

Impact of privacy of any new dwelling on 19 Kiamala Ave.

The proposed development does not seek the construction of a new dwelling on Lot 2. If development consent is granted to the subdivision, a separate development application would be required to be considered by Council. If development consent were granted for the subdivision, any new dwelling on Lot 2 would generally be orientated to the east-west due to the width of the site. The location of the existing dwelling at 19 Kiamala Ave is afforded adequate separation from the common boundary with Lot 2. This will allow for adequate mitigation of privacy impacts that may arise. Council is also reminded that the refusal of the application on the basis of an impact that may or may not occur as a result of a development yet to be submitted to Council, is not a valid reason for refusal in the circumstances of considering this application.

Removal of trees

Council's Landscape Officer has reviewed the proposed subdivision development and advised that they have no issues with regard to the vegetation on site. No significant trees are noted on Lot 2.

Water run-off onto adjoining sites

Council's Development Engineer has reviewed the proposed subdivision and drainage to Stanhope Road is possible. Furthermore as required by **Condition Nos 26, 28, 32, 33, 34, 35, 36, 37, 38, 39 and 40**, the applicant will be required to construct an inter-allotment drainage system as part of this development application. Any future dwelling on Lot 2 would therefore drain to Stanhope Road and not to adjoining properties.

Subdivision size

The proposed second lot located at the southern end of the site has a site area of 840m². Under the provisions of Council's Subdivision Code, the minimum lot size required for 2(b) zoned land is 836m² for a rectangular or irregular shaped block. This meets the minimum lot size required by Council.

Impact on Heritage listed dwelling "Mooralbeck"

The proposed subdivision has been reviewed by Council's Heritage Officer who raised no objection subject to a minor amendment to the boundary line between Lots 1 and 2 allowing the existing driveway to be entirely retained within Lot 1. This matter was addressed by the applicant in the submission of the amended plans dated 12 December 2002. Council's Heritage Officer also advises

Item 4

that the recommendations included in the consultants Heritage Report (prepared by David Ives) be included in any development consent. The recommendations made in this report have been included where relevant to the proposed subdivision. Several of the recommended conditions contained within this report, relate specifically to the design of a new dwelling on the Lot and are not considered relevant. Furthermore, it is recommended that any fencing between the two lots be limited in height and disguised by hedging be included in any Development Consent (**Refer Conditions No 18, 19, 20, 21 and 22**).

CONSULTATION - WITHIN COUNCIL

Landscape Officer

Council's Landscape Officer has reviewed the application and has commented as follows:

*"The proposed area for subdivision is an open grassed area located to the south west of the existing heritage listed dwelling. The existing site is zoned Residential 2B. As the area to be subdivided is located to the side of the property the grand carriageway and majority of the gardens will be unaffected by the proposal. The existing screening located along the proposed subdivision line is to be retained (**Refer Condition No. 23**), and will provide valuable screening to any future development proposal for the site. The application can be supported."*

Heritage Officer

Council's Heritage Officer has reviewed the application and has commented as follows:

"I discussed this proposal with the applicants and visited the site. In principal I agree with the approach taken. It is unfortunate that the proposed boundary cuts across the driveway near the south-east corner of the house. A minor amendment should be made to avoid this."

The guidelines recommended in the heritage report pp19 & 20, should become conditions of consent. Particularly important is the treatment of the dividing fence between lots 1 & 2. I suggest that a height limit be imposed of 1800mm and that a hedge be specified rather than a paling fence. The hedge could be grown behind a transparent picket or palisade fence."

I support the application provided the proposed boundary is amended to avoid the existing driveway, the heritage guidelines are included as conditions of consent and an additional conditions is imposed to control the dividing fence in the future."

Following discussions with the applicant amended plans were submitted realigning the boundary away from the existing driveway.

The Heritage Report prepared by David Ives on behalf of the applicant, recommends several conditions be included in the development consent. The recommendations made in this report have been included where relevant to the proposed subdivision. Several of the recommended conditions contained within this report however relate specifically to the design of a new dwelling on Lot 2 and are not considered relevant to the subdivision development application. The recommendations in the heritage report submitted by the applicant, where appropriate, and specific conditions

Item 4

regarding any future fencing along the boundary have been included in the development consent (**Refer Conditions No 19, 20, 21 and 22**).

Development Engineer

Council's Development Engineer has reviewed the application and has commented as follows:

"The drainage plan prepared by Lyle Marshall & Associates, dated March 2004 is considered satisfactory in principle only and is not to be stamped with the DA plans. Drainage to Stanhope Road appears to be feasible and the applicant will be required to construct an interallotment drainage system as part of this subdivision. These requirements will be covered by suitable conditions." (**Refer Conditions No 24, 25, 26, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41**).

STAUTORY PROVISIONS**1. Environmental Planning Instruments****State Environmental Planning Policy No. 55**

SEPP 55 aims to set an approach for the remediation of contaminated land. Clause 7 of the SEPP requires Council to consider whether the land is likely to be contaminated prior to determination of development consent.

The site is currently used for residential purposes. There is no evidence that indicates the site is contaminated nor would this be likely given the long established residential use of the site.

Ku-ring-gai Planning Scheme Ordinance

Subdivision within the Residential 2(b) zone is permissible under Clause 23 of the KPSO. Clause 58A of the KPSO requires that a person shall not subdivide land to which the Ordinance applies except with the consent of Council.

Clause 58B sets out the subdivision requirements for dwelling-house lots, and provides the following minimum requirements for Residential 2(b) subdivisions:

	Proposal	KPSO	Complies
Lot 1			
Area	2652m ²	1170m ²	YES
Width of Access Corridor	7.62m	4.6m	YES
Built upon Area	56%	60%	YES
Lot 2			
Area	840m ²	836m ²	YES
Width at 12.2m	18.9m	18.0m	YES

POLICY PROVISIONS

Subdivision Code

The proposal has been assessed against the objectives and design criteria contained in Council's Subdivision Code and the following matters are identified as being the pertinent issues:

a. Frontages and dimensions

Council's Subdivision Code requires that for an irregularly shaped allotment (other than hatchet-shaped allotments) the following minimum standards apply.

	Proposal	Subdivision Code	Complies
Lot 1			
Area	2652m ²	1170m ²	YES
Width of Access Corridor	7.62m	4.57m	YES
Lot 2			
Area	840m ²	836m ²	YES
Allotment Width at 12.2m	18.9m	18.29m	YES
Minimum frontage	10.35m	6.1m	YES

The proposed subdivision fully complies with the requirements of Council's Subdivision Code.

b. Drainage – Inter-allotment drainage system

The proposed subdivision development seeks to provide a piped inter-allotment drainage system for the disposal of roof water and surface water and drain to Stanhope Road. Following the request for additional information regarding the proposed concept drainage for the site, Council's Development Engineer has reviewed the additional Stormwater Drainage and Catchment Plan prepared by Lyle Marshall & Associates Pty Ltd, Drawing No. 1034-04, dated March 2004. As detailed in this report, drainage to Stanhope Road is feasible and that the inter-allotment drainage system will be required to be constructed as part of this subdivision. Suitable conditions have been provided by Council's Development Engineer to address this (**Refer Conditions No 26, 28, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41**).

2. Section 94 Contributions

The proposed subdivision is subject to a contribution as required by Council's adopted Section 94 Contributions Plan for Killara. The proposed development will create an additional lot, thereby requiring a s94 contribution of \$33,057.22 (**Refer Conditions No 27**).

3. Likely Impacts

Item 4

The site can be adequately landscaped and conditions relating to soil erosion can be imposed. **(Refer Conditions No 12, 13, 16, 17, 23 and 25)**. There is unlikely to be any significant impact on the existing or likely future amenity of the neighbourhood. The proposed new lot will be consistent in size with the existing subdivision pattern of the locality. All other likely impacts of the proposed subdivision have been addressed elsewhere in this report.

4. Suitability of The Site

The likely impacts of the development have been addressed. It is concluded that the proposed development will have a minimal impact on the surrounding natural and built environment and the new lot (Lot 2), will not have a detrimental impact on the heritage significance of the existing dwelling "Moorelbeck" and shall maintain a suitable curtilage as recommended by Council's Heritage Officer and the applicants Heritage Consultant. The site is suitable for the proposed subdivision.

5. Any Submissions

All submissions have been addressed within this report.

6. Public Interest

The proposed subdivision is acceptable against the relevant considerations under s79C and would be in the public interest. The additional lot allows for additional housing to be provided within close distance to major public transport networks (Sydney Rail Link and Pacific Highway). The new lot (Lot 2) is also consistent with the characteristic subdivision size within the locality.

CONCLUSION

The proposed subdivision is consistent with the existing subdivision pattern of the locality and will provide a suitable curtilage around the existing heritage listed dwelling and associated works on the site. The subdivision causes no adverse impacts on neighbouring dwellings, furthermore the separate vehicular access to Lot 2 will not cause any traffic impacts to the surrounding street network. The proposed development is acceptable against the relevant considerations under s79C and is recommended for approval.

RECOMMENDATION

THAT Development Application No. 1181/03 for the subdivision of one lot into two lots at 29 Stanhope Road, Killara, be approved for a period of two (2) years, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1181/03 and Development Application plans prepared by Hammond Smeallie & Co Pty Ltd, reference

Item 4

number 10403, Sheet 1 of 1, dated 12 December 2002 and lodged with Council on 30 August 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. 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.
5. 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.
6. 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.
7. 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.
8. **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.

9. 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.

Item 4

10. 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.
11. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
12. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
13. 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.
14. 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.
15. 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.

16. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
17. 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

Item 4

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.

18. Any future fencing along the adjoining boundary of Lot 1 and Lot 2 shall be of a height no higher than 1800mm from natural ground level and shall be picket or palisade in style. Hedging should dominate any fencing in order to have minimal impact on the cartilage of the dwelling on Lot 1.
19. The driveway for Lot2 shall be formed as a discrete entrance from Werona Avenue.
20. The boundary fencing material where it aligns to Werona Road shall maintain the simple, solid visual barrier created by the existing paling fence.
21. The driveway design and materials shall reflect the circular forms and visually soft materials of the existing driveways.
22. Dividing fences shall be constructed so as to be unobtrusive to the existing landscape setting.
23. 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. In addition all existing screen planting along the subdivision line shall be retained and protected at all times.
24. If the Principal Certifying Authority is Council then the appropriate engineering fees contained in Councils Schedule of Fees and Charges are payable to Council prior to issue 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.
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. The applicant shall carry out the following infrastructure works associated with the subdivision:
 - i. Construction of interallotment drainage infrastructure to carry uncontrolled runoff from proposed Lot 2 to Stanhope Road.

Item 4

- ii. Interallotment drainage infrastructure shall be constructed so that proposed Lot 2 will have a point for drainage connection (drainage pit) when future development takes place on that lot;

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

27. 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 - Killara	\$7,851.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

Item 4

28. Submission for approval by the Principal Certifying Authority (PCA), prior to issue of the Construction Certificate, full engineering design documentation for the following drainage works on the site:
- i. Interallotment drainage infrastructure to carry uncontrolled runoff from proposed Lot 2 to Stanhope Road;
 - ii. Interallotment drainage infrastructure shall be designed so that proposed Lot 2 will have a point for drainage connection (drainage pit) when future development takes place on that lot;

Plans are to be prepared by a suitably qualified and experienced engineer in accordance with the requirements of Council's Water Management Plan DCP47 and the Plumbing and Drainage Code (AS3500). Pipes within the proposed interallotment easements must be sized to have adequate capacity to carry future design flowrates **and** uncontrolled detention system overflows, where detention systems shall be provided, from the proposed lots to the approved point of discharge. The following details must be included on the engineering plans submitted for approval:

- Plan view of the interallotment drainage system to scale showing dimensions, materials, grades, locations and reduced levels of all pits, pipes, flushing facilities and point of discharge to Council system,
 - Supporting pipe sizing and contributing catchment calculations,
 - Longitudinal section showing existing ground levels and proposed invert levels,
 - Surrounding survey detail including all trees to be retained within seven (7) metres of the proposed interallotment drainage systems,
 - Means to preserve the root systems of significant trees within seven (7) metres of the drainage system.
29. Prior to the issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

Item 4

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 unauthorized 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 of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

30. 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.
31. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning and Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2) 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 building 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.

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

32. The submission of an original Plan of Subdivision plus five (6) copies suitable for endorsement by the Certifying Authority.

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

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

- a. The 88B Instrument.
- b. Any Engineers and/or Surveyors Certification and Works-as-Executed plan required by other conditions in this consent.
- c. The Sydney Water Section 73 Compliance Certificate.

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

Item 4

33. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (6) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc, with Ku-ring-gai Council being named as the authority whose consent is required to release, vary or modify the same.
34. Prior to issue of a Subdivision Certificate, creation of all burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify, prior to issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed 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.
35. Creation of suitable drainage easements with minimum widths in accordance with Council's Water Management Plan DCP47 over all of the inter-allotment and Council drainage systems.
36. 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of the Subdivision Certificate.

37. 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 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.
38. In order to maintain Council's database of all as-constructed infrastructure works, interallotment drainage works and on-site stormwater detention system, if the Principal Certifying Authority is not Council then a copy of the approved stormwater 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 issue of a Subdivision Certificate.
39. Submission, of certification from the designing engineer and the Works-as-Executed plan from a registered surveyor, for approval by the Principal Certifying Authority that the following infrastructure works have been constructed in accordance with the approved construction plans, prior to issue of the Subdivision Certificate:

Item 4

- i. Construction of interallotment drainage infrastructure to carry uncontrolled runoff from proposed Lot 2 to Stanhope Road;
 - ii. Interallotment drainage infrastructure shall be constructed so that proposed Lot 2 will have a point for drainage connection (drainage pit) when future development takes place on that lot;
40. Construction of the interallotment drainage works in accordance with the approved construction documentation must be completed prior to issue of the subdivision certificate. The works are to be supervised by the designing engineer and certified upon completion that the as-constructed works comply with the approved construction documentation and with Council's Water Management Plan DCP47. A registered surveyor is to provide a Works-as-executed drawing of the as-constructed drainage works.

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

41. Prior to occupations, issue of an Occupation Certificate or issues of the Final Compliance Certificate, the following works must be completed:
- (a) Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - (b) Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter 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 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. This shall be at no cost to Council.

C Otto
Executive Planner – Gordon Ward

S Cox
Team Leader – Gordon Ward

M Prendergast
**Manager
Development Assessment Services**

M Miocic
**Director
Development & Regulation**

**Attachments: Subdivision Plan
 Stormwater Drainage and Catchment Plan
 Locality Plan**

REVIEW OF COUNCIL'S INVESTMENT POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To review Council's Investment Policy to ensure that it complies with The Local Government Act (1993) and Regulations and maximises returns on Council's funds.
BACKGROUND:	Changes to legislation governing investments necessitates that Council must periodically review and update its Investment Policy. Council's Investment Policy was last reviewed in June 2002.
COMMENTS:	Council has sought the advice of Grove Financial Services Pty Ltd in reviewing the Investment Policy.
RECOMMENDATION:	That Council adopt the revised Investment Policy.

PURPOSE OF REPORT

To review Council's Investment Policy to ensure that it complies with The Local Government Act (1993) and Regulations and maximises returns on Council's funds.

BACKGROUND

- Changes to legislation governing investments necessitate that Council must periodically update its Investment Policy.
- Council's Investment Policy was last reviewed in June 2002.
- Council's current Investment Policy authorises the investment of surplus funds in a combination of managed funds and loan offset arrangements.
- Council has an average of \$17 million on investment. Interest on investments for 2004/2005 are projected to be \$825,000. Investment earnings are a significant source of revenue for Council and it is important that Council maximises these earnings in the future.
- The review of Council's Investment Policy was tabled at the Finance Committee on Monday 13, September 2004.

COMMENTS

Council's current Investment Policy authorises:

- Investment of short-term surplus funds by use of external fund managers (Indirect Investments).
- Investment of long-term surplus funds in loan offset arrangements.

The use of external fund managers (Indirect Investments) streamlines Council's administration. They are low risk and highly liquid forms of investment. Monthly reporting enables analysis of performance and comparisons to be made between various fund managers. Council has used external fund managers since March 1997 and net returns have consistently met or exceeded the performance benchmark, the UBSWA Bank Bill Index.

The use of loan offset arrangements whereby Council both borrows and invests with the one institution, allows Council to deposit funds for a set period of time (longer term) for a guaranteed offset fee (difference between lending and investing rates). The two loan offset arrangements that Council currently has, have an offset fee of 15 basis points (0.15%) and were taken up in June 1999 & June 2000, both for a period of 10 years.

It is proposed to amend Council's Investment Policy to include Direct Investments. Direct Investments include Government Bonds, Floating Rate Securities, Collateralized Debt Obligations and Term Deposits. These forms of investment are defined below:

Item 5

S03537
8 September 2004

- **Government Bonds** - debt securities issued by the government that pay interest twice a year at a fixed rate for the life of the bond.
- **Floating Rate Securities** - longer term debt securities that pay interest at a variable rate adjusted periodically in line with a benchmark rate.
- **Collateralised Debt Obligations** - asset-backed securities backed by a pool of loans to corporate entities. CDOs have a fixed maturity date and a credit rating that may have either a fixed or variable rate. Due to fixed maturity dates CDO investments can suffer from high illiquidity.
- **Term Deposits** - a low risk investment that delivers a fixed rate of interest over a fixed investment term.

Direct Investments suit short or long term duration and are relatively low risk. By investing directly Council can exercise direct control over the funds invested and will not incur management fees.

These investments are allowed under the Local Government Act 1993 - Order (of the Minister) dated 24 November 2000.

At this time, it is recommended that Council continue with the current use of external fund managers, further investigate the area of Direct Investments and not enter into any additional offset arrangements due to the fact that they do lock Council's funds away for longer periods of time.

Proposed Changes to Investment Policy

As stated above, due to legislation changes it is necessary for Council to periodically review its Investment Policy.

The proposed changes are of a minor nature. The changes include:

- Formalisation of Safe Custody Arrangements
- Direct Investments
- Accounting for Premiums and Discounts

The proposed changes are explained in detail below. A copy of Council's Draft Investment Policy is attached.(Attachment A)

Formalisation of Safe Custody Arrangements

Instead of an entity investing with many different organisations, investments can be carried out on the entities behalf through a master custodian. This is referred to as a "safe custody arrangement". A safe custody arrangement reduces administrative workload, provides consolidating investment reporting, reduced fee structures negotiated by the Custodian and the potential for larger returns as it involves the pooling of funds.

Item 5

S03537
8 September 2004

Council participates in such a safe custody arrangement with Macquarie Banks' custodian, Bond Street Custodians. The custodian holds the legal title to assets on Council's behalf. The custodian is Council's trustee and we retain beneficial ownership of all investments.

To formally recognise this, it is proposed that the following be inserted in Council's Investment Policy:

Where necessary, investments may be held in safe custody on Council's behalf, as long as the following criteria are met:

- *Council must retain beneficial ownership of all investments.*
- *Adequate documentation is provided, verifying the existence of the investments.*
- *The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems.*
- *The Institution or Custodian recording and holding the assets will be:*
 - *Austraclear or;*
 - *An institution with an investment grade Standards and Poors or Moody's rating or;*
An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement

Council's safe custody arrangement with Grove Financial Services/Macquarie Bank complies with all the requirements as listed above.

Direct Investments

It is proposed to extend Council's investments to include Direct Investments. Direct Investments include Government Bonds, Floating Rate Securities, Collateralised Debt Obligations and Term Deposits.

It is proposed that the following table be inserted in Council's Investment Policy to cater for Direct Investments.

Approved Direct Investments:

Short Term Rating (Standard & Poors)	Long Term Rating (Standard & Poors)	Maximum Percentage With One Financial Institution	Maximum Term to Maturity ⁽¹⁾	Maximum Weighting as % of Total Investment Portfolio
A1+	AAA to AA-	15%	7 years	100%
A1	A+ to A-	10%	5 years	60%
A2	BBB+ to BBB ⁽²⁾	5%	3 years	15%

⁽¹⁾ Only a maximum of 40% of total annual average funds may be invested in securities with a maturity exceeding one year.

⁽²⁾ Investments in securities issued by institutions with a credit rating less than A2 short term or BBB+ long term must be issued by a licensed bank, building society or credit union.

Accounting for Premiums and Discounts

From time to time Direct Investments may be offered at a premium or discount to their face value.

Council's Investment Policy requires amendment in terms of the accounting for these premiums or discounts.

It is proposed therefore to insert the following into Council's Investment Policy:

From time to time financial assets may be acquired at a discount or premium to their face value. Any such discount or premium is to be taken into account in line with relevant Australian Accounting Standards. ie AASB 139 "Financial Instruments: Recognition and Measurement".

CONSULTATION

Council's Investment Policy has been reviewed in consultation with Grove Financial Services Pty Ltd and Council's auditors, Spencer Steer Chartered Accountants.

FINANCIAL CONSIDERATIONS

Investment income is a significant revenue source for Council and it is important that returns are maximised. As a result of Council establishing and building up internally restricted reserves, Council's investment portfolio and hence interest income has increased over the last three years.

Council's interest on investments budget in 2004/2005 is \$825,000, which has increased from \$600,000 in 2001/2002.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

- Changes to legislation governing investments necessitate that Council must periodically update its Investment Policy.
- The proposed changes are of a minor nature and address three issues, namely:
 - Formalisation of safe custody arrangements;
 - Direct Investments;
 - Accounting for premiums and discounts.
- Council's Investment Policy was last reviewed in June 2002.

RECOMMENDATION

That Council adopt the revised Investment Policy.

Mellissa Crain
Manager Business Development

John McKee
Director Finance & Business

Attachments: **Attachment A - Ku-ring-gai Council Investment Policy**

Investment Policy

October 2004

Ku-ring-gai Council

Investment Policy

Minute no 480

Dated

12 October 2004

1. Policy

1.1 Objectives

The objectives of this investment policy are:

- To undertake investment of surplus funds after assessing credit risk and diversification limits.
- To maximise earnings from authorised investments and ensure the security of Council Funds.

1.2 Authority for Investment

All Council investments are to be made in accordance with:

- Local Government Act 1993 - Section 625;
- Local Government Act 1993 - Order (of the Minister) dated 24 November 2000;
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) &(2);
- Local Government (Financial Management) Regulation 1999 – Clause 16

1.3 Delegation of Authority

The General Manager, Director Finance & Business, Manager Business Development, Manager Revenue Accounting and Management Accountant have authority to invest surplus funds.

Officers are to exercise the care, diligence and skill that a prudent person would exercise in investing Council funds.

1.4 Authorised Investments

All investments must be denominated in Australian Dollars. Authorised Investments would include but not necessarily be limited to:

- Local/State/Commonwealth Government Bonds, Debentures or Securities;
- Managed funds with a minimum long term credit rating of 'A' (S&P Australian Ratings) or better, or Moody Investor Services equivalent.
- Deposits in prescribed securities that either have a minimum long term credit rating of 'A' or short term rating of 'A1' from Standard & Poors or Moody Investor Services equivalent;
- Interest bearing deposits/ securities issued by a licensed bank, building society or credit union;
- Loan Offset products with a licensed bank.
- Investments with NSW Treasury Corp/Hourglass Investment Facility; and
- Deposits with the Local Government Investment Services ("LGIS").

1.5 Credit Ratings

Ratings agencies assign credit ratings to issuers of securities according to their ability to pay interest and principal on outstanding debt. Standard and Poors (Australia) ratings are used to assist with reducing the risk of capital loss.

The highest Standard and Poors (Australia) rating is AAA and the lowest is D (for Default).

The Minister considers that any security issued by a “body” or “company” rated AAA, AA+, AA, AA-, A+ and A are authorised and may form part of Council’s portfolio. Therefore the lowest credit rating Council should purchase is A.

The Minister separately recognises the safety and security of a bank, building society or credit union and therefore allows investments in a licensed bank, building society or credit union via interest bearing deposits, bills of exchange, debentures or securities, regardless of rating.

If any of Council’s investments are downgraded such that they no longer fall within investment policy guidelines, they will be divested as soon as is practicable.

A current list of credit ratings of financial institutions will be updated and maintained every six months.

1.6 General Policy Guidelines

(A) *Approved Investments with Funds Managers would include:*

Fund Managers Credit Ratings (Via S&P or Moody’s)	Maximum Percentage With One Financial Institution	Minimum Recommended Investment Horizon	Maximum Weighting as % of Total Investment Portfolio
AAA	45%	0 – 3 months	0-100%
AA	45%	3 - 6 months	0-90%
A	40%	6 – 12 months	0-80%

The asset structure and features of the fund are to be consistent with the time horizon, risk parameters, and liquidity requirements of Council.

(B) *Council’s Direct Investments*

Short Term Rating (Standard & Poors)	Long Term Rating (Standard & Poors)	Maximum Percentage With One Financial Institution	Maximum Term to Maturity⁽¹⁾	Maximum Weighting as % of Total Investment Portfolio
A1+	AAA to AA-	15%	7 years	100%
A1	A+ to A-	10%	5 years	60%
A2	BBB+ to BBB ⁽²⁾	5%	3 years	15%

⁽¹⁾ Only a maximum of 40% of total annual average funds may be invested in securities with a maturity exceeding one year.

⁽²⁾ Investments in securities issued by institutions with a credit rating less than A2 short term or BBB+ long term must be issued by a licensed bank, building society or credit union.

(C) Accounting for Premiums and Discounts

From time to time financial assets may be acquired at a discount or premium to their face value. Any such discount or premium is to be taken into account in accordance with relevant Australian Accounting Standards. i.e. AASB 139 “Financial Instruments: Recognition and Measurement”.

An example of these securities include:

- **Government Bonds** - debt securities issued by the government that pay interest twice a year at a fixed rate for the life of the bond.
- **Floating Rate Securities** - longer dated debt securities that pay interest at a variable rate adjusted periodically in line with a benchmark rate.
- **Collateralised Debt Obligations** - a bond with a fixed maturity date and a credit rating that may have either a fixed or variable rate.

(D) Safe Custody Arrangements

Where necessary, investments may be held in safe custody on Council’s behalf, as long as the following criteria are met:

- Council must retain beneficial ownership of all investments.
- Adequate documentation is provided, verifying the existence of the investments.
- The Custodian conducts regular reconciliation of records with relevant registries and/or clearing systems.
- The Institution or Custodian recording and holding the assets will be:
 - Austraclear or;
 - An institution with an investment grade Standards and Poors or Moody’s rating or;
 - An institution with adequate insurance, including professional indemnity insurance and other insurances considered prudent and appropriate to cover its liabilities under any agreement.

(E) Performance Benchmarks

Investment	Performance Benchmark
Cash	11am Cash Rate
Cash Enhanced / Direct Investments	UBSWA Bank Bill Index
Fixed Interest Funds/Securities	UBSWA Composite Bond Index

(F) Reporting

- (i) A monthly report should be provided to Council, detailing the investment portfolio in terms of performance and counterparty percentage exposure of total portfolio.

All direct securities held within the portfolio are to be marked to market in this report.

The report should also detail investment income earned versus budget year to date.

- (ii) For audit purposes, certificates must be obtained from the banks/fund managers/custodian confirming the amounts of investment held on Council's behalf at 30th June each year.

(G) Variation to Policy

The General Manager or his delegated representative be authorised to approve variations to this policy if the investment is to Council's advantage and/or due to revised legislation.

All changes to this policy are to be reported to Council within 28 days.

HERITAGE ASSESSMENT - CAMELLIA GROVE NURSERY 238 TO 240 MONA VALE ROAD, ST IVES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report back to Council following the site inspection on 25 September 2004 on the heritage assessment of Camellia Grove Nursery 238-240 Mona Vale Road, St Ives.

BACKGROUND:

Tropman & Tropman Heritage Consultants have completed a heritage assessment in accordance with the NSW Heritage Office Guidelines for the Camellia Grove Nursery. Following the site inspection on 25 September 2004 a Site Report is attached.

COMMENTS:

The report researches and assess the historical, aesthetic and social significance of the site. It finds that most of the heritage significance has been lost and it recommends that a complete archival recording for the site and retention of the significant landscape features on the Killeaton and Mona Vale Road frontages be undertaken before the existing use changes.

RECOMMENDATION:

That the Camellia Grove Nursery 238-240 Mona Vale Road, St Ives not be listed as a heritage item under the provisions of the Ku-ring-gai Planning Scheme Ordinance. That Council request the owners to undertake archival recording of the site to Heritage Office guidelines for local significance in its current ownership. That the owners be notified of Council's decision.

PURPOSE OF REPORT

To report to Council on the heritage assessment of Camellia Grove Nursery 238-240 Mona Vale Road, St Ives.

BACKGROUND

In November 2003 Council resolved to commission an independent heritage assessment to establish the heritage significance of the Camellia Grove Nursery. Tropman & Tropman Heritage consultants were selected to undertake the work and have completed a heritage assessment in accordance with the NSW Heritage Office Guidelines.

COMMENTS

The report researches and discusses the historical significance of the site, including its links with Camellia industry and earlier associations with camellia research and propagation by Professor Waterhouse and the work on his gardens at 'Eryldene'. Today the links with propagation have been lost, in addition the original physical fabric within the site has been either lost, replaced with new structures or is in very poor condition. These changes have been exacerbated by the widening of Mona Vale Road and the opening of Link Road.

The site has social and aesthetic significance as a well recognised landmark on Mona Vale Road. The Consultants report recommends that complete archival recording within the site under the current ownership. That an appropriate extent of the presentation gardens along Killeaton Street and Mona Vale Road be retained and the other camellias and in ground species be salvaged and relocated to an appropriate site where their upkeep and maintenance is ensured.

CONSULTATION

The heritage consultants conducted consultation with the relevant stakeholders as part of their report.

FINANCIAL CONSIDERATIONS

Cost of the heritage assessment report covered by the Department of Planning & Environment Budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not required in the preparation of this report.

SUMMARY

An independent heritage assessment of the site has been conducted and has made recommendations in respect to the future of the site for Council's consideration. It is recommended that the site not be included as a heritage item in a Draft LEP and that the proposed consultants recommendation be adopted by Council.

RECOMMENDATION

- A. That the Camellia Grove Nursery 238-240 Mona Vale Road, St Ives not be listed as a heritage item under the provisions of the Ku-ring-gai Planning Scheme Ordinance.
- B. That Council request the owners to undertake an archival recording of the site before the existing nursery use change.
- C. That in any future redevelopment of the site take into consideration the report by Tropman & Tropman Architects- Camellia Grove Nursery 238-240 Mona Vale Road St Ives dated May 2004, in particular the requirements to retain an appropriate extent of the presentation gardens along Killeaton Street and Mona Vale Road in their current location and the salvage and relocation of other camellias and other in ground species to an alternative location.
- D. That the owners be notified of Council's decision.

Antony Fabbro
Manager Strategic Planning

Leta Webb
Director Planning & Environment

**Attachments: Camellia Grove Nursery 238-240 Mona Vale Road, St Ives- Heritage Assessment Tropman & Tropman Architects May 2004.
Site Report from 25 September 2004.**

CARRIED FORWARD WORKS - 2003/2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek endorsement from Council to carry forward the attached list of 2003/2004 projects into the current financial year.
BACKGROUND:	<p>The attached list of projects was originally included in the 2003/2004 budget by formal resolution on 10 June 2003. Budgets voted for some works have not been fully spent and accordingly are requested to be carried forward into the current financial period.</p> <p>Some projects were committed to be completed but work concluded after year end.</p>
COMMENTS:	The total requested carried forward works is \$1,707,800 of which there is matching revenue in the amount of \$1,279,400. The net cost to Council is \$428,400.
RECOMMENDATION:	That Council approve the attached list of carried forward projects and that the net balance of \$428,400 be funded from working funds.

PURPOSE OF REPORT

To seek endorsement from Council to carry forward the attached list of 2003/2004 projects into the current financial year.

BACKGROUND

The attached list of projects was originally included in the 2003/2004 budget by formal resolution on 10 June 2003. Budgets voted for some works have not been fully spent and accordingly are requested to be carried forward into the current financial period.

Some projects were committed to be completed but work concluded after year end. Consequently this money needs to be carried forward to fund invoices for works completed.

COMMENTS

The total requested carried forward works is \$1,707,800 of which there is matching revenue totalling \$1,279,400 leaving a net total to be funded from general revenue or reserves of \$428,400.

Justification for each carried forward project request is attached. It is noted that some of these projects have been completed and whilst funds were committed in the last financial year, invoices have been raised in the current accounting period and as such funds are required to be carried forward to match expenditure.

A number of these projects were always scheduled to be undertaken over more than one year. At present only a small percentage of grant income for these projects has been physically received by Council and on this basis it has not been appropriate to commit these funds in advance without the surety that the income will be actually received.

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

For the year ended 30 June 2004 Council has available working funds of \$481,000. The carried forwards which are funded from general revenue total \$428,400. Should council approve the full list of carried forward works, working funds will be reduced to \$52,600.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have been consulted in developing the list of attached carried forward projects.

SUMMARY

For the year ended 30 June 2004 the total requested carried forward works are \$1,707,800 of which there is matching revenue in the amount of \$1,279,400, leaving a net total to be funded from general revenue of \$428,400.

This amount is able to be funded from Council's working funds balance of \$481,000. Should council approve the full list of carried forward works, working funds will be reduced to \$52,600.

RECOMMENDATION

- A. That Council approve the attached list of carried forward works.
- B. That the net balance of \$428,400 be funded from Council's available working funds as at 30 June 2004.

Michael Lopez
Management Accountant

John McKee
Director Finance &
Business

Brian Bell
General Manager

Attachment: Proposed list of carried forward works

CARRIED FORWARD WORKS - 2003/2004

Departments	Request to Carry Forward		
	Expenditure	Revenue	Net
	\$	\$	\$
Community Services	39,200	39,200	0
Open Space	614,400	505,000	109,400
Planning & Environment	252,900	25,000	227,900
Technical Services	776,300	685,200	91,100
Finance & Business Development	25,000	25,000	0
Total Carried Forwards	1,707,800	1,279,400	428,400

COMMUNITY SERVICES					
Project	Source of Funding	Expense \$	Revenue \$	Net \$	Comments
5815 - Library Self-checkers	Unexpended Grant	39,200	39,200	0	Projected deferred until new computer system is in place
Total Projects		39,200	39,200	0	

OPEN SPACE					
Project	Source of Funding	Expense \$	Revenue \$	Net \$	Comments
5616 - North Turrumurra Recreation Area	Section 94	10,000	10,000	0	To engage consultants to undertake site master plan.
5753 - Catchment Analysis	General	79,500	0	79,500	Necessary to contribute to Lane Cove Catchment Analysis
5782 - Stormwater Trust Strategic Grant	Unexpended Grant	48,800	48,800	0	Funds will be needed for next stage of project as per grant conditions
5286 - Cowan Catchment Riparian Weed Control	Unexpended Grant	8,100	8,100	0	Required to complete grant as per grant conditions.
5320 - Rehabilitation Works Echo Point Part	Grant	35,000	35,000	0	Required to complete works as resolved by Council on 24/8/2004.
5504 - Blackbutt Creek Stormwater & CEP	Grant	40,900	40,900	0	Required for next stage.

OPEN SPACE					
Project	Source of Funding	Expense \$	Revenue \$	Net \$	Comments
5508 - Native Seed Stock Gardens	Unexpended Grant	4,700	4,700	0	Required to meet expenses for services provided.
6024 - Moores Creek Stormwater Treatment	Unexpended Grant	11,300	11,300	0	Required to complete rehabilitation works as part of the grant projects.
5601 - Open Space Amenities/ Buildings	Building Reserve	15,000	15,000	0	Required as contribution toward completion of Bicentennial Park upgrade stage 2 which included upgrade of amenity to meet access requirements.
5755 - Greenwood Quarry	General	25,000	0	25,000	Will allow initial exploration of site capacity to aid future planning.
5758 - Sportsfield Refurbishment	Section 94, Loan Reduction Reserve, Sportsfield Reserve	209,600	209,600	0	Required to complete Barra Brui oval reconstruction & water harvesting projects.
5760 - Tennis Court Refurbishment	General	4,900	0	4,900	Required to complete Council component of grant funded project (lights at Alan Small Park Tennis Court)
5756 - Park Development	Section 94	26,000	26,000	0	Required as carry forward to complete Bicentennial Park project as per resolution on 25/8/2004.
5761 - Tree Planting	Loan Reduction Reserve	2,200	2,200	0	Will allow for establishment of plantings from 2003/2004 planting program.
5809 - St Ives Tree Planting - Simhilt Settlement	Grant	23,800	23,800	0	Funds form part of settlement conditioned in regards to agreement with Simhilt
5817 - Echo Point 2003 Access Program	Grant	40,500	40,500	0	Required to complete works as resolved by Council on 24/8/2004.
5683 - Restoration of Riparian Zone	Unexpended Grant	1,600	1,600	0	Funds will be used to complete grant works.
5813 - Bee Pro-active	Unexpended Grant	4,700	4,700	0	Grant received late in 2003/2004 financial year. Funds required to meet grant requirements.
5818 - Noxious Weeds 2003/2004	Unexpended Grant	13,500	13,500	0	Grant funds received in February 2004. Funds planned to be expended prior to the end of 2004/2005 financial year.
5819 - Backyard Buddies	Unexpended Grants	5,800	5,800	0	Funds required to complete projects.
5821 - Water Wise Garden	Unexpended Grant	3,500	3,500	0	Funds required to complete projects.
Total Projects		614,400	505,000	109,400	

PLANNING & ENVIRONMENT					
Project	Source of Funding	Expense \$	Revenue \$	Net \$	Comments
RDS Stage 2 - Retail Study	General	60,000	0	60,000	Projects deferred to 2004/2005 as a result of the State Government's decision on the RDS.
5618 - Ecological Endangered Community	Contingency Reserve	20,000	20,000	0	Projects deferred to 2004/2005 as a result of the State Government's decision on the RDS.
5671 - Queen Elizabeth Reserve	General	7,600	0	7,600	Works to be certified & finalised.
5810 - St Ives Conservation - 100 to 102 Rosedale Road	Natural Area Reserve	5,000	5,000	0	Ongoing consultation & negotiations needed.
5621 - Heritage DCP	General	43,000	0	43,000	Projects deferred to 2004/2005 as a result of the State Government's decision on the RDS.
5762 - Heritage UCA - Stage III	General	28,500	0	28,500	Projects deferred to 2004/2005 as a result of the State Government's decision on the RDS.
5763 - Mixed Use Commercial LEP	General	27,200	0	27,200	Projects deferred to 2004/2005 as a result of the State Government's decision on the RDS.
5766 - SEPP 65 Design Panel	General	30,000	0	30,000	Projects deferred to 2004/2005 as a result of the State Government's decision on the RDS.
5767 - Special Area Studies & Consultation	General	31,600	0	31,600	Projects deferred to 2004/2005 as a result of the State Government's decision on the RDS.
Total Projects		252,900	25,000	227,900	

TECHNICAL SERVICES					
Project	Source of Funding	Expense \$	Revenue \$	Net \$	Comments
5776 - SES Power Supply	General	10,000	0	10,000	Work still to be organised.
5372 - West Lindfield Traffic Scheme - Fiddens Wharf Road	General	47,300	0	47,300	Awaiting advice from RTA regarding Council power.
5469 - Wahroonga Shopping Centre Footpaths	General	8,900	0	8,900	Plans prepared & awaiting further consultation.
5477 - 30 Warragal Road Implementation Kerb Gutter & W-beam	General	10,000	0	10,000	New design currently being finalised.
5639 - Railway Avenue North Side, Wahroonga - Footpath	General	12,500	0	12,500	Plans prepared & awaiting further consultation.
5679 - C.A.R.E.S St Ives	General	2,400	0	2,400	Funds required to assist with minor works.
5769 - Access Works Council Chambers	Loan Reduction Reserve	15,000	15,000	0	Awaiting heritage impact statement & revised plans.
5771 - Business Centres Improvement Program	Loan Reduction Reserve & Cash	51,800	51,800	0	Required for Wahroonga Shopping Centre.
5772 - Depot Relocation - DA Preparation	Building Reserve	172,000	172,000	0	DA & master plan currently being prepared.
5773 - Depot Relocation - Contamination Investigation	Building Reserve	30,000	30,000	0	Currently being prepared.
5777 - Traffic Facilities	Loan Reduction Reserve	98,500	98,500	0	A number of projects deferred for further consultation.
Footpath Program 2003/2004	Footpath Reserve & Loan Reduction Reserve	217,000	217,000	0	As reported to Council on 24/8/2004.
5646 - Burns Road, Wahroonga - Lovers Jump Creek	Loan Reduction Reserve	7,900	7,900	0	Work currently being carried out.
5692 - Firs Estate Cottage	Property Reserve	93,000	93,000	0	Works to be done in November & December 2004
Total Projects		776,300	685,200	91,100	

FINANCE & BUSINESS DEVELOPMENT					
Project	Expense \$	TOTAL REVENUE \$	Revenue \$	Net \$	Comments
5649 - Corporate Information System Replacement	25,000	27	25,000	0	To fund final payment of contractual obligations for system implementation 1/7/2004.
Total Projects	25,000	27	25,000	0	

KU-RING-GAI MINI WHEELS TRAINING CLUB INC - PROPOSED FIVE YEAR LICENCE TO USE PART OF ST IVES SHOWGROUND CYCLE TRACK AND CLUBHOUSE BUILDING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider granting a five (5) year licence to the Ku-ring-gai Mini Wheels Training Club for use of the designated Mini Wheels Club area within the Showground.
BACKGROUND:	Ku-ring-gai Mini Wheels Training Club have been occupying the site since March 1974. The Club had a lease with Council to use the site, which commenced 16 December 1974 and expired in December 1991.
COMMENTS:	Staff commenced negotiations with the Ku-ring-gai Mini Wheels Training Club in November 2002.
RECOMMENDATION:	That Council as Trustee of the St Ives Showground (St Ives Showground Reserve Trust) grant a five year licence to the Ku-ring-gai Mini Wheels Club area, commencing from the date of Council's Resolution and on the terms and conditions as outlined in this report.

PURPOSE OF REPORT

For Council to consider granting a five (5) year licence to the Ku-ring-gai Mini Wheels Training Club for use of the designated Mini Wheels Club area within the Showground.

BACKGROUND

PROPERTY

The St Ives Showground is a Crown Reserve dedicated for “Showground and Public Recreation” purposes. It is zoned under Ku-ring-gai Planning Scheme as 6(A) Open Space, Recreation.

Council is Trustee for the Showground on behalf of the Department of Lands. Council is responsible for the care, control and management of the site which includes ground maintenance, environmental management, ongoing operational expenses and funding capital works improvements for the purpose of Showground and Public Recreation.

The showground is located on the northern side of Mona Vale Road at the eastern boundary of St. Ives. The area occupied by the Club is located on the western side of the showground and can be accessed by the internal road system within the facility.

The total fenced land area that represents land used by Ku-ring-gai Mini Wheels Training Club is approximately 32,130 sqm however the net area to be licensed is approximately 30,000 sqm (Refer Attachment 1). The small clubhouse funded by the Club, provides members with canteen facilities, an office and toilet facilities.

The Club built and funded the construction of the track from 1972 through to 1975. The maintenance of the network of tracks has been undertaken by Club members and volunteers. Council also assists the Club with minor track maintenance when requested.

The track network consists of two styles of tracks. Designated tracks which are predominately used for motor cross jumps and mini style enduro as well as a man made obstacle (minikahna) track. All tracks are lined with multi stacked tyres for safety reasons as well as track area designation.

The Club’s activities over their 30 year occupation of the site have by default created the existence of extra trails that meander in and out of the bushland. This encroachment has had an impact on the remnant vegetation of the endangered Duffy’s Forest Ecological Community. Throughout the negotiation of this licence proposal both parties identified this as the most important item requiring urgent redress by way of developing a specific management strategy to ensure further damage to these environmentally sensitive areas ceases and that remediation measures are put into place.

Under the Threatened Species Conservation Act (1995), it is an offence to harm threatened species or their habitat. The draft recovery plan for this important plant community lists damage from bikes, as a cause of habitat loss and therefore a threatening process.

Item 8

S02159
30 September 2004

As a direct consequence of this, officers have reviewed all tracks within the designated area and identified those tracks responsible for impacting on this endangered community. This has resulted in the closure of some tracks within the overall area to allow the bush some opportunity to regenerate.

These areas 'Out of Bounds' have been identified in conjunction with the Mini Wheels Club and whilst they may limit the Clubs activities, the Club understands that Council is obligated to implement the requirements of the Threatened Species Act (1995).

The previous agreement between the Club and Council authorising their activity expired in December 1991.

PLAN OF MANAGEMENT

The St Ives Showground Plan of Management adopted by Council on 29 June 1999, was approved by the Minister for Agriculture, Land and Water Conservation on 9 September 1999.

The showground site is reserved for "Showground and Public Recreation".

"Consistent with the future vision of the showground as a multi-purpose recreation area and encouraging increased community use, this Plan of Management recommends that lease/licence agreements will be entered into with all appropriate user groups.

Terms and conditions of the lease/licence would be negotiated and approved by Council, with the consent of the Minister for Departments of Lands.

Future vision of the showground:

St Ives Showground as Crown Reserve will continue to be a significant horticultural and agricultural showground located within the safe, rural, bush land landscape of high quality character."

COMMENTS

The Ku-ring-gai Mini Wheels Training Club has been using the mini wheels cycle area within the St Ives Showground for some 30 years.

The Club has approximately 75 members and operates under the jurisdiction of the NSW Department of Tourism, Sport and Recreation, Motorcycling NSW Ltd and Motorcycling Australia. The Club also meets the relevant Standards of Australia with regards to noise pollution.

The Club is run by volunteers, predominately the parents whose children are involved with the Club. The Club is safety conscious and provides qualified officials and flag marshals around the track for every event or training session held. The Club is a non profit community orientated organisation with over 50% of its members living within the Ku-ring-gai local government area.

Item 8

S02159
30 September 2004

The clubhouse, fences/gates and all tracks are maintained by the Club. Council pays the Club's electricity and water accounts as well as providing for the cleaning of the toilet facility and rubbish collection.

The Club uses the area between 1-3 times per month and attracts around 200 people when they hold their trials event. This event is categorised as a special event and they comply with Open Space's booking guidelines for facilitation of extra people. Since the 'Out of Bound' areas have been finalised, the Club is yet to determine what impact these restrictions will have on this event. The Club intends to reconfigure the track within the allowable areas of usage and have committed to ongoing involvement with Council officers with regards to this matter.

Council engaged the State Valuation Office (SVO) on the 22 November 2002 to assess the current market value of the designated area used by the Club (Refer Attachment 2). In light of the 'Out of Bounds' areas, officers have reduced the Club's proposed rental appropriately to reflect this reduction in useable area with the concurrence of the Club.

The St Ives Showground Plan of Management recognises the activity and authorises such licence in accordance with the principles of the Crown lands Act (1989). The site is Crown land managed by Council as the Trustee of the site.

Environmental Issues:

The ongoing use of the site and in particular track construction and use has heavily damaged vegetation on the actual tracks and has affected the vegetation and trees that grow adjacent to the tracks. As a consequence of this, accelerated soil erosion, changing of water flow patterns and concentration of runoff along tracks has been identified. Where drainage channels as a result have been created, they are generally directing water into inappropriate areas and spoil in some cases has been piled against trees or over smaller plants (Refer Attachment provided under separate cover due to special printing requirements).

Certain sites within the Club's designated area contain remnant vegetation of the endangered Duffy's Forest Ecological Community. Under the Threatened Species Conservation Act 1995 it is an offence to harm threatened species or their habitat. Council as trustee is obligated to uphold the Act and the Club is responsible to manage their activities so as not to conflict with the Act. It is noted that users, other than Club members, also access the area without approval and have contributed to the situation; also the long lasting dry periods and current drought has had an impact. Officers have developed a number of special conditions attached to the licence to enable the Club to implement in conjunction with Council, a remediation and rehabilitation program to assist the areas regeneration and manage further impacts thus allowing the Club to continue to undertake its activities albeit with some restriction over current usage.

Summary of Key Terms of the Licence:

Licensed Area	Part of St Ives Showground – area as per attached plan and to include the clubhouse building and track area. Approximate are of use – 32,130sqm Area being Licensed – 30,000sqm
Duration	5 years
Specified Activity	Motor cycling training and competition.
Trading Days	40 days usage, one to three times a month from 8am to 5pm.
Reporting of Damages	Licensee to ensure it reports to Council's caretaker at the site immediately regarding any damage to the licensed area.
Utility Payments	1. Council pays for electricity, water. 2. Licensee pays for telephone lines and costs.
Rubbish Removals	1. Council pays for rubbish removal 2. Club pays for removal of recyclable materials (paper and aluminium cans).
Bond	Ground Reservation Bond of \$1,000 is to be held by Council at the commencement of the licence
Environmental Remediation Works	1. During the term of the licence period, the Licensee is responsible to prepare and implement a five-year plan in consultation with Council within 6 months and in accordance with requirements from Council to: <ul style="list-style-type: none"> • Reduce and control soil erosion • To prevent further vegetation clearing • To remediate cleared areas of vegetation • To clearly delineate riding areas • To minimise impact around significant trees eg. Soil compact, building up of soil around base of trees • Regularly inspect and remove rubbish and debris from non designated areas eg. tyres • To ensure the site is kept to a sustainable level to Council's satisfaction 2. Licensee is responsible for all associated agreed remediation works at the site

Special Conditions:

1. Licensee to abide by the designated plan provided by Council.

Item 8

S02159
30 September 2004

2. Licensee to provide nominated annual events, racing and training days to Council as held at the end of each 4 monthly period. This is to include: major events, training days, trials and enduro.
3. Inspections – Council's nominated Open Space staff will carry out inspections of the site on a 4 monthly basis. The first inspection will be one week prior to the major event and a following inspection will be then held one week after the major event. The following similar inspections will be 4 months from that date.
4. Record of area of use – Council's nominated Open Space staff will take photos of the condition of the licensed area and a digital copy of the photos will be provided to the Licensee for their record. The photos should include both the designated area of use (licensed area) and the nominated 'Out of Bounds' areas (the area affected by threaten species).
5. Sedimentation controls – Licensee to maintain head tracks and appropriate sedimentation controls.
6. Licensee is responsible for all associated remediation works at the site.
7. Designated 'Out of Bounds' areas – if the Club utilise these areas, the licence will be terminated by Council, giving a month's notice.

CONSULTATION

Staff first met with the Club in November 2002 and have met with representatives on site to discuss the special conditions and 'Out of Bounds' areas.

In mid September 2002, Council advised the Department of Lands of the proposed licence with Kuring-gai Mini Wheels Training Club and was advised a number of special conditions would be included as part of the licence to manage the environmentally sensitive nature of their area and impacts from their activities.

Following Council's resolution of the proposed licence, all relevant documentation will be forwarded to the Department of Lands for the Minister's consent.

The Club has provided a letter of support (Refer Attachment 4) for the proposed licence, special conditions and terms.

FINANCIAL CONSIDERATIONS

The Licensee is responsible for the payment of Council's legal fees associated with the preparation and finalisation of the licence agreement up to \$500.00.

Council has paid for the costs associated with the valuation of the proposed licence area.

Item 8

S02159
30 September 2004

Detailed terms and conditions of the proposed licence area are outlined in the attached Draft Heads of Agreement (refer to attachment 3)

The proposed rent structure for the 5 years is based on a reduction in Council subsidy from 90% to 80% over the term of the licence. Table one below outlines the amounts to be transferred into the Environmental Remediation Reserve, which has been established to fund works aimed at environmental management and remediation of the site as a consequence of use of the showground, both past and future.

Table 1

CMV	\$36,000							
Year	Rent	Rebate	CPI	Rebate Amount	Net Rent Annual	Net Rent 40 Days	Amount Transferred to ERR	General Funds
	Pre GST				Pre GST	Pre GST		Pre GST
1	\$36,000	90%		\$32,400	\$3,600.00	\$394.00	\$0.00	\$394.00
2	\$37,188	90%	1.033	\$33,228	\$3,960.00	\$408.00	\$14.00	\$394.00
3	\$38,415	85%	1.033	\$32,279	\$6,136.02	\$632.00	\$238.00	\$394.00
4	\$39,683	85%	1.033	\$33,344	\$6,338.51	\$652.00	\$258.00	\$394.00
5	\$40,992	80%	1.033	\$32,262	\$8,730.24	\$898.00	\$504.00	\$394.00
TOTAL						\$2984.00	\$1014.00	\$1970.00

Note: → ERR = Environmental Remediation Reserve.

→ Original CMV \$38,000 however in light of reduced area for Club usage this has been revised to \$36,000.

→ Further details refer to attachment 3 – Rent Structure of the Club.

Council's income from the Club's activity based on 40 days per year over the term of the Licence equates to \$2,984.00 (pre GST), of which, \$1,014.00 would be transferred into the Environmental Remediation Reserve over the term of the Licence.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space has consulted with Finance and Business Development about the proposed 5 year licence, terms and conditions.

SUMMARY

The proposed new 5-year licence is between Council as Reserve Trust Manager and Ku-ring-gai Mini Wheels Training Club Inc. and would commence from the date of Council's resolution.

Item 8

S02159
30 September 2004

The Club had a formal agreement for its use at the showground site, which expired in December 1991. The proposed new licence will formalise the Club's usage of the site. The special conditions in the licence will be prepared and implemented by both Council and the Club within 6 months of the licence being executed to ensure the present and future management of the area incorporates protection of both threatened communities and environmentally sensitive sites, whilst still allowing the Club to function and undertake its activities.

The licence also requires the consent of the Department of Lands' Minister administering the Crowns Lands Act 1989.

The terms and special conditions for the proposed licence are outlined in the Draft Heads of Agreement attached to this report.

RECOMMENDATION

- A. That Council as Trustee of the St Ives Showground (St Ives Showground Reserve Trust) grant a 5-year licence to the Ku-ring-gai Mini Wheels Training Club Inc. for the use of the designated fenced cycle track area, commencing from the date of Council's resolution and on the terms and special conditions as outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence.
- D. That following the execution of the new licence, the documents are submitted to the Department of Lands for the Minister's consent.

Steve Head
Director Open Space

John McKee
Director Finance & Business

Amanda Colbey
Manager Parks Sport & Recreation
Director Open Space

Attachments:

- 1. Site Plan**
- 2. SVO Valuation**
- 3. Draft Heads of Agreement and Special Conditions**
- 4. Club's Letter of Support**
- 5. Memo to Councillors**

COMPANION ANIMAL ADVISORY COMMITTEE MINUTES

- MEETING OF 12 AUGUST 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To submit minutes of the Companion Animals Advisory Committee, held on 12 August 2004, for the information of Council.
BACKGROUND:	The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of the companion animals (cats and dogs) within Kuring-gai.
COMMENTS:	At its recent meeting, the Companion Animals Advisory Committee welcomed the two new Councillor elect members, discussed arrangements for impounding dogs and cats, began development of Council's Companion Animals Management Plan and discussed the possibility of a 2004 Pet's Day Out.
RECOMMENDATION:	<ol style="list-style-type: none">1. That the minutes of the Companion Animals Advisory Committee meeting, held on 12 August 2004, be received and noted.2. That the next Council Pet's Day Out be held in late 2005.

PURPOSE OF REPORT

To submit minutes of the Companion Animals Advisory Committee, held on 12 August 2004, for the information of Council.

BACKGROUND

The role of the Companion Animals Advisory Committee is to provide resident and professional advice to Council on relevant matters relating to the management of the companion animals (cats and dogs) within Ku-ring-gai.

The minutes of the Companion Animals Advisory Committee are required to be submitted to Council for consideration. The Committee has recently held a meeting on 12 August 2004 and a copy of the minutes is attached for the information of councillors.

COMMENTS

The Companion Animals Advisory Committee's recommendations are generally of an operational nature and are being attended to:

At its most recent meeting, the Companion Animals Advisory Committee welcomed two new Councillor elect members; Councillor Anita Andrew as the Committee's new Chairperson and the Mayor, Councillor Adrienne Ryan, as Deputy Chairperson.

Council's 6 month interim arrangements with Thornleigh Veterinary Hospital have concluded and Council continues to use their services on a month to month basis, with a view to further extension until such time as a more permanent solution is ratified.

The Committee's main aim during 2004 will be to develop a Companion Animals Management Plan. The Committee has resolved to split into sub-committee groups in order to gather the main points and information.

Due to the delay in organising this year's Pet's Day Out as a direct consequence of Council elections, it was agreed that it is now too late to organise a successful event for 2004, however, next year's event will proceed in late 2005.

CONSULTATION

The Committee is a consultative forum representing the interests of both pet and non pet owning residents within Ku-ring-gai. The Committee is further balanced via representation of a local professional veterinarian, Dr Michael Eaton.

FINANCIAL CONSIDERATIONS

The Committee made no recommendations requiring additional financing.

SUMMARY

Discussions at the August meeting focussed primarily on the extended temporary arrangements for the impounding of dogs and cats, on the preliminary development of Council's Companion Animals Management Plan as required under the Companion Animals Act, and the decision to hold Council's next Pet's Day Out in late 2005.

RECOMMENDATION

- A. That the minutes of the Companion Animals Advisory Committee meeting held on 12 August 2004 be received and noted.
- B. That the next Council Pet's Day Out be held in late 2005.

S Eskins
Animal Services

A Seaton
**Manager – Regulation &
Compliance**

M Miocic
**Director Development
and Regulation**

Attachments: Minutes dated 12 August 2004

COSTING FOR UNDERGROUNDING OF CABLES

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To identify the likely cost for undergrounding of powerlines and cables.

BACKGROUND:

A requirement under Integrated Planning from the Ku-ring-gai Council Management Plan 2004-2008 is to report on options for progressing undergrounding of power lines and cables by the 2nd quarter.

This report identifies the likely cost for undergrounding of cables as the first of three operational indicators

COMMENTS:

The sharing of conduits poses problems while the laying technique of directional boring offers benefits over the traditional method of open excavation.

The three reliable costing sources provided, all have excluded moving telecommunications cables underground, being primarily aimed at electrical cables. Costs range from \$3,295 to \$5,000.

RECOMMENDATION:

That the report be received and noted.

PURPOSE OF REPORT

To identify the likely cost for undergrounding of powerlines and cables.

BACKGROUND

A requirement of the Integrated Planning from the Ku-ring-gai Council Management Plan 2004-2008 is to report on options for progressing undergrounding of power lines and cables by the 2nd quarter. This report addresses the first of three indicators below, established to address this issue:

- Identify likely cost for undergrounding of cables.
- Examine options associated with future developments under LEP 194 and 200.
- Examine options for undergrounding power lines in the Business Centres associated with the Masterplanning.

Community concern about overhead power and communications cabling has risen in recent times. Key concerns include:

- Traffic hazard. Motor vehicle accidents involving poles is a safety issue.
- Poor visual amenity and aesthetics.
- Tree hazard. Safety concerns include dangers of electrocution to tree pruners and to the public and emergency workers from fallen wires by fallen trees caused by storms. Damage also results in power outages to residential and industry.
- Death of native wildlife.

Current Practice

In Sydney, underground power connection has been compulsory in subdivisions since the early 1970's¹. Buried cabling in Ku-ring-gai LGA exists in some subdivisions, as well as some prominent public areas and along sections of the main road corridors. In subdivisions, the developer is required to fully meet the cost of providing underground power supply for residential homes as well as street lighting (eg extension of Forward Avenue, Turramurra).

Interstate, a variety of programs to bury overhead cables are already well advanced, notably in Perth as well as Adelaide and a number of cities in Victoria and Queensland. Two case studies from Perth inner suburbs of Subiaco and Applecross are referenced for their method and costs.

Progress

Research¹ indicates the Australian average rate is 6.4% of power lines that are underground. The percentage of power lines underground by State is shown in Table 1.0 (as of 27 September 2001).

<http://www.aph.gov.au/library/pubs/cib/1967-97/97cib11.htm>. "Undergrounding Power Cables: Costs and Benefits."

Table 1.0

State	NSW	Vic	Qld	SA	WA	Tas
%Underground	8.4	4.0	4.50	10.0	5.5	6.0

COMMENTS

This report discusses a number of issues directly associated with costs of undergrounding cables namely, sharing of conduits and laying techniques.

It is however recognised that many other intangible costs associated with this issue as acknowledged in the various reference material. Some key cost types are:

- Cost to community from motor vehicle collisions with power poles.
- Cost savings for maintenance of cables underground vs above ground.
- Cost of electrocution from power lines on humans and native wildlife.
- Cost of aesthetics.

The undergrounding of high voltage transmission lines is considered outside the scope of this report.

Sharing of conduits

In respect of timing, the Federal Telecommunications Act, requires overhead telecommunications cabling to be relocated underground within six months of overhead power lines being moved underground.

From a perspective of exposure, Telstra and Optus have each followed strategies of investing significant sums in the rollout of the Broadband Telecommunication Network (BTN) used to provide the basic telecommunication carriage services, pay television services and data services. Provision of these services uses a fibreoptic or coaxial cable.

Historically, the rollout of BTN by Telstra and Optus are distinct:

- Optus made a policy decision in 1994 to attach its cables to existing electricity supply infrastructure. Optus has used existing tunnels where supply of electricity underground occurs and for above ground, has attached aerial cables to poles, about 1m below existing power lines.
- Telstra predominantly uses existing underground infrastructure for the installation of its BTN.

Optus is therefore under a greater threat and vulnerability.

Item 10

S02051
9 September 2004

Sharing of underground power conduits with BTN presents problems of a safety and technical nature. In terms of safety the risk of fatal accident is greater if high and low voltage cables were encased in a common conduit (or tunnel) given:

- Telephone cables are installed at lower depths (of about 400mm) compared with power cables installed more deeply (above 1200mm).
- Different cables are installed on different alignments in streets.

Research¹ indicates a problem of a technical nature, whereby arcing of electrical current could occur between the two types of cables. Some difficulties might be offset by strong sheathing but at an increased cost.

As a result, the indicative costing below has excluded moving telecommunications cables underground, being primarily aimed at electrical cables.

Laying Techniques

Two methods commonly available are open excavation and directional boring with the latter minimising disruption and the need for extensive restorations.

Open excavation was traditionally used to bury cables but results in disturbed surface and disruption to streets.

Directional boring involves specialised machinery that can maintain the direction and depth of the drilled hole to high accuracy and flexibility. Holes can be drilled up to 250 metres in length, turn corners and sunk to any required depth.

The Applecross project is the first case in Australia in which directional boring was used on a widespread scale for burying underground power cables. Of importance, is that preliminary results indicate this method can reduce costs by between 5%-10%.

Directional boring is however not suited in areas where a considerable amount of rock or heavy subsoil is expected and thus traditional methods are required. It can also cause problems with public and private stormwater pipelines as these systems can be easily pierced.

Formation of Action Groups

In Sydney, the concern for undergrounding and the need to co-ordinate actions of community based groups culminated in the formation of Sydney Cables Down Under (SCDU) in 1996. SCDU continues to be active and encompasses several aspects including those of safety, reliability and economic concerns with electricity distribution.

Indicative costs

A number of cost estimates were researched on the basis of burying cables and these vary between sources as shown in Table 2.0 below. Allowances and/or comments shown on the table are not

Item 10

S02051
9 September 2004

meant to be exhaustive in detail which alternatively can be obtained from the reference material sources.

As shown in Table 2.0 below, conversion of existing suburbs to underground power approximately doubles the cost compared to new subdivisions.

Table 2.0

Source	Estimated costs (per property)	Allowances / comments
Independent Pricing and Regulatory Tribunal (IPART) interim report (2002)	\$3,800 - \$5,000	<ul style="list-style-type: none"> IPART used town of 30,000 to calculate costings. IPART has made allowance for costs to install dedicated street lighting fixtures. An additional (1) street lighting cost of \$360,000/km² is used for intermediate density urban areas.
Case study : Subiaco (2)	\$3,000 - \$4,000	<ul style="list-style-type: none"> Removing poles allowed improved alignment of footpaths and roads. Many of streets are narrow. Average property values increased by \$10,000 per lot on properties valued at \$200,000 to \$300,000. Program undertaken without subsidy or charges to individual householders. Program commenced in 1983. By 1997 about 35% was buried. Space required for relocated transformers to pad mounted transformers.
Sydney Cables Downunder (SCDU)	\$3,295(4)	<ul style="list-style-type: none"> Established by SCDU as a maximum average cost (3) in the Greater Sydney area, from examination of actual costs of undergrounding in other states.
New South Wales (2)	\$1,500 – 2,000	<ul style="list-style-type: none"> Cost of placing power lines underground in new subdivisions shown for comparative purposes.

- (1) An increased annual cost of street lighting would occur for use of wooden power poles by street lights if poles were changed from being a shared infrastructure to dedicated street lighting poles, as no charge is levied under current tariffs.
- (2) Australian Parliamentary Library; Paper: *Undergrounding Power Cables : Costs and Benefits*: 1996-97.
- (3) Basis of costing reported in Appendix of SCDU report of 3 February 2000.
- (4) The SCDU note their costing would be lower. This would be gained from a greater economy of scale from the size of the area to be undergrounded in Sydney, as compared to the data used.

Overall, the likely cost for undergrounding cables is approximately \$3,800 per property, as a consideration of:

- the minimum given by IPART;
- a higher than average for the case study but below their maximum;
- greater than costs noted by SCDU.

Over the entire area of Ku-ring-gai, the cost of undergrounding cabling equates to \$136.7million (based on the combined estimated amount of 35,111 private and 861 business properties from the State of Environment report 2002/03). This is an indicative cost only and does not account for the occurrence that a small area in Ku-ring-gai LGA has buried cabling nor that properties have varying frontage widths as a basis for equity sharing.

CONSULTATION

Consultation was carried out with NextEnergy who are program managers involved with Council's Street lighting Improvement Program and Sydney Cables Downunder. A desktop study was conducted on the internet to obtain information also. A variety of documentation was sourced comprising information from the Independent Pricing and Regulatory Tribunal (IPART), Australian Parliamentary Library and Sydney Morning Herald.

FINANCIAL CONSIDERATIONS

Currently, this report has not intended to canvass issues on funding options. No financial considerations are therefore considered.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Nil

SUMMARY

In recent years, there has been a rise in community concern about overhead power and communications cabling. Key concerns include, traffic hazard, poor visual amenity and aesthetics as well as tree hazard. The main reasons for this concern are safety and power outages to residential and industry.

As a result, a requirement from the Ku-ring-gai Council Management Plan 2004-2008 is to report on options for progressing undergrounding of power lines and cables. This report identifies the likely cost for undergrounding of cables.

Whilst in Sydney, underground power connection has been compulsory in subdivisions since the early 1970's, however a variety of programs to bury overhead cables are already well advanced interstate.

Associated with direct costs of undergrounding cables, is the issue of sharing conduits with BTN and laying techniques. As the sharing of conduits presents safety and technical problems, the costing has excluded moving telecommunications cables underground. Directional boring offers several benefits over open excavation, as found by experience to provide high accuracy, minimal disruption and flexibility as well as reduce costs, it was not suited in areas where a considerable amount of rock or heavy subsoil exists.

With the likely cost for undergrounding of cables being approximately \$3,800 per property, the estimated cost is \$136.7 million over the entire area of Ku-ring-gai, comprising some 35,111 private and 861 business properties.

RECOMMENDATION

That the report be received and noted.

Ian Taylor
Manager Support Services

Greg Piconi
Director Technical Services

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31 AUGUST 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for August 2004.
BACKGROUND:	Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).
COMMENTS:	The Reserve Bank of Australia (RBA) again left the official cash rate unchanged at 5.25% during August. Economists continue to expect that the domestic cash rate will remain unchanged during the coming months.
RECOMMENDATION:	That the summary of investments, daily cash flows and loan liability for August 2004 be received and noted.

PURPOSE OF REPORT

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for August 2004.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).

This policy allows Council to utilise the expertise of external fund managers for the investment of Council's short term surplus funds. This is done, as for many other Councils, with the advice of Grove Financial Services Pty Limited.

COMMENTS

During the month of August Council's cash increased by \$9,650,000 and gross capital appreciation on Council's investments was \$66,400.

Council's total investment portfolio at the end of August 2004 is \$22,379,600. This compares to an opening balance of \$17,271,200 as at 1 July 2004.

Council's General Fund interest on investments for August year-to-date is \$138,900. This compares favourably to the year-to-date budget of \$137,500.

Council's total debt as at 31 August 2004 is \$11,465,800. This compares to a total debt of \$11,850,000 as at 1 July 2004.

PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Performance against the UBSWA Bank Bill Index**

This measures the annualised yield (net of fees and charges) for each of Council's portfolios. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBSWA Bank Bill Index.

- **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

Council's investment policy requires that not more than 45% of funds are to be with any one Fund Manager. All funds are kept below this required level of 45%.

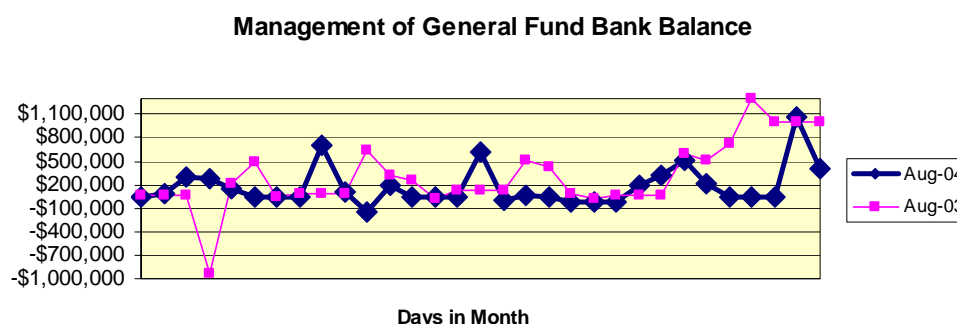
▪ Summary of Borrowings

This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

August 2004

Management of General Fund Bank Balance

During August Council had an inflow of funds of \$9,650,000. This was due to the first rates installment that fell due on 31 August and the first quarterly instalment of the Financial Assistance Grant received by Council.



Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during August was 5.83% compared to the benchmark of the UBSWA Bank Bill Index of 5.58%.

A summary of each funds performance is shown in the following table.

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$805,994	\$2,500,000	\$7,510	\$3,313,504	5.68%
BT Institutional Enhanced Cash	At Call	\$2,511,830	\$2,800,000	\$12,454	\$5,324,284	5.80%
Macquarie Income Plus Fund	At Call	\$2,622,824	\$2,900,000	\$12,065	\$5,534,888	6.25%
Perennial Cash Enhance Fund	At Call	\$3,878,427	\$1,450,000	\$18,457	\$5,346,884	5.60%
CBA Loan Offset No 1	Offset	\$1,300,000	-	\$5,984	\$1,300,000	5.60%
CBA Loan Offset No 2	Offset	\$1,560,000	-	\$7,180	\$1,560,000	5.60%
TOTALS		\$12,679,075	\$9,650,000	\$63,650	\$22,379,560	

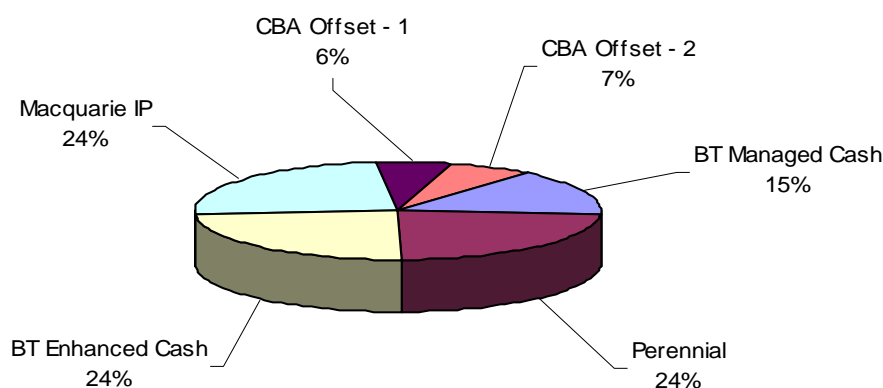
Year-to-date Funds Performance against the UBSWA Bank Bill Index

The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

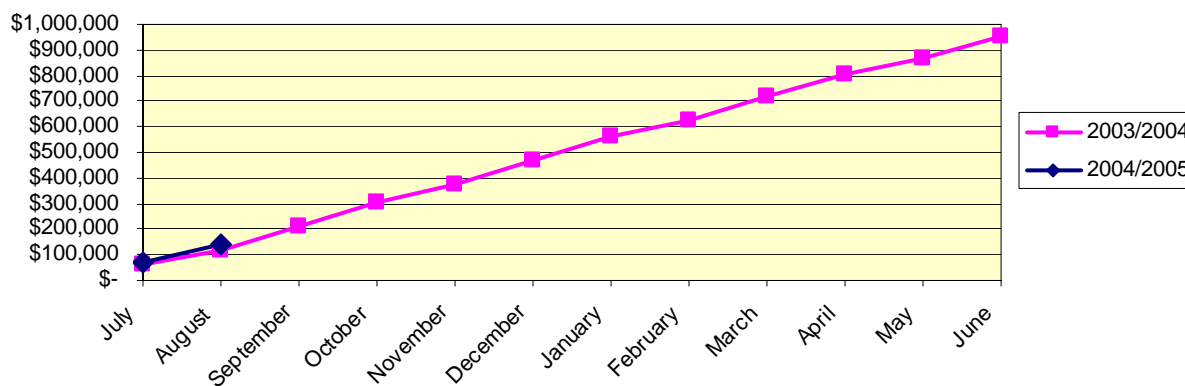
Fund Manager	Performance Annualised for July 2004 – August 2004	UBSWA Bank Bill Index Annualised for July 2004 – August 2004
BT Institutional Managed Cash	5.74%	5.58%
BT Institutional Enhanced Cash	5.92%	
Macquarie Income Plus Fund	6.33%	
Perennial Cash Enhanced Fund	5.95%	
CBA Offset No.1	5.60%	
CBA Offset No.2	5.60%	

Allocation of Surplus Funds:

Council's funds during August were allocated as follows:

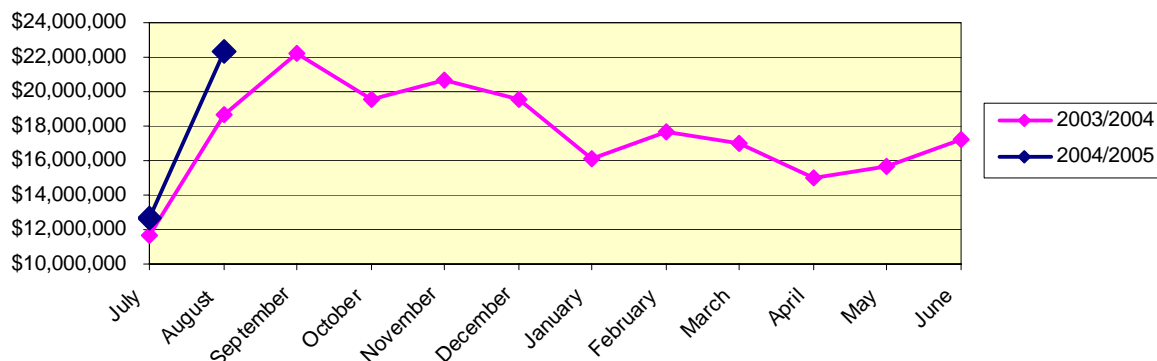
Portfolio Allocation of Surplus Funds**2003/2004 versus 2004/2005****Accumulative Interest**

The following graph compares the interest earned on an accumulative monthly basis for financial years 2003/2004 and 2004/2005. As at the end of August 2004, year to date interest earnings totalled \$138,900. This compares to \$115,500 at the same time last year, an increase of \$23,400.

Accumulative Interest 2003/2004 v's 2004/2005

Total Investment Portfolio

The following graph tracks the monthly investment portfolio balances for 2004/2005 in comparison to 2003/2004.

Total Investment Portfolio 2003/2004 v's 2004/2005

During August 2004 Council's investment portfolio increased by \$9,650,000. In comparison, during August 2003 Council's investments increased by \$6,950,000. This is primarily due to the timing of the first rate installment.

Council's closing investment portfolio of \$22,379,600 in August 2004 is \$3,674,400 higher than the August 2003 closing balance of \$18,705,200.

Capital Works Projects

As at the end of August 2004 Council has expended \$1,742,200 on capital works, which is \$996,000 higher than at the same time last year when \$746,200 had been expended.

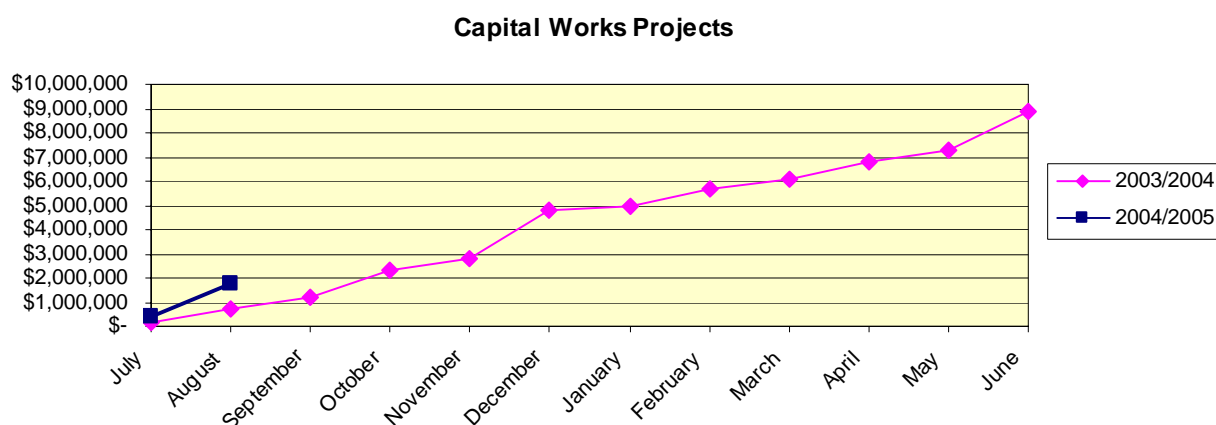
Item 11

S02722
13 September 2004

During August 2004 Council expended \$1,321,800 on capital works, which compares to \$595,500 during August 2003, an increase of \$726,300.

Council's 2004/2005 total budget for capital works (excluding fleet replacement) is \$7,824,500 which leaves funds of \$6,082,300 unspent at the end of August.

The following graph compares the accumulative monthly expenditure totals for Capital Works for financial years 2003/2004 and 2004/2005.

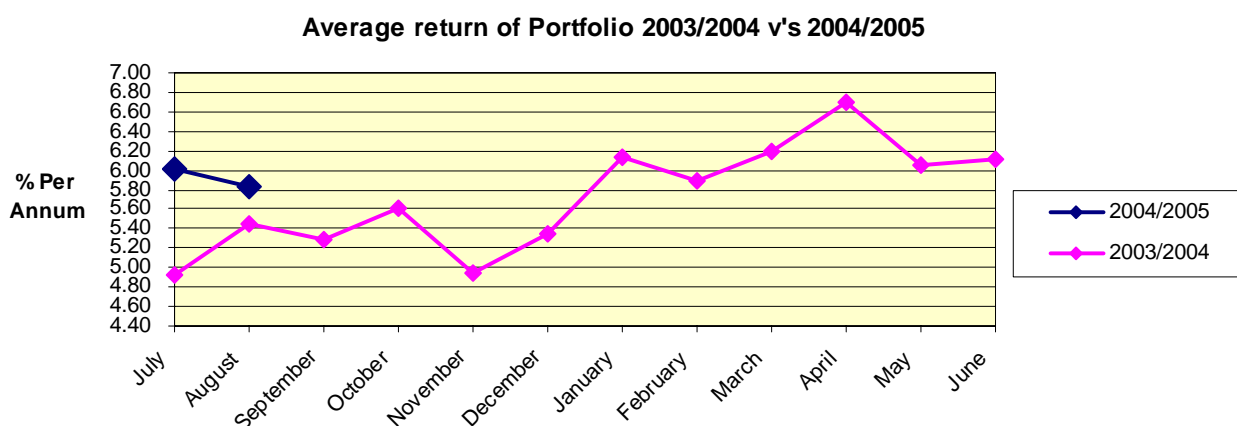


Portfolio Performance Average Return 2003/2004 versus 2004/2005

The following graph compares the monthly returns on Council's portfolio for the financial years 2003/2004 and 2004/2005.

In August 2004 earnings before fees were 5.83%, this compares to 5.45% in August 2003.

For the period July 2004 – August 2004 Council's average earnings before fees were 5.92%. This compares to 5.19% for the same period last financial year.

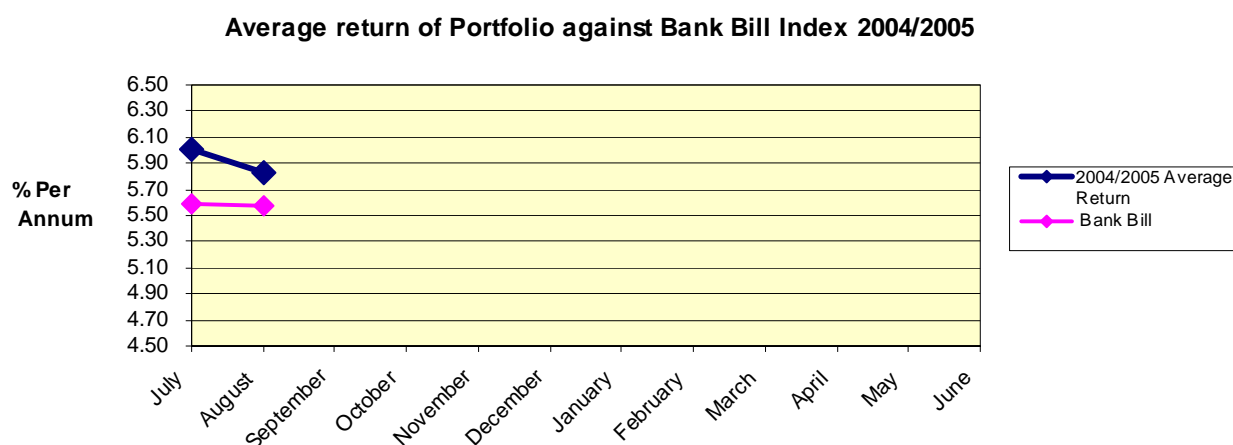


2004/2005 Portfolio Performance against the UBSWA Bank Bill Index

Council's average portfolio return performed above the UBSWA Bank Bill Index in August.

Returns above benchmark have been achieved in both months this financial year.

The average return of Portfolio against Bank Bill is displayed in the following graph.

**Summary of Borrowings**

During August Council repaid \$384,200 in borrowings, reducing the total level of debt at month end to \$11,465,800. This compares to a total debt at 1 July 2004 of \$11,850,000.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	124	\$4,000,000	\$3,683,316	\$316,684	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$913,373	\$86,627	6.27%	02-Feb-95	02-Feb-05
Westpac	127	\$1,000,000	\$524,374	\$475,626	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,300,000	\$1,300,000	5.75%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,040,000	\$1,560,000	5.75%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$618,247	\$1,981,753	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$389,123	\$2,210,878	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$147,788	\$1,734,212	5.16%	27-Jun-03	27-Jun-13
CBA	133	\$1,800,000	-	\$1,800,000	6.36%	23-Jun-04	23-Jun-14
TOTAL		\$20,082,000	\$8,616,219	\$11,465,780			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) again left the official cash rate unchanged at 5.25% during August. The market continues to expect that the official cash rate will remain unchanged for the next few months.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 August 2004:

- Council's total investment portfolio is \$22,379,600. This compares to an opening balance of \$17,271,200 as at 1 July 2004.
- Council's General Fund interest on investments totals \$138,900. This compares favourably to the year-to-date budget of \$137,500.
- Council's total debt is \$11,465,800. This compares to a total debt of \$11,850,000 as at 1 July 2004.

RECOMMENDATION

That the summary of investments, daily cash flows and loan liability for August 2004 be received and noted.

Mellissa Crain
Manager Business Development

John McKee
Director Finance and Business

OPTIONS FOR A NEW VOTING SYSTEM AND MAYORAL ELECTIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	<p>For Council to consider possible options in relation to:</p> <ol style="list-style-type: none">1. The current ward system of voting in Ku-ring-gai, and2. Mayoral elections.
BACKGROUND:	<p>This report has been prepared in response to Resolutions of Council resulting from Notice of Motion from Cr Malicki (27 April) and Notice of Motion from Cr Lane (4 May 2004).</p>
COMMENTS:	<p>In response to these resolutions, analysis has been undertaken in relation to the following issues:</p> <ul style="list-style-type: none">- Options for wards- Number of Councillors to represent a ward- Methods of electing the Mayor. <p>To assist Councillors in considering available options, comparisons have been made with 10 other Councils.</p>
RECOMMENDATION:	<p>That Council consider any amendments to the current voting system used in Ku-ring-gai.</p>

PURPOSE OF REPORT

For Council to consider possible options in relation to:

1. The current ward system of voting in Ku-ring-gai, and
2. Mayoral elections.

BACKGROUND

At the Ordinary Meeting of Council held on 27 April 2004, a Notice of Motion was moved by Councillor Malicki as follows:

“That the General Manager bring back a report to Council within 6 months on the Ward system and number of Councillors per ward in Ku-ring-gai with a view to putting a referendum question to the voters in 2008, or earlier if an appropriate opportunity arises, with options for improving the voting system in this Local Government Area.”

On 4 May 2004, an additional Notice of Motion was moved by Councillor Lane as follows:

“That the General Manager bring back a report to Council within 6 months on the methods of electing the Mayor and the possible effects on the operation of Council with a view to Councillors being fully informed of these in order that they may ensure that the people of Ku-ring-gai are fully aware of both the advantages and disadvantages should a referendum be held on this matter.”

This report has been prepared in response to the above resolutions of Council.

COMMENTS

In response to the Council resolutions of 27 April and 4 May 2004 respectively, analysis has been undertaken in relation to the following issues:

- Options for wards
- Number of Councillors to represent a ward
- Methods of electing the Mayor

To assist Councillors in considering available options, comparisons have been made with the following Councils:

- | | |
|----------------|----------------|
| • Hornsby | • North Sydney |
| • Hunters Hill | • Pittwater |
| • Lane Cove | • Ryde |
| • Manly | • Warringah |

Item 12

S03733 & S03662
20 September 2004

- Mosman
- Willoughby

Options for Wards

Council's area is presently divided into five wards, each represented by two Councillors. There is no statutory requirement for wards although, traditionally, it is normal for metropolitan LGA's in New South Wales to have a ward structure. Where wards are in place, Sections 210 and 210A of the Local Government Act 1993 (hereafter referred to as "the Act" and extracts in Attachment 1) stipulate that:

- The number of electors in each ward must not vary by more than 10%; and that
- Ward boundaries should align with census collector districts (CCDs) as far as practicable.

Abolition of the existing wards would require constitutional referendum (Section 16 of the Act). The change would take effect at the next scheduled ordinary election for Councillors on the fourth Saturday of September 2008 if the referendum is held at least 12 months prior to the ordinary election. If the referendum is held with the 2008 election, any change will not take effect until 2012.

Changing ward boundaries or names does not require a referendum but Council should undertake a process of consultation and approval before making any determination.

Wards or no Wards?

Wards are established to reflect, and represent communities of interest. Ward boundaries are normally aligned to clearly defined natural features (such as creeks or foreshores) or major infrastructure (such as roads, canals or railway lines).

A comparison of northern Sydney Councils shown below indicates that ten out of eleven have a ward-based structure, Manly being the exception.

Table 1

Council	Size Category	Wards		
	1 = largest; 8 = smallest	Yes/No	No.	Names
Hornsby Shire	1	Yes	3	A,B,C
Hunters Hill Municipality	8	Yes	2	North, South
Ku-ring-gai Municipality	3	Yes	5	Comenarra, Gordon, Roseville, St Ives, Wahroonga
Lane Cove Municipality	7	Yes	3	Central, East, West
Manly Municipality	7	No		
Mosman Municipality	7	Yes	4	Balmoral, East, Middle Harbour, West
North Sydney Municipality	5	Yes	4	Cremorne, Tunks, Victoria, Wollstonecraft
Pittwater Municipality	5	Yes	3	Central, North, South
Ryde City	3	Yes	3	Central, east, West
Warringah Shire	2	Yes	3	A, B, C
Willoughby City	5	Yes	4	Middle Harbour, Naremburn, Sailors Bay, West

Item 12

S03733 & S03662
20 September 2004

The rationale for a ward based structure is based on the concept that Councillors can provide a point of contact for local residents, represent their interests, and develop specialist knowledge and connections. While they are part of the whole-of-area decision-making, they should be advocates for local sentiment and can be lobbied accordingly. Opponents of wards prefer Councillors to maintain a broad focus within and beyond their Local Government Area.

A major practical benefit of wards is that in the event of a by-election, only those electors in the ward are affected and the cost to Council (and polling effort expended) is significantly reduced.

Note also that in a Council without wards, a group must contain at least half the total number of Councillors to be elected. In the LGA with wards, a group needs only as many candidates as there are positions to be filled in the ward.

How Many Wards?

Table 1 (previous page) identifies Ku-ring-gai as having the largest number of wards of all the northside councils.

Only three Councils in the state have more wards than Ku-ring-gai – Cabonne, Shellharbour and Wollongong, all with six wards. Ten others, six of which are metropolitan (Blacktown, Parramatta, Randwick, Rockdale, Sutherland and Woollahra) have five wards. The size of these metropolitan Councils varies from Blacktown and Sutherland (more than 200,000 population) to Woollahra (50,000 population). So, while the number of wards does not necessarily equate to the number of electors, Ku-ring-gai does have more wards than most Councils in NSW.

At the most recent census, Ku-ring-gai had 108,314 residents in 35,399 households. The effect of higher density planning controls along the railway line should increase this figure significantly in the coming years.

Geographically, the LGA might conveniently split into three wards, with the area south-west of the Pacific Highway being placed in one ward; the area east of Mona Vale Road in a second; and the land west of Mona Vale Road in the third. Alternatively, a line could be drawn through the middle of the existing Gordon ward (from Gordon Golf Course, along Nelson Street and then Rocky Creek), with the next boundary being along Kissing Point Road and then following in similar fashion to the present boundary between Wahroonga and St Ives wards. Both of these simplistic three-ward options have some deleterious impacts on neighbourhoods and would require certain refinement, tempered by the maximum 10% elector variance allowed by the Act.

The municipality's shape would equally lend itself to a four-way split if four wards is seen to be a better option than three or five.

It seems unlikely that a reduction in wards would lead to significant financial economies for Council, because in land management terms they are simply lines on a map. Councils' administrative support units service elected members as a body, regardless of wards.

Item 12

S03733 & S03662
20 September 2004**Number of Councillors per Ward**

Note that Section 224 of the Local Government Act 1993, requires between 5 and 15 Councillors for a Council - See Attachment 1).

At present, Ku-ring-gai elects two Councillors in each of five wards. Accordingly, the optional preferential method of voting is used, rather than the proportional representation method.

The major difference is that surplus votes in the current optional preferential system are passed on at full value, so that groups are greatly advantaged over non-grouped candidates. The effect is that two candidates in a dominant group are likely to be elected rather than the lead candidates of two dominant groups. This was the case in four out of five wards in the March elections.

Consideration of the number of Councillors per ward is dependant upon how many wards a Council has.

Table 2 below, outlines the current number of Councillors per ward across Northern Sydney Councils.

Table 2

Council	Size Category	Wards	Councillors	Councillors per Wards
	1 = largest; 8 = smallest			
Hornsby Shire	1	3	9 + Mayor	3
Hunters Hill	8	2	6 + Mayor	3
Ku-ring-gai	3	5	10	2
Lane Cove	7	3	9	3
Manly	7	Nil	11 + Mayor	
Mosman	7	4	12	3
North Sydney	5	4	12 + Mayor	3
Pittwater	5	3	9	3
Ryde City	3	3	12	4
Warringah Shire	2	3	9	3
Willoughby City	5	4	12 + Mayor	3

As outlined in Table 2, the normal practice for local Councils is to have three Councillors per ward. Only one other Council in Sydney (Botany Bay) operates with two Councillors per ward.

Any increases to the number of Councillors per ward would need to be considered in tandem with reducing the number of wards, to balance the numbers of elected members to near existing levels.

Section 224(3) of the Local Government Act 1993, requires that any proposal to alter the number of Councillors must be put to the voters by means of a constitutional referendum. If this is done at an ordinary election, the change does not come into effect until the following election; otherwise, a separate referendum must be conducted at least 12 months before the ordinary election falls due.

Election of the Mayor

Mayors can be elected in one of only two ways:

- By vote of the Councillors; or
- By popular vote

The powers of the Mayor are the same regardless of the manner of election.

If Ku-ring-gai Council opted for a popularly elected Mayor, a constitutional referendum must be conducted seeking majority support from the community before the change can proceed (Section 228 of the Local Government Act 1993 - See Attachment 1).

Mayor Elected by Vote of the Councillors

This collegiate system is the method presently operating in Ku-ring-gai and most Councils in the State. Only 29 Councils had their Mayors voted into office by popular franchise at the elections last March.

Under this method, Councillors elect the Mayor from within their ranks at the first meeting of a new Council, and then annually until the next election.

Mayor Elected by Popular Vote

Despite this being a less common option, it is interesting to note that of the eleven Northern Sydney Councils, five (Hornsby, Hunters Hill, Manly, North Sydney and Willoughby) all have popularly elected Mayors.

Candidates can nominate as either a Councillor or Mayor, or as Mayor alone. Should the candidate stand for both, the counting of votes in the Mayoral election is completed before the distribution of preferences in the election of Councillors. If the candidate is elected as Mayor, the preferences he or she has received for the office of Councillor are transferred to other candidates (Section 283 of Local Government Act – See Attachment 1).

Popularly elected Mayors are voted into office by all electors in the LGA and the optional preferential voting system is used.

Popularly elected Mayors serve the full four-year term of council.

CONSULTATION

Input into this report has been received from Mr Malcolm Wilson (State Returning Officer for Ryde).

FINANCIAL CONSIDERATIONS

Council currently budgets a total of \$200,000 over a four year period towards the costs of elections.

Variations resulting from changes to the number of wards and/or Councillors are considered negligible in the context of Council operations.

Effects on the operations and resources of Council are occasioned more by the combination of:

- Policy guidelines set by Council
- Delegations of authority to the General Manager; and
- Effective functioning of the elected Council entity.

As such, the overriding consideration for Council is the provision of an electoral system that best represents the needs of the community. In doing this, Council will ensure the most effective use of available resources.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

N/A

SUMMARY

This report has been prepared in response to two Notices of Motion from Councillors on 27 April and 4 May 2004. The report canvasses possible options in relation to the current ward system of voting in Ku-ring-gai and mayoral elections.

In order to provide a basis for comparison, the current systems operated by northern Sydney Councils have been provided.

RECOMMENDATION

That Council consider any amendments to the current voting system used in Ku-ring-gai.

Brian Bell
General Manager

Attachment: Extracts from the Local Government Act

LEASE - 265 TO 271 PACIFIC HIGHWAY, LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider the granting of a lease to the Rotary Club of Lindfield Inc. for the occupation of the rooms at the rear of the Lindfield Library, 265-271 Pacific Highway, Lindfield to operate a Youth Development Centre.
BACKGROUND:	A Development Application, DA1100/03 was submitted to Council by the Rotary Club of Lindfield to establish a Youth Development Service within the lower rear floor rooms of the Lindfield Library Building. Council resolved on 9 March 2004 to approve the Development Application.
COMMENTS:	The Rotary Club of Lindfield Inc. has requested a lease with Council to occupy the rooms at the rear of the Lindfield Library. Once a lease has been granted by Council, improvement work can commence on the building in readiness of the service commencing in February 2005.
RECOMMENDATION:	That Council grants a lease to the Rotary Club of Lindfield Inc. for a period of 2 years inclusive of the 90% rental rebate, as per the conditions of Council's Policy for Leasing Council Property to Community Organisations.

PURPOSE OF REPORT

To consider the granting of a lease to the Rotary Club of Lindfield Inc. for the occupation of the rooms at the rear of the Lindfield Library, 265-271 Pacific Highway, Lindfield to operate a Youth Development Centre.

BACKGROUND

Council is the owner of Lot 8 DP 660564 and Lots 1, 2 & 3 DP 212617 known as 265 – 271 Pacific Highway Lindfield, is zoned Special Uses 5(a) Municipal Purposes and classified as Community Land.

Council at its Ordinary Meeting held on 5 November 2002 resolved:

That Council consent to the request by Lindfield Rotary for use of the rear section of the Lindfield Library to establish a Youth Development Service with a number of conditions to allay resident and community group concerns regarding safety and security. These conditions should include:

- *The establishment of a Management Committee with membership to include Council, site residents and community representatives*
- *Designating the operating hours and days*
- *Designating the number of clients able to access the service on any one day*
- *Professional supervision of service at all times*
- *Implementation of the Chatswood Police Crime Prevention Through Environmental Design Evaluation*
- *Establishment of a Lindfield Library Site User Group Committee*
- *Increase the level of security patrols during evenings and weekends*
- *Establishment of monitoring systems to address impacts as they arise.*

Subsequently a Development Application was made to Council by the Rotary Club of Lindfield to establish a Youth Development Service within the lower rear floor rooms of the Lindfield Library Building. Council resolved on 9 March 2004 to approve the Development Application, DA1100/03 (Attachment A), for the use of the premises for the abovementioned purpose.

COMMENTS

The Rotary Club of Lindfield Inc. is an incorporated not for profit organisation who have a vision to establish in Ku-ring-gai a service that will provide young people and families of the area with support and counseling to achieve their full potential.

Recently the Rotary Club of Lindfield wrote to Council seeking a lease to occupy the rooms at the rear of the Lindfield Library. Once a lease has been granted by Council, improvement work can commence on the building in readiness of the service commencing in February 2005.

Item 13

P55058
17 September 2004

The activities of Lindfield Rotary address the priority issues as outlined in the Ku-ring-gai Council Social Plan by meeting the needs of young people by providing:

- Assistance with drug and alcohol issues
- Counseling and referral services
- Raising self esteem and personal safety

It is recommended that a lease be entered into using Council's standard leasing conditions to The Ku-ring-gai Youth Development Service Inc. as follows:

Lessee:	The Ku-ring-gai Youth Development Service Inc.
Lessor:	Ku-ring-gai Council
Term:	2 years
Commencement Date:	1 January 2005
Rent:	\$1,595pa inclusive of GST
Rent Review:	Annual CPI
Outgoings:	Lessee
Maintenance:	As per schedule
Legal Costs:	50% Lessee, 50% Lessor
Premises:	The vacant lower floor rooms at the rear of the current Lindfield Library Building.

Lindfield Rotary has also requested that the payment for the premises start from the commencement date of the operation of the Service. This request would seem reasonable as the premises requires substantial works to bring it to a suitable condition in which to operate the Service and to comply with the conditions of the Development Application.

CONSULTATION

Several meetings and telephone discussions have taken place between representatives of Rotary and Council staff to discuss issues relating to D.A. requirements, leasing conditions and management of the Service.

The Rotary Club of Lindfield has received a copy of Councils' standard lease agreement and is aware of the terms and conditions offered.

FINANCIAL CONSIDERATIONS

A market rental valuation was carried out on 4 June 2004 from an independent valuer, the State Valuation Office, who determined the rental for the premises at \$14,500pa exclusive of GST.

A rental figure of \$1,595pa inclusive of GST will be applicable, with this figure reflecting a 90% rental rebate offered to community organisations under Council's Policy for Leasing Council Property to Community Organisations.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The Rotary Club of Lindfield has invested a significant amount of time and member resources developing the Ku-ring-gai Youth Development Service Business Plan. As indicated in their Business Plan, the club appears to have addressed the issues raised by the public during the exhibition period.

The Ku-ring-gai Youth Development Service proposal represents a service that will be available to families and young people in Ku-ring-gai, it will utilise an existing vacant facility and will be funded by the Rotary Club of Lindfield.

The relevant conditions pertaining to leasing the facility, as identified in the Development Application, will be incorporated into the lease agreement and will include:

- Hours of operation
- Number of visitors to the facility
- The establishment of a Site User Group and Management Committee
- Supervision of the centre
- Establishing of monitoring systems to address issues as they arise

RECOMMENDATION

- A. That a lease be granted to the Rotary Club of Lindfield Inc. for a period of 2 years, in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

Stephen Plumb

COMMUNITY FACILITIES COORDINATOR

Janice Bevan

DIRECTOR COMMUNITY SERVICES

Attachments: Development Application DA 1100/03

PECUNIARY INTEREST RETURNS REGISTER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To table Council's Pecuniary Interest Returns Register in accordance with the Local Government Act.
BACKGROUND:	The Act requires that the Pecuniary Interest Returns Register be tabled at the first meeting after 30 September 2004.
COMMENTS:	The Register will be tabled at the meeting.
RECOMMENDATION:	That the tabling of the Pecuniary Interest Returns Register be noted.

PURPOSE OF REPORT

To table Council's Pecuniary Interest Returns Register in accordance with the Local Government Act.

BACKGROUND

As Councillors are aware, Section 449 of the Local Government Act 1993 requires the lodgement of returns disclosing interests of Councillors and Designated Persons.

Under Section 450A(2)(b) of the Act, returns for the period ending 30 June 2004 must be tabled at the first Council meeting held after the last day of lodgement (30 September 2004).

COMMENTS

The Register will be tabled at the meeting.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the tabling of the Pecuniary Interest Returns Register be noted.

Geoff O'Rourke
SENIOR GOVERNANCE OFFICER

Brian Bell
General Manager

EXPRESSION OF INTEREST - MOBILE COFFEE/ REFRESHMENT OPPORTUNITY - BICENTENNIAL PARK

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to approve an expression of interest regarding the licensing of a mobile coffee/light refreshment franchise within Bicentennial Park.
BACKGROUND:	This is a new concept for Bicentennial Park and is an authorised activity within the Bicentennial Park Plan of Management adopted by Council 6 August 2002.
COMMENTS:	Bicentennial Park is a Regional Park and provides a wide range of sport and recreation facilities, parklands, picnic areas, playgrounds, remnant bushland and accordingly the facility lends itself to such a concept, having the added benefit of maximising the experience for the local community and visitors to the facility.
RECOMMENDATION:	That an Expression of Interest process be used for the selection of persons or organisations to enter into a one year licence for the provision, management and operation of a mobile coffee/refreshment opportunity at Bicentennial Park, West Pymble.

PURPOSE OF REPORT

For Council to approve an expression of interest regarding the licensing of a mobile coffee/light refreshment franchise within Bicentennial Park.

BACKGROUND

Bicentennial Park represents one of Council's most significant community assets. Covering some 14.8 hectares this park boasts a range of natural and developed landscape features including walking trails, picnic and barbeque areas, a large amphitheatre, a pool, various sporting facilities and an award winning playground.

The facility is highly utilized by a wide range of users. Planned improvements to the picnic area, a component of Council's adopted 2004/05 project budget should further increase the appeal of the park to visitors.

Feedback from users over a period of time and during the period of public consultation for the Bicentennial Park Plan of Management have outlined support for the concept of café/kiosk facilities being offered within the park at a scale and intensity of use sensitive to the park's capability and profile. Offering a temporary licence for a mobile refreshment operator is an appropriate way to evaluate this service. This is a permissible activity under the adopted Plan of Management for the Park. A licensee may also need to achieve development consent for this activity. Several parties have written to Council outlining their own interest in establishing such a service within the main picnic area of the park adjacent to the playground.

In addition to this proposal, officers are aware of several mobile refreshment vendors that operate from a number of sportsgrounds around Ku-ring-gai each weekend. Their attendance is understood to be in agreement with the relevant sporting groups. Officers are currently monitoring this activity with a view to entering licence negotiations and formalisation of their occupancy. Given the short term nature of these activities development consent will not be required.

COMMENTS

Given indicated community and provider interest, it is proposed that Council advertise an expression of interest to enter into a licence for a twelve month period to gauge response to the service and impacts on the park area.

A number of other local government areas have also either entered into such arrangements or are also trialing such licences. Whilst financial returns are not expected to be substantial they are expected to be positive as is the expected response from the community. A copy of the intended expression of interest which together with the preferred respondent's submission will form the actual licence is Attachment 1 to this report. Attachment 2 outlines the subject area of the licensee

Key terms of the licence address the duration of the licence, hours of operation, restrictions on area during major events and localities from where they may trade and information as to other food/refreshment operators that may operate in the park from time to time.

It will be important that any licence add to the experience of park users. As such analysis of any proposals would need to consider presentation, quality of products offered and cost of products. Only experienced persons or organisations whose professionalism will reflect well on the park will be considered. Potential vendors will of course need to comply with appropriate environmental and health guidelines.

In relation to the presence of some commercial vendors at sportsgrounds, it is suggested that a single seasonal licence be prepared that enables sporting groups to arrange for the provision of this service during periods of matchplay in an appropriate manner. This is not proposed to achieve income for Council, but to ensure that access to community land is as prescribed under the Local Government Act (1993), as amended.

CONSULTATION

The concept was initially raised during consultation for and subsequently acknowledged in the Bicentennial Park Plan of Management adopted by Council in 2002.

Any licence proposal will be subject to the notification requirements of Section 47A of the Local Government Act and of any development consent for this activity that is required.

The lessees of the West Pymble Pool have been consulted in regards to this initiative.

Feedback received during any initial licence period will be utilised in guiding the future provision of this service or its introduction into any other suitable areas.

FINANCIAL CONSIDERATIONS

The anticipated returns from entering a licence of this nature are expected to be positive, although quite conservative. Exact details would be forthcoming following an analysis of submissions and reporting to Council.

Anticipated costs will be predominantly limited to staff time, notification of proposed licence (as prescribed by section 47A of the Local Government Act) and licence preparation.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not undertaken for this report.

SUMMARY

Bicentennial Park in West Pymble is one of Council's most significant open space assets with a variety of natural and built features. The location receives a high level of visitation and previous consultations have revealed support for enhanced café/kiosk services being provided within the park. Given that service providers have outlined an interest in undertaking this role, it is considered appropriate that an expression of interest be undertaken for a 12 month licence to gauge the value of providing this service within the park.

Given that several sporting groups within Ku-ring-gai are currently allowing such vendors to be present at sportsgrounds on weekend, it is also proposed that a single licence be developed and delegated authority be given to the General Manager to approve those uses where appropriate for the benefit of community Clubs & sporting clubs

RECOMMENDATION

- A. That an expression of interest be undertaken for the provision of a mobile coffee/light refreshment facility at Bicentennial Park as outlined in this report.
- B. That a further report be presented to Council recommending a preferred licensee and terms of the licence for a period of 12 months.
- C. That a standard licence be prepared that sporting groups utilise for the provision of mobile refreshment facilities on community hand during sporting events.

Amanda Colbey
Manager Parks, Sport and Recreation

Steven Head
Director Open Space

Attachments:

- 1. Expression of Interest Information Package. Plan of Management will form part of Package, but not attached to this Report.**
- 2. Map highlighting area subject to the licence**

FEASIBILITY OF INVESTING WITH TURRAMURRA COMMUNITY BANK

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To investigate the feasibility of Council investing a portion of its surplus funds with Turramurra Community Bank.
BACKGROUND:	<p>Turramurra Community Bank, a branch of Bendigo Bank was established in October 2003 to offer social and economic benefits to the local community.</p> <p>The bank's perspective profits can be returned to support community projects.</p>
COMMENTS:	<p>Turramurra Community Bank have asked Council to consider placing some funds on investment with their bank. They have 10 Directors who all live in the Ku-ring-gai area and have a Standard and Poor's credit rating of BBB.</p>
RECOMMENDATION:	<p>That Council consider whether it wishes to invest any surplus funds with Turramurra Community Bank.</p>

PURPOSE OF REPORT

To investigate the feasibility of Council investing a portion of its surplus funds with Turramurra Community Bank.

BACKGROUND

Turramurra Community Bank, a branch of Bendigo Bank has asked Council to consider investing a portion of its surplus funds with their bank.

Turramurra Community Bank was established in October 2003 as part of the Bendigo Bank Community Banking project and is operating as a “franchise” of this Bank. It was established to offer significant social and economic benefits to the local community by providing secure banking services and allowing community members to share the perspective income which can be used to generate further developments within the area.

The main objectives of the bank are:

- Secure branch banking services for the Ku-ring-gai community;
- To help community members to better manage locally-generated capital, and so provide them with a better return on their capital;
- To enable community members to share in revenues generated from their Community Banking enterprise.

Through the potential to share in branch revenues, communities have the opportunity to generate profits which can be returned to support and develop the community via dividends to shareholders and through projects identified and agreed to by the community. The Community Bank project also provides communities with an opportunity to manage a community-owned branch, the ownership of which is a powerful incentive for local residents and businesses to conduct their financial affairs through their own local bank branch, thereby maximising revenue potential for the local enterprise.

Investment in the company was offered to the community by Ku-ring-gai Financial Services, by way of shares. The Company has appointed 10 directors, who all live within the Ku-ring-gai area and the bank operates under the supervision of the Australian Prudential Regulation Authority (APRA).

The feasibility of investing with Turramurra Community Bank was tabled at the Finance Committee meeting held on 13 September 2004.

COMMENTS

Credit Ratings

Turramurra Community Bank has a BBB credit rating. Council currently invests with AAA, AA and A rated fund managers.

Credit ratings are a guide or standard for an investor, which indicate the ability of a debt issuer or debt issue to meet the obligations of repayment of interest and principal.

Item 16

S03537
27 September 2004

Rating is a function of a variety of risk factors to which the company is subject and is a good measure of a company's financial position. The credit rating process involves a legal, quantitative and qualitative, financial and non-financial evaluation of the company.

Most corporate interest rate securities are evaluated for credit quality by two independent rating agencies, such as Standard & Poor's and Moody's Investors Services. Ratings in no way guarantee the investment or protect an investor against loss, but they provide the best independent information available.

Standard & Poor's Ratings Services

Council utilises Standard & Poor's rating criteria when investing funds. This assists in assessing the creditworthiness of investment funds and in reducing the risk of capital loss.

Standard & Poor's Ratings Services is the world's pre-eminent provider of timely, objective credit analysis and information. The Company operates without government mandate, is independent of any investment banking firm or similar organisation, and does not engage in trading activities.

The following table gives description to the Standard & Poor's credit ratings and their meaning. The highest Standard & Poor's rating is AAA and the lowest is D.

Standard & Poor's	Credit Rating	Description
Investment Grade	AAA	EXTREMELY STRONG financial characteristics
	AA	VERY STRONG financial security characteristics, differing only slightly from those rated higher
	A	STRONG financial security characteristics
	BBB	GOOD financial security characteristics
Term	(+) or (-)	The ratings "AA" to "CCC" may be modified by the addition of a plus or minus to show relative standing within the major rating categories.
Non-Investment Grade	BB	Speculative
	B	Highly Speculative
	CCC	High Default Risk
	D	Default
Short Term Investments	A 1	STRONG capacity to meet financial obligations
	A 2	GOOD capacity to meet financial obligations

The Local Government Act via Order of the Minister considers that any security issued by a "body" or "company" rated AAA, AA+, AA, AA-, A+ and A are authorised and may form part of a Council's investment portfolio.

Significance of BBB rating

A BBB rating is assigned to a "body" or a "company" that has a GOOD capacity to make full and timely payments on its financial obligations.

Turramurra Community Bank is rated BBB, which means that it is regarded as having financial security characteristics that outweigh any vulnerabilities and is highly likely to meet its financial commitments. Standard & Poor's revised the rating outlook on Bendigo from Stable to Positive in March, 2004. The main credit strengths and highlights as identified by the rating agency include:

Item 16

S03537

27 September 2004

- Positive developments which have enhanced the bank's creditworthiness;
- Strong commitment to relationship banking and a solid platform for sustained growth;
- Prudent risk management systems.

The Local Government Act via Order of the Minister separately recognises the safety and security of a bank, building society or credit union and therefore allow investments in any of these financial institutions via interest bearing deposits, debenture or securities, regardless of rating.

It should also be noted that banks, credit unions or building societies are institutions regulated as authorised deposit taking institutions by the Australian Prudential Regulation Authority (APRA) under the Banking Act 1959. This means that APRA ensures that financial promises made by supervised institutions are met within a stable, efficient and competitive financial system.

Comparative Interest Rates: Turramurra Community Bank and Council's portfolio of managed funds as at 20 September 2004

The following table provides a comparison of interest rates and returns on different investment levels of Turramurra Community Bank and Council's portfolio of managed funds.

		KC - Managed Funds*		Turramurra Community Bank		
2004-2005	Amount Invested \$	Interest Rate	Return based on 1 year	Interest Rate	Return based on 1 year	Loss in earnings
July	250,000	6.01%	15,025	5.40%	13,500	1,525
	500,000	6.01%	30,050	5.68%	28,400	1,650
	1,000,000	6.01%	60,100	5.68%	56,800	3,300
August	250,000	5.83%	14,575	5.40%	13,500	1,075
	500,000	5.83%	29,150	5.68%	28,400	750
	1,000,000	5.83%	58,300	5.68%	56,800	1,500
2003-2004	250,000	6.00%	15,000	5.40%	13,500	1,500
	500,000	6.00%	30,000	5.68%	28,400	1,600
	1,000,000	6.00%	60,000	5.68%	56,800	3,200

*Managed Funds – BT IEC, Perennial EC, Macquarie IP

Is Turramurra Community Bank willing to match interest rates?

Turramurra Community Bank is willing to offer the best interest rates of the day depending on the fluctuations in the market. Interest is calculated by applying the applicable daily percentage rate to the balance of the term deposit at the end of each day. It should be noted that interest rates offered are net to Council and do not have any associated fees.

Community Projects supported and funded by Turramurra Community Bank

Turramurra Community Bank have donated more than \$5,000 to local community groups. Furthermore, the bank has plans to significantly increase their annual contributions to worthy community projects as the banking business grows. This represents a core element in the Community Bank's Mission Statement.

To put this into context, an article on Bendigo Bank published in the Australian Financial Review on 17th September 2004 noted that Bendigo Bank's Community Bank branches have already

Item 16

S03537
27 September 2004

returned more than \$100 million of their profits to their respective local communities in this manner.

Given the continuing support of the local traders and residents, the Turrumurra Community Bank Branch of Bendigo Bank has the potential and intent to provide more financial and other contributions to the Ku-ring-gai community during the next 3-4 years.

The contribution to the local community is not expressed solely in dollars. The Community Bank not only sponsors the Ku-ring-gai Business Forum but also initiated and organised the whole event, bringing local businesses, traders and professionals together for the first time.

Events and sponsorships that have been provided by Turrumurra Community Bank to the local community are listed in the table below.

Sponsorship/Assistance Activities 2003-2004			
Date	Recipient	Amount	Description
October 2003	Turrumurra High School	\$300	Musical instruments
October 2003	1st East Wahroonga Scouts	\$200+	BBQ's at Official Opening
October 2003	1st Turrumurra Scouts	\$200+	BBQ's at Official Opening
Various	Turrumurra Bowling Club	\$700	Bowls days, Signage
March 2004	Warrawee Bowling Club	\$200	Bowls day
July 2004	Ku-ring-gai Business Forum #1	\$1,300	Sponsor of Inaugural Dinner Event
August 2004	Ku-ring-gai Philharmonic Orchestra	\$500	Children's concert
August 2004	Ku-ring-gai District Soccer Association	\$500	Gala Day sponsor
September 2004	Wahroonga Rotary	\$500	Rotary Golf Day sponsor
October 2004	Ku-ring-gai Business Forum #2	\$500	Sponsor of Dinner Event #2
October 2004	Ku-ring-gai Youth Driver Programme	\$500	Seminar
	Total	\$5,000	

CONSULTATION

Denice Kelly - *Branch Manager* and David Langdon - *Chairman Ku-ring-Gai Financial Services Ltd* have visited Council and provided information on Turrumurra Community Bank, including interest rates for comparative purposes.

FINANCIAL CONSIDERATIONS

Based on the returns from Council's investment portfolio for the financial year 2003/2004 the following opportunity costs would be incurred by Council if investing with Turrumurra Community Bank as a result of lower interest rates.

Investment	Potential Loss in Earnings per annum
\$250,000	\$1,500
\$500,000	\$1,600
\$1,000,000	\$3,200

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Turramurra Community Bank, a branch of Bendigo Bank have asked Council to consider placing some funds on investment with their bank. They have 10 Directors who all live in the Ku-ring-gai area and have a Standard and Poor's credit rating of BBB.

Turramurra Community Bank was established in October 2003 to offer social and economic benefits to the local community. The bank's perspective profits can be returned to support community projects.

Turramurra Community Bank have donated more than \$5,000 to local community groups. This represents a core element in the Community Bank's Mission Statement.

The feasibility of investing with Turramurra Community Bank was tabled at the Finance Committee meeting of 13 September 2004.

RECOMMENDATION

That Council consider whether it wishes to invest any surplus funds with Turramurra Community Bank.

Melissa Crain
Manager Business Development

John McKee
Director Finance & Business

DELEGATION OF AUTHORITY - DEPUTY MAYOR

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to give consideration to granting Delegations of Authority to the Deputy Mayor.
BACKGROUND:	It has been Council's practice to delegate some additional functions to the Mayor and Deputy Mayor.
COMMENTS:	These functions are practical delegations which assist the smooth functioning of the Mayoral office.
RECOMMENDATION:	That the Delegations of Authority as set out in the report be granted to the Deputy Mayor, Councillor N Ebbeck.

PURPOSE OF REPORT

For Council to give consideration to granting Delegations of Authority to the Deputy Mayor.

BACKGROUND

The Mayor's role is set out in Section 226 of the Act, which states:

To exercise, in case of necessity, the policy-making functions of the governing body of the Council between meetings of the Council;

To exercise such other functions of the Council as the Council determines;

To preside at meetings of the Council;

To carry out the civic and ceremonial functions of the Mayoral office.

It has been Council's practice to delegate some additional functions to the Mayor and Deputy Mayor.

The Mayor's delegations are as follows:

That, in addition of the role referred to in Section 226 of the Local Government Act 1993 and by authority of Section 377 of the Local Government Act 1993 and subject to compliance with any other requirements of the Local Government Act or Regulations and expressed Policy of the Council or regulations of any public authority concerned other than the Council, the Mayor, Councillor Adrienne Ryan be and is hereby authorised to exercise or perform on behalf of the Council, the following powers, authorities, duties and functions, and that such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Management Plan.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Management Plan.

3. Temporary General Manager during General Manager's Leave

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint, after consultation with the General Manager, a temporary General Manager, during the absence of the General Manager on leave.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

COMMENTS

These functions are practical delegations which assist the smooth functioning of the Mayoral Office and if the Mayor be unable to exercise such delegations (eg illness), the Deputy Mayor should be able to carry out the Mayoral role. Any use of the delegations by the Deputy Mayor should be in accordance with the Delegations of Authority.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

That the Delegations of Authority, as set out below, be granted to the Deputy Mayor, Councillor N Ebbeck:

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.

Brian Bell
General Manager

GORDON BOWLING CLUBHOUSE SITE - FIVE YEAR LEASE WITH TWO FURTHER FIVE YEAR OPTIONS - 4 PENNANT AVENUE, GORDON

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider granting a five year lease with two further options of five years to the Gordon Bowling Club at 4 Pennant Avenue, Gordon
BACKGROUND:	<p>Gordon Bowling Club has been occupying this site since 1950 and is keen to continue their usage through formal agreement with Council.</p> <p>The original licence commenced 23 December 1953 and was for a period of 50 years.</p>
COMMENTS:	Gordon Bowling Club has 220 registered members. The Club is licensed, however, free of gaming machines and operates within a non-smoking environment.
RECOMMENDATION:	That Council grant a five year lease with two further options of five years to the Gordon Bowling Club Inc and authorise the Mayor & General Manager to sign the documentation and affix the Common Seal of Council to the lease, subject to no significant objections to the proposal.

PURPOSE OF REPORT

For Council to consider granting a five year lease with two further options of five years to the Gordon Bowling Club located at 4 Pennant Avenue, Gordon.

BACKGROUND

Gordon Bowling Club Inc has occupied its current position on Council's land since 1950. The Club was granted a 50 year licence to use the land to build the clubhouse and undertake bowling club activities. Council constructed the first green and the Club was responsible for building the clubhouse and two further bowling greens. Bowls has occurred on the site since 1954 and the clubhouse was officially opened in June 1956.

The Bowling Club facility is situated off Bushland Road, Gordon, approximately 500m west of Pacific Highway. Surrounding development is predominantly individual residential houses of various constructions and the Club has undertaken a number of improvements to the site since its initial development.

The clubhouse comprises a single storey weatherboard structure with a metal deck roof. It houses a dining area, bar, office, kitchen and store. The clubhouse is considered to be in a reasonable condition. Other site improvements include: three bowling greens, several sheds and a specific green keeper shed. On the western section adjacent to the clubhouse, is a car park with 20 marked tar sealed car parking spaces for the exclusive use of the club, however in total approximately 88 car spots are available.

The site comprise of lot X and Y in DP 387680. The land is zoned "Open Space 6(a)" in accordance with Ku-ring-gai Planning Scheme and has an area of 1.286 hectares.

Negotiations between Council and the Club to renew the lease were initiated in August 2003. The original licence was granted in 1953 and expired on 31 December 2003.

Plan of Management

The management of this site is addressed by the Sportsground Plan of Management, adopted by Council 24 June 2003. The plan recognises the activity and authorises such leases as in accordance with the principles of the Local Government Act 1993 and in particular, management of "community lands".

In accordance with section 47D of the Local Government Act 1993 which states that:

"Occupation of community land otherwise by lease or licence.

- 1. The exclusive occupation or exclusive use by any person, of community land otherwise than in accordance with:*

- a) A lease, licence or estate to which section 47 or 47A applies, or*

Item 18

S02711
24 August 2004

- b) A sublease or other title directly or indirectly derived from the holder of such a lease, licence or estate, is prohibited.*

2. This section does not apply to:

- a) The occupation or use part of the site of a senior citizens' centre or home or community care facility by duly appointed manager of the centre, or*
- b) The occupation or use of community land, by person, and in circumstances, prescribed by the regulations”.*

a lease been prepared for the consideration of Council.

COMMENTS

Gordon Bowling Club has 220 registered bowlers and is a community based non-profit company limited by guarantee.

The club was granted a liquor licence in April 1957 and allows the sale of alcohol only on the defined premises of the registered club. The Club is licensed, with bar trading hours limited to “before and after bowling activities”.

Whilst the Club is fully licensed, it is free of gaming machines and operates within a non-smoking environment policy.

Lease Negotiations

Negotiations with the Club commenced in August 2003, as the Club's existing 50 year licence was due to expire on 31 December 2003. A number of meetings with the Club have been undertaken during the development of the lease proposal.

A process consistent with that applied to other Ku-ring-gai based bowling clubs was initiated which includes a review of the (then) existing agreement, inspection and review of the property, valuation of the property (undertaken by the State Valuation Officer) and application of a standardised formula for the calculation of Bowling Club Licence Rental as previously issued by the Department of Local Government.

Council it should be noted, then applies a further substantial rebate to the licence formula. For the purposes of this lease, the subsidy proposed to Council for the duration of the lease is as follows:

Years 1 – 5	90%
Years 6 – 8	85%
Years 9 – 10	80%
Years 11 – 15	80%

Item 18

S02711
24 August 2004

The Club has raised concerns during the process particularly in relation to the rental figures in the proposed lease and the valuation of the land, from which rates are determined. The retention of a 90% subsidy for the first 5 years of the lease should in part address the Club's concerns. The Club has previously met Council rates for the property as part of the previous agreement and will continue to do so under the proposed lease.

Club executives also raised concern over the pathway (access handle) from Bushland Avenue (between 18 and 22 Bushland Avenue, Gordon) which extends through the club's site, that is used by the general public as a shortcut from Pennant Avenue, through the Club's leased area (in front of the Clubhouse building) to Bushland Avenue to get to the railway station.

The now expired Licence included this access handle (located in Lot 7 DP387680) as part of the Club's responsibility.

Given the access handle is frequently used by the general public and it is Council owned land, it is recommended this pathway be excluded from the new Lease and revert to Council with regards to responsibility for regular maintenance and liability.

The Club provided a letter of support dated 15 July 2004 seeking to have the Lease resolved by Council. (refer Attachment 4).

Summary of the draft Heads of Agreement is outlined below:

Lessee Name	Gordon Bowling Club Inc
Incorporation No	92000117126
Leased Area	4 Pennant Avenue, Gordon
Title Details	Lot X and Y in DP 387680
Car Parking	88 car spots
Term	5 years
Options	2 further options of 5 years
Commencing	Expiration of public notification of the proposed new lease
Specified Activity	For the playing of lawn bowls and recreational/community activities eg. functions and activities related to lawn bowls, community fund raising activities and social activities that meet the purpose or objectives of the lease.
Trading Days	7 days a week
Trading Hours	Monday to Saturday from 8:00am to 7:30pm (inclusive of public holidays). Sundays from 9:00am to 7:30pm Functions/Carnivals from 8:00am to 11:30pm Club meetings from 7:00pm to 11:00pm
Ownership of buildings	Club currently owns the buildings and improvements within the leased area. When the lease is terminated or expired, or if the Club no longer exists as a bowling club, the buildings and improvements revert to Council's ownership.
Lease fee	In accordance with attached confidential proposed lease fee structure.
Payment frequency	6 monthly basis
Good & Services Taxes	Lessee to be responsible for the payment of GST
Utilities	1. Lessee is responsible for all payments of telephone, water, electricity, gas and insurance. 2. Lessee is responsible for Council rates.
Costs	1. Lessee to bear the full costs associated with the preparation and finalisation of the proposed lease – legal, stamp duty, GST, disbursements. 2. Lessor is responsible for the costs associated with state valuation report and public notification.

Repairs & Maintenance	<ol style="list-style-type: none"> 1. Lessee is responsible for all repairs and maintenance of the leased area including the car parking area. 2. Lessee to replace any plate glass (if used in the building) or have sufficient insurance cover to meet the cost of replacement. 3. Lessee will have the right to allow the drilling, painting of walls by way of improvement and not allow damage to the building.
Structural Works	Lessee is responsible for all structural works to the buildings within the leased area.
Insurance	<ol style="list-style-type: none"> 1. Lessee is to provide a copy of the certificate of currency at commencement of the lease for \$10 million public risk insurance policy. 2. Lessee to ensure it has appropriate level of cover for building and content insurance. 3. Lessee to indemnify Council against all claims arising out of the use of the leased area, the right of ways or the specified activity. 4. Lessor will not take responsibility for any loss or damage to the leased area. 5. Lessee to provide a copy of 3 types of insurance to Council on an annual basis and ensure it is covered sufficiently and timely. 6. Lessee to be responsible solely for any increase in the premiums associated with the policies required under this lease.

CONSULTATION

Council staff have met and discussed the proposed lease with the Club executives on a number of occasions, both in reference to the duration of the agreement and the terms applying to that agreement.

Given that the pre-existing arrangement had been in place for 50 years, the Club has expressed concerns regarding in particular, the terms of the agreement as proposed by Council. The Club's letter to Council of 26 June 2004 agreeing to the proposed terms also clearly outlines their concerns. Club representatives have been informed of the presence of this item on the agenda.

It should be noted that the agreement is consistent with Council's approach regarding the renewal of Bowling Club licences. In addition, this report proposes a substantial additional subsidy of equal or greater value to those enjoyed by other bowling club within Ku-ring-gai.

Further consultation consistent with S47 of the Local Government Act will be enacted with regards to public notification of the licence, once adopted by Council.

FINANCIAL CONSIDERATIONS

YEAR	ASSESSED VALUE OF LEASE (INCLUDING CPI)	REBATE	PAYABLE TO COUNCIL (INCL GST)
1	\$52,866.00	90%	\$5,286.60
2	\$54,610.58	90%	\$5,461.06
3	\$56,412.73	90%	\$5,641.27
4	\$58,274.35	90%	\$5,827.43
5	\$60,197.40	90%	\$6,019.74
TOTAL			\$28,236.00

Refer to Attachment 3 - Draft Heads of Agreement for proposed lease fee structure. The total rent payable by the Club for the proposed 5 year lease is \$49,600 including Council rates. After the expiration of the 5 years, staff will arrange for the current market value to be reviewed by the State Valuation Office and the next 5 year option period will reflect any financial change if required.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

In preparation of this report, Open Space has liaised with Finance and Business Development on the proposed lease terms and conditions.

SUMMARY

The Club has occupied the Clubhouse facility since 1950 and is keen to continue their occupation and formalise such usage via a lease agreement with Council, although they have outlined concerns regarding several issues in that letter.

There are 264 club members, and the Club boasts an enviable record of achievement in district and state events.

The Sportsground Plan of Management was adopted by Council 24 June 2003 and is the enabling document, which authorises such leases or licences over community land.

It is proposed that Council enter into a lease arrangement with Gordon Bowling Club Inc for a period of five years with two further options of five years subject to the conditions outlined in the body of this report and in accordance with the *Local Government Act (1993)*.

RECOMMENDATION

- A. That Council grant a lease to Gordon Bowling Club Inc for the use of the site known as 4 Pennant Avenue, Gordon, for a term of five years with two further options of five years, at Council's discretion, commencing on the expiration of the public notification of the proposed lease.
- B. The new Lease exclude the access handle "pathway" situated in Lot Y DP 387680 which therefore reverts to Council's responsibility for maintenance and public risk liability.
- C. That Council issues a public notice as prescribed by section 47 of the *Local Government Act (1993)*.
- D. That Council authorise the Mayor and General Manager to sign the documentation.
- E. That Council authorise the affixing of the Common Seal of Council to the lease document.

Item 18

S02711
24 August 2004

- F. That a report be brought back to Council if there are significant objections to the proposal in accordance with section 47(4-10) of the *Local Government Act (1993)*.

Steven Head
Director Open Space

Amanda Colbey
Manager Parks, Sport & Recreation

John McKee
Director Finance & Business

- Attachments:**
1. Location Plan
 2. State Valuation Office Report
 3. Draft Heads of Agreement dated 14.4.2004
 4. Club Letter of Support

CULTURAL PLAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide Council with a draft Cultural Plan, which updates Council's 1997 Cultural Policy.
BACKGROUND:	Council's initial commitment to a planned approach to arts/cultural development in Ku-ring-gai began in 1993 with the adoption of a report called <i>Arts Opportunities in Ku-ring-gai</i> . This report was the catalyst for Council's first Cultural Policy which was adopted in 1997.
COMMENTS:	The draft Cultural Plan, 'Living Culture', recognises the fundamental role that culture plays in the lives of the Ku-ring-gai community and also acknowledges that culture is a core component of Council's business, taking its place alongside programs and activities related to the environment, economic development and social and community development.
RECOMMENDATION:	That the 2004 draft Cultural Plan be adopted by Council and that the 2004 draft Cultural Plan be exhibited publicly for a period of 28 days.

PURPOSE OF REPORT

To provide Council with a draft Cultural Plan, which updates Council's 1997 Cultural Policy.

BACKGROUND

Council's initial commitment to a planned approach to arts/cultural development in Ku-ring-gai began in 1993 with the adoption of a report called *Arts Opportunities in Ku-ring-gai* which examined arts in Ku-ring-gai and Council's association with arts/cultural groups. This report was the catalyst for Council's first Cultural Policy, which was adopted in 1997. This policy has given direction for progressing arts/cultural development in Ku-ring-gai to date.

COMMENTS

The draft Cultural Plan, 'Living Culture', recognises the fundamental role that culture plays in the lives of the Ku-ring-gai community and also acknowledges that culture is a core component of Council's business, taking its place alongside programs and activities related to the environment, economic development and social and community development.

The draft Cultural Plan reflects the changing needs of the Ku-ring-gai community and provides direction to Council in the provision of resources in a competitive environment. This review, therefore, will assist Council to identify strategic directions in the broad area of culture, and will foster the integration of those strategies into Council's planning frameworks.

The draft plan is a 'living' document, reflecting community needs and aspirations as well as providing an ongoing blueprint for Ku-ring-gai's cultural life over the next 5 years. The title, 'Living Culture', presents opportunities to best utilise the energy, ideas and commitment of both Council and the community in establishing Ku-ring-gai as a leader in community cultural activity.

The 2004 draft Cultural Plan will satisfy the requirement of the NSW Ministry for the Arts and other funding bodies, which states that all grant applicants should have an appropriate Cultural Plan in place to make them eligible for funding.

CONSULTATION

The draft plan has been developed based on research and analysis of key documents and reports including the 2001 Census of Population and Housing. It has also been informed by comprehensive community consultation including:

- Ku-ring-gai Multicultural Forum 2003
- Community Consultations Focus Group Workshops November – December 2003
- Telephone Surveys - October 2003
- Cultural Development Plan Surveys - November 2003
- Online Survey – November 2003 to January 2004

Feedback and responses were received from over 1,000 people. The focus group workshops included selected target groups such as arts and cultural organisations; individual artists and cultural businesses; youth; Council staff; the general community; representatives from community organisations and culturally and linguistically diverse groups. The consultation sessions contributed to the development of the key planning issues relating to cultural activities and facilities including the identification of community needs with relation to cultural development.

FINANCIAL CONSIDERATIONS

The continuation of Council's role in the development of arts and cultural activity in Ku-ring-gai can be sustained within the current operational budget. Any new initiatives which require funding would be reported to Council for consideration as part of future annual budget preparations or at quarterly reviews.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff from Open Space were consulted in the process of developing the draft Cultural Plan.

SUMMARY

The 2004 draft Cultural Plan updates the framework for Council's work in the area of art and cultural development, and incorporates culturally and linguistically diverse policy objectives.

Council has traditionally adopted a responsive approach to community cultural development through the development of widely recognised and well patronized cultural services and facilities such as the Art Centre and the network of library services, as well as sponsoring festivals, events and ceremonies throughout the year.

In the past Council has adopted policies and plans that provide a sound base for decision making in the complex field of cultural activities, and in particular, has encouraged the establishment of art in public places.

With the development of this Cultural Plan, Council will be moving further towards a leadership role in cultural development not only within Council and the community, but also within the region.

RECOMMENDATION

- A. That the 2004 draft Cultural Plan be adopted by Council.
- B. That the 2004 draft Cultural Plan be exhibited publicly for a period of 28 days.

Janice Bevan
DIRECTOR COMMUNITY SERVICES

Attachments: Draft Cultural Plan 2004 - 2009

CAPITAL WORKS PROGRAM FOR TRAFFIC FACILITIES 2004 TO 2009

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council approval for the capital works program for traffic facilities for 2004 to 2009.
BACKGROUND:	Council adopted a five year program for traffic facilities works in May 2004. The program has been revised and updated to reflect changes in project criteria and the availability of additional Federal Government Blackspot funding.
COMMENTS:	<p>Council has received advice from the Roads and Traffic Authority (RTA) of grants for various traffic facilities projects. The 2004 to 2009 program has been based on available funds from Council, carryover funding for uncompleted works and grants from the RTA.</p> <p>The Long Term Traffic Planning Criteria has been used to assess future projects.</p>
RECOMMENDATION:	That Council adopts the 2004/05 Traffic Facilities Program and the draft 2005 to 2009 Program.

PURPOSE OF REPORT

To seek Council approval for the capital works program for traffic facilities for 2004 to 2009.

BACKGROUND

On 23 September 2003 Council adopted the 2003/04 Traffic Facilities Program and the draft 2004 to 2006 Program. Problems subsequently encountered during resident consultation or detailed design resulted in some projects being delayed or deferred

The following table illustrates the current status of the projects in the approved 2003-04 program:

Project	Comments
Grosvenor Rd rumble bars	Complete.
Bent/Polding roundabout	Roundabout impractical – alternative treatment being considered.
Highfield/Dorman roundabout	Construction delayed - work to commence October 2004.
Highfield near Bowling Club - road narrowing	Construction delayed - work to commence October 2004.
Remove humps in Highfield west of Cook	Construction delayed - work to commence October 2004.
Remove humps in Polding (1), Prince, Balfour, Beaconsfield and Cook	Complete.
Lucinda/Eastbourne-roundabout	Deferred following resident consultation – alternative treatments being considered.
Robert / Werona - ped refuge and kerb blisters at crossing at station.	Deferred pending railway station upgrade.
Telegraph at Station – pedestrian refuge	Complete.
Werona at underpass – pedestrian refuge	Now Federal Govt funded roundabout under 2004/05 Blackspot Program.
Eastern/Bangalla – roundabout	Roundabout not to proceed.
Bangalla / Cherry – roundabout	Roundabout not to proceed.
Highfield/Primula – roundabout	Construction delayed - work to commence October 2004.
Fiddens Wharf at Cook	Subject to court decision. Awaiting RTA advice re powers.

Item 20

S03753
9 September 2004

Council has traditionally relied on the RTA grant allocations together with its own funding to determine the annual traffic facilities program. Each year Council submits a list of projects to the RTA for funding.

The projects in the submissions were usually concept schemes or plans only and final designs and consultation were carried out after Council is advised which projects were successful in obtaining grants. The RTA's grant offers are dependant upon the announcement of the State Government's own budget in June, and Council does not receive advice of the grants until August each year. These grant offers must then be reported to Council for approval and acceptance. Consequently, detailed consultation and design of many projects may not commence until the second quarter of the financial year. Design problems or resident objections may not become apparent until six months into the project year.

The RTA uses its own criteria to select projects so that the grant offers are not always those at the top of Council's own priority list. Therefore the total value of the list of projects submitted to the RTA is several times the likely value of the annual grant offers.

In order to streamline the process Council must have a rolling program of works to enable early planning and resident consultation to take place prior to the receipt of RTA grant funding. Because of the above factors, regular revision of the five year rolling program is necessary.

On 4 May 2004 Council, after considering a report from the Ku-ring-gai Traffic Committee resolved to endorse an updated Traffic and Transport Policy and adopted the following 5 year Rolling Works Program for Traffic Management Works beyond the 2005/06 program year:

Rank	Score (%)	Street	Intersecting Street	Suburb	Treatment	Approx Project Cost
1	79	Bannockburn Rd	Rushall St	Pymble	Roundabout	50,000
2	75	Maxwell St	Geoffrey St	Turramurra	Intersection improvements	10,000
3	67	Pentecost Ave	Merrivale Rd	Pymble	Roundabout	70,000
4	63	Bannockburn Rd	Selwyn St	Pymble	Intersection improvements	40,000
5	61	Yarrabung Rd	Catherine St/ College Cr	St Ives	Roundabout	40,000
6	61	Cleveland St	Stuart St	Wahroonga	Roundabout	60,000
7	56	Eastern Arterial Rd	Barra Brui Cr	St Ives	Extend median	50,000
8	55	Melbourne Rd	Wellington Rd	Lindfield	Roundabout	80,000
9	55	Cleveland St	Billyard Ave	Wahroonga	Roundabout	70,000
10	53	Link Rd	Killeaton St	St Ives	Median Island	120,000
11	52	Werona Ave	Underpass	Gordon	Roundabout	100,000
12	52	Powell St	Karranga Ave/ Wattle St	Killara	Correct crossfall	60,000
13	52	Pentecost Ave	Bannockburn Rd	Turramurra	Roundabout	60,000
14	51	Sydney Rd	Woodlands Rd	Lindfield	Improve sight distance	70,000

Item 20

S03753
9 September 2004

Rank	Score (%)	Street	Intersecting Street	Suburb	Treatment	Approx Project Cost
15	51	Link Rd	Newhaven Pl	St Ives	Improve visibility	20,000
16	51	Burns Rd	Bobbin Head Rd	Turramurra	RT Bay and widening	600,000
17	51	Billyard Ave	Young St	Wahroonga	Roundabout	70,000
18	49	Comenarra Pwy	Fox Valley Rd	Wahroonga	RT Bay and widening	100,000
19	48	Archbold Rd	Bancroft Ave	Roseville	Intersection improvements	30,000
20	48	Archbold Rd	Margaret St	Roseville	Intersection improvements	30,000
21	48	Archbold Rd	Addison Ave	Roseville	Intersection improvements	30,000

Subsequently Council has adopted the Management Plan for 2004-05 and additional grant funding became available through the National Blackspot Program. Also, following further resident consultation, some projects have been significantly amended, deferred or deleted.

These factors require amendments to Council's approved Traffic Facilities Program. A new Traffic Facilities Program for 2004-05 and a draft program for 2005-09 has been prepared for Council's consideration.

COMMENTS

Council's 2004-2008 Management Plan includes an amount of \$143,500 to fund traffic facility projects in 2004-05. Following completion of work in Highfield Road and Warragal Road carried forward from 2003-04, an estimated amount of \$30,800 will be available as carried forward funds from the 2003-04 program. Council also resolved to carry forward \$24,000 for traffic calming works in Lucinda Avenue, Wahroonga following deferral of the roundabout at Eastbourne Avenue.

The RTA has also advised Council of a \$100,000 Federal Blackspot Grant for the construction of a roundabout in Werona Avenue at the railway underpass.

The balance of the draft 2005-09 program assumes an ongoing funding allocation of \$150,000 per annum in future Council management plans. No allowance has been made for future funding grants from the RTA because the size and number of these grants, if any, cannot be predicted. The 2005-09 Rolling Traffic Facilities Program will be amended annually as the funding situation is determined.

The proposed 2004-05 program is shown below:

Item 20

S03753
9 September 2004**Projects Carried Forward**

Program Year	Location	At	Treatment	Current Estimate
2002-03	WARRAGAL RD	CURVE NEAR NO 30	IMPROVE CROSSFALL AND SAFETY	40,000
2003-04	HIGHFIELD RD	PRIMULA ST	ROUNDAABOUT	30,000
2003-04	HIGHFIELD RD	DORMAN CR	ROUNDAABOUT	35,000
2003-04	HIGHFIELD RD	BOWLING CLUB	ROAD NARROWING	10,000
2003-04	HIGHFIELD RD	WEST OF COOK RD	REMOVE HUMPS	10,000
2003-04	LUCINDA AVE	SOUTH OF EASTBOURNE AVE	SLOW POINTS	24,000
			TOTAL ESTIMATED COST	\$149,000

Nominated 2004-05 Projects

The total amount available for new works in 2004-05 includes \$6,800 from 2003-04, \$143,500 from the Management Plan Budget and \$100,000 from the Federal Blackspot Program.

Program Year	Location	At	Treatment	Current Est
2004-05	BANNOCKBURN RD	RUSHALL ST	ROUNDAABOUT & PED FACILITY	50,300
2004-05	MAXWELL ST	GEOFFREY ST	INTERSECTION IMPROVEMENTS	10,000
2004-05	LUCINDA AVE	VARIOUS SITES	SLOW POINTS	20,000
2004-05	PENTECOST AV	MERIVALE RD	ROUNDAABOUT & PED FACILITY	70,000
2004-05	WERONA AV	RAIL UNDERPASS	ROUNDAABOUT & PED FACILITY	100,000
			TOTAL ESTIMATED COST	\$250,300

The proposed 2005-09 Rolling Traffic Facilities Program is:

Program Year	Location	At	Treatment	Current Est
2005-06	BANNOCKBURN RD	SELWYN ST	ROUNDAABOUT &/OR CHANNELISATION	81,800
2005-06	YARRABUNG RD	CATHERINE ST / COLLEGE CR	ROUNDAABOUT &/OR CHANNELISATION	61,400
2006-07	CLEVELAND ST	STUART ST	ROUNDAABOUT & PED FACILITY	36,800
2006-07	REDLEAF AVE	RAILWAY AVE	ROUNDAABOUT	50,000
2006-07	ROBERT ST	WERONA AV	PED REFUGE & KERB BLISTERS AT STATION	12,600
2006-07	ADDISON AVE	SCHOOL	WOMBAT CROSSING	20,500
2006-07	MOORE AV	ADDISON AV	PED REFUGE	15,300
2007-08	BURNS RD	FINCHLEY PL TO WESTBROOK AV	CURVE TREATMENT & RIGHT TURN STORAGE	92,100
2007-08	BENT ST	POLDING RD	INTERSECTION TREATMENT	64,800
2008-09	KILLEATON ST	ACRON RD	IMPROVE GEOMETRY FOR BUSES	10,800
2008-09	EASTERN ARTERIAL RD	SOUTH OF ROCKY CREEK	INVESTIGATE CURVE SAFETY	102,300
2008-09	JUNCTION RD	GROSVENOR ST	IMPROVE ROUNDAABOUT	51,200

CONSULTATION

Consultation has taken place on a number of projects but further consultation will be required when projects are selected for funding.

FINANCIAL CONSIDERATIONS

Council has allocated \$143,500 in this year's Management Plan for traffic facilities work and an estimated \$6,800 is available as carryover funding from 2003-04 not including works already committed. Also, a \$100,000 Federal Blackspot Grant has been received for the construction of a roundabout in Werona Avenue at the railway underpass.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development have been consulted with regard to available funding and carry over amounts for uncompleted projects.

SUMMARY

In May 2004, Council adopted a five year Rolling Traffic Facilities Program for 2004-09 for work recommended by the Traffic Committee and approved by Council.

Following adoption of the 2004-05 Management Plan, advice from the RTA on additional funding and funding being carried forward from the 2003-04 program year, an amount of \$250,300 is now available for traffic facilities in 2004-05.

Because of problems with resident consultation, some previously listed projects required further investigation and consideration.

A revised program has therefore been drafted for Council's consideration.

RECOMMENDATION

That Council adopts the 2004-05 Traffic Facilities Program and the draft 2005 to 2009 Program.

George Koolik
Manager Traffic & Transport

Roger Guerin
Manager Design & Projects

Greg Piconi
Director Technical Services

WEST LINDFIELD COMMUNITY HALL - AIR CONDITIONING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider the proposal from Lady Game Kindergarten to contribute to the installation of air conditioning at the West Lindfield Community Hall.
BACKGROUND:	Council has previously undertaken passive cooling works at West Lindfield Hall, however, whilst these measures have improved conditions in the hall, there are still peak times during summer and winter where there are extremes in temperatures.
COMMENTS:	Lady Game Kindergarten has put forward a proposal to part fund, up to \$23,000, for the installation of air conditioning at the West Lindfield Hall. Quotations received for air conditioning range from \$45,518 to \$40,788.
RECOMMENDATION:	That Council agree to provide part funding for the installation of air conditioning at the West Lindfield Community Hall of up to \$20,000 from the 2004/05 Building Maintenance Program and Lady Game Kindergarten fund the difference.

PURPOSE OF REPORT

To consider the proposal from Lady Game Kindergarten to contribute to the installation of air conditioning at the West Lindfield Community Hall.

BACKGROUND

The provision of air conditioning at Lady Game Kindergarten at West Lindfield Community Hall has been an ongoing issue for a number of years. The building has a flat roof and high glass side walls that are not conducive to good building design and sustainability provisions. Several attempts have been made in recent years to provide better ventilation and to reduce the heat build up during the hot summer months.

The September 2001 Budget Review Report that was presented to Council on 8 November 2001 included a discretionary item of \$48,600 requested by Cr Elise Keays to purchase and install an air conditioner for Lady Game Kindergarten at West Lindfield Community Hall.

On 20 November 2001 Council adopted the discretionary variations in the report with a limit of \$20,000 for the air conditioner, and on 19 February 2002, Council resolved:

- A That the purchase of an air conditioner for the Lady Game Kindergarten be deferred pending further investigation into the most appropriate type of passive cooling system for West Lindfield Community Hall or if the Department of Community Services requirements permit self-opening doors, that this option also be considered in the investigation.*
- B That any funds required for an investigation, to a maximum of \$1,000, be taken from the \$20,000 allocated for this project.*

A report was prepared for the Council meeting of 5 November 2002 advising Council of the cooling options for West Lindfield Community Hall and resolved:

That the following improvements be made at the West Lindfield Community Hall at an estimated cost of \$20,780.

- *Grid plaster ceilings with insulation.*
- *6 wall-mounted fans be installed on the east and west facing walls.*
- *Fixed glass panels on the western wall be modified and louvred windows on 4 panels be installed.*
- *2 additional whirlybirds be installed in the roof.*
- *Trees be planted to screen the windows on the western and northern sides of the building.*
- *An external sunshade be installed over the window to the small meeting room at the northern end of the building.*
- *Window tinting be undertaken to reduce the heat load.*

All of the above works were carried out except the tree planting.

Whilst the measures taken have improved conditions at the hall, there are still peak times during summer and winter where there are extremes in temperature. However, the passive cooling improvements will be beneficial in the event that Council decide to mechanically ventilate the West Lindfield Community Hall.

The previous quotations that Council received were in excess of \$60,000 because of the high ceiling heights. Hence the work carried out to achieve the passive cooling provisions will assist with the proposed air conditioning and ducting work, in particular the installation of the false ceiling and insulation.

COMMENTS

Representations have been received from the Director of Lady Game Kindergarten offering to share the costs for the installation of air conditioning. Lady Game Community Kindergarten has forwarded a proposal (**attached**) to Council to part fund the supply and installation of an air conditioning system.

West Lindfield Community Hall is one of six community halls owned by Council. All halls are used by permanent and casual hirers. West Lindfield Hall, however, has both a kindergarten and regular permanent hirers that share the hall. If Council were to air condition West Lindfield Hall with the assistance of Lady Game Kindergarten, benefits from the air conditioning could also be utilised by the community.

Council's community halls are not purpose built for a specific group or use. Rather, consistent with Council's adopted Plan of Management for halls and meeting rooms, these facilities are promoted as venues for a range of community activities which encourages use by a variety of community based organisations.

Included in the submission, the Kindergarten commissioned Thwaite Consulting Group, mechanical engineers, to prepare a scope of works and design criteria on which quotations were to be based. Two quotes have been provided by the Kindergarten and are included in the submission.

ACV Designs	\$45,518 including GST
Divcall	\$40,788 including GST

The provision of an air curtain has been included in the quotation from ACV Designs and would be required, as licensing regulations require that doors be left open. Hence, it is important that an air curtain be installed to contain the cool air in the hall. The other quotation does not indicate whether an air curtain will be provided.

It should be noted that no provision in these quotes has been made for the upgrading of the power supply, should it be required. It also appears that should any measures need to be made to reduce external noise emitted from the unit if the unit is found to be too noisy, subsequent expenditure would be required.

Funding

Lady Game Community Kindergarten is seeking part funding of the proposal by Council with the Kindergarten prepared to contribute between \$20,000 to \$23,000 towards the project.

Running costs

The Kindergarten has proposed that they meet either 60% of the running costs per year based on its use of the hall during their licence conditions, or as a percentage figure based on:

$$\frac{\text{Actual kindergarten use (Hours)}}{\text{Actual Total use (Hours)}}$$

Indicative figures provided for electrical running costs are:

ACV Designs	\$3,300pa
Divcal	\$2,760pa

Council statistics indicate that a 75% Kindergarten to 25% Council ratio would be more indicative of the use of the hall as the hall is not hired during the school holiday period.

The running costs provided by ACV Designs does not include any costs associated with the air curtains or the amount of infiltration through the open door which will affect the running costs. As the figure provided by Divcal is lower it can be assumed that they also do not include the above contingencies.

Maintenance costs

As with running costs, Council staff are currently negotiating with Lady Game Kindergarten to achieve an agreed outcome for the payment of maintenance costs.

CONSULTATION

The President of Lady Game Kindergarten has been consulted in the writing of this report.

FINANCIAL CONSIDERATIONS

Provisions have been made in the building maintenance program for 2004/05 for the part funding of the West Lindfield Community Hall.

There will be a need to consult with each of the proposed suppliers with Council's Building Trades Section to ensure all the requirements of the air conditioning system and associated electrical work is in accordance with Council's requirements.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with Council's Technical Services Department with regard to the proposed air conditioning systems and the quotations received.

SUMMARY

Lady Game Community Kindergarten has forwarded a proposal to Council to part fund the cost of the supply and installation of an air conditioning system to the West Lindfield Community Hall.

It is suggested that Council allocate the sum of \$20,000 towards the project with that funded made available from the 2004-2005 Building Maintenance Program.

The increased costs of electricity use for the hall should be met primarily by the kindergarten, as they will be the main users. Likewise, Lady Game Kindergarten will contribute to maintenance costs where appropriate.

RECOMMENDATION

That Council agree to provide part funding for the installation of air conditioning at West Lindfield Hall for up to \$20,000 with funds being provided from the 2004/05 Building Maintenance Program and Lady Game Kindergarten fund the difference.

Stephen Plumb
COMMUNITY FACILITIES
COORDINATOR

Janice Bevan
DIRECTOR COMMUNITY
SERVICES

Greg Piconi
DIRECTOR TECHNICAL
SERVICES

Attachments: Submission from Lady Game Kindergarten

BUILDING MAINTENANCE PROGRAM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of the proposed building maintenance program for 2004/05 and the draft 5 year program.
BACKGROUND:	In 2002, a condition audit was carried out for the majority of Council's buildings in order to develop a building maintenance program in order to bring Council's buildings up to a satisfactory standard. The program has been in place since 2002/03.
COMMENTS:	The program has been consulted with the various user groups and a number of regulatory and compliance issues have been completed. The program can now concentrate on general repairs and refurbishment items.
RECOMMENDATION:	That the 2004/05 building maintenance program and the draft 2005/09 building maintenance program be adopted.

PURPOSE OF REPORT

To advise Council of the proposed building maintenance program for 2004/05 and the draft 5 year program.

BACKGROUND

Council at its meeting of 19 November 2002 considered a report on the seven year building maintenance program based on a Condition Audit of Council's major buildings and an assessment of ongoing maintenance carried out by Council's Building maintenance staff.

Prior to the Condition Audits being carried out, repairs to Council's buildings were reactive and based on complaints from various user groups. There was no assurance that Council buildings conformed to current legislative requirements and the audits assessed the buildings against the standards covered in the Building Code of Australia and relevant Australian Standards for disabled access, occupational health and safety and fire safety regulations.

A priority ranking system for the maintenance of Council buildings was adopted by Council at its meeting of 30 April 2002.

COMMENTS

A seven year building maintenance program was adopted by Council in September 2002 based on the adopted ranking criteria and pro-active repairs were put in place to address important issues of fire safety, occupational health and safety, disabled access and BCA compliance. Since that time a number of these matters have been completed and the opportunity now exists to refurbish a number of buildings but this will be subject to Council determining the long term future of the buildings.

Council's user groups were consulted by Council's staff on the program for various buildings when the program was developed and ongoing discussions are held with the user groups to advise them of the progress of any works.

The condition audits were carried out and grouped into the major categories of work in accordance with Council's adopted ranking system.

Council also adopted a weighting system for the various categories of buildings as detailed below:

Kindergartens and Child Car Centres	10
Senior Citizens Centres	9
Libraries	8
Community Centres	7
Halls and theatres	6
Amenity buildings and club houses	5
Council buildings and offices	4
Cottages, dwellings and pavilions	3
Public conveniences and street/park furniture	2
Shade houses, sheds and garages	1

The total amount allocated by Council for building maintenance works is approximately \$1,570,000 per annum. This amount is to cover maintenance and repairs and any refurbishment works.

Apart from building maintenance works, the trades section undertakes a number of other functions and the total allocation is to cover these works which cannot be programmed. The functions currently undertaken by the building trades staff that require set allocation based on expenditure trends include the following items:

Vandalism	\$150,000
Signposting	\$120,000
Urgent repairs	\$170,000
On costs & internal service charges	\$215,000

Hence, the likely available Council allocation for programmed works would be approximately \$915,000. The total cost of programmed works required over the next 5 years is approximately \$5.3 million. The five year program has been reviewed in accordance with the available budget, Council's priority ranking and weighting criteria. A copy of the 2004/05 program is attached.

Council staff responsible for managing the various buildings were requested to consult with the user groups with regard to the program and any maintenance items that were considered important to their current needs.

It should be noted that all of the fire safety requirements have been carried out for Council's major buildings and annual fire safety statements have now been obtained, however, there is an annual obligation to carry out fire safety inspections and prepare statements. Also, the child care centres and preschools have had thermostatic mixing valves installed to help prevent hot water scalding of young children and other requirements as specified by the Department of Community Services.

While safety and compliance requirements still have a high priority, a significant amount of these works have now been carried out and funding can now be allocated to general repair items.

The establishment of a maintenance program has been a valuable tool in consultation with the user groups as it provides them with an understanding of available funding and Council's priorities for its funding. Also, it provides some degree of commitment to carry out these works.

Depreciation

With regard to depreciation of Council's buildings, the current accounting standards require an annual depreciation of 2.5%. Attached is a list of Council's buildings and the assessed replacement value. The total value of Council's building assets is \$36,151,891. Consequently, the annual depreciation requirement based on this value is \$920,000. However, the current total value is the book value and not the replacement value.

Council allocates \$1,570,000 for building repairs and also allocates \$250,000 each year to its building depreciation reserves.

The current building maintenance program has been prepared in order to bring its buildings up to a satisfactory standard based on their current condition. However, based on the condition audits, it will require six years to bring Council's buildings up to a satisfactory standard.

However, further work is to be carried out this financial year to update the inventory of all items of all Council's buildings and assessed depreciation values, residual life and replacement value. This will be required to be entered into Council's new asset management software. This will then give a better indication of Council's depreciation requirements.

However, it should be noted that major structural building components do not deteriorate unless subjected external influences such as ground conditions and tree roots and therefore an assessment of residual life needs to be given careful consideration.

CONSULTATION

Consultation has taken place with user groups on the proposed program and future works.

FINANCIAL CONSIDERATIONS

Funding is available in Council's recurrent budget for this work along with set allocations for vandalism repairs, urgent works, signposting and internal service charges.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation has taken place with other Departments such as Open Space, Community Services and Finance and Business Sections who consult with the various user groups and manage the buildings.

SUMMARY

Council has previously undertaken condition audits on its buildings and a seven year maintenance program was established to complete regulatory and compliance works and general repairs in order to bring the buildings up to a satisfactory standard.

The majority of the compliance and regulatory works have been carried out and the Trades Section can now focus on general repairs and refurbishment items to help bring our buildings up to a satisfactory standard. Consideration has been given to those buildings that may be replaced in the future to ensure only items that are considered necessary are included in the program. The annual program does not take into account urgent repairs, vandalism or signposting works and separate funding is kept aside for this purpose.

RECOMMENDATION

That the 2004/05 building maintenance program and the draft 2005/09 building maintenance program be adopted.

Greg Piconi
Director Technical Services

Attachments: **2004/05 Proposed Building Maintenance Program and draft 2005/09
Building Maintenance Program
List of Council buildings assessed depreciation and replacement value**

NOTICE OF MOTION

GUIDELINES FOR OPENING TULKIYAN

Notice of Motion from Councillor G Innes dated 14 September 2004.

I move:

That in reply to the General Managers response dated 1 September 2004 to my Question without Notice regarding the Guidelines for Opening Tulkiyan, that the Guidelines be amended to “permit children less than 12 years of age only when accompanied by an adult for supervision”.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Graeme Innes
Councillor for Roseville Ward

NOTICE OF MOTION

SUSTAINABILITY PROJECT

Notice of Motion from Councillor E Malicki dated 14 September 2004.

I move that:

“The General Manager prepares a report detailing how an appropriate portion of the money received from the bus shelters may be used on a project to increase the long term sustainability of Council's operations through improving our water and energy efficiency and through adopting renewable energy sources where possible.”

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward