



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 13 JUNE 2006 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

DECLARATIONS OF 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 23 May 2006

Minutes numbered 176 to 197

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 25 May 2006

Minutes numbered KTC9 to KTC11

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 **5 to 9 Woodside Avenue, Lindfield - Supplementary Report** **1**

.
File: DA 1417/05

Ward: Roseville

To respond to issues raised at the Council site inspection and to seek Council's determination of the development application.

Recommendation:

Approval.

GB.2 **8 to 18 McIntyre Street, Gordon - Demolition of Existing Dwellings & Construction of Two Residential Flat Buildings Comprising 67 Units & Basement Car Parking** **136**

.
File: DA1360/05-2

Ward: Gordon

Applicant: Southern Cross Development Group

Owners: K Carlon, D C Cornwall, Pai Chou Developments, T G Vaughan, H G Lander and B J Lloyd

To determine development application No.1360/05, which seeks consent for the demolition of existing dwellings and the construction of two residential flat buildings comprising a total of 67 units and basement parking.

Recommendation:

Approval.

- GB.3 **2 to 6 Clydesdale Place, Pymble - Demolition of 3 Dwelling Houses & Construction of a Residential Flat Building Comprising 34 Units & Basement Car Parking for 58 Vehicles** **210**

.
File: DA1428/05

Ward: St Ives
Applicant: Futurespace Pty Ltd
Owner: Glenside Group Pty Ltd

To determine development application No 1428/05 which seeks consent for the demolition of 3 residential dwelling houses and construction of a residential flat building comprising 34 units and basement car parking for 58 vehicles.

Recommendation:

Approval.

- GB.4 **Conduct Committee & Code of Conduct** **304**

.
File: S04462

To establish an interim Conduct Committee and Guidelines for the operation of that Committee. To adopt changes to Council's Code of Conduct.

Recommendation:

That Council establish an interim Conduct Committee, adopt the Ku-ring-gai Council Conduct Committee Guidelines and associated amendments to Council's Code of Conduct.

- GB.5 **Guidelines for the Ku-ring-gai Council Office of the Internal Ombudsman** **335**

.
File: S04462

The position of Internal Ombudsman was permanently filled on 13 December 2005. This report recommends that Guidelines for the Office of the Internal Ombudsman be adopted.

Recommendation:

That Council adopt the Ku-ring-gai Council Internal Ombudsman Guidelines.

GB.6 Centenary of Local Government Community Groups Grants 2006 347

.
File: S04803

To advise Council of applications received from community groups, for Ku-ring-gai Council Centenary Grants 2006, and to recommend to Council subsequent funding allocations.

Recommendation:

That Council approve the recommendations in this report for funding community organisations through the Centenary Grants Program.

GB.7 Management Plan 2006 to 2010 incorporating Budget, Fees & Charges, Infrastructure Levy Survey Results & Submissions Received 364

.
File: S04708

For Council to adopt the 2006 to 2010 Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006-2007.

Recommendation:

That Council adopt the Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006 to 2007.

GB.8 Telecommunications Carriage - Tender Report 399

.
File: S04716

To provide information on Council's tender for telecommunications carriers and recommend a carrier for Council's mobile phone call services.

Recommendation:

That Council accept the tender from Optus for the supply of mobile phone services and call rates.

GB.9 Optus Mobile Pty Ltd - Proposed Deed of Access to use a Portion of Road Reserve Adjacent to 212 Ryde Road, West Pymble 404

.
File: 88/06023/01

Ward: Gordon

For Council to grant a Deed of Access to Optus Mobile Pty Ltd to use a portion of the road reserve for its telecommunication network.

Recommendation:

That Council approve a Deed of Access with Optus Mobile Pty Ltd for the installation of a low impact telecommunications facility located on the road reserve.

GB.10 Parks Sport & Recreation Reference Group - Minutes of Meeting held 4 May 2006 422

.
File: S03447

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 4 May 2006.

Recommendation:

That the minutes of the Parks, Sport and Recreation Reference Group meeting of 4 May 2006 be received and noted.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Air-Conditioning for KYDS 441

.
File: P55058

Notice of Motion from Councillor M Shelley dated 15 May 2006.

I move that:

"Council support the installation of a reverse cycle air conditioner at KYDS premises in Lindfield at a cost of approximately \$1800 and such funding be provided from the contingency budget or other appropriate source.

KYDS have been offered a 50% sponsorship of the air conditioner through Mark Taylor and Fujitsu and are able to fund 50% of the remaining cost.

The Centre is in Council property that previously had two air conditioners that were removed prior to KYDS taking over the premises."

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

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

**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.*

MAYORAL MINUTE

VALE PETER WHITE

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of Peter Frederick White, who passed away on 5th of May aged 95.

Peter is known to many in Ku-ring-gai as a former Ku-ring-gai alderman and long-time Roseville resident.

He served as alderman for Roseville Ward from 1969 to 1971.

During this time, he led the campaign for declaration of Roseville Memorial Park, which remains to this day.

Alderman White worked to get flagpoles installed in local schools, and encouraged the observance of Anzac Day in schools - even personally providing candles for dawn services.

He also played an important role in lobbying for a public swimming pool to be built at its current site in West Pymble, for visitor facilities within Ku-ring-gai National Park, and for traffic lights to be installed at Maclaurin Parade, Roseville.

Peter was well known for making himself available to help Ku-ring-gai residents at any hour of the day. He had a special affinity with returned soldiers due to his own experiences serving in World War 11.

Peter was born in England in 1910, one of five children, and migrated to Australia as a 17-year-old to pursue a life on the land. He worked as a jackaroo before his farmer boss walked off the property in the Great Depression, leaving him with two years of unpaid wages.

Like thousands of other young men, Peter enlisted for war service in 1940. He graduated from Duntroon as a Lieutenant and was deployed to Malaya with the 8th Division.

Peter was wounded while on combat patrol and was in hospital when Singapore capitulated to the Japanese, ending up as a prisoner of war in the notorious Changi.

His task on the infamous River Valley was to supervise working parties of prisoners of war excavating a tunnel.

Peter kept the exertion of his men to a minimum to ensure their survival, but this perceived leniency was soon discovered by the Japanese, who then wanted revenge.

Item 1

S02380
6 June 2006

Peter said, “Punish me, not my men”, and this they did, pounding him with rifle butts, treatment which protected his men but meant much suffering for him in later years.

Peter returned to Australia and worked on his own property near Dubbo for several years before his war injuries caught up with him, eventually moving to Roseville.

Apart from serving on Council, he was an active community member in many other ways. He was president of Roseville RSL Club and served as the club’s welfare officer for 17 years.

Peter White displayed true leadership not only in the ravages of war but also among his community here in Ku-ring-gai.

On behalf of Ku-ring-gai Council I would like to pay tribute to this great Ku-ring-gai community member and express our sincere condolences to his wife, Patricia, and family.

RECOMMENDATION

That this Mayoral Minute be received and noted

Elaine Malicki
Mayor

Item 1

5 TO 9 WOODSIDE AVENUE, LINDFIELD - SUPPLEMENTARY REPORT

Ward: Roseville

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To respond to issues raised at the Council site inspection and to seek Council's determination of the development application.

BACKGROUND:

- Application lodged 16 December 2005.
- Council considered a report at its meeting on 9 May 2006.
- Consideration pending site inspection which took place on 13 May 2006.

COMMENTS:

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

RECOMMENDATION:

Approval.

Item 1

PURPOSE OF REPORT

To respond to issues raised at the Council site inspection and to seek Council's determination of the development application.

BACKGROUND

- Application lodged 16 December 2005.
- Council considered a report at its meeting on 9 May 2006.
- Site inspection, which took place on 13 May 2006.
- Minutes of the Inspection Committee presented for confirmation on 23 May 2006.

COMMENTS

1. Setbacks

Staff are requested to define ‘setback’ and describe what encroachments can be contained within a setback area. It is requested that staff provide the basis upon which setbacks have been determined during the assessment of this development application.

‘Setback’ is defined under part 1.12 Definitions of DCP 55 as follows:

*“**Setback** means the distance between any given boundary of an allotment and the external plane of the building being erected or proposed to be erected, including the external plane of any balcony, carport or the like”.*

Part 4.3 of DCP 55 includes the design controls relevant to Ku-ring-gai Multi-unit Housing. Design control C-4 of part 4.3 Setbacks of DCP 55 allows the following elements of a building to encroach into the setback:

- (i) Eaves;
- (ii) Sun shading;
- (iii) Blades, fins, columns;
- (iv) Private courtyards in the front setback.

Design control C-1 of Part 4.3 Setbacks of DCP 55 states that a setback zone between 10-12 metres from the boundary may be occupied by not more than 40% of the building footprint. **Building footprint** means the total maximum extent of the two dimensional area of the plan view of a building, including all levels but excluding any part of the building below ground and minor ancillary structures such as barbeques, letterboxes and pergolas.

The basis upon which setbacks have been determined for this development are as follows:

Item 1

- Side setbacks of 6 metres (Part 4.3, C-1(a) DCP 55)
- Street boundary setback: setback zone between 10-12 metres from boundary, no more than 40% of this zone may be occupied by building footprint; (Part 4.3, C-1(b) DCP 55).

It should be noted that design control C-2 of Part 4.3 (a front setback zone of 13 to 15 metres) is not applicable as the subject site depth when calculated at right angles to the Woodside Avenue site boundary ranges in depth from 42 metres to 48.8 metres. An average depth of the subject site has been determined at 44.75 metres. This calculation has resulted in averaging six sections of the site at approximately 8 metre intervals along the Woodside Avenue frontage. The site also has a 10-12 metres front setback to Havilah Road enabling effective landscaping, the planting between buildings and separation of buildings for privacy.

- Zone interface setback : Clause 25L(2) of LEP 194 requires that the third and fourth storey of any building on land within Zone No.2(d3) must be set back at least 9 metres from any boundary of the site of the building with land (other than a road) that is not within Zone No.2(d3).

2. Deep soil calculation

Staff are requested to recalculate the deep soil area excluding the stormwater detention area and disabled access ramp within the front setback adjoining Havilah Road and advise with respect to compliance.

The deep soil area excluding the stormwater detention area and the disabled access ramp is 1,080.8m² which is 41.63% of the site area.

In regard to compliance, both the stormwater detention area and the disabled access ramp qualify as deep soil area as they comply with the definition of deep soil within LEP 194. The disabled access ramp is 1 metre wide and separated by a 2 metre wide garden bed. The stormwater detention area is a turfed depression, it is porous and does not have any structures above or below it. The proposed deep soil area therefore complies with the 50% standard.

3. Overland flow

Staff are requested to identify what effect (if any) underground water will have on the proposal. It is also requested that staff provide further information to identify the potential impact (if any) on the growth of large trees near the easement (and any pipe contained within) or any area of overland flow.

The hydrogeological investigations by the consulting geotechnical and environmental engineer found minor seepage occurred into the boreholes drilled but no standing water was encountered after auguring. Further groundwater monitoring has been recommended so that

Item 1

basement drainage can be properly designed, however, it will not adversely affect the proposal.

Council's Landscape Development Officer, Geoff Bird, has also reviewed this issue and advises;

It is not perceived to be any change or impact regarding the growth of trees near the easement. Existing conditions prevail and; as is evident on site, large trees are capable of growing near the easement or within the overland flow areas.

4. Underground cabling

Staff are requested to confirm that Condition No.83 will result in all overhead power cables adjoining the subject site being relocated underground.

Condition No.83 does not confirm that all overhead power cables will result in being relocated underground. In order to ensure that the power cables are relocated underground, an additional condition has been recommended (Refer **Condition No.65A**).

5. Zone interface

Staff are requested to confirm if land use zoning and interface development controls for adjoining land not zoned Residential 2(d3) will be given consideration as part of Council's Town Centre Strategy.

Council at its meeting of 23 May 2006 resolved to prepare a draft LEP for the Lindfield Centre. The resolution includes the adjoining five allotments to the east of the development site, including Nos 11, 15 and 17 Woodside Avenue and Nos 2A, 2 and 4 Havilah Road in the residential high density zone. It is intended that the proposed high density zone is to have similar development standards to 2(d3) zones.

6. Surrounding development

In assessing the impact of the proposed development on Havilah Lane, staff are requested to confirm if it is appropriate to consider both the existing and likely future densities on surrounding sites.

Both the existing and likely future densities on surrounding sites have been considered.

7. Courtyards

Staff are requested to advise if the minimum dimensions of the proposed courtyards have been exceeded, thereby possibly resulting in other areas of non-compliance with DCP No.55.

Item 1

Ground level apartments are required to have a terrace or private courtyard with a minimum area of 25m². All ground level apartments proposed exceed the minimum requirement and as a result are located within the 8 metres setback zone in varying proportions. However, this does not compromise the provision of deep soil planting in the common area which is compliant and acceptable.

Staff are requested to provide details on the percentage of paved area that is acceptable/permissible in courtyards and advise whether or not additional paving (by future residents) of each courtyard would require Council's consent.

There is no prescribed minimum area to be paved in courtyards, however, based on minimum areas for terraces/decks located above ground floor level, an acceptable area would be around 15m² based on a unit with 3 or more bedrooms. The six (6) ground floor units propose the following areas of paving respectively; Unit 2, 14.5m²; Unit 3, 14.75m²; Unit 4, 13.1m²; Unit 5, 15.95m²; Unit 1, 13.75m² and Unit 6, 15.36m², which is acceptable in the circumstances.

Additional paving by future residents will require Council's consent except where the width of such paving is less than 1 metre as it would not be included in the landscape deep soil calculation. The additional paving would not be exempt development as it would result in a non-compliance with the 50% deep soil standard.

8. Landscaping

Staff are requested to advise if there is an opportunity for the applicant to increase screen planting within the side boundary setback between the proposal and development located within the adjoining 2(c2) zone to the east.

Council's Landscape Development Officer, Geoff Bird, has reviewed this issue and advises:

The screen planting in this area is quite substantial as proposed. In conjunction with the neighbour's existing trees that overhang the boundary, the development proposes screening shrubs able to attain heights up to 4.0 metres, small trees that attain heights up to 6 to 8 metres and smaller shrub plantings up to 1 metre. The planting as it matures will provide a layered screening of the development with filtering of views to and from the site to the neighbouring property. The side setback is fully planted out with no proposed grassed or paved areas and as such there is little opportunity to further increase planting.

Staff are requested to consider the inclusion of a condition of development consent to ensure that boundary fencing between the 2(c2) and 2(d3) zones is a minimum of 1.8 metres in height when measured above the level of the terrace area at the rear of No.11 Woodside Avenue. It is noted that the current height of this fence as viewed from the adjoining development at No.11 Woodside Avenue is less than 1.8 metres.

Whilst an existing 1.8 metres high timber paling fence separates the rear of No.11 Woodside Avenue from the development site, its height above the rear terrace level of No.11 Woodside

Item 1

is approximately 1.5 metres. The existing common boundary fence located between No.2A Havilah Road and the development site is 1.5 metres in height. In order to assist in the preservation of privacy between the 2(d3) and 2c2) zones, the common boundary fencing should be at least 1.8 metres above the rear terrace level in relation to No.11 Woodside Avenue and, in relation to No.2A Havilah Road, 1.8 metres in height above the existing ground level (Refer **Condition No.65B**).

Staff are requested to advise if there is scope for the applicant to provide additional planting within the front setback on the Havilah Road frontage for improved visual impact and streetscape appeal.

Council's Landscape Development Officer, Geoff Bird, has reviewed this issue and advises:

Planting within the Havilah Road frontage, is adequate as landscape works proposed will provide a landscape character that is consistent with the existing streetscape and the desired future streetscape character of the area. The frontage will be characterised by tall canopy trees (providing filtered views of the upper levels), smaller feature trees and screening shrubs within formal garden beds. An open area of grass (the detention basin) is also proposed and will act as a recreational space under communal ownership. The proposed garden beds area generous and, in conjunction with the existing trees to be retained the proposed planting is more than adequate. Additional planting could be accommodated however this would result in the reduction of the communal open space within the site frontage.

ADDITIONAL ISSUES RAISED POST SITE INSPECTION

Further to the matters raised at the site inspection, the following issues have been raised by Sarah Hofman of 2 Highgate Road, and, at the request of the Mayor Councillor E Malicki, consideration of these issues has been included in this report:

- a) **The following concerns are raised:**
- (1) **Unsatisfactory interface;**
 - (2) **Limited deep soil areas;**
 - (3) **Fragmented deep soil areas given the detention area and the disabled access pathways on Havilah Road;**
 - (4) **Insufficient canopy planting.**

The zone interface setback of 9 metres to levels three and four of the proposal complies with the requirements of LEP 194. The deep soil area complies with the 50% requirement of LEP 194. The area proposed is 50.02%. Items (3) and 4) have been addressed in Item 2, Deep Soil Calculation, and Item 8, Landscaping, earlier in this report. The detention area and disabled access pathway qualify as deep soil within LEP 194 and the landscape works will provide a landscape character that is consistent with the existing streetscape and the desired future streetscape character of the area including an acceptable number of canopy planting.

Item 1

b) The following conditions are suggested to be included in the approval:

- (1) **Private terraces in front setback should be set back at least 8 metres from street frontages and additional trees and large shrubs provided to the front setback area.**
- (2) **Allow some concessions in relation to minimum terrace area in order to achieve increased setback to the terraces.**

Whilst the setback of ground floor courtyards to the respective street boundaries is less than 8 metres, the setbacks proposed do not compromise the provision of deep soil planting in the common area and are acceptable.

- (3) **Remove terraces and private open space from the eastern side boundary setback and provide a 6 metres wide planting screen, including trees and large shrubs along the eastern side boundary.**

This issue has been addressed in Item 8, Landscaping, above. The screen planting in this area is quite substantial as proposed and is fully planted out with no proposed grassed or paved areas.

- (4) **Require that stormwater detention be substantially located under the building and paved areas to enable more extensive landscaping including trees to be provided to the Havilah Road frontage. Car parking exceeds Council requirements so that with some reduction in the size of the basement car park stormwater detention could be placed under the building (due to the current position of the detention area we do not believe the 50% deep soil requirement per LEP 194 can be met).**

The stormwater detention area qualifies as deep soil area pursuant to LEP 194 and adequate landscape works are proposed in the Havilah road frontage as addressed in Item 8, Landscaping, earlier in this report.

- (5) **Reduce the extent of terracing to the south-western frontage to Havilah Road so that large plantings can be provided adjacent and between the disabled access pathway.**
- (6) **Include additional canopy trees in the front setback area**

The terraced areas and disabled access pathway qualify as deep soil area pursuant to LEP 194 and, as landscape works proposed will provide a landscape character that is consistent with the existing streetscape and the desired future streetscape character of the area, the terraced areas are acceptable.

With regard to the suggested conditions, these are not considered to be warranted as the proposal is satisfactory in its present form. However, should Council wish to pursue the modifications sought in these conditions, this would require deferral of this DA to require the applicant to submit amended plans.

Item 1

CONCLUSION

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

RECOMMENDATION

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

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 25I(8) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the amount of extra height is minimal and there will be very little change in the visual impact of the development.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1417/05 is consistent with the aims of the Policy, grant development consent to DA 1417/05 for a residential flat building on land at 5-9 Woodside Avenue, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Development in Accordance with Plans (New Development)**GENERAL CONDITIONS**

- The development must be carried out in accordance with plans identified within the following table and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No.	Rev	Description	Author	Dated	Lodged
DA-01	A	Site Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-02	—	Site Analysis	Playoust Churcher	16 December 2006	24 March 2006
DA-03	A	Upper Basement Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-04	A	Lower Basement Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-05	A	Ground Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-06	A	First Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-07	A	Second Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-08	A	Third Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-09	A	Fourth Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-10	A	North & East Elevations	Playoust Churcher	24 March 2006	24 March 2006
DA-11	A	South & West Elevations	Playoust Churcher	24 March 2006	24 March 2006
DA-12	A	Cross Sections 1	Playoust Churcher	24 March 2006	24 March 2006

Item 1

DA-13	A	Cross Sections	Playoust Churcher	24 March 2006	24 March 2006
DA-14	A	Longitudinal Section	Playoust Churcher	24 March 2006	24 March 2006
DA-15	—	Shadow Diagrams	Playoust Churcher	8 December 2005	24 March 2006
DA-16	A	Compliance Diagrams	Playoust Churcher	24 March 2006	24 March 2006
466.04	DA-1	Planting Layout	Tramonte Jensen	23 March 2005	24 March 2006
466.02	DA-1	Existing Trees	Tramonte Jensen	23 March 2005	24 March 2006
466.03	DA-1	General Layout	Tramonte Jensen	23 March 2005	24 March 2006

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 provision of a solid wall along the eastern edge of the balconies of Units 15 and 21 to ensure the privacy of Units 15, 16, 21 and 22.
5. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified person who has knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report must be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet must be included. Photographs of the following:

- Each elevation
- Photographs of the stone pier and timber lattice fence at the rear of No 9 Woodside Avenue.
- All structures on site such as sheds, outhouses and significant landscape features for all houses.
- Several photographs of houses from public streets including several views showing their relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made

Item 1

- Location Plan showing relationship of site to nearby area
- Site plan to scale (1:200 – 1:500) showing all structures and site elements
- Floor Plans (1:100)
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- Colour slides (one set)

Digital images and CDs may be submitted as supplementary information.

6. Should and electrical substation need to be established on the premises and an area to satisfy Energy Australia's conditions for an electrical substation, such area shall not reduce the deep soil area proposed.
7. Drying areas being provided on balconies or a discreet drying area being provided in the communal landscaped area.
8. 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.
9. 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.
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 1

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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. 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.

19. 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.
20. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.

Item 1

21. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. 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.
24. 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.

25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
27. 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.

Item 1

28. 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.
29. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. 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.
32. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
33. Compliance with the commitments set out in BASIX Certificate Number 144136M, dated 14 December 2005.
34. Removal, or pruning of the following trees, is not approved as part of this Development Application:
Tree/ Location
#12 *Cupressus sempervirens* (Italian Cypress)
Adjacent to Woodside Ave site frontage
#13 *Cupressus sempervirens* (Italian Cypress)
Adjacent to Woodside Ave site frontage
#16 *Lagerstroemia indica* (Crepe Myrtle)
Adjacent to Woodside Ave site frontage
#17 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property
#18 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property
#19 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property
#29 *Macadamia tetraphylla* (Macadamia)
Adjacent to Havilah Rd site frontage
#32 *Acmena smithii* (Lillypilly)
Adjacent to Havilah Rd site frontage
#36 *Livistona chinensis* (Fan Palm)
Adjacent to north-east site boundary

Item 1

#37 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property

#42 *Camellia japonica* (Japanese Camellia)
Adjacent to Woodside Ave site frontage

#44 *Magnolia soulangeana* (Soul's Magnolia)
Adjacent to Woodside Ave site frontage

#54 *Livistona australis* (Fan Palm)
Adjacent to south-west site boundary

#55 *Franklinia axillaris* (Gordonia)
Adjacent to south-west site boundary

#56 *Rothmania globosa* (Tree Gardenia)
Adjacent to southern site corner

#57 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip

#58 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip

#60 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip

#61 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip

35. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location	Tree Works
#14 <i>Chamaecyparis pisifera</i> (Sawarah Cypress) Within proposed building footprint	Removal
#15 <i>Persea americana</i> (Avocado) Within proposed building footprint	Removal
#20 <i>Cyathea australis</i> (Tree Fern) Centrally located on site	Removal
#21 <i>Franklinia axillaris</i> (Gordonia) Centrally located on site	Removal
#22 <i>Washingtonia robusta</i> Centrally located on site	Removal
#23 <i>Washingtonia robusta</i> Centrally located on site	Removal
#24 <i>Franklinia axillaris</i> (Gordonia) Centrally located on site	Removal
#25 <i>Tristanopsis laurina</i> (Water Gum)	Removal

Item 1

Within proposed building footprint	
#26 <i>Camellia sasanqua</i> (Chinese Camellia)	Removal
Within proposed building footprint	
#27 <i>Camellia sasanqua</i> (Chinese Camellia)	Removal
Within proposed building footprint	
#28 <i>Citrus spp</i>	Removal
Adjacent to south-east site boundary	
#30 <i>Acmena smithii</i> (Lillypilly)	Removal
Within proposed building footprint	
#33 <i>Cyathea spp</i> (Tree Fern)	Removal
Adjacent to eastern site corner	
#34 <i>Cyathea spp</i> (Tree Fern)	Removal
Adjacent to northeast site boundary	
#35 <i>Cyathea spp</i> (Tree Fern)	Removal
Adjacent to north-east site boundary	
#38 <i>Persea americana</i> (Avocado)	Removal
Adjacent to south-east site boundary	
#39 <i>Callistemon spp</i> (Bottlebrush)	Removal
Adjacent to south-east site boundary	
#40 <i>Camellia sasanqua</i> (Chinese Camellia)	Removal
Within proposed building footprint	
#41 <i>Magnolia soulangeana</i> (Soul's Magnolia)	Removal
Within proposed building footprint	
#43 <i>Franklinia axillaris</i> (Gordonia)	Removal
Adjacent to Woodside Ave site boundary	
#45 <i>Chamaecyparis pisifera</i> (Sawara Cypress)	Removal
Adjacent to Woodside Ave site frontage	
#46 <i>Chamaecyparis pisifera</i> (Sawara Cypress)	Removal
Adjacent to Woodside Ave site frontage	
#47 <i>Chamaecyparis pisifera</i> (Sarawah Cypress)	Removal
Adjacent to western site corner	
#59 <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
Havilah Rd nature strip	
#62 <i>Jacaranda mimosifolia</i> (Jacaranda)	Removal
Havilah Rd nature strip	

36. The trees to be retained on site and within the adjoining nature strip areas shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and

Item 1

documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location	Time of inspection
All existing trees located on site being retained	Prior to demolition
	At the completion of demolition
	Prior to excavation works
	At the completion of excavation works
	Prior to the start of construction works
	At monthly intervals during construction
	At the completion of construction works
	At the completion of all works on site

37. Landscape works shall be carried out in accordance with Landscape Drawing No 466.02, 466.03, 466.04 prepared by Tramonte jensen Pty Ltd and dated 23/03/2006 submitted with the Development Application, except as amended by the following:

- Tree numbers 45 & 46 are to be shown to be removed and replaced with a native endemic tree species capable of attaining a minimum height of thirteen metres.
- The proposed 'LT' tree species are to be changed so that they are consistent with the *Sydney Bluegum High Forest* (Endemic) plant community. Species are to include *Eucalyptus saligna* (Bluegum), *Eucalyptus pilularis* (Blackbutt), *Angophora floribunda* (Rough barked apple) and *Eucalyptus paniculata* (Grey Gum).
- The additional two *Jacaranda mimosifolia* (Jacaranda) required to be planted within the nature strip on Havilah Rd are to be shown on plan. The trees are to be planted where existing driveway crossovers are to be removed.

38. Removal of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location
#59 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip

39. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

40. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m

Item 1

#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#36 <i>Livistona chinensis</i> (Fan Palm) Adjacent to north-east site boundary	2.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#54 <i>Livistona australis</i> (Fan Palm) Adjacent to south-west site boundary	2.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to south-west site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m

Item 1

Havilah Rd nature strip

#60 *Jacaranda mimosifolia* (Jacaranda) 4.0m

Havilah Rd nature strip

#61 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Havilah Rd nature strip

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

Tree/Location	Radius From Trunk
---------------	-------------------

#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	7.0m
--	------

Woodside Ave nature strip

#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	6.0m
--	------

Woodside Ave nature strip

#12 <i>Cupressus sempervirens</i> (Italian Cypress)	4.0m
---	------

Adjacent to Woodside Ave site frontage

#13 <i>Cupressus sempervirens</i> (Italian Cypress)	3.0m
---	------

Adjacent to Woodside Ave site frontage

#16 <i>Lagerstroemia indica</i> (Crepe Myrtle)	3.5m
--	------

Adjacent to Woodside Ave site frontage

#17 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
--	------

Adjacent to north-east site boundary in neighbouring property

#18 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
--	------

Adjacent to north-east site boundary in neighbouring property

#19 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
--	------

Adjacent to northeast site boundary in neighbouring property

#29 <i>Macadamia tetraphylla</i> (Macadamia)	2.5m
--	------

Adjacent to Havilah Rd site frontage

#32 <i>Acmena smithii</i> (Lillypilly)	3.0m
--	------

Adjacent to Havilah Rd site frontage

#36 <i>Livistona chinensis</i> (Fan Palm)	2.0m
---	------

Adjacent to north-east site boundary

#37 <i>Alnus jorullensis</i> (Evergreen Alder)	5.0m
--	------

Adjacent to north-east site boundary in neighbouring property

#42 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
--	------

Adjacent to Woodside Ave site frontage

Item 1

#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#54 <i>Livistona australis</i> (Fan Palm) Adjacent to south-west site boundary	2.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to southwest site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

42. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to south-west site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

Item 1

#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

43. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

44. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Havilah Rd to replenish the existing avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Jacaranda mimosifolia</i> (Jacaranda)	2

45. Following removal of the #59 & 62 *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.

46. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/From	To
#'s 48-50 <i>Howea forsteriana</i> (Kentia Palm)	As shown on plan
#51 <i>Archontophoenix alexandra</i> (Alexandra Palm)	Relocated kentia palm grouping

47. 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.

48. The canopy replenishment 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.

49. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Council's Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

50. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant

Item 1

BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47). Note that if the retention volume is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement.

51. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. For this site only, a concession down to a minimum of 39m³ above ground storage may be available on the detention volume, due to the area of the site which is subject to overland flow. Note that if the retention volume provided is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
52. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
53. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
54. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
55. It is the Applicants and contractors **full responsibility** to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures and excavation are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.

Item 1

56. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.
57. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
58. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
59. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
60. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis

Item 1

and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

61. Driveways and vehicular 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 the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
62. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to 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.
63. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
64. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
 - Appropriate excavation methods and techniques,
 - Vibration management and monitoring,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the report prepared by Jeffery and Katauskas and all subsequent geotechnical investigation and inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

65. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
 - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,

Item 1

Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

- 65A. All overhead power cables located above the Woodside Avenue and Havilah Road, road reserves adjoining the subject site shall be relocated underground to the satisfaction of Energy Australia and Council.
- 65B. For privacy a timber paling fence shall be constructed along the east site boundary to a height of 1.8 metres above the rear terrace level of No.11 Woodside Avenue, and in relation to property No.2A Havilah Road, constructed to a height of 1.8 metres above the existing ground level.

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

66. The street frontage fencing to both Woodside Avenue and Havilah Road shall have a maximum height of 1.2 metres when measured from the adjacent existing ground level located on the outside of the proposed fencing. Details are to be included with the Construction Certificate plans.
67. 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.

68. 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.
69. 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.

Item 1

- 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.

70. 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 TWENTY FOUR (24) ADDITIONAL DWELLINGS IS CURRENTLY \$549,503.51. 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 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Lindfield	\$8,223.35
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

71. To preserve the following tree/s, footings of the proposed boundary wall/fence shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

Item 1

The location and details of the footings shall be submitted to the Principal Certifying Authority and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

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

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

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

Item 1

73. A CASH BOND/BANK GUARANTEE of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	\$1,000.00
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	\$1,000.00
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1,000.00
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1,000.00
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1,000.00
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1,000.00

74. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
75. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

Item 1

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 Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

76. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the *inside trafficked edge* of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:
- The crest required for flood protection has been accommodated in the design,
 - Vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site), and
 - All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

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

- a. Construct a concrete footpath along the Havilah Road frontage of the site.

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

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

Item 1

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

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

NOTE 2: An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

78. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".
- b) A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

79. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance

Item 1

with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

80. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
 - Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
 - Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
 - The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Plan 205126 H1 to H3 Issue B by Demlakian Consulting Engineers submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

81. Prior to issue of the Construction Certificate, a suitably qualified and experienced civil/hydraulic engineer is to certify that the plans, including the landscape plan, show the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005.
82. Prior to issue of the Construction Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005, have been designed to withstand the forces associated with overland flow.
83. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full

Item 1

requirements of Energy Australia (including the need for underground cabling, and any need for substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

84. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

85. 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.
86. 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/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	6.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in	4.0m

Item 1

neighbouring property

#19 *Alnus jorullensis* (Evergreen Alder) 4.0m

Adjacent to north-east site boundary in
neighbouring property

#29 *Macadamia tetraphylla* (Macadamia) 2.5m

Adjacent to Havilah Rd site frontage

#32 *Acmena smithii* (Lillypilly) 3.0m

Adjacent to Havilah Rd site frontage

#36 *Livistona chinensis* (Fan Palm) 2.0m

Adjacent to north-east site boundary

#37 *Alnus jorullensis* (Evergreen Alder) 5.0m

Adjacent to north-east site boundary in
neighbouring property

#42 *Camellia japonica* (Japanese Camellia) 3.0m

Adjacent to Woodside Ave site frontage

#44 *Magnolia soulangeana* (Soul's Magnolia) 3.0m

Adjacent to Woodside Ave site frontage

#54 *Livistona australis* (Fan Palm) 2.0m

Adjacent to southwest site boundary

#55 *Franklinia axillaris* (Gordonia) 3.5m

Adjacent to south-west site boundary

#56 *Rothmania globosa* (Tree Gardenia) 3.0m

Adjacent to southern site corner

#57 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Havilah Rd nature strip

#58 *Jacaranda mimosifolia* (Jacaranda) 6.0m

Havilah Rd nature strip

#61 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Havilah Rd nature strip

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

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

1. Tree Protection Zone

Item 1

2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
4. Name, address, and telephone number of the developer/principal certifying authority.

89. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if vehicular or repeated pedestrian access is required:

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#19 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#36 <i>Livistona chinensis</i> (Fan Palm) Adjacent to north-east site boundary	2.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m

Item 1

#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#54 <i>Livistona australis</i> (Fan Palm) Adjacent to south-west site boundary	2.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to southwest site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

90. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location	Radius in Metres
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	4.0m

91. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. 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.
92. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.

Item 1

93. Following demolition of the dwellings but prior to commencement of bulk excavation, additional geotechnical investigation comprising at least three cored boreholes, is to be carried out. The report of this investigation is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed. Works are to proceed in accordance with the recommendations of this report, including vibration monitoring and excavation support.
94. Prior to the commencement of any excavation works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of residences at 3 and 11 Woodside Avenue and 2a Havilah Road. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.
95. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:
 1. **A plan view of the entire site and frontage roadways indicating:**
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - The locations of proposed Work Zones in the frontage roadways,
 - Location of any proposed crane standing areas
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible
 2. **Traffic Control Plan(s) for the site**
 - All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
 - Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
 3. **A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**

Item 1

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

96. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
97. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai

Item 1

Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:

- a) Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
- b) All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that:

- Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair damage regardless. A written acknowledgment from Council engineers must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

- 98. 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.
- 99. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
- 100. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
- 101. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

Item 1

102. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:

- New concrete driveway crossing in accordance with levels and specifications issued by Council.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
- Construction of footpath for the Havilah Road frontage of the development.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all 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) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

103. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
104. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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 reuse and retention facility,

Item 1

in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the flood-proofing structures constructed under another condition of this consent. The terms of the instruments are to require that the structures be maintained in a sound and watertight condition. The Positive Covenant is to be created through an application to the Land Titles Office in the form of a request using form 13PC. The relative location of the structures, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenant must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
106. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

107. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
108. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - a) That the as-constructed carpark complies with the approved Construction Certificate plans,
 - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.

Item 1

- d) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- e) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - “Off-street car parking”,
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.

109. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- c) That retained water is connected and available for the uses specified on the BASIX Certificate.
- d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- e) That all grates potentially accessible by children are secured.
- f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

110. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

Item 1

- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.
- As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

111. Prior to issue of the Occupation Certificate, a suitably qualified and experienced civil/hydraulic engineer is to certify that the as-constructed development, including the landscaping, complies with the approved Construction Certificate plans in relation to the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005.
112. Prior to issue of the Occupation Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005, and the approved Construction Certificate plans, have been constructed to withstand the forces associated with overland flow.
113. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system, and the water quality measures, and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
114. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
 - a) According the relevant Australian Standards and guidelines, and
 - b) According to any approved Geotechnical report undertaken for the development, and

Item 1

- c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
115. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas 19646Vrpt, the report submitted prior to commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
116. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
117. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
- a) Residences at 3 and 11 Woodside Avenue and 2a Havilah Road;
 - b) Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
 - c) All driveway crossings and laybacks opposite the subject site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

118. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

BUILDING CONDITIONS

119. 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

Item 1

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.

120. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

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

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

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

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

G Bolton
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: **Original report to Council meeting of 9 May 2006 - 622605**
 Site location plan - 606508
 Zoning extract - 606511
 Site analysis and site plan - 606512
 Elevations - 606514
 Cross sections - 606516

Item 1

Shadow diagrams - 606517
Compliance diagram - 606520
SEPP 1 objection - 606525
Draft SEPP (Application of Development Standards) 2004 Application for
departure - 606528
Survey plan - 606527
Confidential floor plans
Landscape plans - (Confidential - shows floor plans)
SEPP 1 objection, sketch - (Confidential - shows floor plans)

Item 1

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	5 TO 9 WOODSIDE AVENUE, LINDFIELD - DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING A TOTAL OF 27 UNITS AND BASEMENT CARPARKING FOR 61 VEHICLES
WARD:	Roseville
DEVELOPMENT APPLICATION N^o:	1417/05
SUBJECT LAND:	5 to 9 Woodside Avenue, Lindfield
APPLICANT:	Woodside Avenue Pty Ltd
OWNER:	J Howes and S Sakker
DESIGNER:	Playoust Churcher Architects
PRESENT USE:	Residential dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP - 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes with variation
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 55, SEPP 65, Draft SEPP (Application of Development Standards) 2004
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	16 December 2005 Amended Plans 24 March 2006
40 DAY PERIOD EXPIRED:	25 January 2006
PROPOSAL:	Demolition of existing dwellings and construction of a residential flat building comprising a total of 27 units and basement carparking for 61 vehicles
RECOMMENDATION:	Approval

Item 1

DEVELOPMENT APPLICATION N^o 1417/05
PREMISES: 5 - 9 WOODSIDE AVENUE, LINDFIELD
PROPOSAL: DEMOLITION OF EXISTING DWELLINGS
AND CONSTRUCTION OF A RESIDENTIAL
FLAT BUILDING COMPRISING A TOTAL
OF 27 UNITS AND BASEMENT
CARPARKING FOR 61 VEHICLES
APPLICANT: WOODSIDE AVENUE PTY LTD
OWNER: J HOWES AND S SAKKER
DESIGNER: PLAYOUST CHURCHER ARCHITECTS

PURPOSE FOR REPORT

To determine development application No.1417/05, which seeks consent for the demolition of existing dwellings and the construction of a residential flat building comprising a total of 27 units and basement carparking for 61 vehicles.

EXECUTIVE SUMMARY

- Issues:**
- SEPP 1 variation to building height and number of storeys due to a fractional non-compliance with the height development standard.
 - Setback of building from front (north-west) boundary.

Pre DA Meeting:

Yes – The issues raised are listed as follows:

- The location of the entry driveway.
- A new footpath will be required for the Havilah Road frontage of the site.
- Water quality measures to be included in the DA submission
- Geotechnical report to be submitted for assessment.
- A Construction Management Plan to be submitted with the DA.
- A detailed Landscape Plan is to be submitted with the DA.
- Strict compliance with LEP 194 deep soil landscaping is required.
- Minor departure with the perimeter ceiling height control in the south-western corner of the building.
- Any non-compliance with the standards in the LEP must be justified by a SEPP 1 objection.
- Street setbacks.

Submissions: Twenty eight (28)

Land & Environment Court Appeal: No

Item 1

Recommendation: Approval.

HISTORY

Site history:

The site is used for residential purposes. There is no history to the subject development application.

Development application history:

DA 1417/05

13 November 2005	The preliminary plans submitted in relation to the development of 5-9 Woodside Avenue demonstrated consideration of the controls of LEP 194 and DCP 55.
16 December 2005	Application lodged.
14 February 2006	Request from Council for more information in relation to a traffic matter, drainage and deep soil landscaping.
22 February 2006	Additional information regarding traffic matter forwarded to Council.
24 March 2006	Additional information lodged in relation to drainage and deep soil landscaping.

THE SITE AND SURROUNDING AREA

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Lot Number:	4A, 1, 110 and 1
DP Number:	17538, 330266, 6608 and 959551
Heritage Affected:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is known as 5, 7 and 9 Woodside Avenue, Lindfield and has frontages to both Woodside Avenue and Havilah Road. The site is located on the southern side of Woodside Avenue at its intersection with the southern end of Highgate Road. The site is rectangular and comprises four (4) lots with a total area of 2596.2m². The site has a total frontage of 60.35 metres to Woodside Avenue and a frontage of 56.36 metres to Havilah Road. The site has depths of 44.03 metres along

Item 1

the western boundary and 51.59 metres along eastern boundary. The site slopes towards the south from Woodside Avenue to Havilah Road.

The site comprises four (4) allotments as follows:

5 Woodside Avenue	Lot 4A in DP 17538
7 Woodside Avenue	Lot 1 in DP 330266
9 Woodside Avenue	Lot 110 in DP 6608
	Lot 1 in DP 959551

No.5 Woodside Avenue contains a single storey dwelling house and a garage.

No.7 Woodside Avenue contains a two storey dwelling house and a carport.

No.9 Woodside Avenue contains a two storey dwelling house and a garage.

The site is bound to the west and south-east by allotments zoned Residential 2(d3) to the east, north and north-west by allotments zoned Residential 2(c2), to the west by allotments zoned Residential 2(d3) and to the south-west by allotments zoned Residential 2(d).

The adjoining properties to the north on Woodside Avenue contain low scale, single and two storey dwellings. The south of the site fronts onto Havilah Road and is directly opposite Havilah Lane. Development in this area includes single dwellings and medium density development. To the east and west of the site, low scale single and two storey dwellings exist. The site is located in close proximity to the Pacific Highway.

THE PROPOSAL

The proposal is for demolition of the existing structures, consolidation of the existing four (4) lots and construction of five (5) storey residential flat building comprising 27 units, two (2) levels of basement carparking including 54 resident car spaces, 7 visitor spaces, 9 bicycle storage racks, residential storage rooms and a communal garbage storage facility.

Access to the basement is via a driveway to Havilah Road. Lift access is provided from basement level to residential floor levels via two (2) lifts, one for each block.

The hydraulics scheme incorporates surface on-site detention and a detention tank beneath the access ramp to Havilah Road.

The building above ground has a staggered setback from both Havilah Road and Woodside Avenue, ranging between 10 and 12 metres on each frontage and is set back 6 metres from both side boundaries.

Each of the dwellings has its own private open space comprising courtyards at ground level and one or two balconies for the upper building levels. There is a ramped and also stepped pedestrian access

Item 1

to Havilah Road and a pedestrian access to Woodside Avenue. Pedestrian entry is gained to each of the blocks by way of a central courtyard.

The western block contains 8 x 2 bedroom units and 5 x 3 bedroom units. The eastern block contains 4 x 2 bedroom units and 10 x 3 bedroom units.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application. In response, submissions in opposition from the following were received:

1. *H & L Slater - 25 Woodside Avenue, Lindfield*
2. *Mrs P Darwell - 2/1 Havilah Road, Lindfield*
3. *L & J Brennan - 5 Havilah Road, Lindfield*
4. *S Fisher - c/- L & B Whitehead - 8 Woodside Avenue, Lindfield*
5. *E J Hahn - 1 Highgate Road, Lindfield*
6. *I Clayden - 6 Havilah Road, Lindfield*
7. *J & S Gatfield - 6 Highgate Road, Lindfield*
8. *N & L Bradshaw - 10 Woodside Avenue, Lindfield*
9. *C Tighe & G Thompson - 5 Highgate Road, Lindfield*
10. *Lisa Robertson - 3 Havilah Road, Lindfield*
11. *S & D Hofman - 2 Highgate Road, Lindfield*
12. *R & S Lucock - 3 Reid Street, Lindfield*
13. *Trudy & Garry de Vries - 4 Woodside Avenue, Lindfield*
14. *C Elliot - 8A Havilah Road, Lindfield*
15. *R Cartwright - 2 Blenheim Road, Lindfield*
16. *Barbara Day - 33 Woodside Avenue, Lindfield*
17. *M & K Panikian - 31 Woodside Avenue, Lindfield*
18. *Chris & Monica Walsh - 2 Woodside Avenue, Lindfield*
19. *Dr Z Slavnic - 5/1 Havilah Road, Lindfield*
20. *D H & E A Lorrimer - 8 Reid Street, Lindfield*
21. *A C & S Hodgson - 11 Woodside Avenue, Lindfield*
22. *J Lovell - c/- 11 Woodside Avenue, Lindfield*
23. *Elaine & Kenneth Wu - 4 Havilah Road, Lindfield*
24. *Peter Hoggard - 14 Milray Street, Lindfield*
25. *Richard & Wendy Ulrick - 4 Highgate Road, Lindfield*
26. *Graham P Lewis & I A Lewis - 2 Havilah Road, Lindfield*
27. *S & M Furutsuka - A2 Havilah Road, Lindfield*
28. *Ingham Planning - Suite 19, 303 Pacific Highway, Lindfield*

The submissions raised the following issues:

The proposed is deficient in setbacks and deep soil. Private courtyards appear within the 8 metres setback along Havilah Road.

Item 1

The proposed has an average site depth of 44.75 metres and satisfies the 10-12 metres setback controls in DCP 55, except for a very minor area of the footprint zone (40.2% to Havilah Road in lieu of 40%).

A minor portion of the private terraces to Units 2, 3, 4 and 5 which front Woodside Avenue and Units 1 and 6 which front Havilah Road are within the 8 metres setback from the respective street boundaries. These courtyards have minimal paved areas and, as such, deep soil planting has not been compromised. Council's Landscape Assessment Officer supports the landscape proposal and the location of the courtyards.

The conservatory extension located at the rear of No.11 Woodside Avenue is not identified in any material that accompanies the application.

The details of the conservatory located at the rear of No.11 Woodside Avenue have not been submitted with the application. However, an inspection has shown that the conservatory is located approximately 12 metres from the site boundary common with the development site and is located in a position that the occupants of the room will not suffer adverse privacy impacts due to its separation from the proposal, together with the existing and proposed screen planting.

Insufficient landscaping within the setback to No.11 Woodside Avenue.

The proposed landscape planting located within the setback area to No.11 Woodside Avenue includes indigenous evergreen trees (6-8 metres high at maturity) in combination with tall shrub planting at 3 metres centres amongst low level screening including *Syzygium luemannii*, *Elaeocarpus reticulatus* and *Hymenosporum flavum*. Council's Landscape Assessment Officer concludes that the proposed landscaping is satisfactory.

Privacy impacts on 11 Woodside Avenue

Whilst the proposal adjoins No.11 Woodside Avenue, the proposal satisfies the design objectives and controls for visual privacy of DCP 55. The minimum separation distances between habitable rooms of 12 and 18 metres have been satisfied. Landscape screening has also been adequately integrated into the overall design of the building.

Condition requiring a dilapidation report on 11 Woodside Avenue.

Prior to the commencement of any excavation works on site the applicant is required to submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of residences at 3 and 11 Woodside Avenue and 2A Havilah Road (**Refer Condition 94**).

A 1.8 metres high masonry wall should be constructed along the common boundary of No.11 Woodside Avenue.

A lapped paling fence exists between the proposal and No.11 Woodside Avenue, with its height being 1.5 metres when measured on the 11 Woodside Avenue side and 1.7 metres when measured

Item 1

from the subject site due to the change in ground levels. A masonry boundary wall would not be supported as it would decrease the area available for deep soil planting and would impact adversely upon the root systems of existing trees. The applicant does not propose to alter the existing fencing and it would be unreasonable to require the construction of a 1.8 metres high masonry wall as the proposed screen planting located adjacent to the common boundary with No.11 Woodside Avenue will be satisfactory. The screen planting will include indigenous small trees to 6-8 metres high at maturity, in combination with tall shrub planting including *Syzygium luehmannii*, *Elaeocarpus reticulatus* and *Hymenosporum flavum*.

Ventilation to the basement carpark has not been identified.

The ventilation duct to the basement garages is located adjacent to the lift shaft of the western building block towards the centre of the building.

Clause 4.1 - C1 of DCP 55 requires a minimum of one large area of deep soil landscaped area. There is no suitable large deep soil landscaped area included in the design for common use.

Clause 4.1 - C1 of DCP 55 requires at least one area of 375 square metres of deep soil landscaping to be provided within the site and is to be concentrated towards the middle or rear of the site. An area of approximately 419 square metres of deep soil area and communal open space is available in the setback area to Havilah Road. The proposed has two street frontages, being Woodside Avenue and Havilah Road. As the site has no effective rear area, it is logical to have such a deep soil area in the location proposed.

Clause 4.3 – C8 of DCP 55. The front setback area is occupied by private terraces which exceed the 15% control to Woodside Avenue.

The terraces which front Woodside Avenue occupy 24.5% of the front setback area, however, the paved areas of the terraces represents 8.8% of the front setback area. In the circumstances, the establishment and maintenance of canopy trees is afforded and, as such, the front of the building would not be visually dominant.

Encroachment of 0.22m in the south-west corner in relation to the building height standard.

A small area of the building located towards the south-west corner of the development exceeds the ceiling height limit by 220mm. The site has a small hollow on the Havilah Road side of the property and adjoins an area where a stormwater easement exists. The additional 220mm will be barely noticeable on a 13.4 metres high building and there will be minimal change in the visual impact of the building when viewed from the surrounding area. A SEPP1 objection has been lodged by the applicant in support of this departure. The SEPP 1 objection is assessed below.

Privacy impacts.

The proposal satisfies the design objectives for visual privacy of DCP55. The location of windows, screens and landscaping have been integrated into the building to maintain reasonable and compliant levels of privacy to surrounding properties.

Item 1

Increase in traffic noise.

The development is expected to generate 11 to 15 vehicle trips for peak hour, that is about one vehicle movement every 4 minutes. This is not a significant increase and, as such, noise generated by such an increase is expected to be minimal.

The proposed development is out of character with its surrounding environment.

The scale and bulk of the proposed medium density residential flat building is compatible with the future character of the area as envisaged by LEP 194.

The design does not respond to the site.

The site is within the transition zone from predominantly single storey residential precinct to commercial/residential precinct along the railway and Pacific Highway corridor. The built context is in a process of change and the proposal has taken into account its surrounding development by way of massing, articulation, general detailing and extensive landscaping.

The Woodside Avenue elevation exceeds 36 metres in length and does not contain sufficient articulation.

Whilst the total width of the development is 44 metres, it comprises an eastern block width of 21 metres, a western block width of 21 metres and is connected at Levels 3, 4 and 5. The two building elements are separated by deep recesses and are well articulated.

The interface between single storey homes and the proposed development is not appropriate or reasonable.

The proposal complies with the zone interface setback standard. The built context of the site is in the process of change. The proposal responds to the desired future character of the area and has taken into account the surrounding development by way of massing and articulation. The proposal is consistent with the desired future character of the area.

The proposal does not provide a communal area. CL 4.5.5 C - 9 DCP 55 30%

The proposal has approximately 600m² or 23% common open space principally for tall tree planting, however, an additional 15.7% of private open space is available for tall tree planting giving a total of 38.7% of the site.

On Havilah Road, the proposal will appear elevated and the terraces will not be screened appropriately.

The ground floor level will be approximately 2 metres above the surface level of Havilah Road. The slope of the site together with the landscaped areas will elevate the building above street level.

Item 1

However, except for a very minor departure, the proposal satisfies the height requirements of LEP 194.

Loss of privacy to No.2 Highgate Road.

No.2 Highgate Road is located opposite the Woodside Avenue frontage of the proposal. The separation of a minimum of 30 metres, together with existing and proposed landscape screen planting, will ensure that the privacy of No.2 Highgate Road will not be adversely affected.

Private terraces along the Woodside Avenue frontage will not contain tall tree planting, nor adequate screen planting.

The private terraces along Woodside Avenue will not contain canopy trees, however, they will contain the following small trees and tall shrub planting for low level screening:

- Deciduous trees, 3 to 4 metres high at maturity, being *Acer palmatum*.
- Evergreen indigenous small trees, 6-8 metres high at maturity being *Syzygium luehmannii*, *Elaeocarpus reticulatus* and *Hymenosporum flavum*.
- Evergreen feature trees, 4-5 metres high at maturity, being *Magnolia* 'Little Gem'.

Nevertheless, tall canopy trees are proposed within both front setbacks to Woodside Avenue and Havilah Road.

Request that the movement of heavy equipment and building deliveries be restricted during the school drop off times and peak times between 7.30am to 9.15am and 2.30pm to 4.00pm.

A detailed Traffic Management Plan will need to be submitted to Council for assessment prior to the commencement of works. Because it is possible to direct trucks away from the school frontage, a restriction on truck movement hours is not included in the recommended conditions (**Refer Condition No.95**).

Excessive shadow upon 3 Havilah Road.

Whilst No.3 Havilah is zoned Residential 2(d3), and is presently a single dwelling house, the whole property will receive a minimum of 3 hours solar access at the winter solstice which complies with the requirements of DCP 55.

The external finishes of stainless steel aluminium louvers and steel sheet roofing are in contrast to the surrounding homes and unsympathetic in design.

The impact of the proposed development is minimized by the use of contemporary design and detailing and the use of material commonly found in the UCA, such as face brick and rendered and painted surfaces. The colours chosen for the building include three shades of grey, dark brown, deep red, blue/grey face bricks, stone cladding and oiled timber screens. The finishes proposed are satisfactory.

Loss of sunlight to 3 Woodside Avenue.

Item 1

No.3 Woodside is zoned residential 2(d3) and whilst a single cottage stands upon the site, the greater portion of the property will receive a minimum of 3 hours of sunlight between 9.00am and 3.00pm on June 21 which complies with the requirement of DCP 55.

The proposal demonstrates non-compliance with the provisions of LEP 194 Division 3 25C Part 2(d), (e) and Part 25D, Section 2(b).

Clauses 25C - 2 (d) and (e) of LEP 194 are objectives of this part of the LEP and state as follows:

- d) To achieve development of Ku-ring-gai with regard to the principles ecologically sustainable development,
- e) To ensure that development for the purpose of residential flat buildings on land within Zone No.2(d3) has regard to its impact on any heritage items in the vicinity of that development.

In regard to clause (d), the proposal has regard to the principles of ecologically sustainable development in that the BASIX Certificate submitted confirms that the proposed development will meet the NSW government's requirements for sustainability.

In regard to clause (e), Council's Heritage Advisor has confirmed that there are no heritage items in the immediate vicinity of the site.

Clause 25D Section 2(b) of LEP 194 is an objective for residential zones and states as follows:

"to encourage the protection of existing trees within setback areas and to encourage the provision of sufficient viable deep soil landscaping and tall trees in rear and front gardens where new development is carried out".

The proposal retains thirty-five (35) existing trees and three (3) palms are to be relocated. The proposal includes a deep soil area in excess of 50% of the site area.

The top floor has an internal height of 2.6 metres.

The original plans showed that the top floor had an internal ceiling height of 2.6 metres to habitable rooms. Amended plans have been received with floor to ceiling heights of 2.7 metres in accordance with DCP 55 requirements.

A three storey development would be more in keeping with the character of Woodside Avenue.

The subject site is zoned residential 2(d3) and, as it has an area in excess of 2400m², 5 storeys are permissible.

The area to the north and east of the site comprises part of the Urban Conservation Area 6. The proposal does not respect the character of, nor minimises visual impact upon the UCA.

Item 1

Council's Heritage Advisor has advised that the applicant has generally addressed the objectives and guidelines for a residential flat building as set out in DCP 55 in relation to heritage and streetscape.

Loss of afternoon sun to 2A Havilah Road.

2A Havilah Road is zoned residential 2(c2) and under clause 4.5.1 - C-6 of DCP 55, the development shall allow the retention of at least 3 hours of sunlight between 9.00am and 3.00pm on June 21. The DCP does not stipulate whether this should be morning or afternoon sunlight. No.2A Havilah Road, is located south-east and adjacent to the development site and will receive in excess of 4 hours of sunlight between 9.00am and 3.00pm on June 21.

Access to the development from Havilah Road will exacerbate traffic issues.

Council's Development Control Engineer accepts the proposed access from Havilah Road due to evidence being submitted by the applicant in relation to light traffic flows, the one way movement in Havilah Lane, adequate sight distance and a lower chance of conflict than if the driveway was off set from the lane.

The proposal will potentially result in 27 air conditioning units which will have a noise impact.

The proposal does not include any air conditioning units, however, the provision of air conditioning and any impacts can be addressed through a condition (**Refer Condition No.20**).

Allowing the car park levels to vent to the side will impact upon the adjoining single storey homes.

The air intake vents to the basement carpark levels will not adversely impact upon adjoining neighbours as the air is withdrawn from the outside and expelled at roof level.

CONSULTATION - WITHIN COUNCIL

Urban Design

Council's Urban Design Consultant, Russell Olsson, has commented on the proposal in the context of SEPP 65 and Residential Flat Design Code considerations as follows:

1.0 Design Review

Principle 1: Context

SEPP 65: Good design responds and contributes to its context ... Responding to context involves identifying the desirable elements of a location's current character, or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies.

Item 1

Comment:

The built form context is comprised of -

- *3 single storey detached houses on the proposed site.*
- *a single storey detached dwelling house on the site adjacent to the east which is zoned 2(d3).*
- *two new dwelling houses on the 2 sites adjacent to the west, these have been zoned 2(c2).*
- *sites opposite to the south zoned 2(d3) and to the north zoned 2(c2).*
- *Lindfield Railway Station, which is 350m from the site.*

The Residential 2 (d3) zoning of this site and adjoining sites establishes the future scale of development on these sites as being 5 storeys maximum.

The relationship to the existing context is acceptable.

Principle 2: Scale

SEPP 65: Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:

SEPP 1 objection to be assessed by Council Planners. From an Urban Design point of view we consider that the additional height is acceptable.

Principle 3: Built form

SEPP 65: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements...

Comment:

The LEP 194 Clause 25L requires a 9m setback from the eastern boundary for the third and fourth storey. This has been complied with.

The western boundary has a setback of 6m which is acceptable as the adjacent site is zoned 2(d3).

The proposed building complies with the LEP 194 and DCP 55 setback controls with the exception as stated in Principle 7: Amenity

Item 1

Principle 4: Density

SEPP 65: Good design has a density appropriate to its site and its context in terms of floor space yields (or numbers of units or residents)...

The site coverage is less than 35% of the site. The fifth level occupies 60% of the floor area of the lower floors. The proposed density is acceptable.

Principle 5: Resource, energy and water efficiency

SEPP 65: Sustainability is integral to the design process. Aspects include ... layouts and built form, passive solar design principles, ... soil zones for vegetation and re-use of water.

More than 70% of living rooms/balconies in apartments will receive greater than 2 hours sunlight between 9am and 3pm in mid-winter. There are no south facing apartments.

More than 25% of kitchens are located on external walls as recommended in the Residential Flat Design Code.

More than 60% of apartments are naturally ventilated as recommended in the Residential Flat Design Code.

Principle 6: Landscape

SEPP 65: Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Comment:

The landscape design is acceptable.

Principle 7: Amenity

SEPP 65: Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.

The Residential Flat Design Code guidelines recommend a minimum distance of 12m between windows to habitable rooms this has been complied with, but with two exceptions Unit 15 balcony and Unit 16 kitchen window, and Unit 21 balcony and Unit 22 kitchen window are less than 12m apart. It is therefore recommended that a solid wall along the eastern edge of both balconies be provided to ensure visual privacy to all units.

Item 1

Principle 8: Safety and security

SEPP 65: Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising activity on the streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

There are no perceived safety and security issues.

Principle 9: Social dimensions

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

The mix of apartments is acceptable.

Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The aesthetic quality of the development is acceptable.

2.0 Conclusion and recommendations

It is recommended that:

- *the SEPP 1 objection with regard to the proposed building's height be assessed by Council Planners.*
- *that a solid wall along the eastern edge of the balconies of Unit 15 and Unit 21 be provided to ensure visual privacy to Units 15, 16, 21 and 22.*

The proposal is otherwise acceptable in terms of SEPP 65 design principles, and should be approved when these changes are made.

Comment:

Item 1

The SEPP 1 objection with regard to the proposed building height has been assessed later in this report.

The provision of a solid wall along the eastern edge of the balconies of Units 15 and 21 is supported to ensure visual privacy to Units 15, 16, 21 and 22 (**Refer Condition No.4**).

Heritage

Council's Heritage Advisor, Paul Dignam, has commented on the proposal as follows:

Heritage framework

There are no heritage items in the immediate vicinity of the site. The closest nearby heritage items are the group of Inter War shops in Lindfield and some houses in Nelson Road. Both are a considerable distance from this site.

The site is within the National Trust UCA No 6 - Lindfield and all three houses are graded as contributory. The east side of Lindfield has a fairly cohesive collection of Federation and Inter War buildings. The UCA is highly intact with the majority of buildings being graded contributory.

Demolition of existing houses

Demolition of contributory items is not generally acceptable, but as the site has been rezoned, the existing buildings could not be retained and the site developed to the density allowable under the rezoning. It is acknowledged that conflicts between the rezoned sites and the adjoining one and two storey residential land will occur. In the heritage report, the applicant concludes:

"the contribution of the subject site as a whole to the streetscape and the conservation area essentially lies on the well maintained landscaped grounds and low scale appearance rather than their architectural merit or excellence."

Of the three existing houses, it is my opinion that No 9 has some architectural merit. Initially it was thought it may be a design by the noted architect James Peddle, as it has design elements consistent with his early work and it is known that he designed a house in the street in 1922, but the location is unknown. The applicant's heritage consultant claims the house was built in c1919 for Henry Neville and both the construction dates and names of owners do not match. However, as the location of the James Peddle house is not known, there is still a possibility that No 9 Woodside Avenue could be attributed to him. The general design, form and details of the house are consistent with other houses he designed in Ku-ring-gai during the Inter War period.

The applicant's heritage report recommends archival recording of the existing houses including the interiors, exteriors, landscaping, garden elements and fences, particularly the stone pier and timber lattice fence at the rear yard of No 9 Woodside Avenue. Given that

Item 1

rezoning of the site has occurred, I do not object to demolition provided archival recording is undertaken before works commence.

National Trust UCA No 6 - Lindfield

Subdivision of the land took place in 1911 as the “Lindfield Heart Estate”. The UCA is significant as an area of highly intact residential streetscapes that provide evidence of subdivision and development during the Federation and Inter-War periods. They include Federation and Californian bungalows within mature gardens. The residential streetscapes are complimented by a number of distinctive buildings and landscape features, such as churches, a whist club, tennis club, Lindfield Park, an Inter-War shopping centre in Lindfield Avenue, and two Inter-War flat buildings. It is noted that a post war residential flat building is located opposite the subject site and that this development would extend medium density further into the UCA.

The applicant recognizes that there is a degree of conflict between the scale allowable under the zoning and the existing UCA character. The applicant states that the impact of the proposed development is minimised by the use of contemporary design and detailing and the use of materials commonly found in the UCA such as face brick and rendered and painted surfaces. The bulk of the development is broken down by highly articulated facades, presenting to the street as two distinct buildings linked at the upper levels and address both the Woodside Avenue and Havilah Road frontages. Colours chosen for the building include three shades of grey, bark brown, deep red blue/grey face bricks, stone cladding and oiled timber screens.

It is my opinion that the applicant has generally addressed the objectives and guidelines for a residential flat building as set out in Council’s policy guideline, DCP 55 in relation to heritage and streetscape.

Conclusions and recommendations

Demolition of the existing houses is acceptable provided archival recording is carried out prior to works commencing on the site.

The scale and bulk of the proposed medium density residential flat building will conflict with the established character and consistency of one and two storey houses however this is a consequence of the density allowable under the rezoning. Given the objectives and guidelines in DCP 55, the application is considered satisfactory.

Comment:

The recommendation to include a condition in relation to the archival recording in relation to the existing houses to be demolished is supported (**Refer Condition No 5**).

Landscaping

Item 1

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

The site

It is proposed to demolish the existing dwellings and associated structures and construct a five storey residential flat building with basement car parking on the amalgamated site area of 2 596.2sqm with vehicular access from Havilah Rd. The site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and grassed expanses. Havilah Rd is characterised by a formal avenue planting of Jacaranda mimosifolia (Jacaranda) and is typified as a rear setback to the subject properties which front Woodside Ave. Woodside Ave has a residential character with well maintained dwellings and gardens.

Impacts on trees/Trees to be removed/Tree replenishment

A total of sixty four (64) trees have been identified as being located on or associated with the site, comprising forty two (42) on site, seventeen (17) within the road reserve and five (5) on adjoining allotments. The most significant trees associated with the site are located within the road reserve rather than on site. To accommodate the proposal, twenty six (26) trees are proposed to be removed, three palms are proposed to be transplanted and thirty five (35) are to be retained. Of the twenty six trees proposed to be removed, twenty have low landscape significance and six are considered to have moderate landscape significance.

It must be noted that one Jacaranda mimosifolia (Jacaranda) within the avenue planting on the Havilah Rd nature strip is to be removed to allow for vehicular access to the site. Although this interrupts the avenue planting, the tree in question, #59, has been previously pruned which has resulted in an elevated and reduced canopy. To enhance the avenue planting along Havilah Rd it will be conditioned that supplementary trees be planted within the road reserve.

Eight tall 'canopy' trees are proposed to be planted as shown on the landscape plan. This complies with minimum tree replenishment requirements as per DCP55.

Landscape Services raises no objection to the proposed tree removal and transplanting subject to adequate and appropriate tree replenishment being undertaken on site.

Deep soil

By the applicant's calculations the proposed development will have a deep soil landscape area of 1 298.6sqm or 50.02% of the total site area. Previous concerns regarding non compliance with the deep soil landscape area have been satisfactorily addressed. Landscape Services is in agreement with the areas included within the deep soil landscape area calculations as defined by LEP194.

Landscape plan

Item 1

Overall the submitted Landscape Plan can be supported. Any changes required can be conditioned. Proposed screen planting and tree replenishment complies with the intent of DCP55 and LEP194 to have development within a landscaped setting that is consistent with the established character of Ku ring gai.

Drainage plan

Landscape Services can support the preliminary Storm water plan. Any potential conflicts with existing trees can be conditioned

The proposal can be supported by Landscape Services subject to conditions.

Engineering

Council's Engineering Assessment Team Leader, Kathy Hawken, has commented on the proposal as follows:

The application is for the demolition of the three residences and construction of two blocks comprising 27 units (15x3br and 12x2br). Strata subdivision is not indicated on the application form, so subdivision conditions have not been included.

The following documentation was used for the assessment:

- *Statement of Environmental Effects, Smyth Planning, December 2005;*
- *Survey plan, Degotardi Smith 30344A02/E, 22/11/05;*
- *Stormwater Plans, Demlakian 205126/H1B to H3B, 23.03.06;*
- *Jeffery and Katauskas Report on Geotechnical Investigation, 19646Vrpt, 31 August 2005;*
- *Transport and Traffic Planning Associates Assessment of Traffic and Parking Implications, 05150, December 2005, and letter 21 February 2006;*
- *Construction Management Plan, Demlakian 205126rpt02a, 14 December 2005;*
- *Flood study report, Demlakian 205126, 5 December 2005;*
- *AGA Consultants BASIX Certificate 44136M and letter 14 December 2005.*

The application is supported subject to conditions.

Water management

The site is affected by a Council stormwater pipe across the southern corner. The applicant has submitted survey information to confirm that the basement excavation will be clear of the pipe and a flood study which demonstrates that the ground floor units and basement carpark will not be affected by overland flow. Various walls are necessary to ensure this and they are shown on both the stormwater drainage and landscape plans.

Item 1

This information is satisfactory. Conditions are recommended to maintain the integrity of the pipe during the construction period, and for the engineer to certify that the habitable rooms and driveway entry have the freeboard required under DCP 47.

The stormwater plans submitted show 39m³ of on site detention, in an above ground basin in the front eastern corner of the garden, and 20m³ of on site retention. The Site Storage requirement for this site is 52m³, with a concession available of up to 25% of that total for an equal volume of retention. That is, the 39m³ is the minimum detention volume required under DCP 47. Although there will be some reduction in storage due to the landscaping of this area, site constraints including the overland flowpath and the level of connection to the public drainage system, mean that it would be difficult to achieve a greater storage volume, and so the volume proposed is accepted.

The Statement of Environmental Effects and the Stormwater Plans indicate re-use of retained runoff for toilet flushing. The BASIX Certificate indicates 5000 litres of retained roofwater for irrigation and car washing only. Although the requirements of BASIX override the re-use provisions of DCP 47, if a retention volume less than 20m³ were provided, then under DCP 47 a larger detention volume would be required. For that reason, the volumes as proposed are both required and have been included in the conditions.

The letter from AGA Consultants states “Although the single house BASIX certification can give choices on how to use captured rainwater, the multi residential BASIX does not; there is no provision in the certification process to require or permit it. It cannot, therefore, be included in the BASIX certification.” This statement seems to be in error - it is possible (although not mandatory) to include internal re-use of roofwater in the BASIX Certificate – by entering the details under “Alternative water source” for the individual dwellings (a recent example being the BASIX certificate received for 1-5 Mount William Street).

Overall the water management proposed for this site is acceptable.

Traffic generation

The development is expected to generate 11 to 15 vehicle trips per peak hour, that is about one vehicle movement every 4 minutes. This is not a significant increase and is not expected to adversely affect traffic flows in the surrounding network.

Vehicular access and parking

The site has frontage to both Woodside Avenue and Havilah Road, however site levels mean that Havilah Road is the logical point of entry to the basement carpark.

The entry/ exit driveway is proposed to be opposite Havilah Lane, a prohibited location under Section 3.2.3 of AS2890.1:2004. The traffic engineer has submitted a supplementary letter and traffic counts to justify the driveway location. The reasons given are light traffic flows, the one way movement in Havilah Lane, adequate sight distance and a lower chance of conflict than if the driveway were offset from the Lane. These reasons are accepted.

Item 1

The site is within 400 metres of Lindfield Station, so under LEP 194, 27 resident and seven visitor spaces are required. A total of 60 spaces, seven of them visitor spaces, is shown on the architectural plans, so the development complies.

The layout of the carpark complies with AS2890.1:2004 Off street car parking.

Construction management

The Construction Management Plan contains a comprehensive discussion of such matters as construction sequence, dust and sediment control and an estimate of truck movements. It states that vehicles will be required to reverse into the site due to the lack of space within the site for turning. This would necessitate the full-time presence of a traffic controller and flagmen to manage pedestrians and other vehicles. Forward entry and exit would be preferable, if possible, especially considering the driveway location opposite Havilah Lane. This may be addressed in the detailed construction planning.

The Plan proposes heavy vehicle access to Pacific Highway via Lindfield Avenue and Stanhope Road, although in another section, access via Treatts Road is proposed. Either route would avoid the need to travel through the shopping centre or past the school, however may be difficult for vehicles wishing to travel north on the Highway. The detailed Traffic Management Plan will need to be submitted to Council for assessment prior to commencement of works. Because it is possible to direct trucks away from the school frontage, a restriction on truck movement hours is not included in the recommended conditions.

Truck standing in Havilah Road will require a Works Zone. The procedure for Works Zone approval is outlined in the recommended conditions.

Waste collection

A bin room is shown on the upper basement level. The bin room and the visitor parking are outside the security shutter, as required. Although the turning path diagrams were omitted from the traffic report, it can be seen that there is adequate space for the waste collection vehicle to turn within the basement.

Geotechnical investigation

Three boreholes were drilled, one cored, and encountered 1.8 metres of silty clay over sandstone. The sandstone was of medium to high strength below about 2 to 3.5 metres depth. Minor seepage occurred into the boreholes, but no standing water was noted after augering.

The report recommends further cored boreholes once demolition is complete. This has been included in the recommended conditions. Further groundwater monitoring is also recommended, so that basement drainage can be properly designed.

Item 1

Dilapidation survey of the residences at 3 and 11 Woodside Avenue and 2a Havilah Road will be required prior to commencement of any works on the site. All these structures are within the zone of influence given in the report.

Excavation of the sandstone will require considerable effort. Vibration monitoring is recommended where rock hammers are to be used. It is expected that further investigation and reporting will address this matter.

The sandstone is expected to stand unsupported below about 2 -3 metres, with rock bolting if adverse defects are present. Rock anchors may be required to retain the materials above these depths if battering is not possible.

STATUTORY PROVISIONS

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

A Design Verification Statement has been submitted by the project architect Playoust Churcher as required by SEPP 65.

Principle 1 - Context

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

Responding to context involves identifying the desirable elements of a locations current character or in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area

The site is within the transition zone from predominately single storey residential precinct to commercial/residential precinct along the railway and Pacific Highway Corridor located within the Lindfield East precinct.

The built context (as described in the Heritage Report) is in the process of change. The report notes the neighbouring character to the south of the subject site has lost its unified form.

The design has generous setbacks and substantial articulation in its form thereby reducing its bulk and scale on surrounding development

The design also considers and incorporates a combination of similar materials from the existing buildings.

The major feature of the area is its landscape setting. The proposal addresses and enhances this feature by incorporating large boundary setbacks with extensive landscaping

Item 1

The design has taken into account the surrounding development and the built heritage character of the vicinity by way of massing, articulation and general detailing.

The design will not create any visual impact on the neighbouring contributory items.

The massing is two buildings with upper level links creating a visual and physical link between Woodside Avenue and Havilah Road, thereby reducing the scale and bulk of the building.

The proposal is consistent with the desired future character of the Lindfield precinct.

Principle 2 - Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area

The scale of the building is articulated by a distinct two building concept with upper level links. Deep recesses and a view corridor through the link further enhance the separation.

The building is well set back from both street boundaries, with stepped bays following the street alignment and further setbacks at upper levels. This façade and mass articulation reduces the bulk of the development. Similarly, the low-pitched roof and top floor setback further reduce the bulk of the development.

The style, size proportions and positions of the openings incorporate appropriate façade articulation compatible with the immediate context.

All facades are articulated to reflect a residential scale and clearly define both indoor and outdoor spaces.

A combination of materials further enhances the scale of the building where heavier brick and stone elements at the building's base and stair tower contrasts with lighter rendered panels and steel frames, pergolas etc.

Principle 3 - Built form

Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignment, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The proposed building, including ground floor terraces, fit within the existing lot alignment pattern.

Item 1

The building is essentially two structures with upper level linkages, thereby creating a vista and pedestrian link between Woodside Ave to Havilah Road. The upper level links reduce a tunnel effect between the two forms.

The setback of the upper level roof reduces the bulk and height of the building and has little or no impact when viewed from street level.

As a result of the building's form, the units have been designed to provide a minimum of two aspects which allow cross ventilation and appropriate levels of solar access.

Louvre screens and openable /adjustable louvres to windows and balconies off living areas and bedrooms reduce any potential of overlooking of adjoining dwellings.

The development is well articulated by its stepped forms and combination of materials defining its base, middle and top. Adjustable sun and privacy louvers and pergolas set in a steel frame provide visual interest to the building and solar and privacy control.

The proposal provides a clear pedestrian travel route through the site. Pergolas and other screen structures ensure privacy is maintained to both ground floor and upper floor units.

Principle 4 - Density

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

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

A total of 27 units have been proposed to accommodate the future character of the precinct identified by residents wishing to downsize from family houses on large sites within the area.

The proposed density of the development is compliant with DCP 55.

The proposed density is supported by the local community facilities including public transport, road network and shops in close proximity to the subject site.

Large deep soil zones are provided at the front and side of the property for mature landscaping. This will allow for increased amenity to the residents and ensure adequate privacy between the proposed apartments and adjoining buildings.

Principle 5 - Resource, energy and water efficiency

Item 1

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

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

The proposal has been designed to be as efficient as possible in terms of the use of natural resources, energy and water throughout the full life cycle of the building.

It is intended to use:

- Energy efficient appliances
- AAA rated shower heads
- Passive solar design as the layout enables all apartments to received the required hours of direct sun
- Passive cooling is achieved by using cross ventilation through each unit and appropriate thermal mass
- Prevention of solar radiation from entering the building in summer through the windows is achieved by operable external louvre screens
- Storage of roofwater for irrigation of landscaping
- Landscape design has endeavored to use landscape planting to screen winter winds, reduce glare and heat intake and to modify ambient temperature

All building and demolition waste will be deposited within a selected waste depot.

Principle 6 - Landscape

Good design recognizes that together landscape and buildings operating as an integrated and sustainable system, resulting in greater aesthetic quality for both occupants and the adjoining public domain

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the developments natural environmental performance by co-ordinating water and soil management, solar access, and microclimate and tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbouring character or desired character.

Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.

The proposal provides for a substantial increase in planting on the site.

Item 1

The landscape plan incorporates a mixture of native endemic upper canopy trees with exotic small and feature trees to enhance the existing natural character of the precinct.

The size of these species and appropriate landscape treatment ensures a good level of amenity for the residents and will maintain the amenity of the adjoining residents.

The building has been orientated and sited to allow for substantial deep soil planting.

The deep soil zone provides a leafy aspect from the apartments and courtyard and also provides privacy between the proposed apartments and the adjoining buildings.

Principle 7 - Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

All apartments would receive more than the required 3.0 hours of sunlight between 9.00am and 3.00pm during the winter solstice.

The building design maximises the benefits of solar access during winter and minimises overheating during summer.

All apartments have cross ventilation.

85% of the apartments have northerly aspects.

Storage is provided in all units.

The apartment layout is efficient in terms of circulation.

Room sizes are of adequate size and will accommodate a variety of furniture arrangements.

Balconies and terraces are of an appropriate size and can accommodate an outdoor furniture setting.

The development incorporates communal open space for passive recreation.

The developments materials contribute to the energy efficiency of the apartments.

Principle 8 - Safety and security

Item 1

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

This is achieved by maximizing overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities and clear definition between public and private spaces.

The development complies with the principles of safety and security.

The development has access from both Woodside Avenue and Havilah Road.

The layout of the units ensures views to both Woodside Avenue and Havilah Road are maintained.

Passive surveillance is achieved from the apartments overlooking the communal open space including the through site access and entry court.

The building has security intercom at both basement level and ground level entry points.

Security lighting is proposed throughout the site particularly along pedestrian access ways to maximise safety and security.

Principle 9 - Social dimensions

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

New developments should optimize the provision of housing to suit the social mix and needs in the neighbourhood or in the case of precincts undergoing transition, provide for the desired future community.

The proposed size and mix of the apartments is appropriate for the area.

The site provides a high amenity to the residents in terms of views, outlook, easy access to transport such as bus and train services.

Principle 10 - Aesthetics

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

Aesthetics should respond to the environment and context, particularly to the desirable elements of the existing streetscape or in precincts undergoing transition, contribute to the desired future character of the area.

Item 1

The proposed façade treatment, with its combination of materials, is sympathetic of the materials used in neighbouring developments.

The simple roof form minimises bulk and does not dominate the façade when viewed from Woodside Avenue or Havilah Road.

Well balanced vertical and horizontal proportions allow the building to sit comfortably not only within its landscaped setting but within its general surroundings.

Surface and material articulation of the facades and roof give the building appropriate scale in relation to its context.

Residential Flat Design Code

The considerations contained in the Residential Flat Design Code are as follows:

Relating to the local context:

The proposal sited over four separate allotments (No.9 Woodside Avenue comprises 2 lots) will require their consolidation. This consolidation will result in a site of 2596m² which is capable of accommodating the development.

The proposal has two building elements connected by the upper levels of the building sharing two basement car parks. The development has an acceptable bulk and scale in relation to the desired future character of the area. The building envelope, in terms of building height, floor area, depth and setbacks, is satisfactory to having regard to the desired future character of the locality.

Site analysis:

A satisfactory site analysis has been submitted, indicating how the proposed performs in terms of building edges, landscaped response, access and parking and overall building performance in respect of overall energy sustainability.

In terms of site configuration, the proposal will ensure adequate areas for private and common open space and deep soil landscape areas.

The orientation of the development ensures adequate solar access to habitable areas and private open space, both internally and to adjoining residential development and it will also provide appropriate frontages to Woodside Avenue and Havilah Road.

Building design:

The proposal is satisfactory in terms of internal configuration and will achieve the objectives of providing function and organised space and a high level of residential amenity. In addition, the proposal provides adequate habitable space, having windows with north-east to north-west orientation.

Item 1

All other relevant matters under 'Building Design' have been assessed elsewhere in the report and are satisfactory.

State Environmental Planning Policy No.55 - Remediation of Land

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

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400 m ²	2596.2 m ²	YES
Deep landscaping (min): 50%	50.02 %	YES
Street frontage (min): 30 m	60.34 m	YES
Number of storeys (max): 5	predominantly 5 storeys	NO
Site coverage (max): 35%	34.9 %	YES
Top floor area (max): 60% of level below	60%	YES
Storeys and ceiling height (max): 5 and 13.4 m	6 & 13.62 m (includes a technical 6 th storey)	NO (SEPP 1)
Car parking spaces (min):		
• 7 (visitors)	7	YES
• 42 (residents)	54	YES
• 49 (total)	61	YES
Zone interface setback (min): 9m	9 m	YES
Manegeable housing (min): #	3 %	YES
Lift access: required if greater than three storeys	Lift access available to all levels	YES

Storeys and ceiling height (cl.25I(8) and (9)):

The proposed development has a height of up to 13.62 metres from the existing ground level to the ceiling height of the building not including the top storey. The non-compliance with the standard occurs over a section of the site where a small hollow exists in the ground on the Havilah Road side of the site. As a result, a small part of the building has a height that exceeds the limit set in the subject clauses and results in the upper basement level having a small section of its height 1.42 metres above ground level, thereby creating a technical sixth storey in that small area. The amount over the limit is 220mm over an area of some 30m².

The applicant has lodged a SEPP 1 objection to the height standards which is an attachment to this report. The aim of the objection is to address a small amount of extra height over a limited area of

Item 1

the building. A plan attached to the SEPP 1 shows the location where the height limits are exceeded.

The following is an assessment of the adequacy of the SEPP 1 objection using criteria established in the Land and Environment Court.

Whether the planning control in question is a development standard.

The number of storeys and ceiling height of a development as required by Clauses 25I(8) and (9) are development standards.

The underlying objective or purpose behind the standard.

The purpose of the standard is to control the height of buildings and the number of storeys in a building. The objectives of the standards are to achieve high quality urban design and architectural design, to achieve a high level of residential amenity and to ensure sunlight access to neighbours and to occupants of the new buildings.

There are no buildings in the vicinity of the subject site which are affected by the development such that the purpose of the standard is not compromised in any manner.

Whether compliance with the development standard is consistent with the aims of the policy and, in particular, whether compliance with the development standard hinders the attainment of the objectives specified in S.5(A)(i), (ii), (iii) and (iv) of the Environmental Planning and Assessment Act.

The variation would not hinder the attainment of the relevant planning objectives stated in S.5(a) of the Environmental Planning and Assessment Act or the objectives for the standard in the Ku-ring-gai Planning Scheme Ordinance because:

- The proposed development has a height of up to 13.62 metres from the existing ground level which occurs over a section of the site where a small hollow exists in the ground;
- The amount over the height limit is 220mm over an area of 30m²;
- There will be no appreciable change in the visual impact of the building when viewed from the surrounding area;
- The marginal increase in height ensures that all units and access points are flood protected.

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

For the reasons given above, it would be unreasonable and unnecessary for Council to insist upon strict compliance with the standard given that the objectives specified in S.5(A)(i) – (iv) of the Environmental Planning and Assessment Act and the relevant objectives in the Ku-ring-gai Planning Scheme Ordinance would be achieved despite the numerical non-compliance.

Item 1

It is therefore concluded that the SEPP1 objection is sound given that its underlying objectives have been satisfied.

A copy of the SEPP 1 objection is an attachment to this report.

Draft SEPP 1 2004

The applicant has also lodged a written statement under Part 2 clause 7(1) of Draft State Environmental Planning Policy (Application of Development Standards) 2004. The subject application was lodged in December, 2005. Within the draft SEPP 1 savings and transitional provisions, the relevant Policy for consideration would be the current SEPP No.1. However, under the provisions of s.79C of the Environmental Planning & Assessment Act 1979, Council still must take into account draft SEPP 1 until it is either adopted or formally withdrawn.

Having regard to the provisions of draft SEPP 1, the following comments are made:

1. The subject site is zoned 2(d3) which permits residential flat buildings. The proposed development is therefore consistent with the objectives of the zone by providing an increased housing choice whilst maintaining the natural environment, achieving quality urban design and encouraging the use of public transport. The redevelopment of this site is therefore in the public interest by being consistent with the objectives of the zone.
2. Furthermore, the site has an unusual constraint in that there is small hollow on the Havilah Road side of the property. The site is also affected by potential flooding, and any proposed development therefore needs to design the levels and access points accordingly to ensure that they are flood protected. As a result of these constraints, a small part of the building has a height that exceeds the limit set. However, rather than complying with this development standard, the proposals minor inconsistency is considered a better environmental planning outcome. This is due to the buildings levels and storey heights appearing consistent, and therefore presenting a higher quality urban design outcome to the surrounding development.

Accordingly, for the above reasons it is considered that the proposal is consistent with the requirements and objectives of the draft SEPP 1, notably in that the proposal results in a better environmental planning outcome. The draft SEPP if gazetted contains a savings clause so that it would not be applied in any event, so that minimal if any weight should be given to the draft SEPP. Notwithstanding this, the proposal and variation to the height control has merit pursuant to the draft SEPP 1 cl 7 provisions.

The written statement is an attachment to this report.

Residential zone objectives:

The development satisfies the objectives for residential zones as prescribed in clause 25D.

POLICY PROVISIONS

Item 1

**Development Control Plan No. 55 – Railway/Pacific Highway Corridor &
 St Ives Centre**

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:	No heritage items in immediate vicinity	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 375 m² 	419 m ²	YES
No. of tall trees required (min): 9 trees	9 trees	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	34.9 %	YES
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.24:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): <ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) 	Woodside Avenue 10-12 metres (39.8% of zone occupied by footprint) Havilah Road 10-12 metres (40.2% of zone occupied by footprint)	YES NO
Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	Not applicable as site has frontages to Woodside Avenue and Havilah Road	N/A
Side boundary setback (min): <ul style="list-style-type: none"> 6m 	6m	YES
Setback of ground floor courtyards to street boundary (min):		

Item 1

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> 8m/11m 	<p>Woodside Avenue frontage: Terrace to Unit 2 – 7 metres Terrace to Unit 3 – 6.2 metres Terrace to Unit 4 – 5.5 metres Terrace to Unit 5 – 7.2 metres</p> <p>Havilah Road frontage: Terrace to Unit 1 – 7.3 metres Terrace to Unit 6 – 7.2 metres</p>	NO
<p>% of total area of front setback occupied by private courtyards (max):</p> <ul style="list-style-type: none"> 15% 	<p>Havilah Road frontage 9% Woodside Avenue frontage 24.5%</p>	<p>YES NO</p>
Part 4.4 Built form and articulation:		
<p>Façade articulation:</p> <ul style="list-style-type: none"> Wall plane depth >600mm Wall plane area <81m² 	<p>>600mm</p> <p><81m²</p>	<p>YES</p> <p>YES</p>
<p>Built form:</p> <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	<p>Eastern block width 21 metres Western block width 20 metres Total width including connecting sections of levels 3, 4 and 5 – 44 metres</p> <p>9 balconies project >1.2 m Ranging from 1.4 metres to 2.6 metres</p>	<p>NO</p> <p>NO</p>
Part 4.5 Residential amenity		
<p>Solar access:</p> <ul style="list-style-type: none"> Habitable rooms and principle portion of outdoor living areas of adjoining houses in 2(c2) zones have at least 3 hours between 9am and 3pm on June 21. >70% of units receive 3+ hours direct sunlight in winter solstice 	<p>Nos 11 Woodside avenue and 2A Havilah Road are located north-east to the proposal and received a minimum of 3 hours sunshine between 9.00am and 3.00pm on June 21</p> <p>70 %</p>	<p>YES</p> <p>YES</p>

Item 1

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice <15% of the total units are single aspect with a western orientation 	50% All units have dual aspect 100%	YES YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4 <ul style="list-style-type: none"> 12m b/w habitable rooms 9m b/w habitable and non-habitable rooms 6m b/w non-habitable rooms 5th Storey <ul style="list-style-type: none"> 18m b/w habitable rooms 13m b/w habitable and non-habitable rooms 9m b/w non-habitable rooms 	 8 m 9.m 9 m >18 m >13 m >9 m	 NO YES YES YES YES YES
Internal amenity: <ul style="list-style-type: none"> Habitable rooms have a minimum floor to ceiling height of 2.7m Non-habitable rooms have a minimum floor to ceiling height of 2.4m 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms 	2.7m Min 2.6 m 3 metres 3 metres	YES YES YES YES

Item 1

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Single corridors: <ul style="list-style-type: none"> - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies 	3 units 1.5m Minimum 1.8m	YES YES YES
Outdoor living: <ul style="list-style-type: none"> ground floor apartments have a terrace or private courtyard greater than 25m² in area Balcony sizes: <ul style="list-style-type: none"> - 10m² – 1 bedroom unit - 12m² – 2 bedroom unit - 15m² – 3 bedroom unit NB. At least one space >10m ² <ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	>25m ² Greater than 12m ² Greater than 15m ² >2.4m	YES YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	19 units or 70.37%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	12 x 2 bedroom units and 15 x 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation single aspect units are to have a maximum depth of 10m 25% of kitchens are to have an external wall for natural ventilation and light >90% of units are to have a 4.5 star NatHERS rating with 10% achieving a 3.5 star rating 	100% All units have dual aspect All of the units have a kitchen located within the main living area which has natural ventilation and light The proposal meets BASIX requirements.	YES YES YES YES
Part 5 Parking and vehicular access:		
Car parking (min):		

Item 1

COMPLIANCE TABLE		
Development control	Proposed	Complies
• 42 resident spaces	54 spaces	YES
• 7 visitor spaces	7 spaces	YES
• 49 total spaces	61 spaces	YES

Part 4.3 Setbacks:

Whilst 40.2% of the setback zone to Havilah Road is occupied by the building footprint in lieu of the required 40% limitation, the departure is minor and the design objectives of DCP 55 have been satisfied.

Whilst the setback of ground floor courtyards to the respective street boundaries is less than 8 metres, the setbacks proposed do not compromise the provision of deep soil planting in the common area and is acceptable.

Whilst 24.5% of the total area of the front setback to Woodside Avenue is occupied by private courtyards, the area of private open space proposed allows for the establishment and maintenance of canopy trees and does not visually dominate the front of the building and is therefore satisfactory.

Part 4.4 Built form and articulation:

Whilst the total width of the proposed building is 44 metres, it comprises the eastern block - 21 metres, western block - 20 metres and the connecting upper levels 3, 4 and 5, 3 metres in width. The two building elements have deep articulation and are presented as separate buildings and satisfy the design controls of DCP 55.

Whilst the balcony projections to 9 of the units project more than 1.2 metres from the building façade, they assist in providing varied articulation in the building design and are integrated into the overall building form. The subject balcony projections do not mitigate the predominance of the soft landscape features due to the articulation in the building design.

Part 4.5 Residential amenity:

Whilst the distance between the western dining room window of Unit No.1 is approximately 8 metres from the eastern habitable room windows located towards the rear of the dwelling at No.3 Woodside Avenue, fixed vertical louvers are proposed outside the windows to Unit No.1 thereby maintaining the visual privacy for the future residents of the proposal and the adjoining neighbours.

Development Control Plan 31 - Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan 40 - Construction and Demolition Waste Management

Item 1

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan No. 43 - Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55.

Section 94 Plan

The development attracts a section 94 contribution of \$549,503.51, which is required to be paid by **Condition No.70.**

Likely impacts

All likely impacts have been assessed elsewhere in the report.

Suitability of the site

The site is suitable for the proposed development.

Public interest

The approval of the application is considered to be in the public interest.

CONCLUSION

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

RECOMMENDATION

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

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 25I(8) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of

Item 1

this case as the amount of extra height is minimal and there will be very little change in the visual impact of the development.

AND

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1417/05 is consistent with the aims of the Policy, grant development consent to DA 1417/05 for a residential flat building on land at 5-9 Woodside Avenue, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Development in Accordance with Plans (New Development)**GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans identified within the following table and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No.	Rev	Description	Author	Dated	Lodged
DA-01	A	Site Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-02	—	Site Analysis	Playoust Churcher	16 December 2006	24 March 2006
DA-03	A	Upper Basement Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-04	A	Lower Basement Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-05	A	Ground Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-06	A	First Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-07	A	Second Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-08	A	Third Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-09	A	Fourth Floor Plan	Playoust Churcher	24 March 2006	24 March 2006
DA-10	A	North & East Elevations	Playoust Churcher	24 March 2006	24 March 2006
DA-11	A	South & West Elevations	Playoust Churcher	24 March 2006	24 March 2006
DA-12	A	Cross Sections 1	Playoust Churcher	24 March 2006	24 March 2006
DA-13	A	Cross Sections	Playoust Churcher	24 March 2006	24 March 2006
DA-14	A	Longitudinal Section	Playoust Churcher	24 March 2006	24 March 2006
DA-15	—	Shadow Diagrams	Playoust Churcher	8 December 2005	24 March 2006
DA-16	A	Compliance Diagrams	Playoust Churcher	24 March 2006	24 March 2006
466.04	DA-1	Planting Layout	Tramonte Jensen	23 March 2005	24 March 2006
466.02	DA-1	Existing Trees	Tramonte Jensen	23 March 2005	24 March 2006
466.03	DA-1	General Layout	Tramonte Jensen	23 March 2005	24 March 2006

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

Item 1

plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

4. The provision of a solid wall along the eastern edge of the balconies of Units 15 and 21 to ensure the privacy of Units 15, 16, 21 and 22.
5. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified person who has knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report and must include copies of drawings submitted with the application including site surveys and specialist reports such as heritage assessments, dilapidation report, and builders or engineers reports. Three copies of the report must be submitted, one copy with negatives. Any archival documents such as family records, old photographs should also be included.

All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet must be included. Photographs of the following:

- Each elevation
- Photographs of the stone pier and timber lattice fence at the rear of No 9 Woodside Avenue.
- All structures on site such as sheds, outhouses and significant landscape features for all houses.
- Several photographs of houses from public streets including several views showing their relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Location Plan showing relationship of site to nearby area
- Site plan to scale (1:200 – 1:500) showing all structures and site elements
- Floor Plans (1:100)
- Black & White archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)
- Colour slides (one set)

Digital images and CDs may be submitted as supplementary information.

Item 1

6. Should and electrical substation need to be established on the premises and an area to satisfy Energy Australia's conditions for an electrical substation, such area shall not reduce the deep soil area proposed.
7. Drying areas being provided on balconies or a discreet drying area being provided in the communal landscaped area.
8. 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.
9. 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.
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.

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.

Item 1

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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. 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.

19. 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.
20. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
21. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. 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

Item 1

inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

24. 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.

25. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
26. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
- i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
- b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
27. 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.
28. 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.
29. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.

Item 1

30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. 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.
32. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
33. Compliance with the commitments set out in BASIX Certificate Number 144136M, dated 14 December 2005.

34. Removal, or pruning of the following trees, is not approved as part of this Development Application:

Tree/ Location

#12 *Cupressus sempervirens* (Italian Cypress)
Adjacent to Woodside Ave site frontage

#13 *Cupressus sempervirens* (Italian Cypress)
Adjacent to Woodside Ave site frontage

#16 *Lagerstroemia indica* (Crepe Myrtle)
Adjacent to Woodside Ave site frontage

#17 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property

#18 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property

#19 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property

#29 *Macadamia tetraphylla* (Macadamia)
Adjacent to Havilah Rd site frontage

#32 *Acmena smithii* (Lillypilly)
Adjacent to Havilah Rd site frontage

#36 *Livistona chinensis* (Fan Palm)
Adjacent to north-east site boundary

#37 *Alnus jorullensis* (Evergreen Alder)
Adjacent to north-east site boundary in neighbouring property

#42 *Camellia japonica* (Japanese Camellia)
Adjacent to Woodside Ave site frontage

#44 *Magnolia soulangeana* (Soul's Magnolia)
Adjacent to Woodside Ave site frontage

Item 1

- #54 *Livistona australis* (Fan Palm)
Adjacent to south-west site boundary
- #55 *Franklinia axillaris* (Gordonia)
Adjacent to south-west site boundary
- #56 *Rothmania globosa* (Tree Gardenia)
Adjacent to southern site corner
- #57 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip
- #58 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip
- #60 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip
- #61 *Jacaranda mimosifolia* (Jacaranda)
Havilah Rd nature strip

35. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location	Tree Works
#14 <i>Chamaecyparis pisifera</i> (Sawarah Cypress) Within proposed building footprint	Removal
#15 <i>Persea americana</i> (Avocado) Within proposed building footprint	Removal
#20 <i>Cyathea australis</i> (Tree Fern) Centrally located on site	Removal
#21 <i>Franklinia axillaris</i> (Gordonia) Centrally located on site	Removal
#22 <i>Washingtonia robusta</i> Centrally located on site	Removal
#23 <i>Washingtonia robusta</i> Centrally located on site	Removal
#24 <i>Franklinia axillaris</i> (Gordonia) Centrally located on site	Removal
#25 <i>Tristanopsis laurina</i> (Water Gum) Within proposed building footprint	Removal
#26 <i>Camellia sasanqua</i> (Chinese Camellia) Within proposed building footprint	Removal
#27 <i>Camellia sasanqua</i> (Chinese Camellia) Within proposed building footprint	Removal

Item 1

#28 <i>Citrus spp</i> Adjacent to south-east site boundary	Removal
#30 <i>Acmena smithii</i> (Lillypilly) Within proposed building footprint	Removal
#33 <i>Cyathea spp</i> (Tree Fern) Adjacent to eastern site corner	Removal
#34 <i>Cyathea spp</i> (Tree Fern) Adjacent to northeast site boundary	Removal
#35 <i>Cyathea spp</i> (Tree Fern) Adjacent to north-east site boundary	Removal
#38 <i>Persea americana</i> (Avocado) Adjacent to south-east site boundary	Removal
#39 <i>Callistemon spp</i> (Bottlebrush) Adjacent to south-east site boundary	Removal
#40 <i>Camellia sasanqua</i> (Chinese Camellia) Within proposed building footprint	Removal
#41 <i>Magnolia soulangeana</i> (Soul's Magnolia) Within proposed building footprint	Removal
#43 <i>Franklinia axillaris</i> (Gordonia) Adjacent to Woodside Ave site boundary	Removal
#45 <i>Chamaecyparis pisifera</i> (Sawara Cypress) Adjacent to Woodside Ave site frontage	Removal
#46 <i>Chamaecyparis pisifera</i> (Sawara Cypress) Adjacent to Woodside Ave site frontage	Removal
#47 <i>Chamaecyparis pisifera</i> (Sarawah Cypress) Adjacent to western site corner	Removal
#59 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	Removal
#62 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	Removal

36. The trees to be retained on site and within the adjoining nature strip areas shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location**Time of inspection**

All existing trees located on site being retained	Prior to demolition At the completion of demolition
---	--

Item 1

Prior to excavation works
At the completion of excavation works
Prior to the start of construction works
At monthly intervals during construction
At the completion of construction works
At the completion of all works on site

37. Landscape works shall be carried out in accordance with Landscape Drawing No 466.02, 466.03, 466.04 prepared by Tramonte jensen Pty Ltd and dated 23/03/2006 submitted with the Development Application, except as amended by the following:

- Tree numbers 45 & 46 are to be shown to be removed and replaced with a native endemic tree species capable of attaining a minimum height of thirteen metres.
- The proposed 'LT' tree species are to be changed so that they are consistent with the *Sydney Bluegum High Forest* (Endemic) plant community. Species are to include *Eucalyptus saligna* (Bluegum), *Eucalyptus pilularis* (Blackbutt), *Angophora floribunda* (Rough barked apple) and *Eucalyptus paniculata* (Grey Gum).
- The additional two *Jacaranda mimosifolia* (Jacaranda) required to be planted within the nature strip on Havilah Rd are to be shown on plan. The trees are to be planted where existing driveway crossovers are to be removed.

38. Removal of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

#59 *Jacaranda mimosifolia* (Jacaranda)

Havilah Rd nature strip

39. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

40. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location

Radius From Trunk

#6 *Eucalyptus sideroxylon* (Mugga Gum)

7.0m

Woodside Ave nature strip

#7 *Eucalyptus sideroxylon* (Mugga Gum)

6.0m

Woodside Ave nature strip

#12 *Cupressus sempervirens* (Italian Cypress)

4.0m

Adjacent to Woodside Ave site frontage

#13 *Cupressus sempervirens* (Italian Cypress)

3.0m

Item 1

Adjacent to Woodside Ave site frontage	
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle)	3.5m
Adjacent to Woodside Ave site frontage	
#17 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#18 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#19 <i>Alnus jorullensis</i> (Evergreen Alder)	4.0m
Adjacent to north-east site boundary in neighbouring property	
#29 <i>Macadamia tetraphylla</i> (Macadamia)	2.5m
Adjacent to Havilah Rd site frontage	
#32 <i>Acmena smithii</i> (Lillypilly)	3.0m
Adjacent to Havilah Rd site frontage	
#36 <i>Livistona chinensis</i> (Fan Palm)	2.0m
Adjacent to north-east site boundary	
#37 <i>Alnus jorullensis</i> (Evergreen Alder)	5.0m
Adjacent to north-east site boundary in neighbouring property	
#42 <i>Camellia japonica</i> (Japanese Camellia)	3.0m
Adjacent to Woodside Ave site frontage	
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia)	3.0m
Adjacent to Woodside Ave site frontage	
#54 <i>Livistona australis</i> (Fan Palm)	2.0m
Adjacent to south-west site boundary	
#55 <i>Franklinia axillaris</i> (Gordonia)	3.5m
Adjacent to south-west site boundary	
#56 <i>Rothmania globosa</i> (Tree Gardenia)	3.0m
Adjacent to southern site corner	
#57 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Havilah Rd nature strip	
#58 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
Havilah Rd nature strip	
#60 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
Havilah Rd nature strip	
#61 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
Havilah Rd nature strip	

Item 1

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

Tree/Location	Radius From Trunk
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#36 <i>Livistona chinensis</i> (Fan Palm) Adjacent to north-east site boundary	2.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#54 <i>Livistona australis</i> (Fan Palm) Adjacent to south-west site boundary	2.0m
#55 <i>Franklinia axillaris</i> (Gordonia)	3.5m

Item 1

Adjacent to southwest site boundary

#56 *Rothmania globosa* (Tree Gardenia) 3.0m

Adjacent to southern site corner

#57 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Havilah Rd nature strip

#58 *Jacaranda mimosifolia* (Jacaranda) 6.0m

Havilah Rd nature strip

#60 *Jacaranda mimosifolia* (Jacaranda) 4.0m

Havilah Rd nature strip

#61 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Havilah Rd nature strip

42. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree/s root system

Tree/Location	Radius From Trunk
---------------	-------------------

#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	7.0m
--	------

Woodside Ave nature strip

#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	6.0m
--	------

Woodside Ave nature strip

#29 <i>Macadamia tetraphylla</i> (Macadamia)	2.5m
--	------

Adjacent to Havilah Rd site frontage

#32 <i>Acmena smithii</i> (Lillypilly)	3.0m
--	------

Adjacent to Havilah Rd site frontage

#37 <i>Alnus jorullensis</i> (Evergreen Alder)	5.0m
--	------

Adjacent to north-east site boundary in neighbouring property

#55 <i>Franklinia axillaris</i> (Gordonia)	3.5m
--	------

Adjacent to south-west site boundary

#56 <i>Rothmania globosa</i> (Tree Gardenia)	3.0m
--	------

Adjacent to southern site corner

#57 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
--	------

Havilah Rd nature strip

#58 <i>Jacaranda mimosifolia</i> (Jacaranda)	6.0m
--	------

Havilah Rd nature strip

#60 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m
--	------

Havilah Rd nature strip

#61 <i>Jacaranda mimosifolia</i> (Jacaranda)	5.0m
--	------

Item 1

Havilah Rd nature strip

43. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

44. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Havilah Rd to replenish the existing avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Tree Species	Quantity
<i>Jacaranda mimosifolia</i> (Jacaranda)	2

45. Following removal of the #59 & 62 *Jacaranda mimosifolia* (Jacaranda) from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.

46. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/From	To
#'s 48-50 <i>Howea forsteriana</i> (Kentia Palm)	As shown on plan
#51 <i>Archontophoenix alexandra</i> (Alexandra Palm)	Relocated kentia palm grouping

47. 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.

48. The canopy replenishment 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.

49. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

50. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47). Note that if the retention volume is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement.

Item 1

51. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. For this site only, a concession down to a minimum of 39m³ above ground storage may be available on the detention volume, due to the area of the site which is subject to overland flow. Note that if the retention volume provided is less than 20m³, the detention storage volume is to be increased as necessary to achieve the total Site Storage Requirement. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
52. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
53. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
54. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
55. It is the Applicants and contractors **full responsibility** to ascertain the exact location of the Council drainage pipe traversing the site and take measures to protect it. All proposed structures and excavation are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
56. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the

Item 1

easement unless the footings are to be placed on competent bedrock. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

57. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
58. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
59. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
60. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
61. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be

Item 1

designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".

62. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to 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.
63. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
64. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
- Appropriate excavation methods and techniques,
 - Vibration management and monitoring,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the report prepared by Jeffery and Katauskas and all subsequent geotechnical investigation and inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

65. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
 - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

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

Item 1

66. The street frontage fencing to both Woodside Avenue and Havilah Road shall have a maximum height of 1.2 metres when measured from the adjacent existing ground level located on the outside of the proposed fencing. Details are to be included with the Construction Certificate plans.
67. 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.
68. 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.
69. 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 Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.
 - 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.
 - 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.
70. 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 TWENTY FOUR (24) ADDITIONAL DWELLINGS IS CURRENTLY \$549,503.51. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges

Item 1

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 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1 117.76
2. Park Acquisition and Embellishment Works - Lindfield	\$8 223.35
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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)	1.27 persons
Medium dwelling (75 - under 110 sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3persons

71. To preserve the following tree/s, footings of the proposed boundary wall/fence shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 30mm shall be severed or injured in the process of any site works during the construction period. The beam/s shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to the Principal Certifying Authority and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly)	3.0m

Item 1

Adjacent to Havilah Rd site frontage

#42 *Camellia japonica* (Japanese Camellia) 3.0m

Adjacent to Woodside Ave site frontage

#44 *Magnolia soulangeana* (Soul's Magnolia) 3.0m

Adjacent to Woodside Ave site frontage

#57 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Havilah Rd nature strip

#58 *Jacaranda mimosifolia* (Jacaranda) 6.0m

Havilah Rd nature strip

#60 *Jacaranda mimosifolia* (Jacaranda) 4.0m

Havilah Rd nature strip

#61 *Jacaranda mimosifolia* (Jacaranda) 5.0m

Havilah Rd nature strip

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

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have 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.

73. A CASH BOND/BANK GUARANTEE of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum)	\$1 000.00
Woodside Ave nature strip	

Item 1

#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	\$1 000.00
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00
#60 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	\$1 000.00

74. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
75. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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 Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

76. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the *inside trafficked edge* of the proposed driveway, starting from the centreline of the frontage street carriageway to the

Item 1

proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- The crest required for flood protection has been accommodated in the design,
- Vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site), and
- All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

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

- a. Construct a concrete footpath along the Havilah Road frontage of the site.

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

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

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

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

NOTE 2: An engineering assessment fee (set out in Council’s adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

Item 1

NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

78. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:
- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 "Off-street car parking".
 - b) A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
 - c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

79. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
80. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
- Exact location and reduced level of discharge point to the public drainage system.
 - Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).

Item 1

- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater Plan 205126 H1 to H3 Issue B by Demlakian Consulting Engineers submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

81. Prior to issue of the Construction Certificate, a suitably qualified and experienced civil/hydraulic engineer is to certify that the plans, including the landscape plan, show the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005.
82. Prior to issue of the Construction Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005, have been designed to withstand the forces associated with overland flow.
83. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
84. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

Item 1

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

85. 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.
86. 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/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip. Pedestrian access to be maintained at all times	6.0m
#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#19 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#36 <i>Livistona chinensis</i> (Fan Palm) Adjacent to north-east site boundary	2.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in	5.0m

Item 1

neighbouring property

#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#54 <i>Livistona australis</i> (Fan Palm) Adjacent to southwest site boundary	2.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to south-west site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#61 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m

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

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

1. Tree Protection Zone
2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
4. Name, address, and telephone number of the developer/principal certifying authority.

89. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if vehicular or repeated pedestrian access is required:

Tree/Location	Radius in Metres
#6 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	7.0m
#7 <i>Eucalyptus sideroxylon</i> (Mugga Gum) Woodside Ave nature strip	6.0m

Item 1

#12 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	4.0m
#13 <i>Cupressus sempervirens</i> (Italian Cypress) Adjacent to Woodside Ave site frontage	3.0m
#16 <i>Lagerstroemia indica</i> (Crepe Myrtle) Adjacent to Woodside Ave site frontage	3.5m
#17 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	4.0m
#18 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#19 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to northeast site boundary in neighbouring property	4.0m
#29 <i>Macadamia tetraphylla</i> (Macadamia) Adjacent to Havilah Rd site frontage	2.5m
#32 <i>Acmena smithii</i> (Lillypilly) Adjacent to Havilah Rd site frontage	3.0m
#36 <i>Livistona chinensis</i> (Fan Palm) Adjacent to north-east site boundary	2.0m
#37 <i>Alnus jorullensis</i> (Evergreen Alder) Adjacent to north-east site boundary in neighbouring property	5.0m
#42 <i>Camellia japonica</i> (Japanese Camellia) Adjacent to Woodside Ave site frontage	3.0m
#44 <i>Magnolia soulangeana</i> (Soul's Magnolia) Adjacent to Woodside Ave site frontage	3.0m
#54 <i>Livistona australis</i> (Fan Palm) Adjacent to south-west site boundary	2.0m
#55 <i>Franklinia axillaris</i> (Gordonia) Adjacent to southwest site boundary	3.5m
#56 <i>Rothmania globosa</i> (Tree Gardenia) Adjacent to southern site corner	3.0m
#57 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	5.0m
#58 <i>Jacaranda mimosifolia</i> (Jacaranda) Havilah Rd nature strip	6.0m
#60 <i>Jacaranda mimosifolia</i> (Jacaranda)	4.0m

Item 1

Havilah Rd nature strip

#61 *Jacaranda mimosifolia* (Jacaranda)

5.0m

Havilah Rd nature strip

90. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Radius in Metres

#60 *Jacaranda mimosifolia* (Jacaranda)

4.0m

Havilah Rd nature strip

91. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. 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.
92. Prior to the commencement of any works on site and prior to issue of the Construction Certificate, qualified practitioners must undertake a closed circuit television (CCTV) inspection and then report on the existing condition of Council drainage pipeline traversing the subject property. The report must be provided to Council, attention Development Engineer, prior to issue of the Construction Certificate. The report is to include a copy of the video footage of the pipeline.
93. Following demolition of the dwellings but prior to commencement of bulk excavation, additional geotechnical investigation comprising at least three cored boreholes, is to be carried out. The report of this investigation is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed. Works are to proceed in accordance with the recommendations of this report, including vibration monitoring and excavation support.
94. Prior to the commencement of any excavation works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of residences at 3 and 11 Woodside Avenue and 2a Havilah Road. The report must be completed by a consulting structural/geotechnical engineer. Upon submitting a copy of the dilapidation report to Council, a written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Item 1

95. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

1. **A plan view of the entire site and frontage roadways indicating:**

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

2. **Traffic Control Plan(s) for the site**

- All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
- Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

3. **A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.

Item 1

- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

96. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
97. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
 - a) Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
 - b) All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that:

- Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.

Item 1

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair damage regardless. A written acknowledgment from Council engineers must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

98. 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.
99. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
100. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
101. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
102. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
 - New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.
 - Construction of footpath for the Havilah Road frontage of the development.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.
The Occupation Certificate must not be issued until all damaged public infrastructure caused

Item 1

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) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

103. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
104. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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 reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
105. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the flood-proofing structures constructed under another condition of this consent. The terms of the instruments are to require that the structures be maintained in a sound and watertight condition. The Positive Covenant is to be created through an application to the Land Titles Office in the form of a request using form 13PC. The relative location of the structures, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenant must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
106. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and

Item 1

- b) A copy of any works-as-executed drawings required under this consent
- c) The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

107. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
108. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:
 - a) That the as-constructed carpark complies with the approved Construction Certificate plans,
 - b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions provided,
 - c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
 - d) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
 - e) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - "Off-street car parking",
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.
109. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - c) That retained water is connected and available for the uses specified on the BASIX Certificate.
 - d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - e) That all grates potentially accessible by children are secured.

Item 1

- f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

110. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.
- As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

111. Prior to issue of the Occupation Certificate, a suitably qualified and experienced civil/hydraulic engineer is to certify that the as-constructed development, including the landscaping, complies with the approved Construction Certificate plans in relation to the overland flowpath and freeboard to habitable rooms and driveway entrance as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005.

Item 1

112. Prior to issue of the Occupation Certificate, a suitably qualified and experienced structural engineer is to certify that all structures required for flood proofing as identified in Demlakian Consulting Engineers Flood Study Report 205126RPT01, dated 8 December 2005, and the approved Construction Certificate plans, have been constructed to withstand the forces associated with overland flow.
113. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system, and the water quality measures, and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
114. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
 - a) According the relevant Australian Standards and guidelines, and
 - b) According to any approved Geotechnical report undertaken for the development, and
 - c) In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
115. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas 19646Vrpt, the report submitted prior to commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
116. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
117. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed at:
 - a) Residences at 3 and 11 Woodside Avenue and 2a Havilah Road;
 - b) Full road pavement width, including kerb and gutter, of Havilah Road and Woodside Avenue over the site frontage.
 - c) All driveway crossings and laybacks opposite the subject site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

Item 1

118. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage that has occurred to the section of the pipeline since the commencement of construction on the site must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

BUILDING CONDITIONS

119. 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.
120. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
121. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - "*Protection of Buildings from Subterranean Termites*" is to be provided.

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

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

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

G Bolton
Executive Assessment Officer

R Kinninmont
Team Leader
Development Assessment - South

Item 1

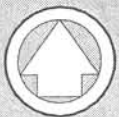
M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- Site location plan - 606508
- Zoning extract - 606511
- Site analysis & site plan - 606512
- Elevations -606514
- Cross sections - 606516
- Shadow diagrams – 606517
- Compliance diagram - 606520
- SEPP 1 objection – 606525
- Draft SEPP (Application of Development Standards) 2004 Application for departure - 606528
- Survey plan - 606527
- Confidential Floor plans
- Landscape plans - (Confidential - shows floor plans)
- SEPP 1 objection, sketch - (Confidential - shows floor plans)

5-9 Woodside Avenue, LINDFIELD
DEVELOPMENT APPLICATION No 1417/05



18-04-2006



SUBJECT LAND



CIRCULATED AREA



Zoning Extract

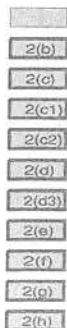
5-9 Woodside Ave LINDFIELD - DA 1417/05



ZONES

2. RESIDENTIAL

- (a) RESIDENTIAL A
- (b) RESIDENTIAL B
- (c) RESIDENTIAL C
- (c1) RESIDENTIAL C1
- (c2) RESIDENTIAL C2
- (d) RESIDENTIAL D
- (d3) RESIDENTIAL D3
- (e) RESIDENTIAL E
- (f) RESIDENTIAL F
- (g) RESIDENTIAL G
- (h) RESIDENTIAL H



3. BUSINESS

- (a) RETAIL SERVICES
- FLOOR SPACE RATIOS
- A1 2.0:1
- A2 1.0:1
- A3 0.75:1
- (b) COMMERCIAL SERVICES
- FLOOR SPACE RATIOS
- B1 1.0:1
- B2 1.0:1



5. SPECIAL USES

- (a) SPECIAL USES A (Schools etc)
- (a1) SPECIAL USES A1
- (b) SPECIAL USES (Railway)
- 6. OPEN SPACE
- (a) RECREATION EXISTING
- (b) RECREATION PRIVATE
- (c) RECREATION PROPOSED



RESERVATIONS

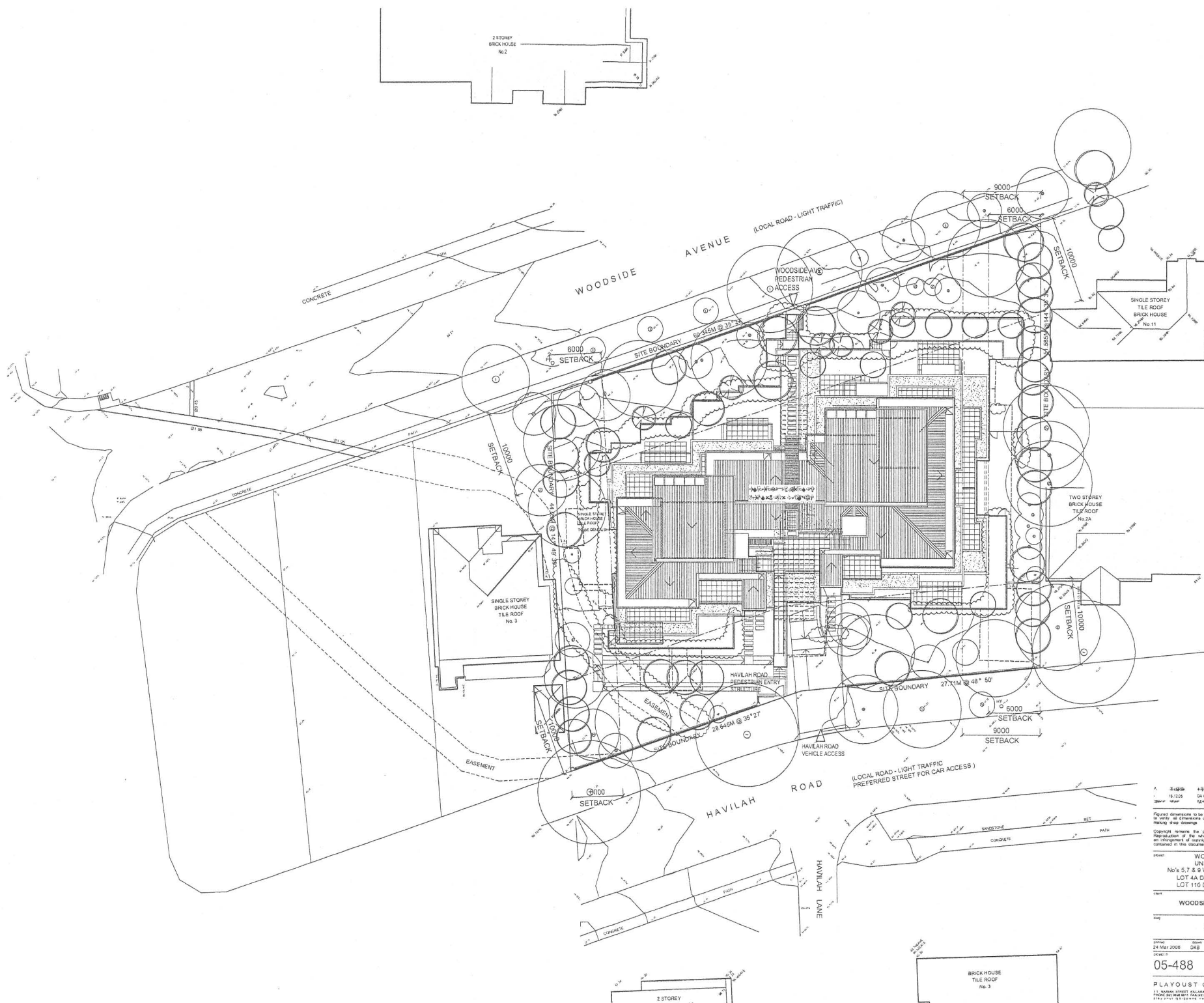
OPEN SPACE

- (a) OPEN SPACE (Public Parks & Recreation)
- (b) COUNTY OPEN SPACE
- SPECIAL USES
- SPECIAL USES (Parking etc)
- ROADS
- (a) COUNTY ROAD PROPOSED
- (b) COUNTY ROAD WIDENING
- (c) LOCAL ROAD PROPOSED
- (d) LOCAL ROAD WIDENING

GENERAL

- EXISTING COUNTY ROAD
- OTHER PLANNING INSTRUMENTS
- Scale: 1:2000
- Date: 18-04-2006

RECEIVED
24 MAR 2006



Figured dimensions to be taken in accordance to existing. Contractor to verify all dimensions on job before commencing any work or making final change.

Copyright remains the property of Playoust Churcher Architects. Distribution of the whole or part of the document constitutes an infringement of copyright. The information, ideas and concepts contained in this document are confidential.

Project: **WOODSIDE AVENUE UNIT DEVELOPMENT**
 No. 5, 7 & 9 WOODSIDE AVE LINDFIELD
 LOT 4A DP 175339, LOT 1 DP 330366, LOT 110 DP 6608, LOT 1 DP 669651

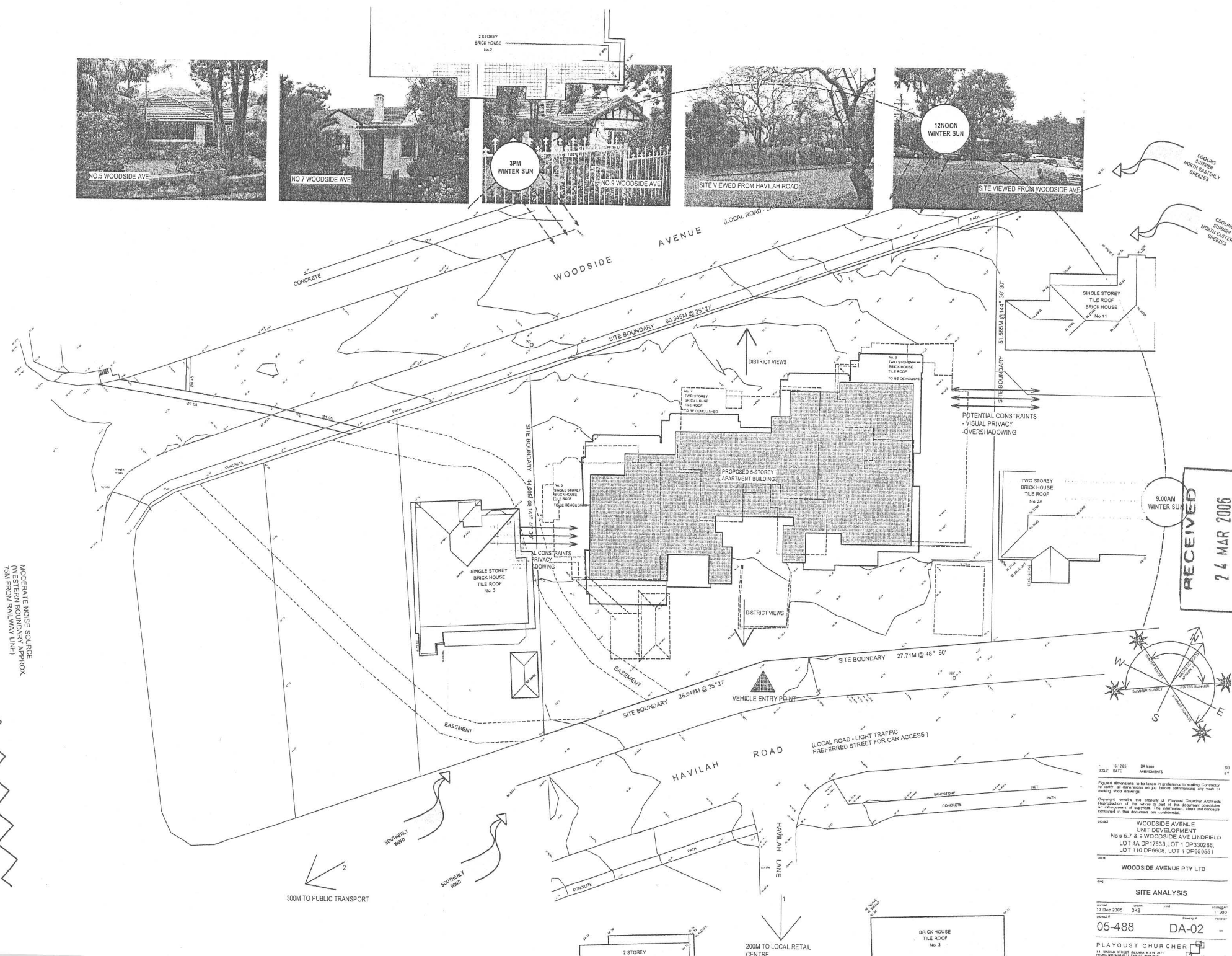
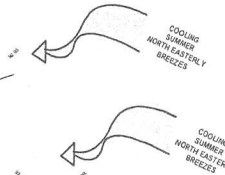
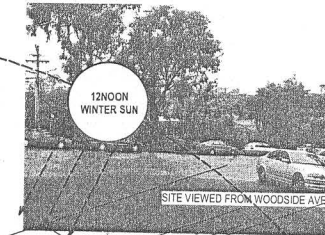
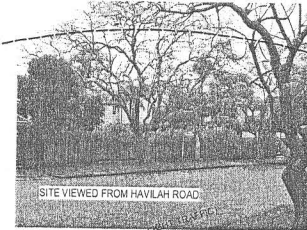
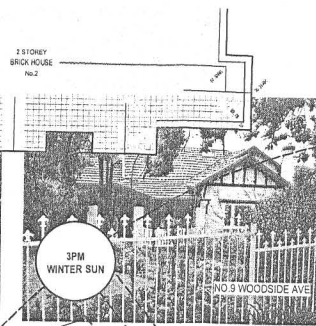
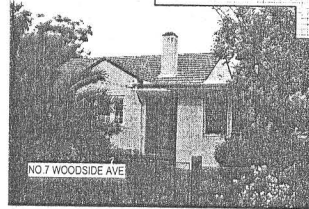
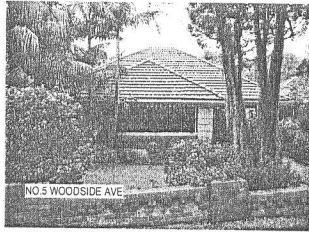
Client: **WOODSIDE AVENUE PTY LTD**

Site: **SITE PLAN**

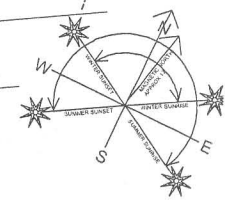
DATE	BY	REVISION
24 MAR 2006	DWB	1:2000

05-488 DA-01 A

PLAYOUST CHURCHER ARCHITECTS
 11, WILSON STREET, CLAREMONT, NSW 1585
 PHONE: 02 9438 8511 FAX: 02 9438 8512
 WWW: WWW.PLAYOUSTCHURCHER.COM.AU



MODERATE NOISE SOURCE (WESTERN BOUNDARY LINE) 75M FROM RAILWAY LINE



RECEIVED
24 MAR 2006

15.12.05 DR Issue
13 Dec 2005 DRB

Figure dimensions to be taken in preference to existing. Contractor to verify all dimensions on job before commencing any work at site.

Copyright remains the property of Plouast Church Architects. Reproduction of the drawings or any part of the drawings constitutes an infringement of copyright. The information, ideas and concepts contained in this document are confidential, ideas and concepts.

PROJECT: WOODSIDE AVENUE UNIT DEVELOPMENT
No's 5, 7 & 9 WOODSIDE AVE LINDFIELD
LOT 4A DP17538, LOT 1 DP330268,
LOT 110 DP6608, LOT 1 DP969551

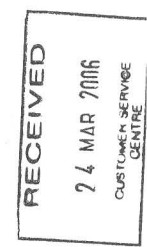
DRAWN: WOODSIDE AVENUE PTY LTD

DATE: 13 Dec 2005

SCALE: 1:200

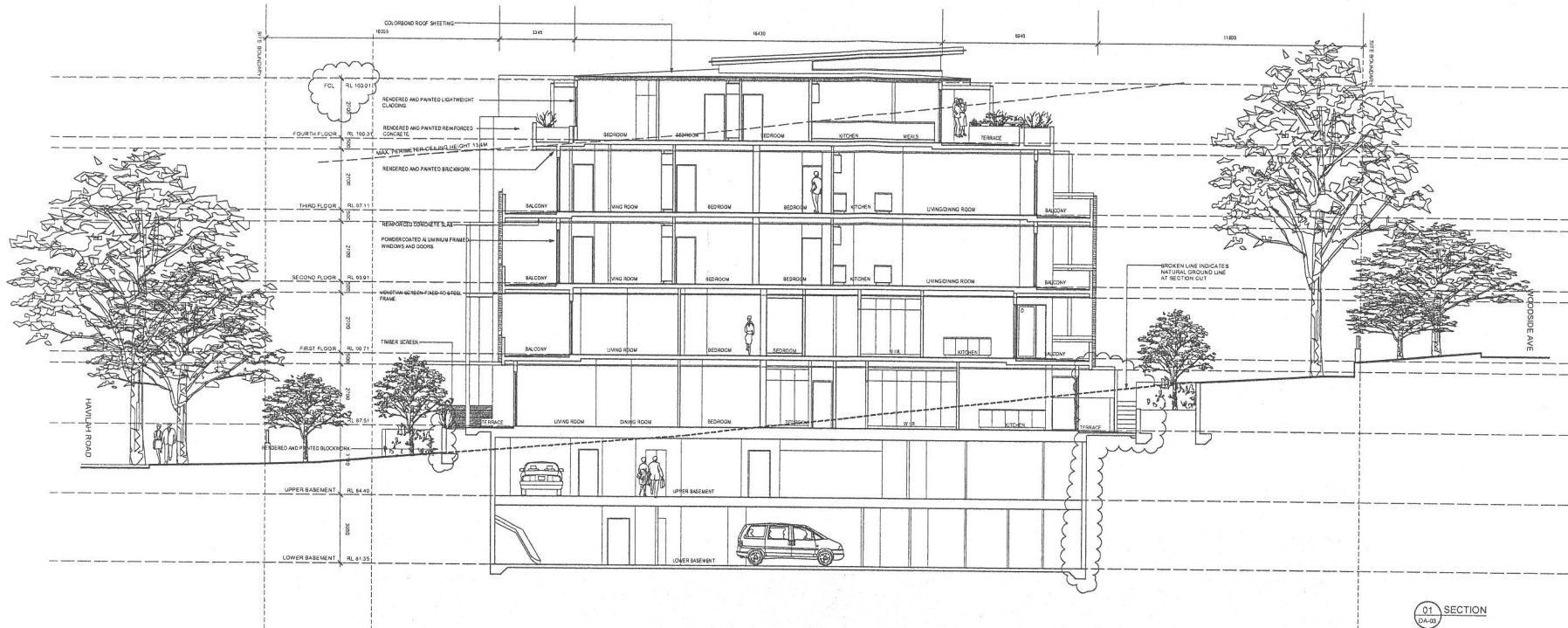
05-488 DA-02

PLAUST CHURCH ARCHITECTS

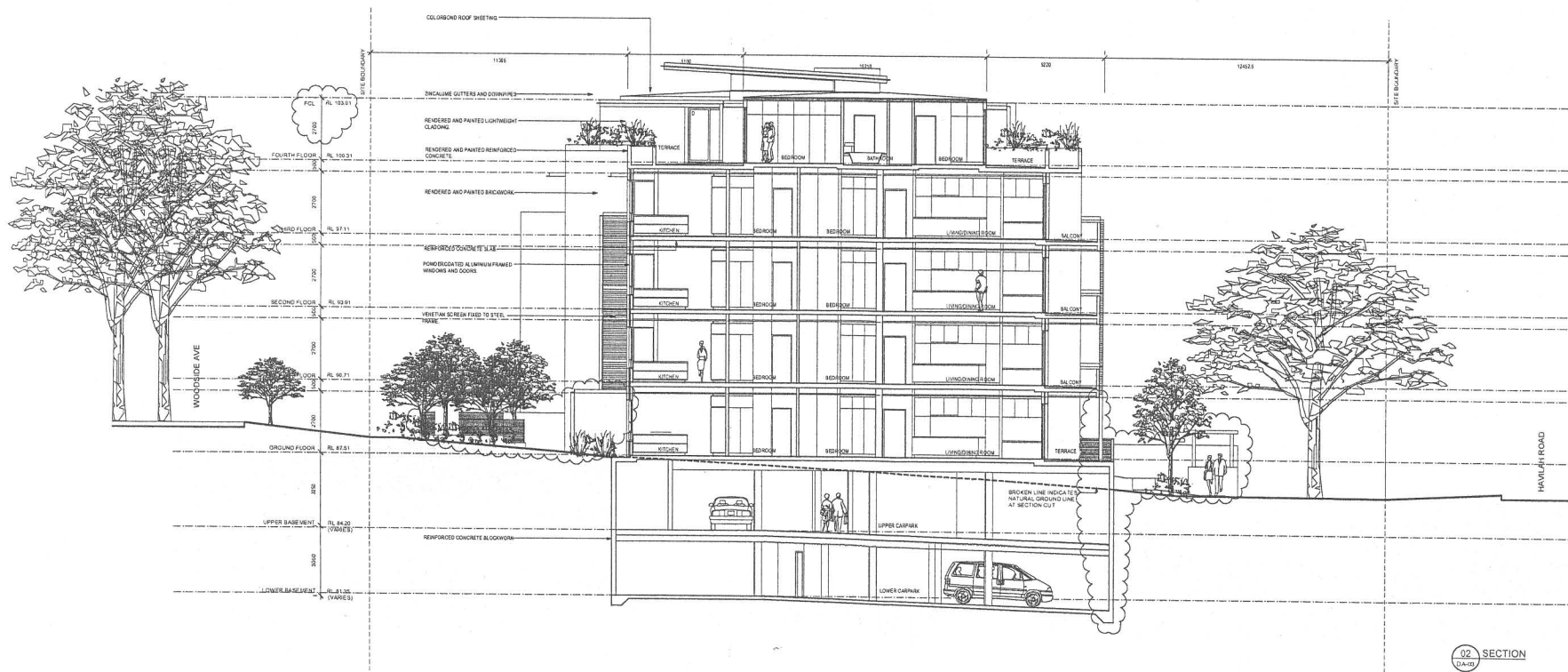


John JF Rayner & Co Pty Limited ACN 008 523 188 & Daniel Churche Architects
ACN 003 751 811 trading as Rayner Churche Architects

02 SECTION/ELEVATION



01 SECTION
(A-A)



02 SECTION
(A-A)

RECEIVED
24 MAR 2006
CUSTOMER SERVICE
CENTRE

A 24/03/06 Revised DA ISSUE LC
18/03/06 DA ISSUE LC
ISSUE DATE AMENDMENTS 1 100 99
Figured dimensions to be taken in preference to reading. Contractor to verify all dimensions on job. Where necessary, any work of missing shop drawings.
Copyright remains the property of Playoust Churcher Architects. Reproduction of the whole or part of the documents constitutes an infringement of copyright. The information, ideas and concepts contained in the documents are confidential.
PROJECT: WOODSIDE AVENUE UNIT DEVELOPMENT
NO 8 & 9 WOODSIDE AVE UNDEVELOPED LOT 48 DP175363 LOT 1 DP330266 LOT 110 DP9808 LOT 1 DP959551
DATE: WOODSIDE AVENUE PTY LTD

CROSS SECTIONS
DATE: 24 MAR 2006 DRAWN: DMB CHECKED: T.100
PROJECT: 05-488 DA 13 A
PLAYOUST CHURCHER ARCHITECTS
1/1 BRIDGE STREET, SYDNEY NSW 1585
PH: (02) 9550 8888 FAX: (02) 9550 8889
www.playoustchurcher.com.au
Architects: Playoust Churcher Architects Pty Ltd
Architect: Playoust Churcher Architects



RECEIVED
 74 MAR 2006
 CUSTOMER SERVICE CENTRE

A 24.03.04 REVISED DA ISSUE LG
 16.12.05 DA ISSUE LG
 ISSUE DATE AMENDMENTS BY

Figure dimensions to be taken in preference to casting Contractor to verify all dimensions on site before commencing any work of building.

Copyright remains the property of Playoust Church Architects. Reproduction of the whole or part of the document constitutes an infringement of copyright. The information, ideas and concepts contained in the document are confidential.

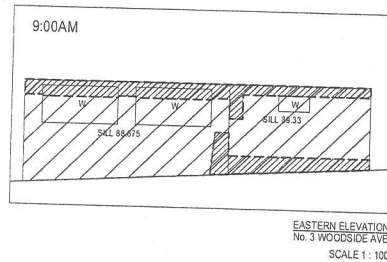
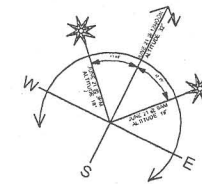
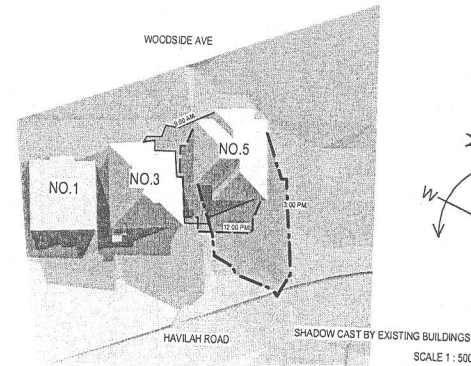
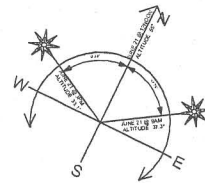
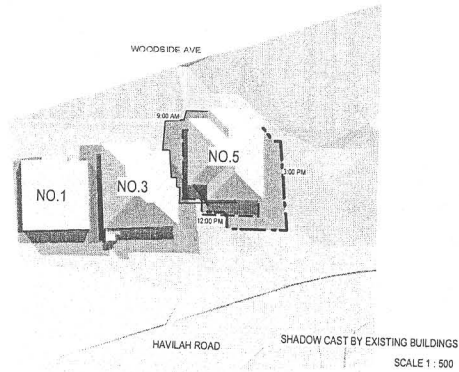
PROJECT
 WOODSIDE AVENUE
 UNIT DEVELOPMENT
 Nos 5, 7 & 9 WOODSIDE AVENUE LINDFIELD
 LOT 4A DP176338 LOT 1 DP130286
 LOT 110 DP9808 LOT 1 DP959551

OWNER
 WOODSIDE AVENUE PTY LTD

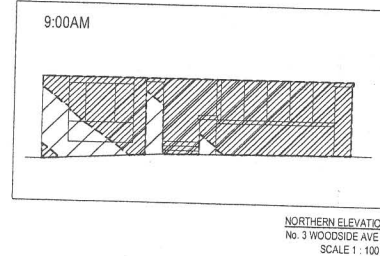
LONGITUDINAL SECTION

DRAWN: [signature] CHECKED: [signature] DATE: 24 Mar 2005
 PROJECT # 05-488 DRAWING # DA 14 A

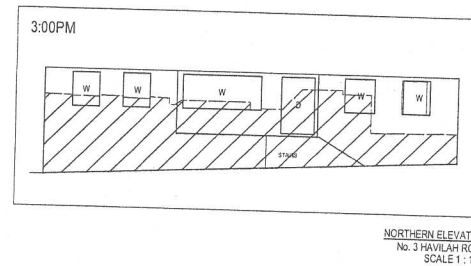
PLAYOUST CHURCH ARCHITECTS
 11, BRISBANE STREET, SYDNEY, NSW 2000
 PHONE: (02) 9550 0001 FAX: (02) 9550 0002
 WWW: WWW.PCAUSTRALIA.COM.AU
 JOE OF PEARCE & CO PTY LIMITED ACQUISITION 100% & 50% CHURCH ARCHITECTS PTY LTD
 02/03/05 10:01 AM



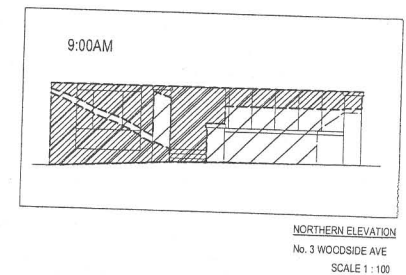
EASTERN ELEVATION
No. 3 WOODSIDE AVE
SCALE 1: 100



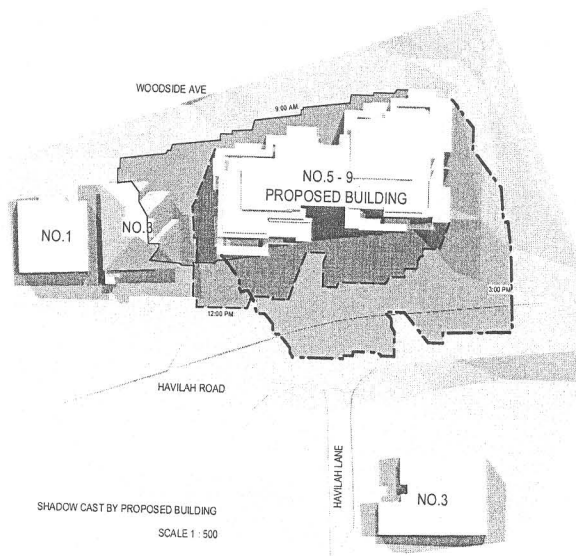
NORTHERN ELEVATION
No. 3 WOODSIDE AVE
SCALE 1: 100



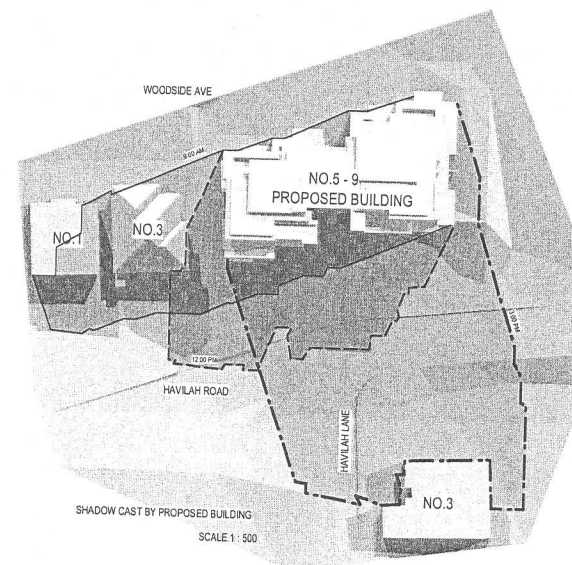
NORTHERN ELEVATION
No. 3 HAVILAH ROAD
SCALE 1: 100



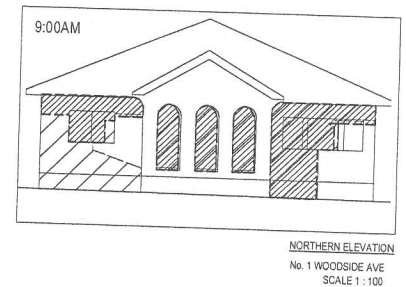
NORTHERN ELEVATION
No. 3 WOODSIDE AVE
SCALE 1: 100



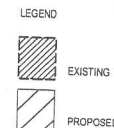
SHADOW CAST AT EQUINOXES
(MARCH/SEPTEMBER)



SHADOW CAST BY PROPOSED BUILDING
SCALE 1: 500



NORTHERN ELEVATION
No. 1 WOODSIDE AVE
SCALE 1: 100



ISSUE	DATE	BY	REVISIONS
01	08.11.05	DA	ISSUE

Figured dimensions to be taken in preference to existing. Contractor to verify all dimensions on site before commencing any work or making shop drawings.

Drawings remain the property of Playoust Churches Australia. Reproduction of the whole or part of the document without the written permission of Playoust Churches Australia is prohibited. The information, ideas and concepts contained in this document are confidential.

PROJECT: WOODSIDE AVENUE UNIT DEVELOPMENT
No. 8.7 & 9 WOODSIDE AVE LINDFIELD
LOT 4A DP 17638 LOT 1 DP 30208
LOT 119 DP 6608 LOT 1 DP 924551

CLIENT: WOODSIDE AVENUE PTY LTD

DATE: 13 Dec 2005

SCALE: 1: 100

05-488 DA-15

PLAYOUST CHURCHES ARCHITECTS

RECEIVED
24 MAR 2006
COURTESY

**STATE ENVIRONMENTAL PLANNING POLICY NO 1
OBJECTION**

TO THE HEIGHT STANDARDS SET IN CLAUSE 25I(8)

AND CLAUSE 25I(9) OF KPSO (LEP 194)

Property: 5-9 Woodside Avenue, Lindfield

Proposal: 4 + 1 storey apartment blocks, 27 dwellings

Zoning: 2(d3) Residential

1. Development Standard to which Objection is taken:

Clause 25I(8) Maximum number of storeys and ceiling height and Clause 25I(9) that deals with the height of the basement above ground level

The Objectives of these Clauses are not stated, but can be assumed to be:

*The objectives of **Clause 25I(8)** are assumed to be:*

- (a) to minimise the impact of new buildings on the locality and maintain reasonable heights,*
- (b) to keep the visual impact of buildings when viewed from the surrounding area to reasonable levels;*
- (c) to keep the effects of bulk and scale of buildings arising from new development in existing residential areas to a reasonable level.*

*The objectives of **Clause 25I(9)** are assumed to be:*

- (a) to minimise the streetscape impact of typical concrete basement on the streetscape;*
- (b) to assist in minimising the overall height of the building.*

The relevant provisions of Clause 25I(8) are:

"Subject to subclause (5) and clause 25K, buildings on land to which this Part applies are not to have:

- a) more storeys than the maximum number of storeys specified in Column 2 of the Table to this subclause, or*
- b) given the number of storeys in the building, a permitter ceiling height greater than that specified in Column 3 of that Table*

Table
Maximum number of storeys and ceiling height

Column 1 Zone	Column 2 Maximum number of storeys	Column 3 Calculation of maximum permitter ceiling height	
	Number of storeys in a building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	Number of storeys in building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)	Maximum perimeter ceiling height of building (not including top storey with floor area reduced because of subclause (7) or attics, where applicable)
2(c1) and 2(c2)	2	1	4.5m
		2	7.2m
2(d3)	4	1	4.5m
		2	7.2m
		3	10.3m
		4	13.4m

Clause 25I(9) says:

"Any storey which is used exclusively for car parking, storage or plant, or a combination of them, in accordance with the requirements of this Ordinance and no part of which (including any wall or ceiling which encloses or defines the storey) is more than 1.2metres above ground level, is not to be counted as a storey for the purpose of the Table to subclause (8)"

2. The Proposal

The proposed development is located on a site that has a small hollow on the Havilah Road side of the property. The site is also affected by potential flooding, and any proposed development therefore needs to design the levels and access points accordingly to ensure that they are flood protected. As a result a small part of the building has a height that exceeds the limit set in the above clauses. The plan showing the location where the height limits are exceeded is at Figure 1. The amount over the limit is 0.22 metres maximum with an even lesser amount in the smaller area.

3. The Aim of the Objection:

Is to address the small amount of extra height over a limited area of the building and justify the retention of the design on its presently proposed levels.

4. Addressing the Issues

4.1. The Purpose of the Development Standard

The purpose of the development standard contained in Clause maximum building height to achieve the assumed objectives of the standard are as noted above.

4.2 Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Compliance with the height limits imposed by both Clauses is considered unnecessary and unreasonable in this case for the following reasons:

- The amount of extra height is small, a maximum of about 0.22 of a metre over two small parts of the building;
- This small amount will not be noticeable on a 13.4 metre high building and will have no impact in any regard.
- There will be no change in the visual impact of the dwelling when viewed from the surrounding area.
- The increase in height has been brought about by designing the proposal to ensure that all the units and access points are flood protected.

5. Conclusion

On the basis of the points made above it is argued that compliance with the height standards is considered to be unreasonable and unnecessary in the circumstances of this case.

**ADDENDUM TO SEPP1 OBJECTION – Further considerations
relating to draft SEPP1**

Draft SEPP1 : The draft Policy was released for public comment in May 2004. The draft policy has been “in abeyance” for over a year so that the format of the policy is not certain and gazettal is not imminent. In any event, the current draft Policy contains Savings and Transitional Provisions. Clause 14 states that
“a development application

- (a) made under clause 6 of the former Policy before the date of commencement of this Policy and that was not finally determined before that date or
- (b) made within 28 days after the commencement of this Policy and that could have been made under clause 6 of the former Policy if that Policy had not been repealed by this Policy ,
is to be determined in accordance with the former Policy as if the former Policy had not been repealed by this Policy.

The application was lodged in December 2005 so that the relevant Policy is considered to be the current SEPP No1.

Notwithstanding this savings clause, a recent decision in the Land and Environment Court has found that Council's failure to consider the draft SEPP (pursuant to s.79C EP&A Act) rendered a consent invalid in the case of *Centro Properties Limited v Hurstville City Council* (2006) NSW LEC 78 by Justice Talbot. As such Council **must** consider the terms of the draft SEPP until it is either adopted or formally withdrawn.

The following two subsections, within Clause 7: Application for departure of the Draft SEPP, are deemed relevant to this application.

- 2a) *that the proposed departure from the development standard will result in a better environmental planning outcome than that which could have been achieved on the site had the standard been complied with, and*
- 2b) *that the proposed development will be in the public interest by being consistent with any aims and objectives expressed in, or implied from;*
 - (i) *the zone in which the development is proposed to be carried out,*
 - (ii) *the development standard, or*
in any relevant environmental planning instrument.
- 3a) *For the purpose of subclause (2) (a), a better environmental planning outcome will not be demonstrated unless the element of the proposed development that is inconsistent with the relevant development standard:*
 - (a) *is necessary because of unusual site characteristics*

In respect of the subject application, and the provisions of draft SEPP1 the following submissions are made:

1. The subject site is zoned 2(d3) which permits residential flat buildings. The proposed development is therefore consistent with the objectives of the zone by providing an increased housing choice whilst maintaining the natural environment, achieving quality urban design and encouraging the use of public transport. The redevelopment of this site is therefore in the public interest by being consistent with the objectives of the zone.

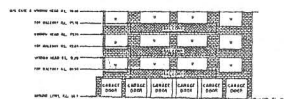
2. Furthermore, the site has unusual site constraints in that there is a small hollow on the Havilah Road side of the property. The site is also affected by potential flooding, and any proposed development therefore needs to design the levels and access points accordingly to ensure that they are flood protected. As a result of these constraints, a small part of the building has a height that exceeds the limit set. However, rather than complying with this development standard, the proposals minor inconsistency is considered a better environmental planning outcome. This is due to the buildings levels and storey heights appearing consistent, and therefore presenting a higher quality urban design outcome to the surrounding environment.

Accordingly, for the above reasons it is considered that the proposal is consistent with the requirements and objectives of the Draft SEPP1, notably in that the proposal results in a better environmental planning outcome. The draft SEPP if gazetted contains a savings clause so that it would not be applied in any event, so that minimal if any weight should be given to the draft SEPP. Notwithstanding this, the proposal and variation to the height control has considerable merit pursuant to the draft SEPP 1 cl 7 provisions, and is worthy of approval.

NORTHERN ELEVATION



NORTHERN ELEVATION
No. 1 HAYLAN ROAD



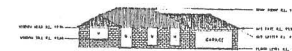
EASTERN ELEVATION



127 32688



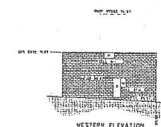
SOUTHERN ELEVATION
No. 6 WOODSIDE AVENUE



NORTHERN ELEVATION
No. 8 WOODSIDE AVENUE



SOUTHERN ELEVATION

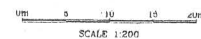


WESTERN ELEVATION



NORTHERN ELEVATION
 RM. 3 HAYILAH ROAD

NOTES	
101.76	DENOTES SPOT LEVEL.
101.7600	DENOTES GRAVE LEVEL.
101.76000	DENOTES GRAVE INCH.
101.760000	DENOTES TOP OF KERN LEVEL.
101.7600000	DENOTES TOP OF WALL LEVEL.
101.76000000	DENOTES BOTTOM OF WALL LEVEL.
101.760000000	DENOTES POOR RIDGE LEVEL.
101.7600000000	DENOTES FLOOD LEVEL.
101.76000000000	DENOTES UNDERSIDE OF GUTTER LEVEL.
101.760000000000	RECURSIVE BINARY SYSTEM.
101.7600000000000	DENOTES GAS PHASE.
101.76000000000000	DENOTES LIGHT POLE.



HORIZONTAL DATUM:
CO-ORDINATE SYSTEM: LOCAL
MARKS ADOPTED:

VERTICAL DATUM:	
DATUM:	AHD
B.M. ADOPTED:	25.34
R.L.	81.18
SOURCE:	SCM

E	DIAGNOSTIC INFORMATION ADDED	12/14/78
D	PRICE ADDED IN ANALYSIS	10/11/78
C	NEW DETAIL & ELEVATIONS ADDED	10/11/78
B	EASEMENTS AND TRUE NORTH ADDED	10/11/78
A	FINAL ISSUE	12/16/78
REV.	AMENDMENTS	DATE

CLIENT:
WOODSIDE AVENUE PTY LTD
P.O.BOX 299
LINDFIELD

PLAN
SHOWING DETAIL & LEVELS OVER
LOT 4A D.P.17538, LOT 1 D.P.330266
LOT 110 D.P.8608 & LOT 1 D.P.959551
WOODSIDE AVENUE & HAVILAH ROAD
UNFIELD

Degotardi, Smith & Partners
Consulting Engineers
Established 1957

11/19-23 Bridge St.,
Puyuma NSW 2072
Telephone: (02) 9440 1180
Facsimile: (02) 9449 1039
Dr. 8320 Gungah
E-mail: satsumas@satsumas.com



Winter : Sir Thomas Mordaunt, Bart. &c.

1. G. A. KILBING, CHA.	SHEET A OF 1
------------------------	--------------

DATE	BY	CHECKED	APPROVED
000/00	000	000	000

SIMPLY REFERRED	SCALE	DATE
-----------------	-------	------

Q7A 2142 812012	475
-----------------	-----

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	8 TO 18 MCINTYRE STREET, GORDON - DEMOLITION OF EXISTING DWELLINGS AND CONSTRUCTION OF TWO RESIDENTIAL FLAT BUILDINGS COMPRISING 67 UNITS AND BASEMENT CAR PARKING
WARD:	Gordon
DEVELOPMENT APPLICATION N^o:	1360/05
SUBJECT LAND:	8 to 18 McIntyre Street, Gordon
APPLICANT:	Southern Cross Development Group
OWNER:	K Carlon, D C Cornwall, Pai Chou Developments, T G Vaughan, H G Lander and B J Lloyd
DESIGNER:	P.D. Mayoh Architects
PRESENT USE:	Residential dwellings
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP - 40 Waste Management, DCP 43 – Car Parking, DCP 47 – Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 1, SEPP 55, SEPP 65, Draft SEPP (Application of Development Standards)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	7 December 2005
40 DAY PERIOD EXPIRED:	16 January 2006
PROPOSAL:	Demolition of existing dwellings and construction of two residential flat buildings comprising 67 units and basement car parking
RECOMMENDATION:	Approval

Item 2

DEVELOPMENT APPLICATION N^o 1360/05
PREMISES: 8-18 MCINTYRE STREET, GORDON
PROPOSAL: DEMOLITION OF EXISTING DWELLINGS
AND CONSTRUCTION OF TWO
RESIDENTIAL FLAT BUILDINGS
COMPRISING 67 UNITS AND BASEMENT
CAR PARKING
APPLICANT: SOUTHERN CROSS DEVELOPMENT
GROUP
OWNER: K CARLON, D C CORNWALL, PAI CHOU
DEVELOPMENTS, T G VAUGHAN, H G
LANDER AND B J LLOYD
DESIGNER P.D. MAYOH ARCHITECTS

PURPOSE FOR REPORT

To determine development application No.1360/05, which seeks consent for the demolition of existing dwellings and the construction of two residential flat buildings comprising a total of 67 units and basement parking.

EXECUTIVE SUMMARY

Issues:

- Retention of riparian zone at the rear of the site.
- Setback to McIntyre Street.

Pre DA Meeting:

YES - 22 December 2004

The issues raised were:

- Compliance with deep soil standard.
- Retention of riparian zone.
- The riparian zone to be planted with native endemic species.
- Existing levels and grades within the critical root zones of existing trees to be maintained.
- The building should be spilt into two separate buildings because of the extensive McIntyre frontage.
- The building should be well articulated to McIntyre Street.
- Full compliance with LEP 194 and DCP 55 is required.

DA 321/05 was lodged on 12 April 2005 but then withdrawn on 30 May 2005. The same applicant, P D Mayoh Architects, lodged current DA1360/05 on 7 December 2005 with some minor modifications.

Submissions:

Initial Plans (7 December 2006) - Four (4) submissions
Amended Plans (6 April 2006) – Two (2) submissions

Item 2

**Land & Environment Court
Appeal:**

Appeal No. 10120 of 2005 was lodged on 22 February 2006.
Further call-over after 13 June 2006.

Recommendation:

Approval

HISTORY

Site history:

The site is used for residential purposes. There is no history to the subject development application.

Development application history:

6 December 2005	Application lodged.
13 February 2006	Request from Council for more information in relation to deep soil landscaping, tree inventory plan and front setbacks.
22 February 2006	Applicant lodged a 'deemed refusal' appeal in the Land and Environment Court (10120 of 2005) The first call-over was held on 29 March 2006.
5 April 2006	Amended plans lodged addressing the outstanding issues.

THE SITE

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Lot and DP Numbers:	Lot 32 in DP 655163, Lots A and B in DP 397389, Lots 1, 2 and 3 in DP 925118 and Lot A in DP 362051
Heritage Affected:	Yes - Proximity to Council Chambers, 818 Pacific Highway and 9 McIntyre Street, Gordon
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is known as 8 - 18 McIntyre, Gordon. It is located on the southern side of McIntyre Street at its eastern, Pacific Highway, end. The site has a total area of 6,264.1m².

The site comprises six (6) allotments as follows:

8 McIntyre Street	Lot 32 in DP 655163
10 McIntyre Street	Lots A and B in DP 397389
12 McIntyre Street	Lot 1 in DP 925118
14 McIntyre Street	Lot 2 in DP 925118

Item 2

16 McIntyre Street
18 McIntyre Street

Lot 3 in DP 925118
Lot A in DP 362051

The subject site is a composite of six essentially rectangular lots. The site has a frontage of approximately 91.5 metres to McIntyre Street and a depth of approximately 68 metres at its eastern and western boundaries. Each lot is currently occupied by a single dwelling house.

The land slopes down from the front, north-eastern, corner, (RL 115.5) to the rear, south-western, corner (RL98.8). The land has a slope of around 14-17%.

A large number of trees are located on the site, predominantly to the rear of the existing dwellings. These trees are an important streetscape element as they can be viewed from the street above the roof-lines. A 20 metres wide riparian zone and a 1.5 metres wide drainage easement (over the piped section at 8 and 10 McIntyre Street) traverse the rear of the site.

THE SURROUNDING AREA

The site is bound to the west and south by allotments zoned Residential 2(d3) and to the north by a commercial zone. An exception is the older style SEPP (Seniors Living) site 'Marriott's Way' located at 19-21 Dumaresq Street which is zoned 2(c) (Refer **Zoning Extract**). The eastern boundary of the site adjoins the 'Sun' multi-storey office building which is zoned Commercial services 3(b) and is adjacent to Council Chambers on the Pacific Highway. The western boundary adjoins an existing dwelling (zoned Residential 2(d3)) No. 20 McIntyre Street. To the north of McIntyre Street, is the Stockland Group's development site known as 'Elysium' (Minister's targeted site) designed by architects Alex Popov and Marchese Partners for the purposes of 149 apartments and associated car-parking, which was approved by the Minister for Planning for residential flat buildings.

THE PROPOSAL

The proposal is for demolition of the existing structures, consolidation of the existing six (6) lots and construction of two by five (5) storey residential flat buildings comprising 67 units, two levels of basement car parking (including 119 spaces), residential storage rooms and a communal garbage storage facility. Block A (southern building) contains a total of 37 units while Block B (northern building) contains 30 units. Seven of the proposed units (Units B105, B202, B2103, B303, B303, B402 and B403) are adaptable housing.

The composition of the 67 units is as follows:

3 x four bedroom units
9 x three bedroom units
40 x two bedroom units and
15 x one bedroom units

Access to the parking area will be provided via a driveway from McIntyre Street. Garbage and recycling storage facilities are proposed in the basement, in an accessible location close to the entrance. Pedestrian access is also proposed from McIntyre Street.

Item 2

The development utilises the natural slope of the land, stepping down towards the west, across the McIntyre frontage and to the south (rear). From McIntyre Street, the structure is seen as two separate buildings (Blocks A and B). Due to the slope of the land, Block B is one level higher than Block A, eg the 5th or top Level of Block A is at the same level as the 4th level of Block B.

The siting of the buildings has been affected by the need to preserve the existing mature trees located towards the rear of the site and to maintain an appropriate setback from the riparian zone which crosses the rear of the site. In general, side setbacks of 6m are proposed. The siting of the buildings in this way has allowed for the retention of the existing trees along the majority of the southern site boundary, an extremely generous setback (up to 34m) from the properties to the rear and the creation of a large area of common open space with deep soil landscaping. In addition, a riparian zone of 20m has been maintained.

The overall setback to McIntyre Street (northern) varies from 9.0 to 21.7 metres and was largely determined by the riparian zone to the south. A minimum setback of 9.0 metres is proposed at the eastern side adjacent to the commercial building (which in turn has a setback of 8.0 metres). The 9.0 metres setback increases to 13 metres at the western side of Block B. Block A has greater articulation with setbacks from 13.0 to 21.7 meters, as the riparian zone narrows to the rear of Block A. There is adequate space for a number of canopy trees within the front setback.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application on 16 December 2005. In response, submissions in opposition were received from the following residents:

1. Mrs Judith Anne Bishop - 9 Dumaresq Street,, Gordon
2. Mrs Sharon Nipper -17 Dumaresq Street, Gordon
3. Mr T and Mrs J Simms - 15 Dumaresq Street, Gordon
4. Barbara Sinclair - 5/19-21 Dumaresq street, Gordon

The submissions raised the following:

The proposed development is out of character with its surrounding environment.

The scale and bulk of the proposed medium density residential flat building is compatible with the future character of the area as envisaged by LEP 194.

The design does not respond to the site.

The site is within the transition zone, from a predominantly single storey residential precinct to commercial/residential precinct along the railway and Pacific Highway corridor. The built context is in a process of change and the proposal has taken into account its surrounding development by way of massing, articulation, general detailing and extensive landscaping. The subject site is surrounded by residential 2(d3) and commercial zonings and is directly opposite the proposed 149

Item 2

unit multi-storey residential flat development, as approved by the Minister and owned by the Stocklands Group.

A three storey development would be more in keeping with the character of McIntyre Street.

The subject site is zoned residential 2(d3) and, as it has an area well in excess of 2400m², five storeys are permissible.

Any storm water drainage and overland flow issue should be addressed so that there is no adverse impact on the property at 9 Dumaresq Street, which backs onto the proposed development.

Council's development engineers have stated there will be no adverse affect on the surrounding properties and the water will drain directly into the Category 3 stream at the rear of the property (Refer to **Conditions Nos 41 to 46**).

These five storey buildings will be built on land having a common back fence with 9 and 17 Dumaresq Street. A barrier of existing trees should be left untouched acting as a privacy screen.

Due to the riparian zone to the rear of the subject property, the rear setback is an average of 20metres (minimum 14metres/maximum 34metres) which adequately retains the significant trees in this area and also allows new canopy trees to be planted. This rear setback, being 2 to 6 times the minimum, is considered more than satisfactory in terms of privacy issues.

Amended plans

After a number of discussions with the applicant, amended plans were submitted on 6 April 2006, addressing the inadequate 7.0m setback of Building B to McIntyre Street. A number of other minor issues were also addressed (addition of a number of windows and doors which were inadvertently left off the drawings). Building A, with a setback of between 13 and 21 metres, was not required to be altered.

In response to the amended plans, submissions in opposition from the following were received:

1. Mrs Judith Anne Bishop - 9 Dumaresq Street, Gordon
2. Mrs Sharon Nipper -17 Dumaresq Street, Gordon

The submissions raised the following issue which was also raised originally:

These five storey buildings will be built on land having a common back fence with 9 and 17 Dumaresq Street. A barrier of existing trees should be left untouched acting as a privacy screen.

Due to the riparian zone to the rear of the subject property, the rear setback is an average of 20metres (minimum 14metres/maximum 34metres) which adequately retains the significant trees in this area and also allows new canopy trees to be planted. This rear setback is considered more than satisfactory in terms of privacy issues.

CONSULTATION - WITHIN COUNCIL

Urban design

Council's Urban Design Consultant, Russell Olsson, commented on the proposal in the context of SEPP 65 and Residential Flat Design Code considerations as follows:

1.0 Design Review

Principle 1: Context

SEPP 65: Good design responds and contributes to its context ... Responding to context involves identifying the desirable elements of a location's current character, or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies.

Comment:

The built form context is comprised of -

- *The Ku-ring-gai Council building to the north-east. The original section of the building addressing Pacific Highway is heritage listed;*
- *The Gordon Town Centre located east of the site that is comprised of continuous facades lining the Pacific Highway;*
- *An existing commercial building adjoining the site to the east. The height of this building varies from 3 to 6 storeys;*
- *A drainage easement at the rear of the site;*
- *Detached dwellings west of the site on the southern side;*
- *Stockland's approved 'Elysium' development for 149 apartments and associated carparking designed by architects Alex Popov and Marchese partners.*
- *DA pedestrian pathway to the east of the site connecting McIntyre and Dumaresq Streets;*

The site is required to have a front setback zone of 13m to 15 m. Building A complies with this setback with articulated setback from 13 to 18 metres. Building B, however has a setback of 8m in alignment with the neighbouring 'Sun' commercial building. It is recommended that Building B be set back a further 2metres as the rear setback is in excess of 30 metres.

Note: revised plans were re-notified to Council's Urban Design Consultant who advised:

*The amended plans are satisfactory and the only minor comment that I now have for 8-18 McIntyre Street is that privacy screening should be provided between the bedrooms and balconies looking between buildings A and B. It should be approved when this is done, or with this as a condition. (Refer **Condition 56**).*

Principle 2: Scale

SEPP 65: Good design provides an appropriate scale in terms of the bulk and height that

Item 2

suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:

The proposed building steps down with the slope of the land. The scale of the proposed buildings will not detract from the view from the rear of the heritage listed Council Chambers building due to the retention of existing large canopy trees and the setback of the buildings with the easement.

The scale of the development is acceptable, as it complies fully with the 2(d3) controls.

Principle 3: Built form

SEPP 65: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements ...

Comment:

The built form is acceptable.

Principle 4: Density

SEPP 65: Good design has a density appropriate to its site and its context in terms of floor space yields (or numbers of units or residents) ...

The density is acceptable.

Principle 5: Resource, energy and water efficiency

SEPP 65: Sustainability is integral to the design process. Aspects include ... layouts and built form, passive solar design principles, ... soil zones for vegetation and re-use of water.

The resource, energy and water efficiency of the proposed buildings are acceptable.

Principle 6: Landscape

SEPP 65: Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Comment:

The landscape design is acceptable.

Principle 7: Amenity

SEPP 65: Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.

Comment:

More than 70% of apartments will receive greater than 3 hours sunlight between 9am and 3pm in mid-winter. More than 60% of apartments are naturally cross-ventilated. There are a number of rooms to apartments that are missing windows or doors due to drafting errors.

Note: Amended plans have been provided which address the drafting errors.

Principle 8: Safety and security

SEPP 65: Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising activity on the streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

Comment:

There are no perceived safety and security issues.

Principle 9: Social dimensions

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

Comment:

The mix of apartments from one to four bedrooms is acceptable.

Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

Item 2

The aesthetic quality of the development is acceptable, provided Building B is setback a further 2 metres from McIntyre Street.

NOTE : Amended plans were submitted by the applicant increasing the setback to at least 10 metres, while still retaining the significant trees to the rear of the site along the riparian zone.

2.0 Conclusion and recommendations

It is recommended that:

- *Building B is setback a further 2 metres from McIntyre Street.*
- *Drafting errors including missing doors and windows be rectified.*

Note - Revised plans have been provided which set Building B back a further 2 metres from McIntyre Street as requested.

The proposal is otherwise acceptable in terms of SEPP 65 design principles, and should be approved when these changes are made.

Heritage

Council's Heritage Advisor, Paul Dignam, has commented on the proposal as follows:

The heritage items in the immediate vicinity of the site (Council Chambers at 818 Pacific Highway and 9 McIntyre Street attached to the proposed Stockland's development) will not be adversely affected by the proposed development. Archival recording of the six existing dwellings are to be undertaken prior to demolition.

Comment:

A condition requiring the archival recording of the existing houses to be demolished is recommended (Refer **Condition No. 4**).

Landscaping

Council's Landscape and Tree Assessment Team Leader, Ian Francis, has commented on the proposal as follows:

The site

It is proposed to demolish 6 dwellings and associated structures and construct two residential flat buildings on a total site area of 6264sqm, with vehicular access from McIntyre Street. The site is characterised by an established landscape setting and falls substantially from McIntyre Street to the rear towards Dumaesq Street.

Item 2

The upper areas of all properties consist of older style residential buildings and gardens dominated by small to medium sized exotic trees, shrubs and weed species. The rear of the property is dominated by areas of grass, and is substantially overgrown with numerous weed species and a large number of some trees including weeding species, and a number of mature and semi mature Sydney Blue Gums, (Eucalyptus saligna).

The rear area contains a partially piped drainage line, which would flow following heavy rain. This area has been classified as a class 3 riparian corridor under Council's Riparian Policy, a category for "piped or channelled streams with potential for recreation of natural stream channel". It was noted that the rear of the properties in this area are substantially overgrown with weed species, with no remnant understorey species remaining.

I note that front setbacks have now been adjusted slightly with Block A setback to the building increased and greater than 12m although the basement line is at 8m.

It is noted that the front setback for Block B is between 8 and 10m from the McIntyre St boundary, with this building partly in line with the adjacent office block. The forward setback has limited encroachment into and near the riparian corridor to the rear of this block. The preservation of a large rear landscape area and central riparian spine and the majority of canopy trees in this area is a priority from a landscape viewpoint in this respect.

The setbacks of the buildings and basement are sufficient to allow for the establishment of canopy planting within areas of the front setback particularly in respect of block A and the western setback of Block B.

Side setbacks comply with DCP55.

Impacts on Trees/Trees to be removed/Tree replenishment

The proposed development will result in the removal 67 trees comprising 32 exotic trees/shrubs, the majority of which are small garden specimens located within the building footprints in the upper areas of the site, 9 native trees including 6 Sydney Blue Gums, located or adjacent to the proposed building footprints and 21 exotic trees which are exempt and or weed species, including a number of Celtis and Camphor Laurel trees.

Of the Blue Gums, tree No 599 is the largest and most visually significant, however this tree has lost its leader some time ago possibly in 1991 storm event and the remaining central stem is dead to 4m from ground level. Trees 598, and 162 have wounding, cavities and are in poor condition and or structurally unsound, tree, 241 is suppressed and leaning to the north at 15%, and Trees 601 adjacent Block A and 235 adjacent Block B while are located too close to the building envelope, and therefore not considered feasible for retention..

There are 26 native trees are to be retained of which 16 are mature to semi mature Blue Gums or Blackbutts. All of these trees are located to the rear of this site.

There will be 31 locally occurring canopy trees located on site (13 proposed, 18 existing). This exceeds the minimum requirement of DCP55 minimum which is 21 for this size site.

Item 2

Deep soil

By the applicant's calculations the proposed development will have a deep soil landscape area of 50.6% of the site as indicated on the deep soil area calculation diagram. I agree with this calculation that the deep soil in excess of the 50% requirement would be achieved.

Landscape plan

Subject to some conditioned design changes required to improve screening, increase the area of riparian zone plantings, and selected tree and screen species within side setbacks, the landscape plan can be supported.

Subject to proper establishment there will be sufficient screening and the filtering of views to and from the development. Proposed planting as amended by conditions, will result in a layered landscape setting with screening perimeter shrubs (heights to 4.0m Syzigium) beneath the canopies of small (6 - 8m) tree plantings such as Elaeocarpus, which as they mature will provide a dense vegetated landscape setting.

Ultimately the site will be more substantially vegetated, with major improvements within the riparian areas as weed species will be eliminated and this area replanted with locally occurring native species.

Amendments to the landscape plan have been conditioned to ensure the provision of substantial screen planting to these areas. For example more extensive and closer spacing of Elaeocarpus to the side and rear boundaries, with Casuarina torulosa to the rear and the use of a larger growing Syzigium species.

Riparian zone

A category 3 riparian zone which is 20m wide is located to the rear of this site. The zone is incorrectly indicated as being 10m wide on the Landscape plan.

The bank area of this zone is not well defined, with the area being very broad in shape with no obvious bank or channel, and is heavily overgrown with weeds. The proposal for this area is to restore this area as a "dry creek bed", with the riparian area being planted with appropriate native species.

The majority of the 20m corridor is proposed to be planted with riparian and locally occurring native species, however turf areas have been indicated. This has been conditioned to be amended and the planting adjusted accordingly, including proposed turfed areas to be replaced with appropriate riparian and gravel for passive use.

It is noted there is an intrusion into the riparian corridor caused by the rear south-eastern corner of building A. The intrusion however is not considered to compromise the overall integrity and general revegetation and rehabilitation of this revegetated corridor, and

Item 2

amounts to approximately 5% in area of the total riparian zone. An area of approximately 70sqm, compared to the total area of the riparian corridor which is approximately 1380sqm.

I note that the outcome overall in regards to the rear riparian area will be a significant improvement environmentally compared to existing conditions.

The proposal can be supported, subject to conditions.

Open space

Council's Natural Environmental Officer, David Wilks, agreed with the above landscaping assessment that the development would be a significant improvement environmentally compared to existing situation, which has many weed species and outbuilding structures located within the existing riparian zone.

Engineering

Council's Engineering Assessment Team Leader, Kathy Hawken, has commented on the proposal as follows:

The application is for the demolition of the six existing dwellings and the construction of a residential flat building comprising a total of 67 units (3x4br, 9x3br, 40x2br and 15x1br). Strata subdivision is not indicated on the application form, so subdivision conditions have not been included.

The following documentation was used for the assessment:

- *Jeffery and Katauskas Report on Geotechnical Investigation, dated 2 February 2005;*
- *Lean & Hayward Site Survey plotted April 2006;*
- *ITM Design Stormwater drainage drawings, H-DA-00 to 02, all Revision B, dated December 2005;*
- *Environmental Management Plan Rev A, dated Dec2001;*
- *Colston Budd Hunt & Kafes Transport Report, dated December 2005;*
- *P. D. Mayoh Pty Ltd Architectural plans, 0527, A.001, A.004, A.007, A.072 to A.074, A.091, A092, A095 and A.096, all Issue B;*
- *Design Collaborative Statement of Environmental Effects, December 2005;*
- *BASIX Certificate 42820M.*

Water management

The stormwater drainage design includes a combined retention/ detention system with 69m³ of retention, to be used for toilet flushing, clothes washing irrigation and car washing, and 130m³ of on-site detention storage (although only 86m³ is actually required).

Item 2

The site drains to the Category 3 stream at the rear of the property. The engineer has submitted information which confirms that the building is well clear of the 100 year ARI overland flowpath. This is satisfactory.

Traffic generation

The development is likely to generate about 25 to 35 vehicle trips per peak hour. Because of the location of the access driveway, residents will be restricted to a left in left out movement. The assignment of the expected vehicle trips to the road network is not expected to significantly affect traffic flows in surrounding streets.

Vehicular access and parking

The site is more than 400 metres from Gordon Station, so 79 resident and 17 visitor spaces are required. The two levels of basement parking contain 119 parking spaces and therefore the development easily complies.

The dimensions and grades of the car parking areas comply with AS2890.1:2004.

Waste collection

The gradient of the access driveway is gentle and will not present a difficulty to the waste collection vehicle. The ground floor plan does show a roller shutter, however this will have to be removed or relocated so that access is available for waste collection. There is sufficient manoeuvring space for the waste collection vehicle to turn and leave the site in a forward direction.

Construction management

The traffic report contains a section "Principles of construction traffic management". A detailed construction management plan will be required prior to commencement of any works on site. A Works Zone will be required. The procedure for arranging this is included in the recommended conditions.

Geotechnical

Seven boreholes were drilled to depths of 5.9m to 15m. The site is underlain by silty clay over sandstone, although an intermediate layer of weathered shale was encountered in the two higher boreholes. The site is likely to be close to the boundary between Ashfield Shale and Hawkesbury Sandstone. In places the sandstone was of very high strength. Groundwater was recorded in one borehole at 3.6 metres depth.

Up to 15 metres of excavation is proposed and despite the generally high strength of the sandstone, support of the upper layers will require shoring, possibly by soldier piles with temporary anchors. It is not clear whether the anchors will extend beyond the boundaries and into the road reserve, but conditions are included which detail the procedure to be followed if this does occur.

Item 2

The report contains recommendations for inspections during piling and excavation so that potentially unstable blocks can be identified.

Excavation of the high strength sandstone will require the use of hydraulic rock breakers or rock saws, and the report contains recommendations for dilapidation reporting (structures within 25 metres of the excavation) and vibration monitoring. Properties within 25 metres are the Sun building (828 Pacific Highway), rear townhouses at 10-21 Dumaresq Street and possibly the rear building of 23-25 Dumaresq Street. If vibrations approach certain levels during hammering of the high strength sandstone, then full-time monitoring will be required. The report states that this is unlikely to be the case.

The groundwater encountered in Borehole 2 is considered to be seepage along the soil/ rock interface, and as such can be drained from the excavation by conventional means without affecting nearby structures or any water table.

The report recommends the preparation of an Implementation program, comprising a Monitoring Program, Contingency Plan and Construction methodology. The recommended conditions allow for these plans to be prepared generally prior to Construction Certificate, although the Monitoring program cannot be finalised until the vibration monitoring has been carried out at the commencement of percussive excavation.

The application is supported, subject to conditions.

STATUTORY PROVISIONS

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

A Design Verification Statement has been submitted by Peter Mayoh (Registration 3788) the project architect from P.D. Mayoh Pty Ltd as required by SEPP 65.

Principle 1 - Context

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

Responding to context involves identifying the desirable elements of a locations current character or in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area

Under the 2(d3) zoning, this area will be transformed from its current low density character to a predominantly medium density residential character.

Item 2

The proposal has been sensitively designed at a scale that is appropriate for the intended future character of this area. The proposed development will provide a suitable and responsive mix of accommodation to the anticipated future character of the area.

The development has been designed taking into account the site's environmental opportunities and constraints, ensuring that the building forms do not detract from the existing bush setting of the site. The dwellings have been designed and orientated to maximise solar access and cross ventilation. The proposal is in keeping with the environmental character of the area.

Principle 2 - Scale

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings

Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area

The proposal will present to the street as two four storey buildings with additional recessed upper storey and two levels of basement parking, creating appropriately scaled and modulated forms in sympathy with the future character of the area. This approach is in keeping with Council's guidelines and objectives.

The development steps down McIntyre Street, respecting the existing land form and hence the scale of development also staggers with the land maintaining the existing character of the street. The development also steps down in scale from the adjoining commercial and Council buildings and the recently approved Minister's targeted site development on the opposite side of McIntyre Street.

The proposal acts as a transition between the larger commercial buildings to the east and low density residential zones to the west. This meets Council's and SEPP 65 objectives.

Principle 3 - Built form

Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignment, proportions, building type and the manipulation of building elements.

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.

The existing streetscape in this part of McIntyre Street commences with the interface of the multi-storey commercial zone. Significant tall tree screening runs adjacent to these buildings. The proposal will step down from these buildings, while maintaining the tree screening. A fundamental design principal on this site is the reinforcement of the riparian zone and the maintenance of the associated gums in the south-eastern sector of the site.

Item 2

The buildings step down though the south-west sector of the land to respect the setback and height controls of adjoining land. The adjoining properties are the same zoning and similar development would be contemplated on this side under the planning controls.

The buildings will be set back between 9 - 20.6 metres from McIntyre Street, with a 4.6 - 7.6 metres wide separation between the two buildings. The proposal consists of two separated blocks which consist of three separate elements. The base level, being a heavy masonry punctuated element, with three levels above painted masonry walls with glass balustrades stepped and staggered to create an articulate facade. The top (fifth) level is well set back from the floor below.

The proposed building forms display a multi-faceted expression and are well articulated. The streetscape along McIntyre Street will be well addressed by the proposed design which will establish an appropriate setback pattern and maintains the existing natural setting within the site.

Principle 4 - Density

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

Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.

A total of 67 units are proposed to accommodate the future character of the precinct identified by residents wishing to downsize from family houses on large sites within the area.

The proposed density of the development is compliant with DCP 55.

The proposed density is supported by the local community facilities, including public transport, road network and shops/services in close proximity to the subject site.

Large deep soil zones are provided at the front and to the rear of the site. This will allow for increased amenity to the residents and ensure adequate privacy between the proposed apartments and adjoining buildings.

Principle 5 - Resource, energy and water efficiency

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

Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.

Item 2

The proposal has been designed to be as efficient as possible in terms of the use of natural resources, energy and water throughout the full life cycle of the building.

It is intended to use:

- Energy efficient appliances
- AAA rated shower heads
- Passive solar design as the layout enables all apartments to received the required hours of direct sun
- Passive cooling is achieved by using cross ventilation through each unit and appropriate thermal mass
- Prevention of solar radiation from entering the building in summer through the windows is achieved by operable external louvre screens
- Storage of roofwater for irrigation of landscaping
- Landscape design has endeavored to use landscape planting to screen winter winds, reduce glare and heat intake and to modify ambient temperature

All building and demolition waste will be deposited within a selected waste depot.

Principle 6 - Landscape

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

Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the developments natural environmental performance by co-ordinating water and soil management, solar access, and microclimate and tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbouring character or desired character.

Landscape design should optimise usability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.

The proposal provides for a substantial increase in planting on the site. The riparian zone has been incorporated as part of the site planning and landscape design, as an enhanced feature of the site.

The landscape plan incorporates a mixture of native endemic upper canopy trees with exotic small and feature trees to enhance the existing natural character of the precinct.

Principle 7 - Amenity

Good design provides amenity through the physical, spatial and environmental quality of a development

Item 2

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.

Over 75% of the apartments would receive more than the required 3.0 hours of sunlight between 9.00am and 3.00pm during the winter solstice.

The building design maximises the benefits of solar access during winter and minimises overheating during summer.

Over 75% of the apartments have cross ventilation.

Storage is provided for all units.

The apartment layout is efficient in terms of circulation.

Room sizes are of adequate size and will accommodate a variety of furniture arrangements.

Balconies and terraces are of an appropriate size and can accommodate an outdoor furniture setting.

The development incorporates communal open space for passive recreation. Access to both the front and the rear communal open space will be available for disabled residents and visitors.

The developments materials contribute to the energy efficiency of the apartments.

Principle 8 - Safety and security

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

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities and clear definition between public and private spaces.

The development complies with the principles of safety and security.

The proposed private open spaces, being orientated to McIntyre Street, will also provide surveillance to the street frontage.

Passive surveillance is achieved from the apartments overlooking the rear communal open space.

Security lighting is proposed throughout the site, particularly along pedestrian access ways to maximise safety and security.

Item 2

Principle 9 - Social dimensions

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

New developments should optimize the provision of housing to suit the social mix and needs in the neighbourhood or in the case of precincts undergoing transition, provide for the desired future community.

The proposed size and mix of the apartments is appropriate for the area.

The site provides a high amenity to the residents in terms of views, outlook and easy access to transport such as bus and train services.

Principle 10 - Aesthetics

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

Aesthetics should respond to the environment and context, particularly to the desirable elements of the existing streetscape or in precincts undergoing transition, contribute to the desired future character of the area.

The proposal steps with the site contours and the streetscape and will be enhanced with new planting and low scale fencing. It is considered that diversity of apartments along with appropriate scale, form and setbacks, appropriately responds to the existing and future character of the locality and the emerging medium density residential character of the neighbourhood.

The building form properly addresses the street frontage and creates visual interest through the design of private open spaces. The solid base elements and landscaping are used to break up the mass of the development and provide an articulated facade which will complement the street.

The two proposed buildings are well articulated, with facade elements stepped on both plan and elevation. The building will provide landscaped setbacks to the street and rear boundaries which are appropriate to the site constraints. The overall design is appropriately modulated and presents a varied and visually interesting primary frontage towards McIntyre Street.

Residential Flat Design Code

The considerations in the Residential Flat Design Code are as follows:

Relating to the local context:

The proposal sited over six separate allotments, will require consolidation (Refer **Condition No. 61**). This consolidation will result in a site of 6,264m² which is capable of accommodating the development.

The proposal comprises two separate buildings connected by pathways and the shared basement car park. The development has an acceptable bulk and scale in relation to the desired future character of the area. The building envelope, in terms of building height, floor area, depth and setbacks, is satisfactory having regard to the desired future character of the locality.

Site analysis:

A satisfactory site analysis has been submitted indicating how the proposal performs in terms of building edges, landscaped response, access and parking and overall performance in respect of energy efficiency and sustainability.

In terms of site configuration, the proposal provides adequate areas for private and common open space as well as deep soil landscape areas. In particular, the riparian zone will be retained, providing a large landscaping area to the rear of the development.

The orientation of the development ensures adequate solar access to habitable areas and private open space, both internally and to adjoining residential development.

Building design:

The proposal is satisfactory in terms of internal configuration and will achieve the objectives of providing function and organised space and a high level of residential amenity. In addition, the proposal provides adequate habitable space, having windows with north, east and west orientation.

All other relevant matters under 'Building Design' have been assessed elsewhere in the report and are satisfactory.

State Environmental Planning Policy No.55 - Remediation of Land

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

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400 m ²	6264m ²	YES
Deep soil area (min): 50%	50.6 %	YES
Street frontage (min): 30 m	91.5 m	YES
Number of storeys (max): 5	5 storeys	YES
Site coverage (max): 35%	34.6 %	YES
Top floor area (max): 60% of level below	60%	YES
Storeys and ceiling height (max): 5storeys and 13.4 m	5 storeys & 13.4 m	YES

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Car parking spaces (min):		
• 17 (visitors)	17	YES
• 79 (residents)	102	YES
• 96 (total)	119	YES
Zone interface setback (min): 9m	4.7 -6.0 metres to eastern boundary to land zoned Business 3(b)	NO SEPP 1
Manegeable housing (10%): 7	7 (10.5 %)	YES
Lift access: required if greater than three storeys	Lift access available to all levels	YES

Zone interface - minimum 9m setback of the third and fourth storeys for land not zoned 2(d3) (cl.25L(2)):

The third and fourth storeys of the proposed development have setbacks of between 4.7m and 6.0m to the eastern side boundary. The adjoining land is zoned business 3(b). Accordingly, the proposal breaches the standard by 3m to 4.3m.

The applicant has lodged a SEPP 1 objection to the zone interface standard. The aim of the objection is to address the reduced setback to the business 3(b) zone to the east of the subject site.

The following is an assessment of the SEPP 1 objection pursuant to SEPP 1 considerations and also using criteria established in the Land and Environment Court.

Whether the planning control in question is a development standard?

The zone interface, being the third and fourth storey of any building on land within Zone 2(d3) must be set back at least 9 metres from any boundary of the site of the building with land that is not within Zone 2(d3) as required by Clause 25L(2). This is a development standard.

The underlying objective or purpose behind the standard.

Clause 25L of the KPSO provides that the objective of the clause is “to provide a transition in the scale of the buildings between certain zones”.

Clause 25D of the KPSO sets out objectives for the residential zones in which the following is relevant:

- (c) *to provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping.”*

Whether compliance with the development standard is consistent with the aims of the policy and, in particular, whether compliance with the development standard hinders the attainment of the objectives specified in S.5(A)(i), (ii), (iii) and (iv) of the Environmental Planning and Assessment Act?

Item 2

The variation would not hinder the attainment of the relevant planning objectives stated in S.5(a) of the Environmental Planning and Assessment Act or the objectives for the standard in the Ku-ring-gai Planning Scheme Ordinance due to the following reasons:

The land adjoining to the east of the subject site is zoned Business 3(b) under the KPSO. It is occupied by the 'Sun' building, which is a five storey (over three semi-basement parking levels) commercial building and which fronts Pacific Highway. Due to the steep slope of the land, the 'Sun' building is approximately 25 metres higher than the ground level of Block A The 'Sun' building is set back a minimum of 8.5m from the street frontage and around 11.0m from the common boundary of the site. The eastern elevation of Block B does not comply with this 9 metres setback, having an average setback of 6 metres.

The development standard applies along boundaries of a 2(d3) site which do not adjoin land zoned 2(d3). Accordingly, the standard does not apply where a site does adjoin land in the 2(d3) (high density) residential zone. It is implicit that the development standard aims to protect lower density residential zoned where they interface with the 2(d3) zone.

In this instance, the adjoining zone is a business zone under the KPSO. The zone interface is not as sensitive as one with a low density residential zone. The possible future zoning of the 'Sun' building would be 'Zone B4 – Mixed Use' in terms of the proposed Gordon Town Centre Plan. However, the 'Sun' building is unlikely to be redeveloped in the medium to long term.

The proposed setbacks from the adjoining business land are considered appropriate in the context of the site. The site forms a transition between the commercial development to the east and residential development to the west. The setbacks proposed reflect this transition.

The proposed setback along the eastern boundary will not result in any adverse impacts on the adjoining business development, having regard to its use. In addition, the setback does not compromise the achievement of other objectives, in particular, that sufficient space is available for landscaping and tree planting.

Accordingly, the proposed development, despite its non-compliance with the 9m interface setback standard, is consistent with the objectives of the development standard in that:

- The proposal provides for an appropriate transition between zones in terms of building form and scale;
- The setbacks will not result in any adverse impacts on the adjoining commercial development;
- The setbacks proposed still provide for sufficient and effective landscaping along the eastern boundary.

Therefore there are adequate grounds to justify the SEPP 1 objection on the basis that compliance with the standard would be unreasonable and unnecessary in the circumstances of this particular case. As demonstrated above, the non-compliance in this instance would not be contrary to the objectives of the development standard.

Item 2

Whether compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

For the reasons given above, it would be unreasonable and unnecessary for Council to insist upon strict compliance with the standard, given that the objectives specified in S.5(A)(i) - (iv) of the Environmental Planning and Assessment Act and the relevant objectives in the Ku-ring-gai Planning Scheme Ordinance would be achieved despite the numerical non-compliance.

It is therefore concluded that the SEPP1 objection is sound, given that the underlying objectives of the standard have been satisfied.

Draft SEPP 1 2004

The subject application was lodged in January, 2006. Within the draft SEPP 1 savings and transitional provisions, the relevant Policy for consideration would be the current SEPP No.1. However, under the provisions of s.79C of the Environmental Planning & Assessment Act 1979, Council still must take into account draft SEPP 1 until it is either adopted or formally withdrawn.

Having regard to the provisions of draft SEPP 1, the following comments are made:

1. The subject site is zoned 2(d3) which permits residential flat buildings. The proposed development is therefore consistent with the objectives of the zone by providing an increased housing choice whilst maintaining the natural environment, achieving quality urban design and encouraging the use of public transport. The redevelopment of this site is therefore in the public interest by being consistent with the objectives of the zone.
2. Furthermore, the proposal provides for an appropriate transition between zones in terms of building form and scale. The setbacks will not result in any adverse impacts on the adjoining business development. The setbacks provide for sufficient and effective landscaping along the eastern boundary.

Accordingly, for the above reasons, the proposal is consistent with the requirements and objectives of the draft SEPP 1, notably in that the proposal results in a satisfactory environmental planning outcome. The draft SEPP if gazetted contains a savings clause so that it would not be applied in any event. Notwithstanding this, the proposal and variation to the 9 metres zone interface setback standard has merit pursuant to the draft SEPP 1 provisions.

Residential zone objectives:

The development satisfies the objectives for residential zones as prescribed in clause 25D.

Item 2

POLICY PROVISIONS

Development Control Plan No 55 - Railway/Pacific Highway Corridor & St Ives Centre

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 3 Local context:		
Development adjacent to a heritage item:	The proposed development has no impacts on nearby heritage items.	YES
Part 4.1 Landscape design:		
Deep soil landscaping (min) • 150m ² per 1000m ² of site area = 940 m ²	In excess of 3,260 m ² with 1,800m ² in the rear part of the site	YES
No. of tall trees required (min): 21 trees	Well in excess-over 60 trees are to be retained, with over 50 additional trees proposed.	YES
Part 4.2 Density:		
Building footprint (max): • 35% of total site area	34.6 %	YES
Floor space ratio (max): • 1.3:1	1.14:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min): • 10-12 metres (<40% of the zone occupied by building footprint)	McIntyre Street 9-21 metres (39% of zone occupied by footprint)	NO
Rear boundary setback (min): • 6m	20-34 metres	YES
Side boundary setback (min): • 6m	Western boundary - minimum - 6m Eastern boundary – minimum – 5m	YES NO
Setback of ground floor courtyards to street boundary (min): • 8m/11m	8m-21m	YES
% of total area of front setback occupied by private courtyards (max): • 15%	9.7%	YES
Part 4.4 Built form and articulation:		

Item 2

COMPLIANCE TABLE		
Development control	Proposed	Complies
Façade articulation:		
• Wall plane depth >600mm	>600mm	YES
• Wall plane area <81m ²	<81m ²	YES
Built form:		
• Building width < 36m	Block A - 40m Block B - 31m	NO YES
• Balcony projection < 1.2m	A few balconies project up to 2.5m beyond the building façade	NO
Part 4.5 Residential amenity		
Solar access:		
• Habitable rooms and principle portion of outdoor living areas of adjoining houses in 2(c2) zones have at least 3 hours between 9am and 3pm on June 21.	Adjoining properties will receive minimum of 3 hours between 9.00am and 3.00pm on June 21	YES
• >70% of units receive 3+ hours direct sunlight in winter solstice	77.6 %	YES
• >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	20%	NO
• <15% of the total units are single aspect with a western orientation	2 units (3%) have a single aspect with a western orientation	YES
Visual privacy: Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site: Storeys 1 to 4		
• 12m b/w habitable rooms	12 m	YES
• 9m b/w habitable and non-habitable rooms	9.m	YES
• 6m b/w non-habitable rooms	6 m	YES

Item 2

COMPLIANCE TABLE		
Development control	Proposed	Complies
5th Storey		
• 18m b/w habitable rooms	>18 m	YES
• 13m b/w habitable and non-habitable rooms	>13 m	YES
• 9m b/w non-habitable rooms	>9 m	YES
Internal amenity:		
• Habitable rooms have a minimum floor to ceiling height of 2.7m	2.7m	YES
• Non-habitable rooms have a minimum floor to ceiling height of 2.4m	Min 2.6 m	YES
• 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom	3 metres	YES
• 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms	3 metres	YES
• Single corridors:		
- serve a maximum of 8 units	3 units	YES
- >1.5m wide	1.5m	YES
- >1.8m wide at lift lobbies	2.0m	YES
Outdoor living:		
• ground floor apartments have a terrace or private courtyard greater than 25m ² in area	>25m ²	YES
• Balcony sizes:		
- 10m ² – 1 bedroom unit	Greater than 10m ²	YES
- 12m ² – 2 bedroom unit	Greater than 12m ²	YES
- 15m ² – 3 bedroom unit	Greater than 15m ²	YES
NB. At least one space >10m ²		
• primary outdoor space has a minimum dimension of 2.4m	Majority are >2.4m. Four units (6%) have a min dimension of 2.2m	NO
Part 4.7 Social dimensions:		
Visitable units (min):		
• 70%	47 units or 70.2%	YES
Housing mix:		

Item 2

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Mix of sizes and types 	15 x 1 bedroom units, 40 x 2 bedroom units and 9 x 3 bedroom units and 3 x 4 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency: <ul style="list-style-type: none"> >65% of units are to have natural cross ventilation 	51 units or 76.1%	YES
<ul style="list-style-type: none"> single aspect units are to have a maximum depth of 10m 	Single aspect units exceed the 10m depth	YES
<ul style="list-style-type: none"> 25% of kitchens are to have an external wall for natural ventilation and light 	20 units or 29.8% of the units have a kitchen located within the main living area which has natural ventilation and light	YES
<ul style="list-style-type: none"> Consistency with the Department of Planning's Building Sustainability Index (BASIX) with the provisions in relation to building materials 	Consistency with the Department of Planning's Building Sustainability Index (BASIX) with the provisions in relation to building materials.	YES
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 79 resident spaces 17 visitor spaces 49 total spaces 	101 spaces 17 spaces 119 spaces	YES YES YES

Part 4.3 Setback – McIntyre Street setback

The original proposal had a minimum setback of 7m from Block B to McIntyre Street. Amended plans were submitted with a setback from 9 to 13m. The setback could have been increased, but to the detriment of the extensive riparian zone to the rear of the property. As the riparian zone diminishes in size towards the south-east of the site, Block A has been able to achieve a wider front setback of between 12 to 21 metres, thus creating a significant area for deep soil planting in the front as well as retaining the extensive riparian zone to the rear of the site. Although the proposed basement is set back by 10 metres from McIntyre Street, there is still sufficient space for a large number of canopy trees within the front setback area. This has been confirmed by Council's Landscape Officer.

It is considered that as Block B is adjacent to the commercial building which has an 8-10 m front setback, Block B would not compromise the streetscape with a setback of 9-13 metres.

Part 4.3 Setback - eastern side boundary:

The eastern side of Block B, adjoining the commercial 'Sun' building, will have an average setback of 6 metres to that boundary, but in a small section this is reduced to 5 metres. The proposed

Item 2

setback along the eastern boundary will not result in any adverse impacts on the adjoining commercial building, having regard to its use. There is still sufficient space for landscaping and tree planting between the two buildings.

Part 4.4 Built form and articulation:

Whilst the total width of the Block A is 40m, or 4m in excess of the maximum specified in DCP 55, it has extensive articulation to the north, creating a large landscaped area between the proposed two buildings.

The balconies to a small number of units project more than 1.2 metres from the building facade. However, these elements are designed to appear as part of the primary wall plane of the building as shown on the elevations of the building through the use of masonry framing elements.

Part 4.5 Residential amenity - solar access:

Compliance with the requirement that 50% of the principal area of common open space of the development receives direct sunlight for at 3 hours is not possible. The principal area of the common open space provided for the development is to the rear of the site. The siting of the development to preserve the riparian zone and the existing trees at the rear of the site and to achieve consistency with the prevailing pattern of development results in overshadowing of the rear garden which has a southerly aspect. In addition, the rear garden is also overshadowed during the morning by the adjoining commercial development.

However, sunlight access is achieved to the south-eastern part of the rear garden area (an area of around 580m²) and along the eastern site boundary at 12 noon with a small area still receiving sun at 3pm. Sunlight access will be achieved throughout the day to that part of the communal open space having a northerly aspect, along the McIntyre Street frontage.

Part 4.5 Primary outdoor space:

Each outdoor living space has a minimum dimension which meets the requirement, with the exception of Units A108 and A209 which have a minimum dimension of 2.2m. This is considered to be a very minor departure from the minimum of 2.4m specified in DCP 55 and is still sufficient to accommodate a table setting.

In addition, the courtyards of Units AG04 and BG03 have a minimum dimension of less than 2.4m. However, the main parts of these courtyards meet the requirement.

Development Control Plan 31 - Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan 40 - Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan No. 43 - Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55.

Section 94 Plan

The development attracts a section 94 contribution of \$1,288,992-85, which is required to be paid by **Condition No.58**.

Likely impacts

All likely impacts have been assessed elsewhere in the report.

Suitability of the site

The site is suitable for the proposed development.

Public interest

The approval of the application is considered to be in the public interest.

CONCLUSION

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

RECOMMENDATION

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

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 2L(2) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the 9m interface setback development standard is unreasonable and unnecessary in the circumstances of this case as it will not result in any adverse impacts on the adjoining commercial development.

AND

Item 2

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 1360/05 is consistent with the aims of the Policy, grant development consent to DA 1360/05 for a residential flat building in two buildings with a total of 67 units on land at 8-18 McIntyre Street, Gordon, 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 must be carried out in accordance with plans identified within the following table and endorsed with Council's approval stamp, except where amended by the following conditions:

Dwg No.	Rev	Description	Author	Dated	Lodged
A-01	C	Cover sheet and calculations	P.D. Mayoh	23/5/06	25/5/06
A-02	A	Site survey	Lean and Hayward	18/5/06	19/5/06
A-03	B	Site plan	P.D. Mayoh	18/5/06	19/5/06
A-04	B	Demolition, erosion and sediment control	P.D. Mayoh	18/5/06	19/5/06
A-07	B	Site analysis	P.D. Mayoh	18/5/06	19/5/06
A-09	B	Penthouse areas diagram	P.D. Mayoh	18/5/06	19/5/06
A-20	A	Existing streetscape photo locations	P.D. Mayoh	18/5/06	19/5/06
A-21	A	Existing streetscape photos sheet No.1	P.D. Mayoh	18/5/06	19/5/06
A-22	A	Existing streetscape photos sheet No.2	P.D. Mayoh	18/5/06	19/5/06
A-23	A	Existing streetscape photos sheet No.3	P.D. Mayoh	18/5/06	19/5/06
A-72	B	Basement level BO2 – floor plan	P.D. Mayoh	18/5/06	19/5/06
A-73	C	Basement level BO1 – floor plan	P.D. Mayoh	18/5/06	19/5/06
A-74	B	Block A level 1/b ground level floor plan	P.D. Mayoh	18/5/06	19/5/06
A-75	C	Block A level 2/B level one floor plan	P.D. Mayoh	23/5/06	25/5/06
A-76	B	Block A level 3/B level 2 floor plan	P.D. Mayoh	18/5/06	19/5/06
A-77	B	Level A L4/B 13 floor plan	P.D. Mayoh	18/5/06	19/5/06
A-78	B	Level A Phse/B 14 floor plan	P.D. Mayoh	18/5/06	19/5/06
A-79	C	Roof A/b L5 floor Plan	P.D. Mayoh	23/5/06	25/5/06
A-80	B	B Phse floor plan	P.D. Mayoh	18/5/06	19/5/06
A-81	B	Roof/Site plan	P.D. Mayoh	18/5/06	19/5/06
A-90	B	North and south elevations & streetscape	P.D. Mayoh	18/5/06	19/5/06
A-91	B	East and west elevations	P.D. Mayoh	18/5/06	19/5/06
A-92	C	East and west elevations	P.D. Mayoh	18/5/06	19/5/06
A-95	B	Sections	P.D. Mayoh	18/5/06	19/5/06
A-96	B	Section CC	P.D. Mayoh	18/5/06	19/5/06
A180	A	Adaptable Units plan	P.D. Mayoh	18/5/06	19/5/06
A700	B	Shadow diagram equinox 9AM	P.D. Mayoh	18/5/06	19/5/06
A701	B	Shadow diagram equinox 12 PM	P.D. Mayoh	18/5/06	19/5/06
A702	B	Shadow diagram equinox 3PM	P.D. Mayoh	18/5/06	19/5/06
A703	B	Shadow diagram mid-winter 9AM	P.D. Mayoh	18/5/06	19/5/06
A704	B	Shadow diagram mid-winter 12 PM	P.D. Mayoh	18/5/06	19/5/06
A705	C	Shadow diagram mid-winter 3PM	P.D. Mayoh	23/5/06	25/5/06
04A	A	Tree Plan	PSB	22/3/06	25/5/06
03C	G	Landscape Plan	PSB	1/6/06	2/6/06
01F	F	landscape Details, Elevations and Plants	PSB	22/3/06	25/5/06

2. All building works shall comply with the Building Code of Australia.

Item 2

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
4. A photograph record of all six (6) dwellings which are to be demolished and the vegetation on site to be submitted to council for archival purposes.

All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. A photographic recording sheet must be included. Photographs of the following:

- Each elevation
 - All structures on site such as sheds, outhouses and significant landscape features for all houses.
 - Several photographs of houses from public streets including several views showing their relationship to neighbouring buildings.
5. Should any electrical substation need to be established on the premises and an area to satisfy Energy Australia's conditions for an electrical substation, such area shall not reduce the deep soil area proposed.
 6. Drying areas being provided on balconies or a discreet drying area being provided in the communal landscaped area.
 7. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
 8. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
 9. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
 10. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
 11. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines,

Item 2

excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

12. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
13. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
14. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
15. 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.
16. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
17. 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.

18. 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.

Item 2

19. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
20. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
21. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
22. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
23. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
24. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
25. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

Item 2

26. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
27. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
28. 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.
29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
30. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the WorkCover guidelines to prevent personal and environmental contamination.
31. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
32. Compliance with the commitments set out in BASIX Certificate Number 144136M, dated 14 December 2005.
33. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property: For tree numbers and identification refer to Tree Management Plan by TALC dated 31/03/06, and Tree Plan by PSB, dated 22/03/06.

Tree	Tree Works
Tree 68 <i>Acer sp.</i>	removal
Tree 72 <i>Acer palmatum</i>	removal
Tree 77 <i>Fraxinus sp.</i>	removal
Tree 81 <i>Cupressus</i>	removal
Tree 82 <i>Acer</i>	removal
Tree 95 <i>Cupressus</i>	removal
Tree 96 <i>Acer burgeranum</i>	removal
Tree 97 <i>Pittosporum eugenoides</i>	removal
Tree 98 <i>Acer palmatum</i>	removal
Tree 99 <i>Murraya</i>	removal
Trees 141 to 147 <i>Ligustrum sp.</i> (Privet)	removal
Tree 145 <i>Acer negundo</i>	removal
Tree 152 <i>Jacaranda</i>	removal
Tree 155 <i>Acer negundo</i>	removal
Tree 157 <i>Camphor laurel</i>	removal
Tree 158 <i>Camphor laurel</i>	removal
Tree 159 <i>Camphor laurel</i>	removal
Tree 160 <i>Camphor laurel</i>	removal
Tree 161 <i>Pittosporum undulatum</i>	removal

Item 2

Tree 162 <i>Eucalyptus saligna</i>	removal
Tree 172 <i>Eucalyptus</i> sp.	removal
Tree 185 <i>Acer negundo</i>	removal
Tree 186 <i>Cotoneaster</i> sp.	removal
Tree 229 <i>Jacaranda mimosifolia</i>	removal
Tree 230 <i>Cedrus deodara</i>	removal
Tree 231 <i>Jacaranda mimosifolia</i>	removal
Tree 235 <i>Eucalyptus saligna</i>	removal
Tree 241 <i>Eucalyptus saligna</i>	removal
Tree 255 <i>Celtis australis</i>	removal
Tree 258 <i>Jacaranda mimosifolia</i>	removal
Tree 262 <i>Jacatrandra mimosifolia</i>	removal
Tree 293 <i>Citrexylum spinosum</i>	removal
Tree 299 <i>Jacaranda mimosifolia</i>	removal
Tree 301 <i>Ulmus parvifolia</i>	removal
Tree 309 <i>Celtis australis</i>	removal
Tree 311 <i>Cinnamomum camphora</i>	removal
Tree 312 <i>Celtis australis</i>	removal
Tree 322 <i>Salix babylonica</i>	removal
Tree 338 <i>Celtis australis</i>	removal
Tree 340 <i>Pittosporum eugenoides</i>	removal
Tree 345 <i>Jacaranda mimosifolia</i>	removal
Tree 346 <i>Gordonia axillaries</i>	removal
Tree 353 <i>Rondoletia</i>	removal
Tree 354 <i>Hakea salicifolia</i>	removal
Tree 359 <i>Nyssa sylvatica</i>	removal
Tree 361 & 362 <i>Nerium oleander</i>	removal
Tree 370 <i>Acer plamatum</i>	removal
Tree 374, 382, 383 <i>Ceratopetlum apetalum</i>	removal
Tree 386 <i>Jacaranda mimosifolia</i>	removal
Tree 434 <i>Cupressus</i> sp.	removal
Tree 436 <i>Magnolia soulangeana</i>	removal
Tree 462 & 464 <i>Ulmus parvifolia</i>	removal
Tree 499 <i>Cyathea australis</i>	removal
Tree 500 <i>Juniperus</i>	removal
Tree 501 <i>Ulmus parvifolia</i>	removal
Tree 521 <i>Cinnamomum camphora</i>	removal
Tree 522 <i>Nerium oleander</i>	removal
Tree 536 <i>Cinnamomum camphora</i>	removal
Tree 538 <i>Lagerstroemia indica</i>	removal
Tree 539 <i>Camellia japonica</i>	removal
Tree 544 <i>Photinia</i> sp.	removal
Tree 545 <i>Camellia japonica</i>	removal
Tree 546 <i>Jacaranda mimosifolia</i>	removal
Tree 547 <i>Jacaranda mimosifolia</i>	removal
Tree 548 <i>Acacia baileyana</i>	removal
Tree 582 <i>Brachychiton acerifolium</i>	removal

Item 2

Tree 583 <i>Camellia sasanqua</i>	removal
Tree 598 <i>Eucalyptus saligna</i>	removal
Tree 601 <i>Eucalyptus saligna</i>	removal
Tree 641 <i>Pinus radiata</i>	removal
Tree 720 <i>Cyathea cooperi</i>	removal
Tree 731 <i>Cedrus deodar</i>	removal

34. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location

All existing retained trees located on site

Time of inspection

Prior to demolition
At the completion of demolition
Prior to excavation works
At the completion of excavation works
Prior to the start of construction works
At monthly intervals during construction
At the completion of construction works
At the completion of all works on site

35. Landscape works shall be carried out in accordance with Landscape Drawing No 5001 amendment F, dated 22/03/06, prepared by PSB submitted with the Development Application, except as amended by the following:

- The proposed riparian corridor indicated on landscape drawing 50001 dated 22/03/06, is to be widened to 20m to comply with Council's riparian policy for Category 3 riparian zones. Riparian zone planting is to undertaken to the full extent of this area, including those areas currently indicated as grass within this zone. Exotic turf in the riparian area is to be deleted and replaced with riparian zone species.
- To achieve a higher screen planting *Syzigium smithii* minor is to be replaced with *Elaeocarpus reticulata*, and *Syzigium cascade* to be replaced with a taller growing species such as *Syzigium australe* "aussie southern" or similar capable of a mature height of 4m, along the western side boundary.
- An additional *Eucalyptus saligna* to be planted within the front setback of Block A.
- Additional *Elaeocarpus* to be planted along the side and rear boundaries to achieve a continuous screen, with spacings at a maximum of 3.0m between trunks for the entire length of the western boundary except where *Malus floribunda* are proposed. Screen planting of *Elaeocarpus* and *Casuarina torulosa* to be undertaken along the to entire length of the southern (rear) boundary and also along the eastern (side) boundary adjacent to Block B at maximum 3.0m centres.
- Screen planting not nominated on plan in the area adjacent to the rear eastern (side) boundary to be of species such as *Casuarina torulosa* and *Elaeocarpus reticulata* at 3.0m spacing.

- Planting to all Native Garden mix areas (PM3 and PM 4 as per Landscape Plan) to be of species sourced from the Blue Gum High Forest ecological Community. In addition, the following species are to be replaced with suitable species from this ecological community: *Ricinocarpus sp.*, *Lomatia sp.*, *Putanea sp.*

36. To ensure the preservation and health and stability of existing trees, existing ground levels are to be preserved within the radius of the trunks of the following trees:

Tree	Radius from trunk metres
Tree 148 <i>Chorisa speciosa</i>	4.0m
Tree 237 <i>Eucalyptus saligna</i>	5.0m
Tree 238 <i>Eucalyptus saligna</i>	5.0m
Tree 239 <i>Eucalyptus saligna</i>	4.0m
Tree 257 <i>Eucalyptus saligna</i>	5.0m
Tree 259 <i>Eucalyptus saligna</i>	3.0m
Tree 261 <i>Eucalyptus saligna</i>	3.0m
Tree 263 <i>Eucalyptus saligna</i>	3.0m
Tree 264 <i>Eucalyptus saligna</i>	5.0m
Tree 265 <i>Brachychiton acerifolius</i>	3.0m
Tree 266 <i>Araucaria heterophylla</i>	3.0m
Tree 267 <i>Eucalyptus sp.</i>	3.0m
Tree 240 <i>Eucalyptus saligna</i>	7.0m
Tree 302 <i>Brachychiton acerifolius</i>	3.0m
Tree 602 <i>Eucalyptus saligna</i>	5.0m
Tree 603 <i>Eucalyptus pilularis</i>	5.0m
Tree 611 <i>Eucalyptus saligna</i>	4.0m
Tree 617 <i>Eucalyptus saligna</i>	5.0m
Tree 271 <i>Eucalyptus saligna</i>	4.0m

37. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

Trenching for the drainage line between trees 611, 602 and 617 shall be undertaken by hand. If tree roots are to be severed during the course of these works they shall be cut clean by hand by an experienced Arborist/ Horticulturist.

38. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
Tree 148 <i>Chorisa speciosa</i>	4.0m
Tree 237 <i>Eucalyptus saligna</i>	5.0m
Tree 238 <i>Eucalyptus saligna</i>	5.0m
Tree 239 <i>Eucalyptus saligna</i>	4.0m
Tree 257 <i>Eucalyptus saligna</i>	5.0m
Tree 259 <i>Eucalyptus saligna</i>	3.0m

Item 2

Tree 261 <i>Eucalyptus saligna</i>	3.0m
Tree 263 <i>Eucalyptus saligna</i>	3.0m
Tree 264 <i>Eucalyptus saligna</i>	5.0m
Tree 265 <i>Brachychiton acerifolius</i>	3.0m
Tree 266 <i>Araucaria heterophylla</i>	3.0m
Tree 267 <i>Eucalyptus sp.</i>	3.0m
Tree 240 <i>Eucalyptus saligna</i>	7.0m
Tree 302 <i>Brachychiton acerifolius</i>	3.0m
Tree 602 <i>Eucalyptus saligna</i>	5.0m
Tree 603 <i>Eucalyptus pilularis</i>	5.0m
Tree 611 <i>Eucalyptus saligna</i>	4.0m
Tree 617 <i>Eucalyptus saligna</i>	5.0m
Tree 271 <i>Eucalyptus saligna</i>	4.0m

39. The replenishment 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.
40. 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.
41. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the watercourse within the site. New drainage line connections to the watercourse shall conform and comply with the requirements described in sections 5.5 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
42. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
43. In addition to the mandatory rainwater retention and re-use system provided, an on-site stormwater detention system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
44. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage

Item 2

system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

45. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
46. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.
47. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
48. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
49. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

Item 2

50. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
51. Driveways and vehicular 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 the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
52. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to 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.
53. In order to allow **unrestricted access at all times** for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.
54. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Construction Certificate.
55. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Occupation Certificate. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

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

56. Privacy screening, to a height of 1.6metres, shall be provided to the following Block A units which have balconies facing Block A:
 - Unit BG01 at the western side of the balcony which faces Block A.
 - Unit B 102 at the western side of the balcony which faces Block A.
 - Unit B 205 at the western side of the balcony which faces Block A.

Item 2

- Unit B 305 at the western side of the balcony which faces Block A.

Details are to be included with the Construction Certificate plans.

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

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

58. 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.
59. 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.
60. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF SIXTY SEVEN (67) ADDITIONAL DWELLINGS IS CURRENTLY \$1,288,992-85. 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 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Gordon	\$8,223.35
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

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

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have 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.

62. To ensure the preservation, health and stability of existing trees the proposed stormwater drainage plan is to be amended prior to issue of construction certificate to ensure that no drainage line is located within the radius of the trunk of the following trees ;

Tree	Radius from trunk
Tree 611 <i>Eucalyptus saligna</i>	5.0m

63. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of

Item 2

the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.

64. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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 Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

65. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal Certifying Authority. The profile is to be at 1:100 scale along the *inside trafficked edge* of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:
- Vehicular access can be obtained using grades of 20% maximum (to allow the laden garbage collection vehicle to exit the site), and
 - All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

66. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified

Item 2

civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

67. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater – Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.

68. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Water quality measures as required by DCP 47 Chapter 8.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47.
- Details of the required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).

Item 2

- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 Plumbing and Drainage Code and the BCA. The plans may be generally based on the stormwater drainage plans prepared by ITM Design for Development Application approval, which are to be advanced as necessary for construction issue purposes.

69. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
70. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

71. 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.
72. All trees are to be clearly tagged and numbered using non-invasive methods so as to identify trees to be retained and trees approved to be removed, prior to commencement of works. Tree identities are to be confirmed on site by an arborist and tree numbers are to be consistent with the tree numbers in the Tree Management Plan by TALC consultants, dated 31 March 2006 and submitted with the development application.
73. To protect existing trees to be retained no work shall commence until tree protective fencing is installed across the rear of the site to a position as described below 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.

Location

A tree protective fence is to be located commencing from eastern boundary 4.0m to the north of the centre of trunk of tree 148, 4.0m offset to north of tree 269 and then 4.0m to the north of tree 240, and 3.0m offset to north of tree 302, returning to the rear southern boundary.

Item 2

A tree protective fence is to be located starting from the side western boundary and be offset 4.0m to the north-east of tree 611, 4.0m from tree 603, 4.0m from tree 617, and returning to the rear southern boundary.

74. The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
75. Prior to works commencing tree protection signage is to be attached to each tree Protection Zone and displayed in a prominent position and the sign repeated at 10m intervals or closer where the fence changes direction. Each sign shall advise in a clearly legible form, the following minimum information:
 1. Tree Protection Zone
 2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
 4. Name, address, and telephone number of the developer/principal certifying authority.
76. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
77. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. 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.
78. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
 - Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
 - Further monitoring and inspection as recommended in the above report(s) and as determined necessary,
 - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.
79. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Approval must be obtained from all affected property owners,

Item 2

including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

80. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:

- How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
- That the locations of the rock anchors are registered with Dial Before You Dig
- That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
- That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
- That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

81. Prior to the commencement of demolition works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of structures within 25 metres of the proposed excavation.

The report must be completed by a consulting structural/geotechnical engineer. A written acknowledgment from Council development engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

82. Prior to the commencement of **any** works on site the applicant must submit, for approval by Council's Development Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

Item 2

A plan view of the entire site and frontage roadways indicating:

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the frontage roadways,
- Location of any proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible

Traffic Control Plan(s) for the site

Traffic Control Plans are to be prepared and signed by the suitably qualified (as defined by the RTA Guide *Traffic Control at Work Sites*) person who will be present on the site during construction. The main stages of the development requiring specific construction management measures are to be identified and a specific traffic control plan submitted for each.

Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.

- Light traffic roads and those subject to a load or height limit must be avoided at all times.
- A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
- Minimising construction related traffic movements during school peak periods.
- For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
- Employee parking shall be provided in the basement as soon as practicable, with a timeframe included in the TMP for this.

Item 2

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and approved by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

83. The Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
84. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
 - Half road pavement width, including kerb and gutter, of McIntyre Street over the site frontage.
 - The retaining wall opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable for any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

85. All noxious and/or environmental weed species shall be removed from the property prior to the issue of the Occupation Certificate. Documentary evidence of the compliance with

Item 2

conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate: Weed species to be removed include but are not limited to:

Ageratina sp. Mist plant, Asparagus sp. Asparagus Fern, Anradera sp. Madeira Vine, Bidens sp. Cobblers Peg, Cardiospermum sp. Canna sp Canna Lilly, Ballon Vine, Cinnamomum camphora Camphor Laurel, Cotoneaster sp. Cotoneaster, Hedychium sp, Impatiens sp. Balsam, Ipomea sp. Morning Glory, Ligustrum sp. privet, Ochna sp. Ochna, Pennisetum sp. Kikuyu, Phyllosachys sp Bamboo, Senna sp. Senna, Solanum sp, Wild Tobacco, Thunbergia sp. Black eyed Susan, Tradescantia sp.

86. The landscape works, shall be installed in accordance with the approved plan /s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
87. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
88. 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 Regulation.
89. Excavation for the installation of CONDUITS/SEWER/STORMWATER/GAS within the specified radius of the trunk/s of tree/s shall be carried out using the thrust boring method. Documentary evidence of compliance with conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
90. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
91. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.
92. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
 - New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter.

Item 2

(Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).

- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all 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) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

93. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):

- A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- A copy of any works-as-executed drawings required under this consent
- The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

94. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
95. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- That the as-constructed car park complies with the approved Construction Certificate plans,
- That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
- That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- That the vehicular headroom requirements of:
- Australian Standard 2890.1 - “Off-street car parking”;

Item 2

- 2.44m height clearance for waste collection trucks (refer DCP 40), are met from the public street into and within the applicable areas of the basement car park.
96. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
- That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - That the minimum retention and on-site detention storage volume requirements of Ku-ring-gai Council Water Management DCP 47, have been achieved in full.
 - That retained water is connected and available for uses including toilet flushing, clothes washing and irrigation.
 - That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
 - That all grates potentially accessible by children are secured.
 - That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
 - 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.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
 - On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.
97. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:
- As built (reduced) surface and invert levels for all drainage pits.
 - Gradients of drainage lines, materials and dimensions.
 - As built (reduced) level(s) at the approved point of discharge to the public drainage system.
 - As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.

Item 2

- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

98. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
99. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
 - According the relevant Australian Standards and guidelines, and
 - According to any approved Geotechnical report undertaken for the development, and
 - In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
100. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted before commencement of works, and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
101. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed within 25 metres of the excavation, and the road reserve.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. If any of the structures have been demolished in the meantime under a separate approval, then no follow-up report is required.

Item 2

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

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

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

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

104. Prior to the issue of the Occupation Certificate, an easement for waste collection is to be created. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.

BUILDING CONDITIONS

105. 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.

Item 2

- 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.
106. To ensure compliance with this development consent the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.

107. 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.

S Segall
Acting Team Leader
Development Assessment - Central

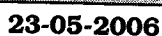
M Prendergast
Manager
Development Assessment
Services

M.Miocic
Director
Development and
Regulation

Attachments:

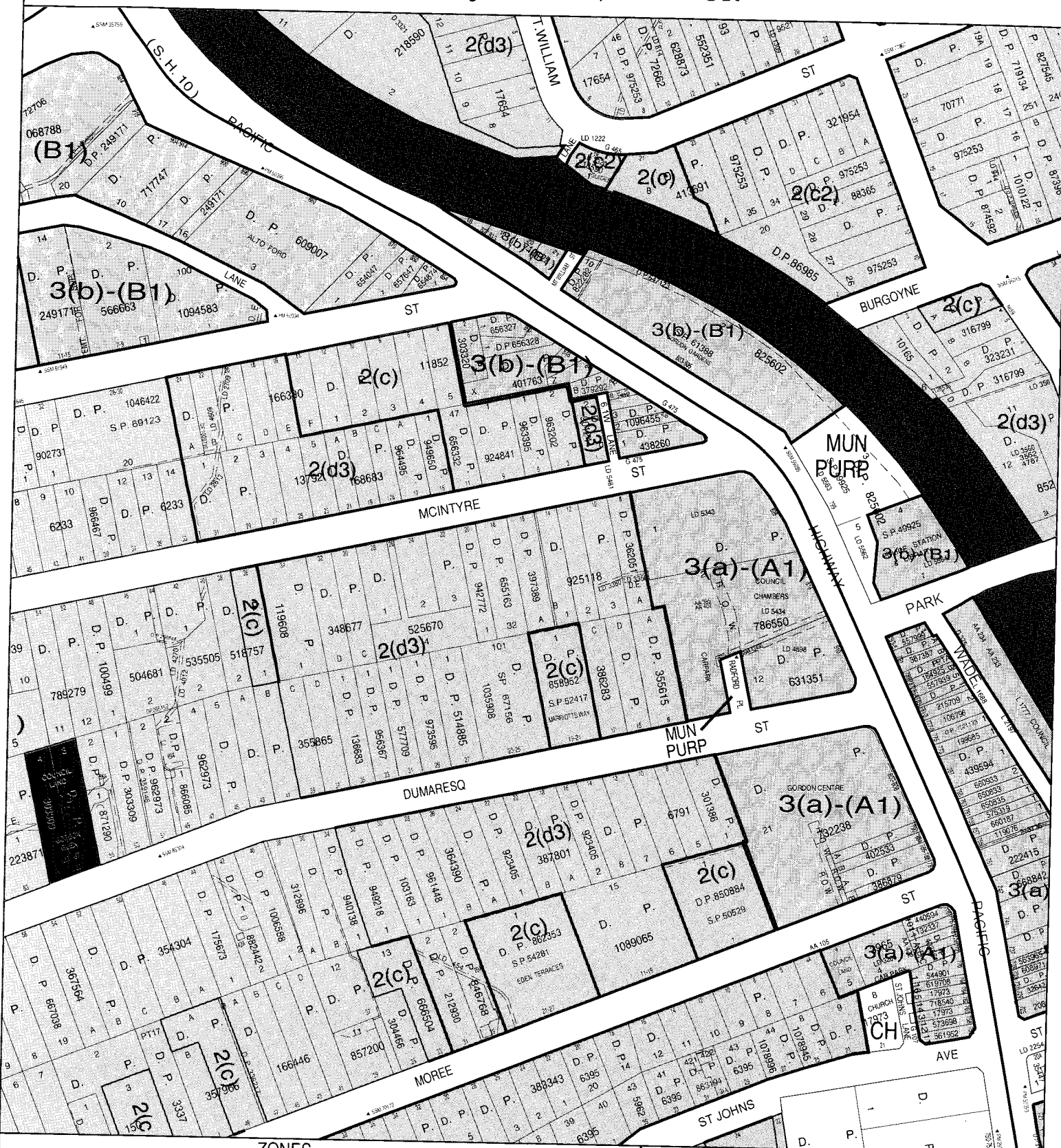
- Site location plan - 623317**
- Zoning extract - 623318**
- Site analysis & site plan – 623345**
- Elevations - 623343**
- Cross sections - 623346**
- Shadow diagrams - 623349**
- Survey plan - 623350**
- Landscape plans –623351**
- Confidential floor plans**

DEVELOPMENT APPLICATION No 1360/2005



Zoning Extract

8-18 McIntyre Street, GORDON



2. RESIDENTIAL

- (a) RESIDENTIAL A
- (b) RESIDENTIAL B
- (c) RESIDENTIAL C
- (c1) RESIDENTIAL C1
- (c2) RESIDENTIAL C2
- (d) RESIDENTIAL D
- (d3) RESIDENTIAL D3
- (e) RESIDENTIAL E
- (f) RESIDENTIAL F
- (g) RESIDENTIAL G
- (h) RESIDENTIAL H

3. BUSINESS

- (a) RETAIL SERVICES
- FLOOR SPACE RATIOS
 - A1 2.0:1
 - A2 1.0:1
 - A3 0.75:1
- (b) COMMERCIAL SERVICES
- FLOOR SPACE RATIOS
 - B1 1.0:1
 - B2 1.0:1

5. SPECIAL USES

- (a) SPECIAL USES A (Schools etc)
- (a1) SPECIAL USES A1
- (b) SPECIAL USES (Railway)

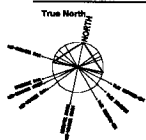
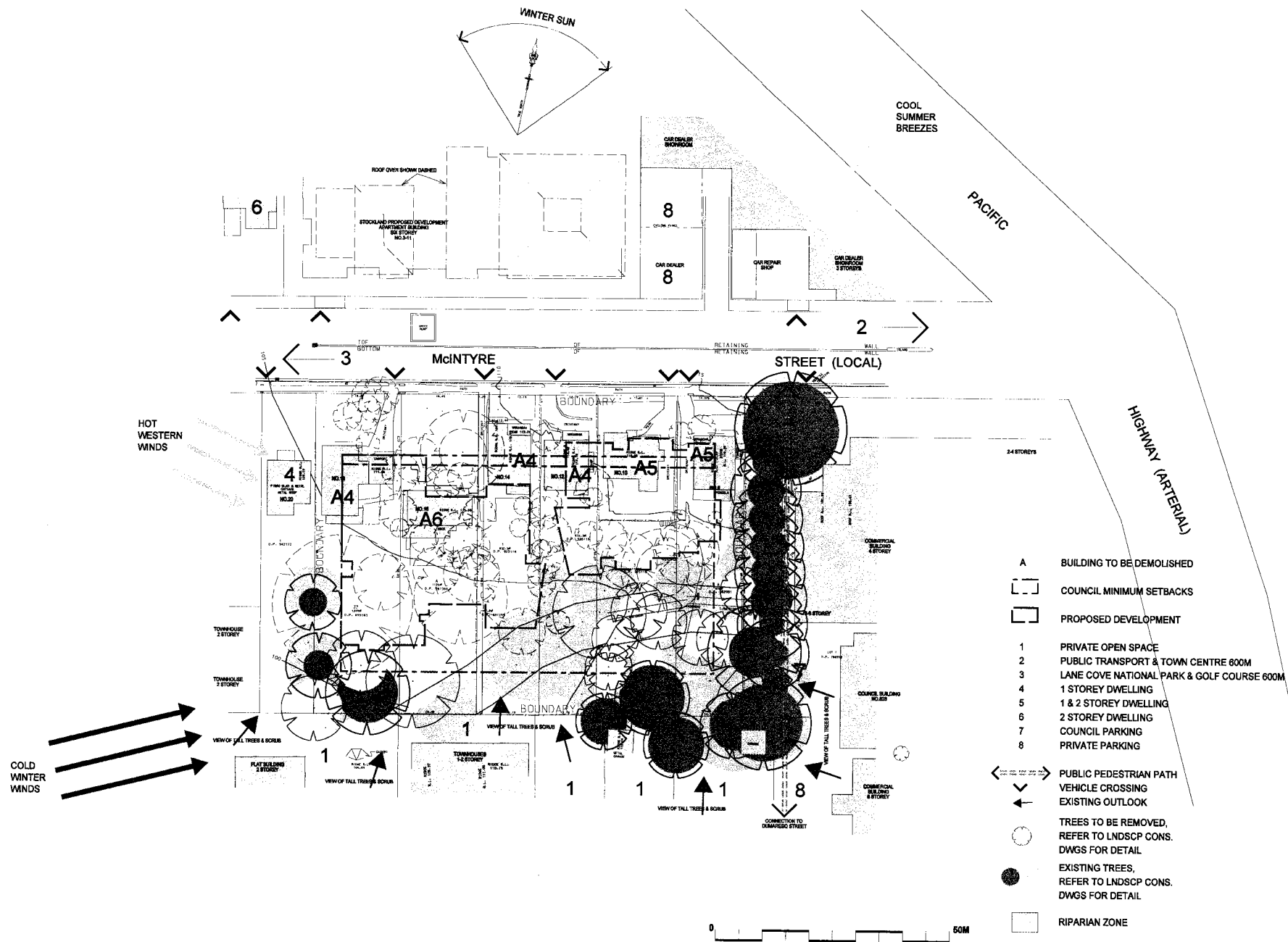
RESERVATIONS

- OPEN SPACE
 - (a) OPEN SPACE (Public Parks & Recreation)
 - (b) COUNTY OPEN SPACE
- SPECIAL USES
 - SPECIAL USES (Parking etc)
- ROADS
 - (a) COUNTY ROAD PROPOSED
 - (b) COUNTY ROAD WIDENING
 - (c) LOCAL ROAD PROPOSED
 - (d) LOCAL ROAD WIDENING

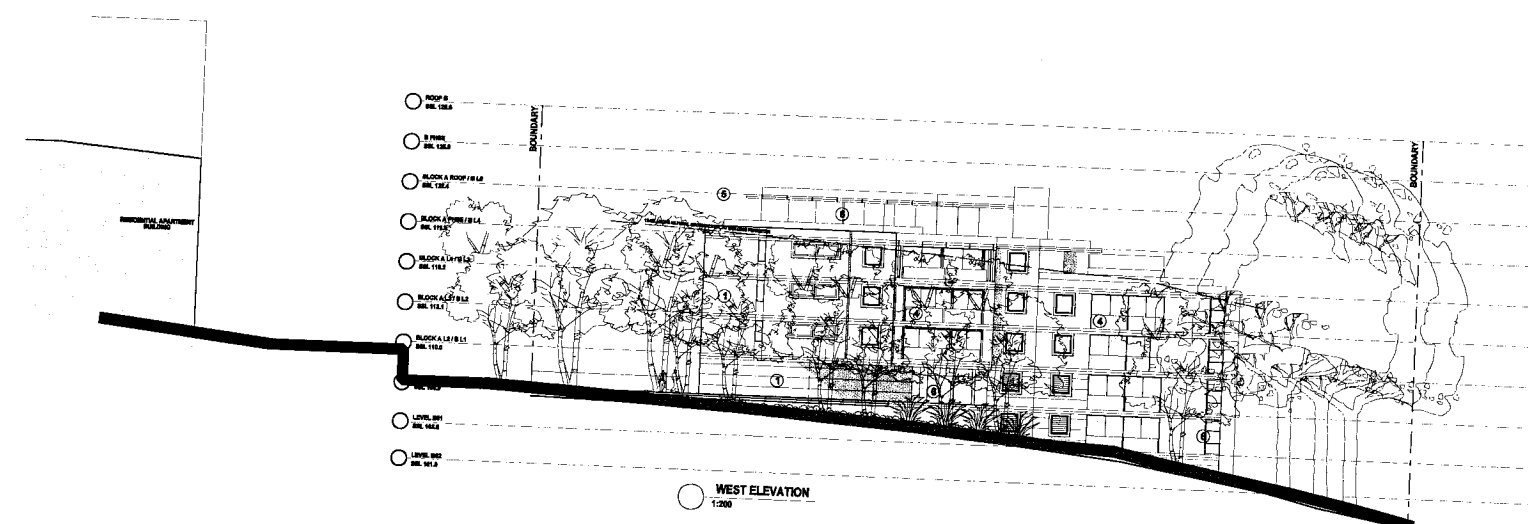
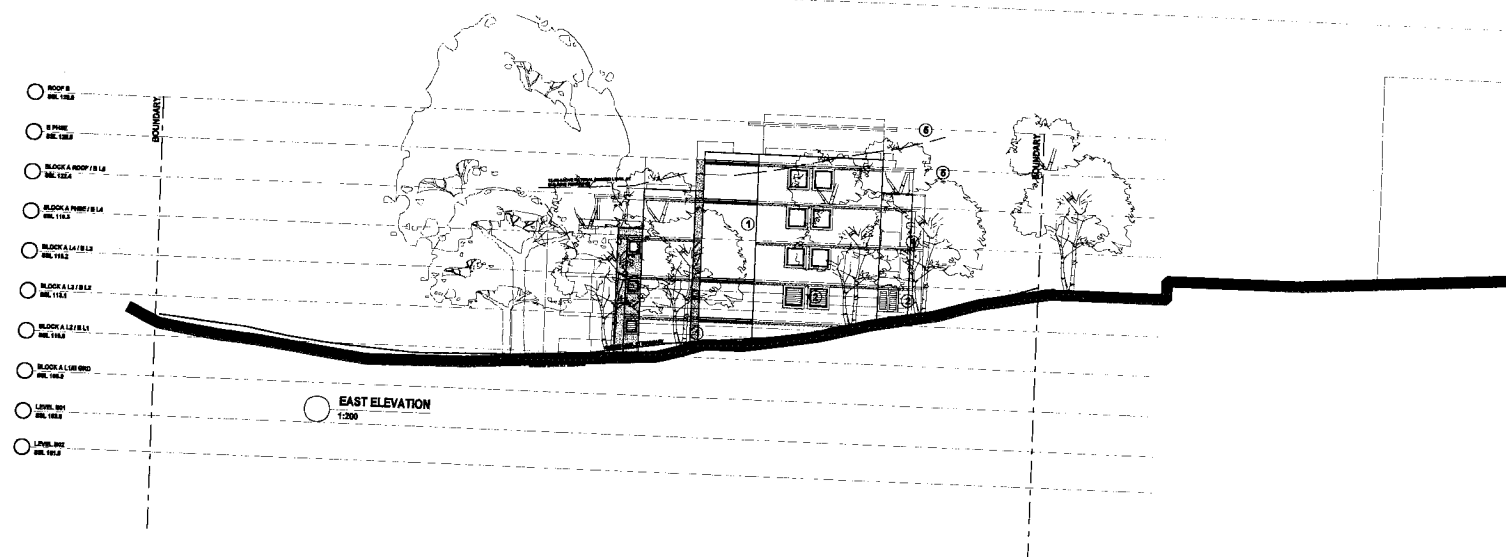
GENERAL

- EXISTING COUNTY ROAD
- OTHER PLANNING INSTRUMENTS

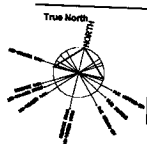
Scale:1:3000
Date:23-05-2006




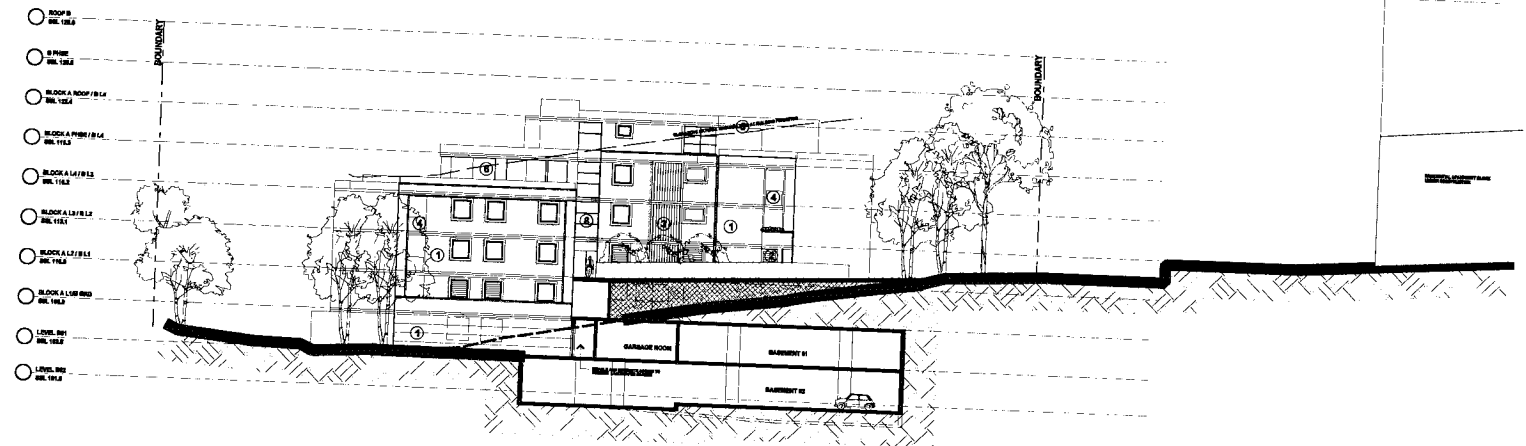
ISSUE	DATE	Project	Client	Architect	Title	Drawn	Issue
A B	2 DEC 2005 31 MARCH 2006	8 - 18 MCINTYRE STREET, GORDON RESIDENTIAL DEVELOPMENT	SOUTHERN CROSS DEVELOPMENTS (McINTYRE) Pty Ltd GLOBE PROJECTS (McINTYRE) Pty Ltd	PD MAYOCH PTY LTD Architect & Landscape Consultant - 25 Brindley Avenue, Northcote, VIC 3070. Ph: 03 9483 2000 Email: info@pdmayoch.com.au Fax: 03 9483 2001	SITE ANALYSIS	1:400 A.007	NOV 2006 Issue B
						Job No. 0527	



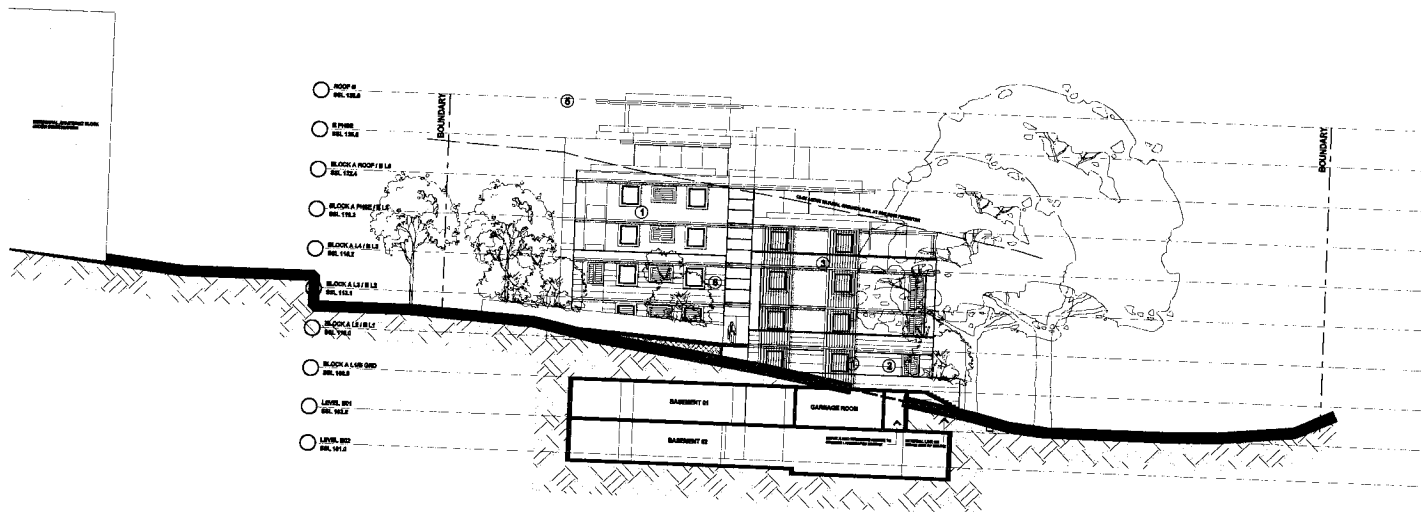
FINISHES LEGEND	
1	RENDER + PAINT
2	PORCELANOATED BRICK
3	POCOATED VERTICAL LAMINATE
4	GLASS BALCONY RAILING
5	COLOURED CHALKPAINT STEEL RAILING
6	EXTERNAL GLAZING



ISSUE		DATE	Project	Client	Architect	Title		Scale: 1:200 Drawn: A.091 Date: NOV 2006	
A	DEVELOPMENT APPLICATION RE-SUBMISSION	2 DEC 2005	8 - 18 MCINTYRE STREET, GORDON RESIDENTIAL DEVELOPMENT	SOUTHERN CROSS DEVELOPMENTS (MCINTYRE) Pty Ltd GLOBE PROJECTS (MCINTYRE) Pty Ltd	 PD MAYOR PTY LTD <small>Architects & Landscape Architects • 40 DUNDAS STREET, SYDNEY NSW 2008 Phone: 002 9252 0000 Fax: 002 9252 0001</small>	EAST AND WEST ELEVATIONS	Issue: B Job No: 0527	Plot: 17:56:16 18 MAY 2006	
B	MOVE BLOCK B SOUTH (10m AWAY FROM STREET BOUNDARY)	31 MARCH 2006							

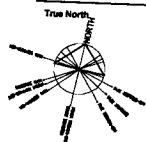



EAST ELEVATION OF BLOCK A
1:200



WEST ELEVATION OF BLOCK B
1:200

FINISHES LEGEND	
1	MINOR + PAINT
2	POWDERCOATED BRITNEY
3	POWDERCOATED METAL LOUVER
4	GLASS BALCONY
5	GLASS BALCONY
6	GLASS BALCONY
7	GLASS BALCONY
8	GLASS BALCONY
9	GLASS BALCONY
10	GLASS BALCONY

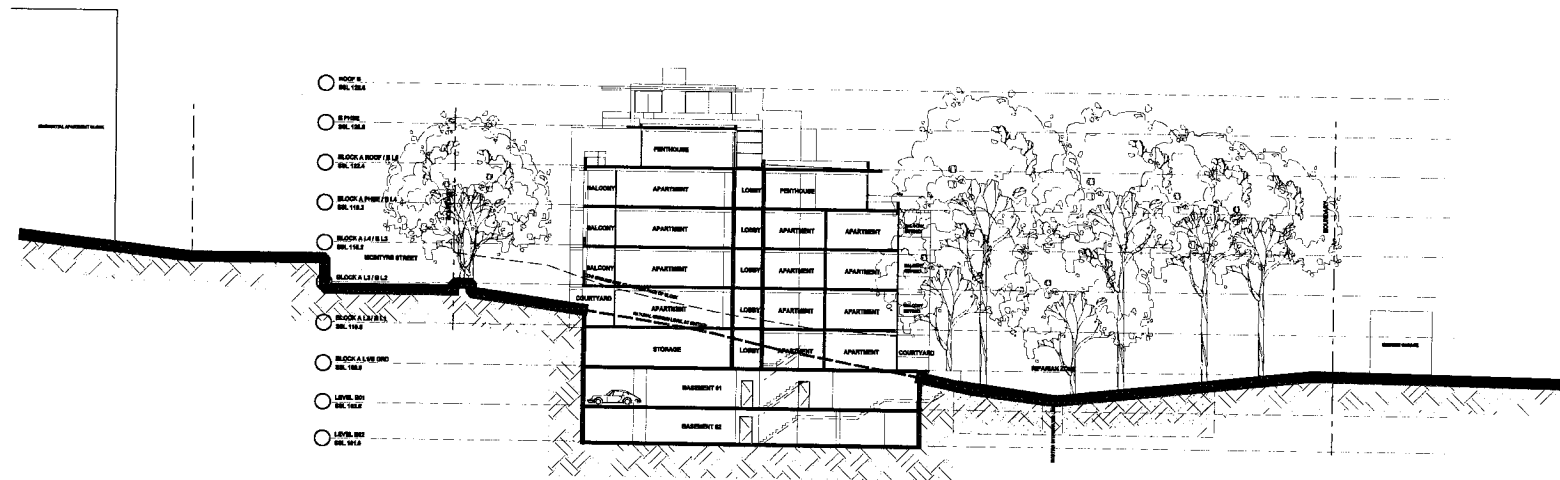


ISSUE		DATE	Project	Client	Architect	Title		
A	DEVELOPMENT APPLICATION RE-SUBMISSION	2 DEC 2005	8 - 18 MCINTYRE STREET, GORDON RESIDENTIAL DEVELOPMENT	SOUTHERN CROSS DEVELOPMENTS (McINTYRE) Pty Ltd GLOBE PROJECTS (McINTYRE) Pty Ltd	 PDMAYOCH PTY LTD <small>Architects & Landscape Architects - 18 Sturt Street, North Sydney NSW 1585 - Tel: 002555 1000 Fax: 002555 1000</small>	EAST AND WEST ELEVATIONS	Scale:	Drawn:
B	MOVE BLOCK B SOUTH (10m AWAY FROM STREET BOUNDARY)	31 MARCH 2006					1:200	NOV 2005
C	LOCATE DISABLED AND RESIDENTS LINK TO LANDSCAPED COMMON GARDEN	19 MAY 2006					Drawn	
						Draw No.	Issue	
						A.092	C	
						Job No.		
						0527		
						Plot:	10/22/10/19 MAY 2006	

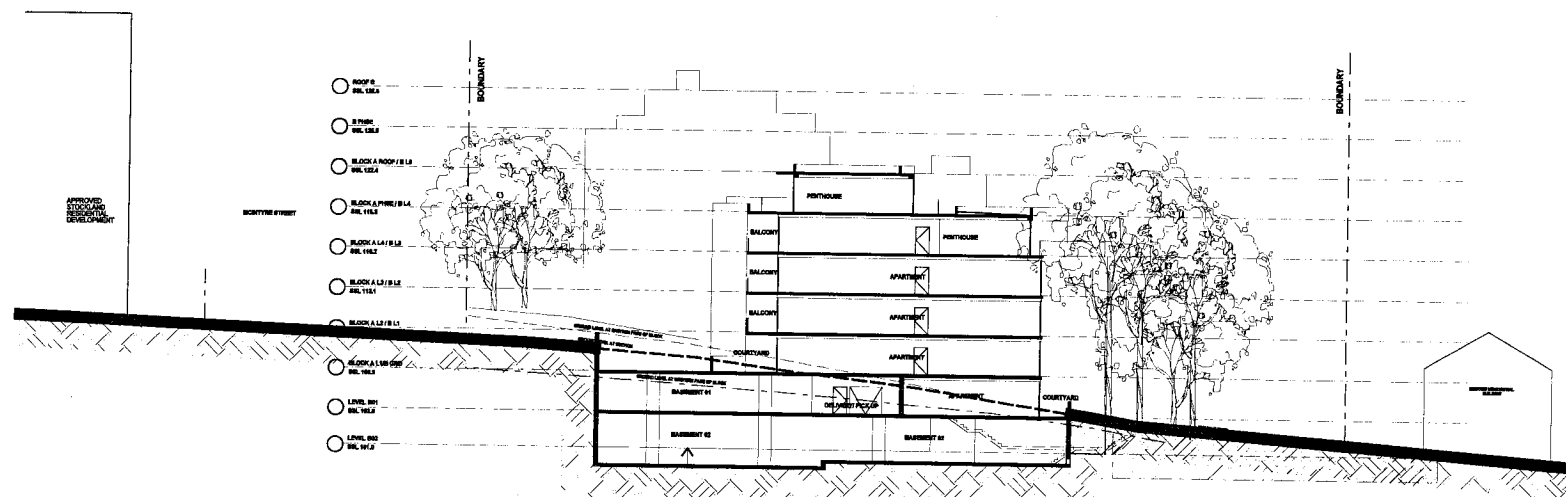
4 GLASS BALUSTRADE

5 CONC CHAIRSPOT STEEL EDGE

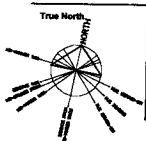
6 EXTERNAL GLAZING



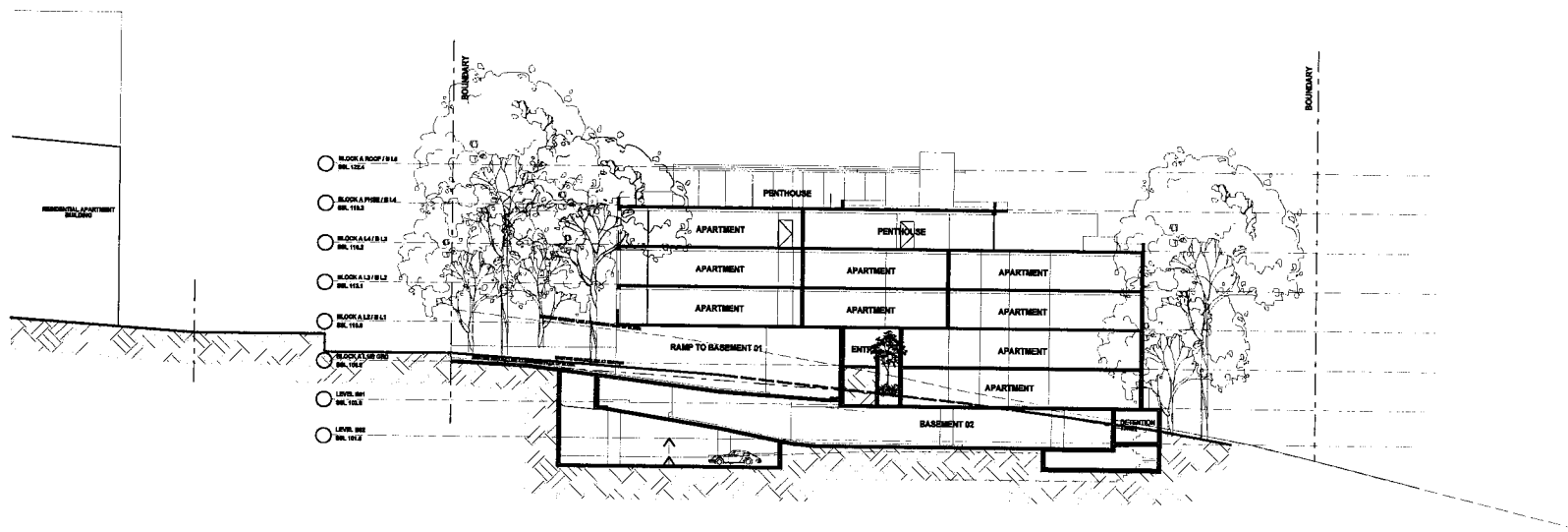
SECTION A-A
1:200



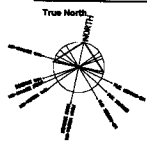
SECTION B-B
1:200



ISSUE	DATE	Project	Client	Architect	Title	Scale	Drawn	Issue
A B	2 DEC 2005 31 MARCH 2006	8 - 18 MCINTYRE STREET, GORDON RESIDENTIAL DEVELOPMENT	SOUTHERN CROSS DEVELOPMENTS (McINTYRE) Pty Ltd GLOBE PROJECTS (McINTYRE) Pty Ltd	DD MAYOCH PTY LTD Architects & Landscape Architects - 10 Macleay Street, North Sydney NSW 1585 T: 002 955 5555 F: 002 955 5555	SECTIONS	1:200 Nov 2005	0527	B

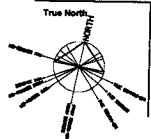


SECTION C-C
1:200



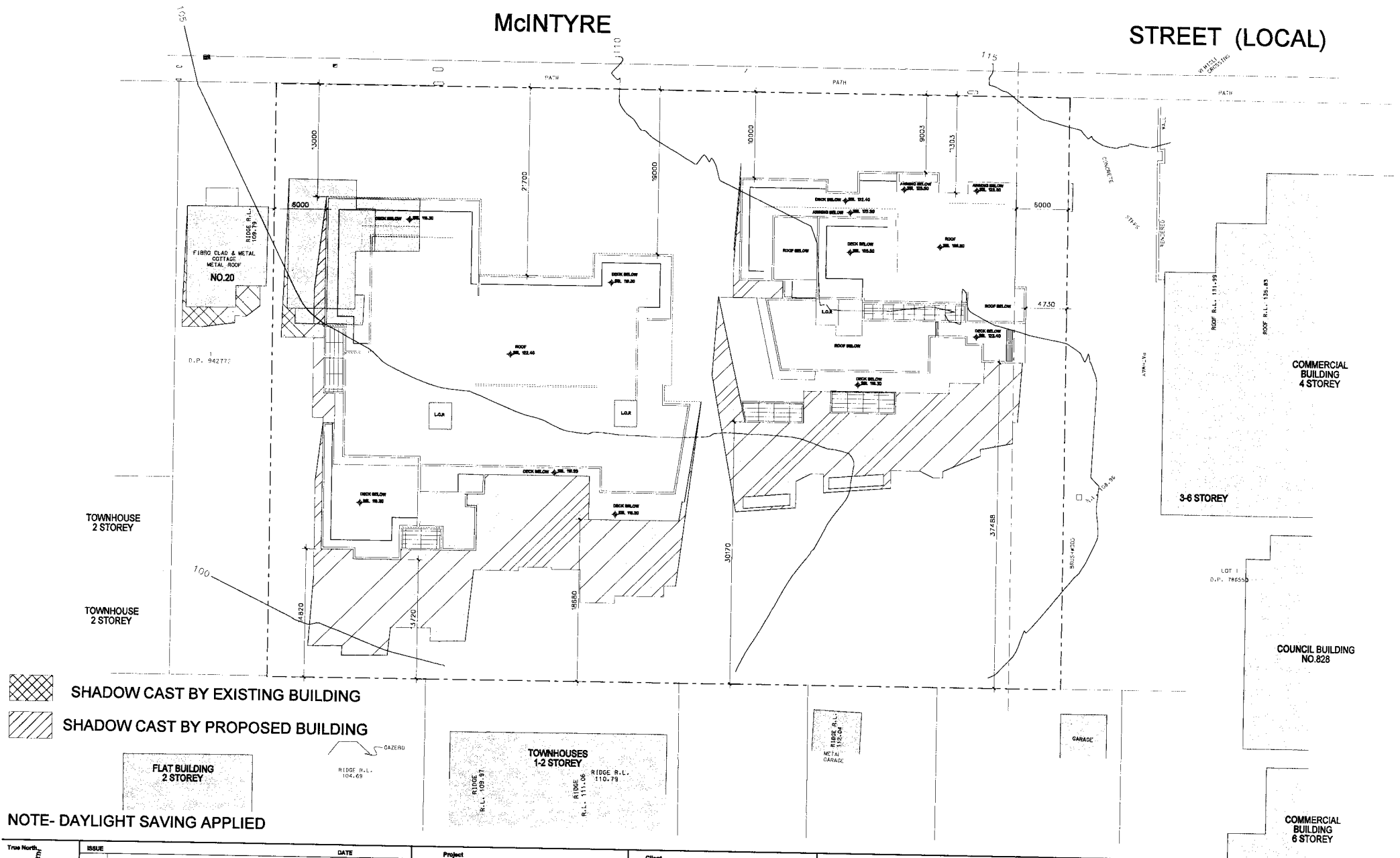
ISSUE	DATE	Project	Client	Architect	Title	Scale	Drawn	Issue
A	2 DEC 2005	8 - 18 MCINTYRE STREET, GORDON RESIDENTIAL DEVELOPMENT	SOUTHERN CROSS DEVELOPMENTS (McINTYRE) Pty Ltd GLOBE PROJECTS (McINTYRE) Pty Ltd	Architect PDMAYOR PTY LTD Architect & Landscape Architects - All Projects 17-05-07 18 MAY 2008	SECTION CC	1:200	NOV 2005	B
B	31 MARCH 2006							

STREET (LOCAL)

Plot: 17:08:23 18 MAY 2008

McINTYRE

STREET (LOCAL)

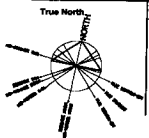


McINTYRE

STREET (LOCAL)

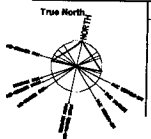
SHADOW CAST BY EXISTING BUILDING
SHADOW CAST BY PROPOSED BUILDING

NOTE- DAYLIGHT SAVING APPLIED

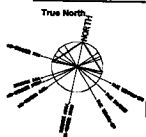




ISSUE	DATE	Project	Client	Architect	Title	Scale	Date
A B	2 DEC 2005 31 MARCH 2006	8 - 18 MCINTYRE STREET, GORDON RESIDENTIAL DEVELOPMENT	SOUTHERN CROSS DEVELOPMENTS (McINTYRE) Pty Ltd GLOBE PROJECTS (McINTYRE) Pty Ltd	PD MAYOR PTY LTD Architects & Engineers 100 Stirling Street, Stirling NSW 2770 Email: info@pdmayor.com.au	SHADOW DIAGRAM EQUINOX 3PM 21 MAR / 23 SEP	1:200 Drawn CR/TL Orig No. A.702 Job No. 0527	NOV 05 Issue 8

STREET (LOCAL)

Plot: 17:07:07 18 MAY 2008

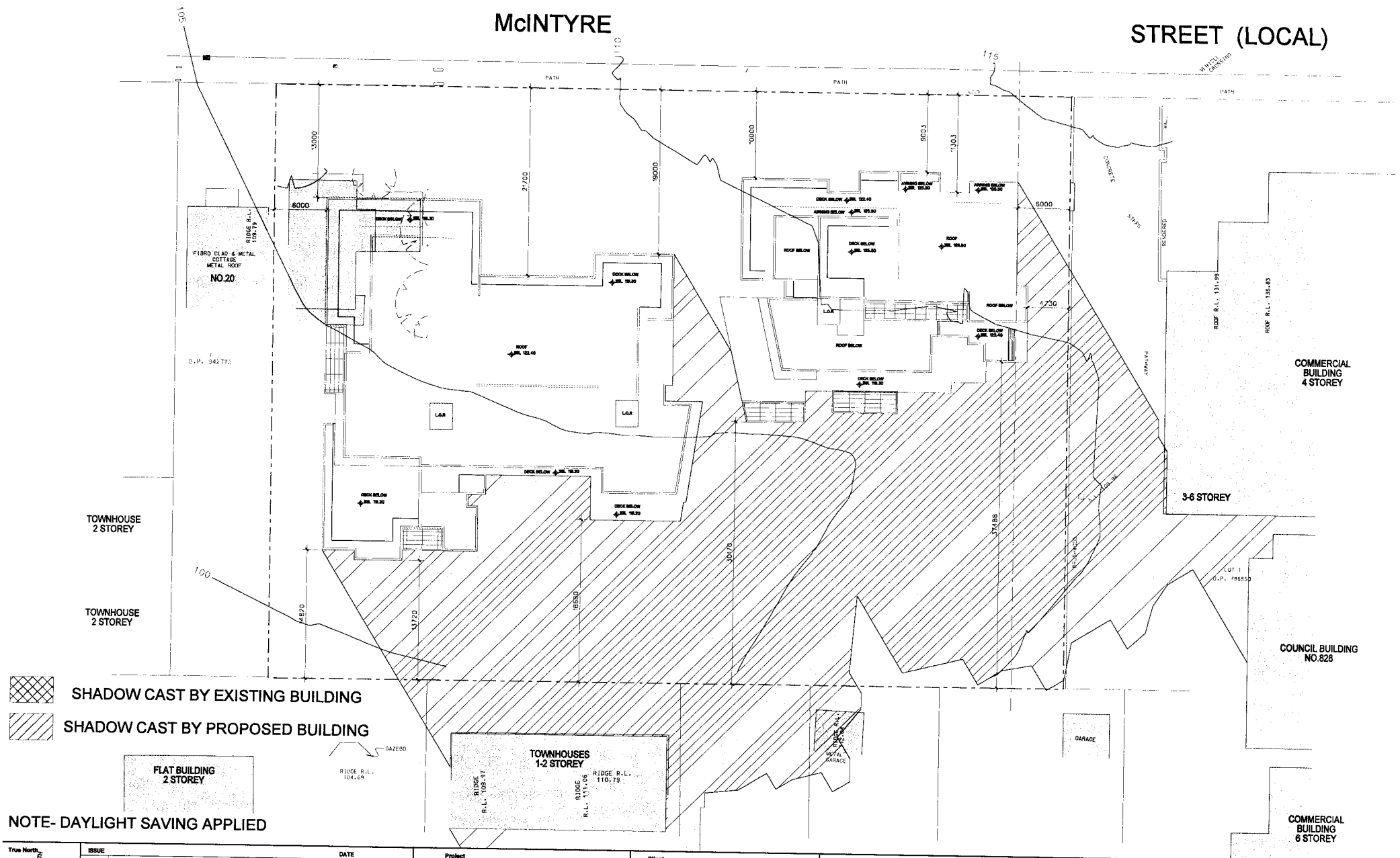
STREET (LOCAL)

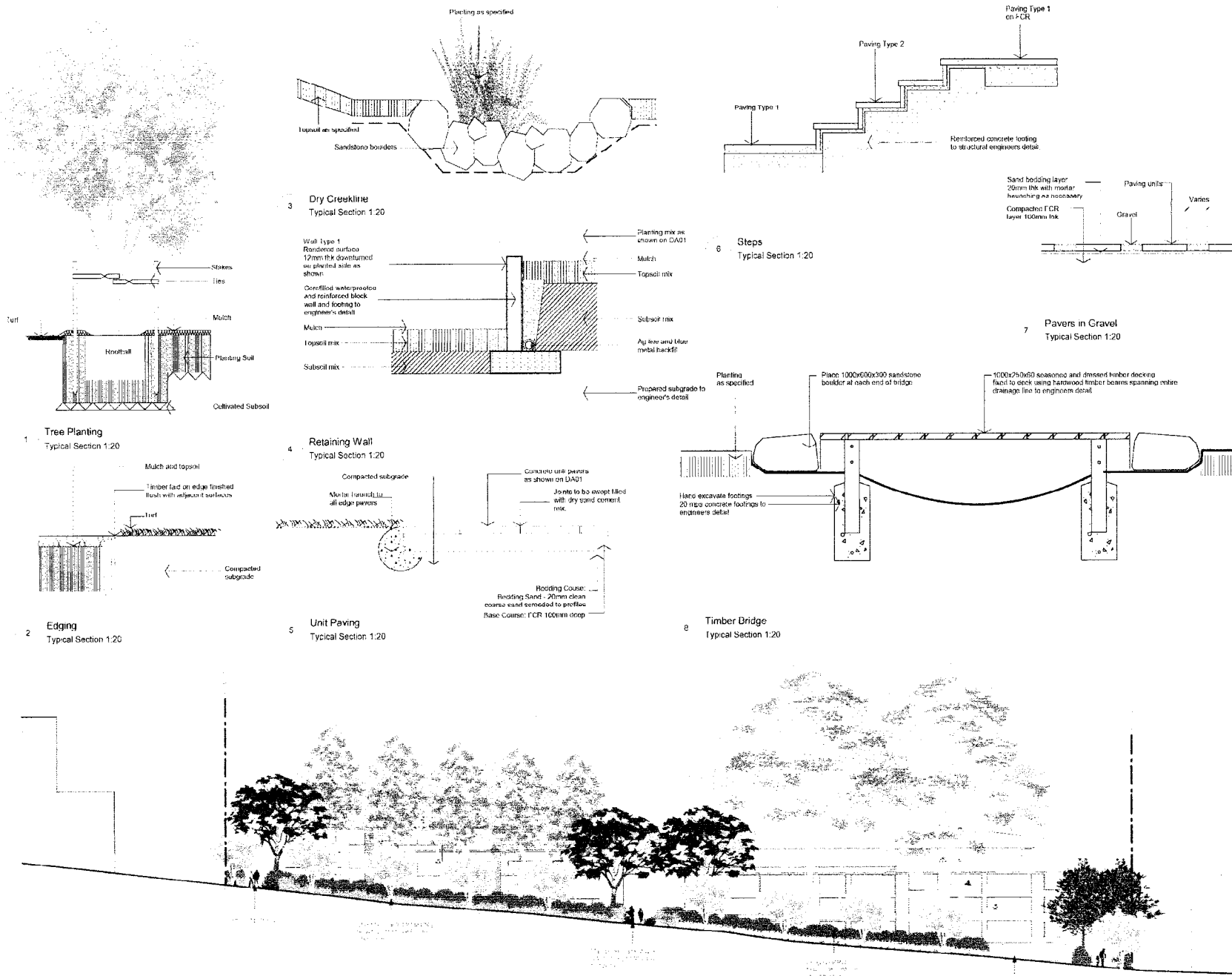


ISSUE		DATE		Project		Client		Architect		Title		Revision		Date	
A	DEVELOPMENT APPLICATION RE-SUBMISSION	2 DEC 2005		8 - 18 MCINTYRE STREET, GORDON		SOUTHERN CROSS				SHADOW DIAGRAM	1:200				NOV 05
B	MOVE BLOCK B SOUTH (10m AWAY FROM STREET BOUNDARY)	31 MARCH 2006		RESIDENTIAL DEVELOPMENT		DEVELOPMENTS (MCINTYRE) Pty Ltd		PD MAYOR PTY LTD <small>Architects & Landscape Architects - 20 St Andrews Avenue, Melbourne and 100 St Georges Road, Melbourne</small>		MID-WINTER	CR / TL				
						GLOBE PROJECTS (MCINTYRE) Pty Ltd				12PM 21 JUNE	Drawg No.			Issue	
											A.704			B	
											Job No.				
											0527				

McINTYRE

STREET (LOCAL)





PLANT SCHEDULE

Botanical Name	Common Name	Height x Spread (mm)	Scheduled Date	Quantity
<i>Adiantum capillus-veneris</i>	Female Fern	1000 x 1000	15/11	11
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	12
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	13
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	14
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	15
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	16
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	17
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	18
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	19
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	20
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	21
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	22
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	23
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	24
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	25
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	26
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	27
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	28
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	29
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	30
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	31
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	32
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	33
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	34
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	35
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	36
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	37
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	38
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	39
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	40
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	41
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	42
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	43
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	44
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	45
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	46
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	47
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	48
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	49
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	50
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	51
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	52
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	53
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	54
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	55
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	56
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	57
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	58
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	59
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	60
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	61
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	62
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	63
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	64
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	65
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	66
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	67
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	68
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	69
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	70
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	71
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	72
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	73
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	74
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	75
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	76
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	77
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	78
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	79
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	80
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	81
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	82
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	83
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	84
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	85
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	86
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	87
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	88
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	89
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	90
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	91
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	92
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	93
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	94
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	95
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	96
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	97
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	98
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	99
<i>Chlorophytum complanatum</i>	Spider Plant	1000 x 1000	15/11	100

NOTES

- If the drawing and design is subject to copyright, the drawing and design are the property of the client and may not be reproduced without prior written consent.
- All elevations shown are in meters Australian Height.

23.03.00	C	Council Approval
01.12.00	R	DA Issued
30.03.05	A	DA Issued
DAIT	PCV	AS/NZS 2211.3

STREETSCAPE ELEVATION

Landscape Details, Elevation and Plant Schedule
8-18 McIntyre Street, Gordon
 Globe Projects / Southern Cross Developments

PSB

10-14 Mountain Street, Sydney NSW 2057
 P 02 9212 9546 F 02 9212 4499
 E info@psb.com.au W www.psb.com.au

Scale	As shown @ A1
Project No.	08001
Date	10/01/2005
DA03 C	

Item 3

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 TO 6 CLYDESDALE PLACE, PYMBLE - DEMOLITION OF 3 DWELLING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 34 UNITS AND BASEMENT CAR PARKING FOR 58 VEHICLES
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	1428/05
SUBJECT LAND:	2 to 6 Clydesdale Place, Pymble
APPLICANT:	Futurespace Pty Ltd
OWNER:	Glenside Group Pty Ltd
DESIGNER:	Andrew Owens of Futurespace Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO - LEP 194, DCP 31 - Access, DCP 40 - Waste Management, DCP 43- Car Parking, DCP 47 - Water Management
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 55, SEPP 65, SREP20
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	19 December 2005
40 DAY PERIOD EXPIRED:	28 January 2006
PROPOSAL:	Demolition of 3 dwelling houses and construction of a residential flat building comprising 34 units and basement car parking for 58 vehicles
RECOMMENDATION:	Approval

Item 3

DEVELOPMENT APPLICATION N^o	1428/05
PREMISES:	2-6 CLYDESDALE PLACE, PYMBLE
PROPOSAL:	DEMOLITION OF 3 DWELLING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 34 UNITS AND BASEMENT CAR PARKING FOR 58 VEHICLES
APPLICANT:	FUTURESPACE PTY LTD
OWNER:	GLENSIDE GROUP PTY LTD
DESIGNER	ANDREW OWENS OF FUTURESPACE PTY LTD

PURPOSE FOR REPORT

To determine development application No 1428/05 which seeks consent for the demolition of 3 residential dwelling houses and construction of a residential flat building comprising 34 units and basement car parking for 58 vehicles.

EXECUTIVE SUMMARY

Issues:	<ul style="list-style-type: none">• Heritage• Traffic• Access to the communal open space• Isolation of No. 1192 Pacific Highway (Council land) and isolation of No.1190A Pacific Highway• Non-compliance with DCP55
Submissions:	3 submissions.
Pre-DA:	21 November 2005.
Land & Environment Court Appeal:	Not applicable.
Recommendation:	Approval.

HISTORY

Site history:

The site is currently used for residential purposes. The following matters are of relevance to the subject site.

Item 3

Rezoning history:

The site was rezoned to Residential 2(d3) as part of LEP194 which was gazetted on 28 May 2004. The rezoning was at the direction of Assisting Minister for Planning, Dianne Beamer. It conferred upon the site a development potential of five (5) storeys.

Development application history:

21 November 2005	Pre-DA meeting. Issues raised were intrusion of basement into setbacks, traffic impacts, building heights and isolation of Council land at 1192 Pacific Highway.
19 December 2005	DA lodged.
27 March 2006	Applicant requested to clarify access to communal space and submit additional height information; details of designated drying area, traffic access and impact of development on local area traffic, details of discussions with Council staff regarding adjacent property at 1192 Pacific Highway.
5 April 2006	Additional information submitted including addendum to access report relating to access to the communal space, details of discussions with Council staff relating to adjacent Council land; additional height diagram.
11 May 2006	Additional information submitted in relation to access to communal area.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	1920-1945
Legal Description:	Lots 5, 6 and 7, DP 30239, 2-6 Clydesdale Place, Pymble
Bush Fire Prone Land:	Yes (Bushfire Prone Vegetation Buffer)
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site comprises three contiguous allotments being Nos 2, 4 and 6 Clydesdale Avenue, Pymble, at the corner of the Pacific Highway. Together, these properties form an irregular, L-shaped parcel. The L-shape is created due to the exclusion of an allotment of Council-owned land adjacent which

Item 3

is isolated as a result of the development (ie.No.1192 Pacific Highway). The area of the subject site is 3198m². The frontage to Pacific Highway (north-eastern boundary) is 54.1m; the frontage to Clydesdale Place is 59.4m. The south-western boundary adjoining No. 8 Clydesdale Place is 61m long; the south-eastern boundary with No. 1190A Pacific Highway is 15m long; the boundary with the adjoining allotment at 1190 Pacific Highway is approximately 7m long; and the south-eastern boundary with Council land numbered 1192 Pacific Highway is 44m long.

Nos 8-12 Clydesdale Place have also been rezoned 2(d3) under LEP 194 for multi-unit development and are currently the subject of a development application for multi unit housing.

The site is on elevated land near the ridgeline which is followed by the Pacific Highway. It falls steeply to the south-west from Pacific Highway, with a fall of between 16 and 20% across the proposed building footprint. There is a change in level of approximately 16m from the north-eastern to the south-western corner.

Vehicular access is provided from Clydesdale Place at the lower end of the site, at the south-western end of the property. This provides for the furthest possible separation between the driveway and the junction of Clydesdale Place with Pacific Highway.

There are three existing one/two storey brick/timber residences on the site - one on each of the 3 lots which front Clydesdale Place.

The site is well-vegetated with 44 trees on or associated with it.

Surrounding development:

The surrounding area is a mix of single dwellings, including two heritage items, (Nos. 1190 and 1202 Pacific Highway), residential flat buildings, and the Kuring-gai Town Hall at No. 1188 Pacific Highway.

The heritage item on the opposite side of Clydesdale Place is called "Colinrobie".

Immediately to the east, is a Council-owned vacant property No. 1192 Pacific Highway. The exclusion of this property from the hammer-shaped development site is further dealt with in this report.

To the south, is a part one/part two storey dwelling at No. 1190A Pacific Highway.

Further south, adjoining No. 8 Clydesdale Place and 30m from the site's south-western boundary, is the railway corridor of the main northern railway line.

Opposite, on the other side of Pacific Highway and corner of Telegraph Road, is the Pymble Water Reservoir owned by Sydney Water.

The Pymble Town Centre and Railway station are located approximately 500m from the site.

Item 3

THE PROPOSAL

The proposed development involves the following:

- Demolition of existing dwellings and associated structures;
- Construction of a residential flat building consisting of 34 strata-titled units, with underground basement car parking accessed from the lower end of the site, near the south-west site corner.
- The dwellings consist of 6 x one-bedroom units, 13 x two-bedroom units and 15 x three-bedroom units.
- Three basement levels, containing visitor and resident car parking, wash bay, secure storage compartments, plant rooms, pump rooms and a garbage/recycling room.

Of the 44 existing trees on or associated with the subject site, 25 trees are proposed to be removed and 19 retained. A further 37 canopy trees are to be planted. The development is to be extensively landscaped, with 65% of the site available for landscaping.

The design attempts to respond to the particular constraints of the site, namely steep topography, irregular site shape and existing trees.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, adjoining owners were given notice of the application. The notification period was from 13 January 2006 to 14 February 2006. Submissions were received from:

1. *Brian and Colleen Wells, of 18 Burgoyne Street, Gordon, owners of heritage item at No. 1190 Pacific Highway comprised of Units 1 and 2*
2. *Roger Howard of 12 King Edward Street, Pymble*
3. *Lisa Christie, owner of 1190A Pacific Highway, Pymble (submission received 24 May 2006).*

The submissions raised the following issues:

Concern regarding the adequacy of the sewer easement to cope with the additional loads and who will bear the cost of clearing blockages if they occur.

The developer will be required to enter into an agreement with Sydney Water involving payment for the cost of augmenting the sewer capacity if such augmentation is deemed by Sydney Water to be necessary. This is dealt with as a condition of development consent **Condition 3.**

Concern regarding extent of notification

Council's DCP specifies which neighbours should receive notification. The proposal was notified in accordance with the DCP. The application was advertised in the local newspaper as well as on

Item 3

site. Anyone can make a submission, not just those people who received letters and all submissions were considered.

Concern regarding isolation of No 1190A Pacific Highway

This submission was received after the close of the notification period. The developer was not requested to provide an Isolated Sites Report as it was considered that options for this property to consolidate would be a more relevant consideration under the subsequent application for development relating to Nos. 3, 5 and 8 Clydesdale Place (DA301/06 which is currently being assessed). This is because of the oblique physical relationship of No. 1190A to the development site (refer zoning plan at **Attachment 2**), notwithstanding that approximately 15m of boundary is shared and the fact that No. 1190A falls away considerably from the area proposed as the communal space for the subject development (rear of existing No. 6 Clydesdale Place).

This means that No. 1190A would be far more likely to develop in conjunction with Nos. 3, 5 and 8 Clydesdale Place rather than Nos. 2, 4 and 6 Clydesdale Place. For this reason also, the applicant has not been required to prepare a concept plan of development, as would normally be required under Part 6 of DCP55 (Control C2). The applicant for DA301/06 will be required to do so.

A copy of Ms Christie's submission is provided at **Attachment A** in lieu of a formal report by the applicant. Below are other concerns expressed by the objector.

The proposed development will overshadow No. 1190A

The shadow diagrams indicate that there will be minor overshadowing of the northern corner of this house for a maximum of 2 hours in the afternoon. This is within the limits set by DCP55 in terms of shadow impacts on adjoining properties.

Overlooking/loss of privacy

The house at No. 1190A Pacific Highway is well separated from the proposed residential flat building by the rear communal space of the development at a distance of over 25m. The communal space will be intensively planted with canopy trees and this will soften the impact of the development on No. 1190A Pacific Highway and reduce any overlooking from balconies.

Loss of outlook

The dwelling at No. 1190A Pacific Highway will maintain its existing outlook over the valley below and distant views of the City to the south-east.

Future constraints on access

The independent re-development of No. 1190A Pacific Highway will be constrained by access because of the steepness of the existing handle which accesses the Pacific Highway. The T-

Item 3

intersection of Telegraph Road with the Pacific Highway is controlled by existing traffic lights and it is anticipated that any increase in residential traffic from the existing access point would be strongly opposed by the RTA for safety reasons.

The subject site at Nos. 2-6 Clydesdale cannot reasonably be amended to resolve or improve the access prospects of the property at No. 1190A Pacific Highway. However, this issue can be further explored as part of the assessment of DA301/06 or investigations relating to the redevelopment of Council-owned land at the rear of the Ku-ring-gai Town Hall.

Further consideration of this issue is provided below under “Consideration of Isolated Sites”.

CONSULTATION - WITHIN COUNCIL

Urban Design Consultant

Council’s Urban Design Consultant, Mr Russell Olsson, commented on the proposal as follows:

1.0 Design Review

Principle 1: Context

SEPP 65: Good design responds and contributes to its context...Responding to context involves identifying the desirable elements of a location’s current character, or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies.

Comment:

The proposed site is located near Pymble Shopping Centre, Pymble Railway Station, Pymble Town Hall and the Pacific Highway.

The built form context is comprised of –

- *three detached dwelling houses plus outbuildings on the proposed site.*
- *predominantly single dwelling houses on the sites adjoining to the south and east which have been zoned 2(d3) and to the north which has been zoned 2(d3).*
- *a service station, a school and residential flat buildings to the north east.*
- *three heritage listed sites-*
 1. *1190 Pacific Highway a three storey timber dwelling*
 2. *1202 Pacific Highway (opposite site Clydesdale Pl) a large two storey dwelling house built c. 1910.*
 3. *Pymble Reservoir No. 1 diagonally opposite site (Pacific Highway)*

The Residential 2 (d3) zoning of this site and adjoining sites establishes the future scale of development on these sites as being 5 storeys maximum. This zoning establishes a future difference in height and bulk in relation to the existing heritage items to the north west and

Item 3

south east of the site. The scope available for minimising the impact of the proposed 5 and 6 storey development on the heritage items is limited to the siting of the proposed buildings, the setbacks and quality of landscape within the setbacks and the architectural form and character of the buildings.

The relationship to the existing context is acceptable.

Principle 2: Scale

SEPP 65: Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing transition proposed bulk and height needs to achieve the scale identified for the desired future character of the area.

Comment:

Due to the slope of the proposed site ie greater than 15%, LEP 194 Clause 25K allows for the development to exceed the height controls as stated in Clause 25I compliance of this to be checked by Council Planners.

From an Urban Design point of view the additional height is acceptable.

Principle 3: Built form

SEPP 65: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements...

Comment:

The north, west and south boundaries have setbacks of 6m which is acceptable as all the adjacent sites are zoned 2(d3).

The two street boundaries, Clydesdale Place and the Pacific Highway have setbacks of 12m which complies with the DCP 55 controls.

The proposed building complies with the LEP 194 and DCP 55 setback controls with the exception as stated in Principle 7: Amenity.

Principle 4: Density

SEPP 65: Good design has a density appropriate to its site and its context in terms of floor space yields (or numbers of units or residents)

Item 3

The site coverage is less than 35% of the site. Council Planners to assess compliance of LEP 194 Clause 25I(7) in relation to Clause 25K.

Principle 5: Resource, energy and water efficiency

SEPP 65: Sustainability is integral to the design process. Aspects include layouts and built form, passive solar design principles, ... soil zones for vegetation and re-use of water.

More than 70% of living rooms/balconies in apartments will receive greater than 2 hours sunlight between 9am and 3pm in mid-winter. There are no, south facing apartments.

More than 25% of kitchens are located on external walls as recommended in the Residential Flat Design Code.

Only 49% of the apartments are naturally ventilated. In order to raise this to 60% as recommended in the Residential Flat Design Code it is essential that windows be provided in Bedroom 1 for Units 4.08, 5.08, 6.07 and 7.05.

Principle 6: Landscape

SEPP 65: Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.

Comment:

The landscape design is acceptable.

Principle 7: Amenity

SEPP 65: Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts, and service areas, outlook and ease of access for all age groups and degrees of mobility.

The Residential Flat Design Code guidelines recommend a minimum distance of 12m between habitable rooms/balconies. This has been achieved throughout the proposed building with the exception of the balcony of Unit 5.04 which overlooks the eating room of Unit 5.03.

It is recommended that a suitable screening device be provided to ensure the visual privacy for the units mentioned.

Principle 8: Safety and security

SEPP 65: Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising activity on the streets, providing clear,

Item 3

safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

There are no perceived safety and security issues.

Principle 9: Social dimensions

SEPP 65: Good design responds to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities.

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, or, in the case of precincts undergoing transition, provide for the desired future community.

The mix of apartments is acceptable.

Principle 10: Aesthetics

SEPP 65: Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.

The façade is composed of a variety of horizontal and vertical elements and is articulated into a defined base, middle and top. The top of the building recedes due to the change in material and paint finish.

The aesthetic quality is acceptable.

2.0 Conclusion and recommendations

It is recommended that:

- (i) Council Planners assess proposed building height, LEP 194 Clause 25K, as mentioned in Principle 2: Scale.*
- (ii) Council Planners assess compliance of Clause 25I(7) in relation to Clause 25K (Principle 4: Density).*
- (iii) To aid cross ventilation windows to be provided in Bedroom 1 of Units 4.08, 5.08, 6.07 and 7.05.*
- (iv) A suitable screening device be provided on the balcony of Unit 5.04.*

The proposal is otherwise acceptable in terms of SEPP 65 design principles, and should be approved when these changes are made.

Comment:

Item 3

The above recommendations have been addressed as part of the assessment of the application with recommendations (iii) and (iv) being incorporated into **Conditions 99 and 100**.

Landscaping

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

"The site

It is proposed to demolish the existing dwellings and associated structures on the amalgamated site area of 3 198sqm with vehicular access from Clydesdale Place. The corner site is characterised by an established landscape setting with mature trees and shrubs within formal garden beds and grassed expanses. The elevated site has expansive views to the south west over the Sydney basin and is bounded on the south eastern side by a small 'pocket' park unofficially known as 'Secret Park'. The site frontage to Clydesdale Place is characterised by typical 'north shore' gardens with predominantly exotic 'horticultural' planting beneath larger 'canopy trees' and smaller feature tree planting. The Pacific Highway frontage is characterised by a dense tree planting of both native and exotic weed species.

Impacts on trees/Trees to be removed/Tree replenishment

A total of forty four (44) trees have been identified as being located on or associated with the site. Of these it is proposed to retain nineteen (fifteen on site), and remove twenty five. The most visually significant trees on site are located adjacent to the Pacific Hwy/north east site boundary as they provide screening to and from the site. However many of these trees are noxious weed species or are in poor condition and decline and are recommended for removal. Another visually significant tree grouping is the row of Liquidambar styraciflua (Sweet Gum) located adjacent to the south west site boundary. It is proposed to remove two of the four as they spatially conflict with the proposed building footprint. The trees are currently exempt under Council's TPO. Other trees proposed for removal are not significant within the broader landscape.

The proposed development will result in an additional thirty seven (37) tall 'canopy' trees being planted on site, which exceeds Council's minimum tree replenishment requirements within DCP55.

Subject to tree replenishment, Landscape Services raises no objections to the proposed tree removal.

Deep soil

Item 3

By the applicant's revised calculations the proposed development will have a deep soil area of 50.05% or 1600.66qm and complies with the minimum 50% deep soil landscape area requirement.

Landscape plan

The landscape plan by Ian Jackson proposes numerous native endemic tall 'canopy' trees and exotic feature trees throughout the site. The proposed landscape, particularly within the front setback provides a landscape setting that compliments the established landscape character and the heritage dwelling located on the opposite side of Clydesdale Pl.

Screen planting proposed provides a variety of plant species able to attain heights of between 3 -4m beneath the canopies of small and large canopy trees, which in time as it matures, subject to ongoing maintenance will provide a landscape setting as per council's intentions as detailed within DCP55. Landscape Services can support the submitted landscape plan.

One weed species of tree fern has been proposed to be utilised on site, being Cyathea cooperi (Rough tree fern), it will be conditioned for this species to be replaced with another tree fern species that is not invasive to bushland.

The landscape plan has been revised to be consistent with the submitted architectural plans regarding the location of the proposed masonry front fence. Landscape Services raises no objections to the continuation of the existing masonry fence fronting the Pacific Hwy around the corner into Clydesdale Place.

Drainage plan

Landscape Services raises no objections to the Stormwater Management Concept Plan.

'Secret Park'

Planting adjacent to 'Secret Park' is compatible to Sydney Bluegum High Forest, and compliments council's future intention to plant out the park as a pocket of urban bushland. It is noted that the existing Cinnamomum camphora (Camphor laurels) located adjacent to the southern site corner are being retained. The species is identified as being a noxious weed, but as the planting has heritage significance their retention is preferred. As per council policy, it is required that direct access to the park from the development site be deleted. This will be conditioned.

The application can be supported by Landscape Services with conditions."

Refer **Conditions 60 – 71, 120 – 125, 141 – 143.**

Engineering

Item 3

Council's Engineering Assessment Team Leader, Kathy Hawken, has commented on the proposal as follows:

"Strata subdivision is not indicated on the application form.

The site is restricted by easements for water supply 3.0 and 3.5 metres wide at the rear of Lot 5.

The following documentation was used for the assessment:

*Statement of Environmental Effects, Metroplan SEE05-017C, dated December 2005;
Environmental Site Management Plan, futurespace, December 2005;
Report on Geotechnical Investigation, Jeffery and Katauskas 19902Vrpt, 29 November 2005;
BASIX Certificate 43489M;
Assessment of Traffic and Parking Implications, Transport and Traffic Planning Associates, 05229, December 2005;
Architectural plans, futurespace 050712 DA01 to DA13, all Issue C;
Stormwater management and environmental site management concept plans, AFCE 362418, 12/2005.
Rygate & Company survey plan 70285/D234/Rev. C, dated 4/05/2004.*

The application is supported subject to conditions.

Water management

The stormwater concept plan shows 34m³ of on site retention, (which the BASIX Certificate states is to be used for toilet flushing, clothes washing, irrigation and car washing), with an additional 48m³ of on site detention, in a shared tank under the driveway. Overflow from the tank is to be drained to the street gutter by gravity. This will be achieved by suspending the roofwater pipes under the ground floor slab.

A pump out system for driveway runoff and subsoil drainage will also be required.

Overall, the proposed system is satisfactory and complies with DCP 47 and the water commitments of the BASIX Certificate.

Traffic generation

The development is expected to generate some 23 vehicle trips per peak hour. Further development of numbers 3, 5 and 8 Clydesdale Place would approximately double this figure. This is not a significant traffic generation given that access is directly from Clydesdale Place to the Pacific Highway. Because there is no right turn from Clydesdale Place into the Highway, morning peak hour traffic would be turning north (left), with northbound traffic from Telegraph Road, opposite to the direction of peak hour flow, so delays would be less likely to occur.

Item 3

Vehicular access and parking

The site is further than 400 metres from Pymble Station, so 49 resident and 9 visitor spaces are required. These are provided over three levels of basement carparking. The carpark layout complies with AS2890.1:2004. Two stacked parking spaces are provided. This is satisfactory as it is expected they would each be allocated to a three bedroom unit.

Construction management

Clydesdale Place is a cul de sac some 60 metres long. There are no parking restrictions and it is not clear whether sufficient frontage is available for employee parking as well as deliveries where necessary. The site-specific Construction and Traffic Management Plan to be submitted prior to commencement of works is to include an estimate of the number of on-street parking spaces necessary and to nominate an alternative legal on-street location for employee parking. Routes for construction vehicles travelling south, or approaching the site from the north are also to be indicated.

Apart from actual major damage along the frontage of the site, wear and tear on the pavement network is intended to be compensated for by the Infrastructure Restorations Fee, adopted by Council in 1997 to replace the damage deposit system, and calculated on the value of the development.

Waste collection

The architectural plan for Level 3 shows a security shutter at the entry to the basement carpark. This will have to be deleted or relocated to allow access for the small waste collection vehicle as required under DCP 40. The recommended conditions require any door or gate which could obstruct the waste collection service to be deleted from the plans and not provided.

The entry drive is almost level which will allow satisfactory access for the small waste collection vehicle. There is sufficient room for the vehicle to turn within the carpark.

Geotechnical investigation

Two boreholes were drilled by auger methods to about 10 metres depth at locations close to the street frontage. Weathered shale was encountered at about 3 metres depth, and a deeply weathered profile was identified.

The report recommends additional boreholes following demolition of the residences, to provide further information on the strength and weathering of the underlying materials. Vibration monitoring may be required upon commencement of bulk excavation.

However, the site is well removed from other structures, with Pacific Highway and Clydesdale Place on two sides, Council's park to the south east and No. 8 Clydesdale Place to the south west. At the boundary with 8 Clydesdale Place the excavation is very shallow

Item 3

and the zone of influence is very unlikely to extend past the boundary. Accordingly, it appears that no dilapidation reporting of structures will be required.

At present Pacific Highway is supported by a retaining wall. Continuing support to the Highway road reserve will be necessary and the integrity of the existing wall and any works or monitoring required on the wall should be addressed in the additional report.

Temporary anchors may extend into the road reserve. Council's and/or RTA approval to the temporary anchors would be required, as outlined in the recommended conditions.

Refer to **Conditions 45 – 59, 97, 98, 102 – 109, 115 – 119.**

Heritage Advisor

The following is the consideration of Council's Heritage Advisor:

Existing buildings

Clydesdale Place was created after the heritage item "Colinrobie" now No 1202 Pacific Highway was subdivided into 8 lots in 1959. Houses on the new lots were built in the early 1960s.

No 2 Clydesdale Place is a modest "colonial" style house built by a local builder and its eastern side adjoins a cutting and 4m high brick retaining wall. It has no heritage significance and there is no objection to demolition provided archival recording to the appropriate level is undertaken before demolition.

No 4 Clydesdale Place is similar to No 2 is a modest "colonial" style house built by a local builder. It has no heritage significance and there is no objection to demolition provided archival recording to the appropriate level is undertaken before demolition.

No 6 Clydesdale Place is a "Sydney School" style project house built c1965 for a local dentist. It has no heritage significance and there is no objection to demolition provided archival recording to the appropriate level is undertaken before demolition.

UCA

The site is not included in a UCA however the opposite side of Pacific Highway and the railway line are included in UCAs. DCP 55 does not require assessment of Residential Flat Buildings "within the vicinity of a UCA.

Nearby heritage items

1202 Pacific Highway "Colinrobie"

Item 3

This is a substantial Federation period house and similar to “Grandview”, which is nearby was sited on Pymble Hill to take advantage of the spectacular views. The property was subdivided several times and it now sits on a much reduced site. The development site is directly opposite the item and is separated by the roadway.

1190 Pacific Highway

This is a relatively early timber house (c1880, late Victorian) and is close to the southern side of the development site but separated by a small Council reserve. It has been converted into two flats. The upper floor flat has good views to the west.

Pymble Water Reservoir

The Reservoir is a State item and is also included in Schedule 7 of the KPSO. There are two reservoirs and associated valve houses and pumping houses. It is covered by grass, similar to the reservoir at the corner of Lorne Avenue and Pacific Highway, Killara.

1186 - 1188 Pacific Highway, the former church and Presbytery is also nearby and is a local landmark. It was acquired by Council about 15 years ago and adapted as the Town Hall. It has views to the south and west.

There is a number of other heritage items in the vicinity, including houses on the other side of the railway line but they are further away and not visually connected to the site.

Proposed development

The proposed development is a contemporary flat building designed as one continuous building, but in two parts responding to the fall on the site. There is a considerable fall from Pacific Highway and the proposed building would read as 3 storeys in height when seen from Pacific Highway. The building is highly articulated, uses vertical and horizontal elements and the colours chosen are relatively dark and include deep greys and beiges. Several different textures and finishes are used and the building is defined with a base, middle and top.

Impact on “Colinrobie” 1202 Pacific Highway

Apart from the heritage item all of the land in Clydesdale Place was rezoned to 2d3 and residential flats are permissible. In this case, the heritage item is set on the highest point in the street and it maintains a visual presence from the Pacific Highway and from within Clydesdale Place. The ridge of the heritage item is 5.5m lower than the eastern half of the proposed flat building and the western half is about 1m below the ridge of the heritage item. It is considered to be a reasonable and acceptable scale relationship and in my opinion will not visually dominate “Colinrobie”.

The materials and colours chosen for the building are a mix of relatively neutral and dark tones and would be visually recessive. Given the objectives and controls in DCP 55 it is

Item 3

considered that the proposed building should not visually dominate or impact on the heritage item. Being a contemporary design its relationship with the heritage item is considered satisfactory.

The main living areas and bedrooms in the heritage item face west and enjoy considerable views over the existing houses to the west. At the ground floor level, there is a terrace/veranda overlooking the pool. There are very limited views to the south from the heritage item as existing trees and buildings effectively block the views. It is considered that the proposed building would have little impact on important views enjoyed from the heritage item to the west or to the heritage item from the public realm.

The subject site is separated from the heritage item by Clydesdale Place and given the requirements in DCP 55 its setback is acceptable.

There would be no overshadowing of the heritage item and its garden would be unaffected by this development.

Impact on 1190 Pacific Highway

This item is separated from the subject site by a small Council reserve, which is heavily treed. Only the roof of the heritage item is readily visible from Pacific Highway and although it is visible from Clydesdale Place it is not considered to be an important view.

The distance between the item and the proposed building at the closest point is about 32m, which is more than double the minimum setback requirement in DCP 55. The ridge of the item is about 6.3m below the roof of the proposed building and given the tree screening it is considered that the item would not be visually dominated by the proposed development. The heritage item is set down from Pacific Highway and the upper floor has very good views to the west. This development would not affect the important views.

Other nearby heritage items are further removed and it is unlikely this development would have any impact on them.

Conclusions and recommendations

Demolition of the existing houses is acceptable. To be consistent with recording requirements for other residential flat building developments and because there is large scale demolition as a result of the rezoning it is recommended to record the existing houses before work commences on the site.

Given the objectives and requirements in DCP 55 the proposed building is considered to have an acceptable impact on the nearby heritage items. The important views from Colinrobie and the timber house at 1190 Pacific Highway would not be affected by the proposed development. The views to the heritage items would not be adversely impacted by this proposed development. It is also considered that the proposed building would have a satisfactory scale relationship with the nearby heritage items."

Item 3

Condition 72 has been recommended to ensure an archival recording of the existing context of the various heritage items is recorded.

CONSULTATION – OUTSIDE COUNCIL

Sydney Water

As the property has a number of Sydney Water Easements traversing it, the DA was referred to Sydney Water. Sydney Water has no objections to the development and has not recommended any special conditions.

Rail Corp

Rail Corp has advised that it does not object to the development, subject to **Conditions 73 – 82**).

Rural Fire Service

The land is Bushfire Prone Vegetation Buffer and was referred to the Rural Fire Service pursuant to Section 79BA of the Environmental Planning and Assessment Act, 1979. The Service advised that it had no concerns or conditions to recommend in respect of the development.

STATUTORY PROVISIONS

State Environmental Planning Policy No 55 - Contaminated Lands

The provisions of SEPP55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and, as such, is unlikely to contain any contamination. Therefore, further investigation is not warranted in this case.

State Environmental Planning Policy No 65 - Design quality of residential flat development

SEPP 65 aims to improve the design quality of residential flat buildings across NSW and to provide an assessment framework and design code for assessing 'good design'.

A Design Verification Statement has been submitted by registered Architect Andrew Owens of Futurespace Pty Ltd, in accordance with the requirements of the Policy.

Part 2 sets out design principles against which design review panels and consent authorities may evaluate the merits of a design. This section is to be considered in addition to the comments of Council's *Urban Design Consultant* above. The proposal has been assessed against the heads of consideration specified in SEPP 65, as follows:

Principle 1: Context:

Item 3

The site is located approximately 500m from Pymble Railway Station and Town Centre and has been re-zoned for 2(d3) development, as have adjoining properties to the southwest in Clydesdale Place. There are a number of heritage items in the vicinity of the subject site.

The core objectives of LEP 194 and DCP 55 are to create new residential flat buildings within a landscaped setting. The topography and location of the site, with many mature trees, facilitates the realisation of this objective.

Principle 2: Scale:

The development meets the prescribed building envelope requirements of LEP194, including building height, deep soil landscaping, site coverage and setbacks. Its scale is considered acceptable.

Principle 3: Built form:

The sites to the north-east are zoned 2(c).

The front and side boundary setbacks are acceptable in terms of privacy and create sufficient space and deep soil areas to provide a landscaped setting for the building.

The proposed built form comprises one building of 50m length stepping down the site and responsive to the irregular L-shape of the site and its steep topography. The length and bulk of the building is reduced by pronounced horizontal and vertical articulation (stepping down the slope) and landscaping. The building length is considered satisfactory for this site.

Principle 4: Density:

The FSR of 1.22:1 complies with the control in DCP 55 (1.3:1) and is consistent with the envisaged future character and density of the area.

Principle 5: Resource, energy and water efficiency:

Greater than 70% of the apartments achieve 3 hours sunlight to living areas (74%). Greater than 65% of apartments have natural cross ventilation (25 of 34) and dual aspect. The lift lobby is naturally lit and ventilated on each floor. Water retention and detention tanks are provided.

Principle 6: Landscape:

The proposal provides for 54.8% of the site being a deep soil zone and complies with the prescribed standard of 50% in LEP 194.

The proposed landscaping is consistent with the desired future character of the area, maintaining existing large canopy trees at the site perimeters which will soften the building and enhance the streetscape.

Item 3

Principle 7: Amenity:

The proposed units will have good solar access and visual and acoustic privacy. Terraces and balconies are reasonably functional in terms of proximity to living areas. Although variably sized, ranging from 10m² to 101m² depending on the size of the units, all are of adequate size and functional. Each individual unit has its own entry lobby and secure internal access to the basement car park by lift or stairs.

The communal open space is located at the south-western corner of the site.

Principle 8: Safety and security:

Good design optimises safety and security, both internally and externally by maximising overlooking to public areas and allowing passive surveillance.

The development addresses the street and provides pedestrian connection and reasonable passive surveillance. The development is acceptable with respect to Principle 8.

Principle 9: Social dimensions:

Development should respond to lifestyles, affordability and local community needs, providing a mixture of housing choices.

The proposal provides housing for a mixture of income levels, family structures and accessibility levels and is generally consistent with both SEPP 65 and DCP 55 in this regard.

Principle 10: Aesthetics:

The building is well-articulated and will make an acceptable contribution to the Pacific Highway streetscape.

External materials comprise a combination of stone, glass, timber and steel, which are considered acceptable architectural media, creating a modern development in natural and recessive colour tones.

Residential Flat Building Code

The considerations contained in the Residential Flat Design Code are as follows:

- **Relationship of development to local context**

The development is comprised of a single but well-articulated building of length 50m.

The development has been designed to respond to the irregular shape of the development site and its steep topography and to retain significant trees around the site's perimeter.

Item 3

The development is proposed over 3 existing allotments and will require consolidation. Council's Development Engineer has recommended a suitable condition. Refer **Condition No 102**.

The height, building depths, separations, setbacks and landscaping are considered satisfactory and assessed in more detail under DCP55 assessment of this report.

- **Site analysis**

A satisfactory site analysis was submitted, outlining the attributes of the development in regard to design layout, landscape response, access and parking and overall building performance in respect of energy sustainability. These requirements have been supported by specialist reports addressing impacts of the proposed development on the subject site and surrounding locality.

In terms of site configuration, the proposal provides adequate areas for private and common open space and deep soil landscaping.

The orientation of the development ensures adequate solar access to its habitable areas and private open spaces.

- **Building design**

The proposed development, comprises one rectangular building with two central cores. The development is satisfactory in terms of its internal layout, natural ventilation and solar access.

A compliant 73.5% (25 of 34) of the apartments receive a minimum of 3 hours solar access during the winter solstice, with 100% of the common open space receiving at least 3 hours solar access during this period. A BASIX Certificate has been provided for the development.

70% of the apartments (24 of 34) are visitable and adaptable.

All other relevant matters under "Building Design" have been assessed elsewhere in the report and are satisfactory.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism.

The development has the potential to impact on water quality and volumes to the catchment. Appropriate conditions are recommended in relation to stormwater management to ensure limited impact upon water courses.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Item 3

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	3198m ²	YES
Deep landscaping (min): 50%	50.05%	YES
Street frontage (min): 30m	59.4m	YES
Site coverage (max): 35%	35%	YES
Top floor area (max): 60% of level below	58.4%	YES
Storeys and ceiling height (max): 5 storeys and 13.4m, subject to Clause 25K which allows 25% to have an extra storey and be above the 13.4m height limit if the site has a slope of greater than 15% (thereby permitting 6 storeys and maximum height 16.4m)	5 storeys and 6 th storey occupying 25% of building footprint (site slope is 1 in 6 or 16.24%) Maximum height is 15.7m	YES YES
Car parking spaces (min): <ul style="list-style-type: none"> 9 (visitors) 49 (residents) 58 total 	9 visitor spaces 49 resident spaces 58 total	YES YES YES
Manageable housing (min): 10% or 4 units	4 units – 11.7%	YES
Lift access: required if greater than three storeys	Provided. All lifts service all floors including basement levels.	YES

Residential zone objectives and impact on heritage:

The development generally satisfies the objectives for residential zones as prescribed in clause 25D of the KPSO.

POLICY PROVISIONS

Development Control Plan No 55 - Railway/Pacific Highway Corridor & St Ives Centre

COMPLIANCE TABLE		
Development control	Proposed	Complies
Part 4.1 Landscape design:		
Deep soil landscaping (min)		

Item 3

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Concentrated area of 150m² per 1000m² of site area = 480m² 	Two contiguous areas of 300 m ² (rear southern boundary) and 440 m ² (area behind Council's land at 1192 Pacific Highway) Total = 740 m ²	YES
No. of tall trees required (min): 11	46 (9 existing canopy to be retained, and 37 new canopy trees to be planted)	YES
Part 4.2 Density:		
Building footprint (max):		
<ul style="list-style-type: none"> 35% of total site area 	35%	YES
Floor space ratio (max):		
<ul style="list-style-type: none"> 1.3:1 	1.22:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		
<ul style="list-style-type: none"> 10-12 metres (<40% of the zone occupied by building footprint) 	The building is setback 10-12m to northeastern boundary (Pacific Highway) and 10-12m to northwestern boundary (Clydesdale Place) There is a 50% intrusion of the building into the setback zone facing the Pacific Highway. There is a 25% intrusion of the building into the setback zone facing Clydesdale Place.	YES NO YES
Rear boundary setback (min):		
<ul style="list-style-type: none"> 6m 10m separation to a heritage item 15m for 3 and 4 storey to a heritage item 	Building achieves 6m on all internal boundaries. Building separation to No. 1202 Pacific Highway (Colinrobie) is 26-35m. Building separation to No. 1202 Pacific Highway (Colinrobie) is 26-35m.	YES YES YES
Side boundary setback (min):		
<ul style="list-style-type: none"> Ground floor private terraces/courtyards setback 8m from front boundary 	Private terraces facing the Pacific Highway - 6-7m . Private terraces facing Clydesdale Avenue are set back 8m	NO YES

Item 3

COMPLIANCE TABLE		
Development control	Proposed	Complies
% of total area of front setback occupied by private courtyards (max):	Terraces facing Pacific Highway occupy 179m ² or 36%	NO
• 15%	Terraces facing Clydesdale Avenue occupy 49m ² or 8%	YES
Part 4.4 Built form and articulation:		
Façade articulation:		
• Wall plane depth >600mm	Facades to the public domain are articulated	YES
• Wall plane area <81m ²	<81m ²	YES
Built form:		
• Building width < 36m	50m	NO
• Balcony projection < 1.2m	1.8m (maximum)	NO
Part 4.5 Residential amenity		
Solar access:		
• >70% of units receive 3+ hours direct sunlight in winter solstice	70%	YES
• >50% of the principle common open space of the development receives 3+ hours direct sunlight in the winter solstice	The communal space (south-eastern corner) will receive the 3 hours + of sunlight.	YES
• <15% of the total units are single aspect with a western orientation	9%	YES
Part 4.5.5 Outdoor living		
Easy access to common open space for all residents and visitors	Communal space is accessible (access provided as part of amendments submitted 11 May 2006).	YES
Visual privacy:		
Separation b/w windows and balconies of a building and any neighbouring building on site or adjoining site:	No residences adjoin the subject site, except for No. 1190A Pacific Highway, which is well-separated from the main part of the site by the “foot” of the dogleg, ie, the communal open space area.	YES

Item 3

COMPLIANCE TABLE		
Development control	Proposed	Complies
Storeys 1 to 4		
• 12m b/w habitable rooms	9m to No. 8 Clydesdale	NO
• 9m b/w habitable and non-habitable rooms	9m to No. 8 Clydesdale	YES
5 th Storey		
• 18m b/w habitable rooms	10.5m to No. 8 Clydesdale	NO
• 13m b/w habitable and non-habitable rooms	10.5m to No. 8 Clydesdale	NO
Internal amenity:		
• Habitable rooms have a minimum floor to ceiling height of 2.7m	2.7m	YES
• Non-habitable rooms have a minimum floor to ceiling height of 2.4m	2.4m	YES
• 1-2 bedroom units have a minimum plan dimension of 3m in all bedroom	>3m	YES
• 3+ bedroom units have a minimum plan dimension of 3m in at least two bedrooms	>3m	YES
• Single corridors: - serve a maximum of 8 units - >1.5m wide - >1.8m wide at lift lobbies	Common corridors serve a maximum of 3-5 apartments. Corridors are 1.8m wide. Corridors are 1.8m wide.	YES YES YES
• Ground floor apartments have a terrace or private courtyard greater than 25m ² in area	All ground level units provided with lawn or a combination of terrace and lawn with a total area of greater than 25m ²	YES

Item 3

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Balcony sizes: <ul style="list-style-type: none"> - 10m² - 1 bedroom unit - 12m² - 2 bedroom unit - 15m² - 3 bedroom unit 	Min 1 BR = 10m ² Min 2 BR = 10m ² Min 3 BR = 15m ²	YES YES YES
<ul style="list-style-type: none"> primary outdoor space has a minimum dimension of 2.4m 	Units comprise a minimum of one main (10m ²) balcony of minimum dimensions 2.4m	YES
Part 4.7 Social dimensions:		
Visitable units (min):		
<ul style="list-style-type: none"> 70% 	70%	YES
Housing mix:		
<ul style="list-style-type: none"> Mix of sizes and types 	Mix of 1, 2 & 3 bedroom units	YES
Part 4.8 Resource, energy and water efficiency:		
Energy efficiency:		
<ul style="list-style-type: none"> >65% of units are to have natural cross ventilation 	74%	YES
<ul style="list-style-type: none"> 25% of kitchens are to have an external wall for natural ventilation and light 	15 kitchens (44%) have external walls	YES
<ul style="list-style-type: none"> BASIX requirements 	BASIX Certificate provided	YES

Part 4.3 Setbacks:

The building is set back 10-12m from the north-eastern boundary (Pacific Highway) and 10-12m from the north-western boundary (Clydesdale Place). There is a 50% intrusion of the building into the setback zone facing the Pacific Highway where DCP 55 sets a maximum of 40%.

The stepped building configuration provides for a variety of front, side and rear setbacks in order to achieve good articulation and interest to the streetscape, with adequate area for landscaping such that the variation is considered of minor consequence.

Part 4.4 Built form and articulation:

Item 3

The building has a length of 50m which exceeds the DCP requirement by 14m. However, the building is strongly articulated and steps down the site. This breaks down the building mass into a series of building components, softening its visual impact, as viewed from Pacific Highway and Clydesdale Place. A single building allows more landscaped space in the curtilage than would be the case if two separate buildings were provided. Maximising opportunities for landscaping around the building helps to soften the impact of the building from all perspectives, including Pacific Highway, adjoining heritage items, railway corridor and community uses to the east.

Mid-building balconies of Units 5.07, 6.06, 7.04 and 8.02, facing the Pacific Highway, project from the main building wall by 1.8m, ie. 600mm more than the control maximum projection of 1.2m. As these balconies face a wide road reserve, the impact of this increased projection is considered negligible and acceptable.

Part 4.5.5 Outdoor living

DCP 55 states that the primary function of outdoor living spaces is to provide a high level of amenity for the occupants, with access to fresh air and daylight/sunlight, visual privacy and opportunities to recreate and socialise. Private and common outdoor living spaces are to be provided for all occupants. This has been achieved.

There is non-compliance in terms of separation distances to the existing dwelling at No. 8 Clydesdale Place (ie 9m for storeys 1-4 and 10.5m to the fifth storey). However, No. 8 Clydesdale Place is included in a similar residential flat development (DA301/06). The 12m required separation distance to habitable rooms can be achieved when both developments are constructed, providing each development complies with the 6m side setback control. This application complies.

Part 4.6 Safety and security

DCP55 requires quality building design in new developments to ensure both a truly safe human environment and to enforce the perception that an area is safe.

The DCP requires that common open spaces, including the location and design of facilities within these areas, be designed so as not to create concealment or entrapment areas.

In the event that Council wishes to develop the adjoining property No. 1192 as a park, then it is recommended that a see through-fence be required of the developer along the boundary with the park to increase surveillance. Refer **Condition 154**.

A number of south-facing balconies will allow for some surveillance of the park, and this is considered highly desirable.

Part 4.8 Resource, energy and water efficiency

The DCP requires that a common outdoor area shall be provided so that residents have the option for external clothes drying. The area must be well-screened from the street and ground level neighbours. This requirement has been addressed by **Condition 101**.

Item 3

Part 6 Consideration of isolated sites

There are two properties identified as potentially isolated by the proposed development.

- (i) Council-owned land at No. 1192 Pacific Highway, immediately to the east of the subject site;
- (ii) No. 1190A Pacific Highway being the battle-axe property at the rear of the heritage item on No. 1190 Pacific Highway.

No. 1190A Pacific Highway

This property is constrained in its further development to an extent, by the proposed development but there is still opportunity to consolidate with or to negotiate improved access through No. 8 Clydesdale Place as a pre-requisite to its redevelopment in line with its 2D3 zoning.

No. 8 Clydesdale is subject to DA301/06, for residential flats, together with Nos. 3 and 5 Clydesdale. This is a relatively new DA and expected to be reported to Council in August 2006. As such, and because the isolating effects of the current proposal are only partial, with opportunities still remaining under the later development proposal via DA301/06, it was considered unnecessary to burden the present DA with the issue of the isolation of this site, as well as, the isolation of No. 1192 Pacific Highway.

No. 1192 Pacific Highway

This land is owned by Council and zoned 2D3 but it is classified as Community Land. It has no vehicular access from the Pacific Highway but can be accessed on foot by a series of 12 steps from an existing concrete platform on concrete piers which extends from Council's nature strip adjacent to the Pacific Highway. The property has an area of 850m², a width of over 20m and contains a number of large trees, including Sydney Blue Gums.

The property is unfenced on its southern boundary to No. 1190 Pacific Highway.

Planning concerns are expressed about the suitability of the area as a future park in terms of access, security, overshadowing, maintenance and streetscape issues associated with the concrete platform structure and presentation from the public domain. Comments from Council's Open Space Section are as follows:

"As a developed park the site is currently of limited value. Access to the site is poor and its position relative to Pacific Highway provides poor amenity. There is currently very little casual surveillance possible of the site. It is of insufficient size to be realistically targeted for further development to increase its appeal. The site does offer some value as a part of a biolink or vegetation corridor connecting vegetation east and west of Pacific Highway. Some regeneration of locally occurring species is evident and weed management is being undertaken on the property."

Item 3

Higher concentration of development in the area directly around the park may lead to an increase in the value of the site for parkland as little other opportunities exist within the immediate area. Sale of the land consistent with its zoning is not proposed or recommended unless it could be incorporated into a larger site, existing vegetation on the property protected and any realised funds being utilised to purchase more appropriate land for open space within the immediate catchment.

Future plans for the park involve ongoing regeneration of locally occurring species and increasing visibility and access into the land. Notwithstanding its poor amenity some low scale development of the park in the future may include a path and seating should there be demand from residents of adjoining or nearby development, particularly should there be interest in volunteer activities on the site such as Parkcare."

The applicant, being required to do so under Part 6 of DCP55, has lodged documentation outlining his attempts to purchase the land from Council so as to consolidate and regularise the development parcel. This documentation is provided at **Attachment 11**.

No.1190A Pacific Highway

This site is a battleaxe allotment, located at the rear of the heritage listed house at No. 1190 Pacific Highway and accessed via a steep access handle from the Pacific Highway. The site accommodates a modest part single/part two storey dwelling house. The site has an area of 1142m² and a width of 23m.

The site is located a further 2-3m below the level of the rear of existing No. 6 Clydesdale Place, in the location of the rear communal space proposed in the subject development application. Even though it shares a common boundary of approximately 7m, the land could not reasonably be developed in conjunction with the subject development unless all of the properties which front onto Clydesdale Place (ie Nos. 2, 4, 6, 3, 5 and 8) were developed as a single parcel in a combined development application. This is clearly not what is occurring as there are two separate DAs.

The subject site has two reasonable options for development:

- (i) As part of the residential flat development of Nos. 3, 5 and 8 Clydesdale Place. The applicant for DA 301/06 has been requested to prepare an Isolated Site Report pursuant to Part 6 Control C2 of DCP55. This will involve preparing a concept plan of how the site could be independently developed. Presumably the separation of No. 1190A to the development site for DA310/06 (Nos. 3, 5 and 8 Clydesdale Place) by major Sydney Water easements, will be dealt with in this report and considered by Council when this DA is reported to Council.
- (ii) There is potential for the site to be developed in accordance with Council land at the rear of the Ku-ring-gai Town Hall. At the moment this land provides parking for the Town Hall facility. It has potential to be redeveloped for higher density residential apartments, in which case, consolidation with No. 1190A would be highly desirable, providing additional

Item 3

land area. This option would need further investigation as part of the masterplan process and town centre improvements intended for the Pymble Town Centre.

Development Control Plan 31 - Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan 40 - Construction and Demolition Waste Management

Matters for assessment under DCP 40 have been taken into account in the assessment of this application against DCP 55.

Development Control Plan No 43 - Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application against DCP 55, and the proposal is satisfactory in this regard.

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account in the assessment of this application against DCP 55 by Councils Engineering Assessment Team Leader, who raises no objection to the proposal, subject to conditions.

Section 94 Plan

The development attracts a section 94 contribution of \$561,211 which is required to be paid by **Condition No 112.**

This figure is calculated on the following basis, utilising the Ku-ring-gai Section 94 Contributions Plan 2004-2009 Residential Development as of 30 June 2004:

6 x small dwellings (< 75m ²) at \$11,796.40	\$70,778.40
12 x medium dwellings (75-110m ²) at \$16,533.54	\$198,402.48
15 x large dwellings (110m ² - 150m ²) at \$23,778.57	\$356,678.55
1 x very large dwellings (>150m ²) at \$32,324	\$32,324.00
	Total \$658,183.43
Less 3 x very large dwellings (150m ²) at \$32,324.00	\$96.972
	Total \$561,211.43

Likely impacts

All likely impacts of the proposal have been assessed elsewhere in this report.

Suitability of the site

Item 3

The site is suitable for the proposed development.

Any submissions

All submissions received have been considered in the assessment of this application.

Public interest

The approval of the application is considered to be in the in the public interest.

Any other relevant matters/considerations not already addressed

There are no other matters for consideration.

CONCLUSION

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

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 1428/05 for the demolition of three (3) dwellings and associated structures, and the construction of a residential flat building, comprising thirty four (34) units and basement parking, for a period of two (2) years from the date of the Notice of determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1428/05 and Development Application plans prepared by Future space, reference number DA01 to DA13, dated 25 November 2005 and lodged with Council on 19 December 2005 excepting DA02, 03, 04 and 05, Revision D, which are dated 16 May 2006 (these revisions provide disability access to the communal open space area) and which were lodged with Council on 16 May 2006.
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.

Item 3

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.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. To maintain existing ground levels all excavated material shall be removed from the site.
13. 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.

Item 3

14. 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.
15. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
16. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
17. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
18. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
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

Item 3

- 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.

- 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. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Occupation Certificate.
- 22. If the work involved in the erection or demolition of a building:
 - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

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

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

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

- 23. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
- 24. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room

Item 3

in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.

25. The fence and footings shall be constructed entirely within the boundaries of the property.
26. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
27. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
28. 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.
29. 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.

30. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
31. 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 3

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.

32. 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.
33. 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.
34. 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.
35. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
36. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
37. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
38. Fire hoses are to be maintained on site during the course of demolition.
39. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
40. A traffic management plan shall be submitted to and approved by the Principal Certifying Authority, where major demolitions are likely to impact on arterial or main roads.
41. 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.
42. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
43. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

Item 3

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
44. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 45. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
 46. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
 47. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
 48. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanized grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.
 49. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
 50. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final

Item 3

drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

51. A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.
52. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
53. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
54. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
55. Driveways and vehicular 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 the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".

Item 3

56. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to 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.

57. In order to allow unrestricted access at all times for Ku-ring-gai Council waste collection vehicles into the basement garbage collection area - no doors, grilles, gates or other devices are to be provided in the access driveways to the basement carpark preventing this service.

58. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

must be undertaken in accordance with the recommendations of the report 19902Vrpt by Jeffery and Katauskas and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

59. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:

- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
- Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
- Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

60. Removal, or pruning of the following trees, is not approved as part of this Development Application:

Tree/ Location	Radius From Trunk
#1 <i>Podocarpus elatus</i> (Brown Pine)	3.0m
Adjacent to north-east site corner	

Item 3

#9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#10 <i>Callistemon salignus</i> (Bottlebrush) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#12 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	5.0m
#14 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-east site boundary	4.0m
#15 <i>Acmena smithii</i> (Lillypilly) Adjacent to south-east site boundary	4.0m
#16 <i>Washingtonia filifera</i> (Californian Fan Palm) Adjacent to north-west site boundary	2.0m
#24 <i>Cornus florida</i> (Dogwood) Adjacent to western site corner	3.0m
#25 <i>Magnolia x soulangeana</i> (Soul's Magnolia) Adjacent to western site corner	2.0m
#26 <i>Pyrus ussuriensis</i> (Manchurian Pear) Adjacent to south-west site boundary in neighbouring property	4.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	5.0m
#28 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	2.5m on eastern side 5.0m elsewhere
A. <i>Washingtonia robusta</i> (Mexican Fan Palm) Adjacent to south-west site boundary	3.0m
B. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m
C. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m
G. <i>Callistemon viminalis</i> (Bottlebrush) Pacific Hwy nature strip	3.0m
H. <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Pacific Hwy nature strip	3.0m
I. <i>Callistemon viminalis</i> (Bottlebrush) Pacific Hwy nature strip	3.0m

Item 3

61. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:

Tree/Location	Tree Works
#s 2-8 <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to the north-east/Pacific Hwy site boundary	Removal
#17 <i>Arecastrum romanzoffianum</i> (Cocco's Palm) Adjacent to north-west/Clydesdale Pl site boundary	Removal
#18 <i>Chamaecyparis obtusa</i> 'Crisp' (False Hinoki Cypress) Adjacent to north-west/Clydesdale Pl site boundary	Removal
#19 <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Adjacent to north-west/Clydesdale Pl nature strip	Removal
#20 <i>Chamaecyparis obtusa</i> 'Crisp' (False Hinoki Cypress) Adjacent to north-west/Clydesdale Pl site boundary	Removal
#21 <i>Jacaranda mimosifolia</i> (Jacaranda) Adjacent to north-west/Clydesdale Pl site boundary	Removal
#22 <i>Chamaecyparis obtusa</i> 'Crisp' (False Hinoki Cypress) Adjacent to north-west/Clydesdale Pl site boundary	Removal
#23 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to north-east site corner	Removal
#29 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	Removal
#30 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	Removal
#31 <i>Populus nigra</i> 'Italica' (Lombardy Poplar) Adjacent to rear north-east site corner	Removal
#32 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to rear north-east site corner	Removal
#33 <i>Arecastrum romanzoffianum</i> (Cocco's Palm) Adjacent to north-west/Clydesdale Pl site frontage	Removal
#34 <i>Arecastrum romanzoffianum</i> (Cocco's Palm) Adjacent to north-west/Clydesdale Pl site frontage	Removal
#35 <i>Pistacia chinensis</i> (Chinese Pistachio) Adjacent to north-west/Clydesdale Pl site boundary	Removal

62. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the Arborist to the Principal Certifying Authority are required at the following times or phases of work.

Tree/location	Time of inspection
---------------	--------------------

Item 3

All existing trees located on site being retained	Prior to demolition At the completion of demolition Prior to excavation works At the completion of excavation works Prior to the start of construction works At monthly intervals during construction At the completion of construction works At the completion of all works on site
---	---

63. Landscape works shall be carried out in accordance with Landscape Drawing No 72.05/181 "A" prepared by Ian Jackson Landscape Architects and dated March 2006 submitted with the Development Application, except as amended by the following:

- The proposed gate and stepping stone path leading to the south east site boundary and to the adjoining park is to be deleted, the fence continued and the area planted as soft landscape.
- The proposed planting of *Cyathea cooperi* (Rough Tree Fern) is to be deleted and replaced with *Cyathea australis* (Tree Fern).

64. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate

65. No tree roots of 30mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
#1 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to north-east site corner	3.0m
#9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#10 <i>Callistemon salignus</i> (Bottlebrush) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#12 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	5.0m
#14 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-east site boundary	4.0m
#15 <i>Acmena smithii</i> (Lillypilly) Adjacent to south-east site boundary	4.0m
#16 <i>Washingtonia filifera</i> (Californian Fan Palm) Adjacent to north-west site boundary	2.0m

Item 3

#24 <i>Cornus florida</i> (Dogwood) Adjacent to western site corner	3.0m
#25 <i>Magnolia x soulangeana</i> (Soul's Magnolia) Adjacent to western site corner	2.0m
#26 <i>Pyrus ussuriensis</i> (Manchurian Pear) Adjacent to south-west site boundary in neighbouring property	4.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	5.0m
#28 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	2.5m on eastern side 5.0m elsewhere
A. <i>Washingtonia robusta</i> (Mexican Fan Palm) Adjacent to south-west site boundary	3.0m
B. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m
C. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m
G. <i>Callistemon viminalis</i> (Bottlebrush) Pacific Hwy nature strip	3.0m
H. <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Pacific Hwy nature strip	3.0m
I. <i>Callistemon viminalis</i> (Bottlebrush) Pacific Hwy nature strip	3.0m

66. No mechanical excavation for the approved residential flat building shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
#28 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	6.0m

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

Tree/Location	Radius From Trunk
#1 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to north-east site corner	3.0m
#9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#10 <i>Callistemon salignus</i> (Bottlebrush) Adjacent to north-east/Pacific Hwy site boundary	4.0m

Item 3

#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#12 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	5.0m
#14 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-east site boundary	4.0m
#15 <i>Acmena smithii</i> (Lillypilly) Adjacent to south-east site boundary	4.0m
#16 <i>Washingtonia filifera</i> (Californian Fan Palm) Adjacent to north-west site boundary	2.0m
#24 <i>Cornus florida</i> (Dogwood) Adjacent to western site corner	3.0m
#25 <i>Magnolia x soulangeana</i> (Soul's Magnolia) Adjacent to western site corner	2.0m
#26 <i>Pyrus ussuriensis</i> (Manchurian Pear) Adjacent to south-west site boundary in neighbouring property	4.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	5.0m
#28 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	2.5m on eastern side 5.0m elsewhere
A. <i>Washingtonia robusta</i> (Mexican Fan Palm) Adjacent to south-west site boundary	3.0m
B. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m
C. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m
G. <i>Callistemon viminalis</i> (Bottlebrush) Pacific Hwy nature strip	3.0m
H. <i>Melaleuca quinquenervia</i> (Broad leaf paperbark) Pacific Hwy nature strip	3.0m
I. <i>Callistemon viminalis</i> (Bottlebrush) Pacific Hwy nature strip	3.0m

68. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
69. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Clydesdale Pl as an evenly spaced avenue planting. The tree/s used shall be a minimum 25 litre container size specimen/s trees:

Item 3

Tree Species	Quantity
<i>Nyssa sylvatica</i> (Tupelo)	7

70. 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.
71. The canopy replenishment 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.
72. A report is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants or other suitably qualified person who has knowledge and experience in preparing archival recording documents.

The report is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives.

All photographs to be to be mounted, labelled and cross-referenced to the relevant site plan and floor plans and showing position of camera. Photographs of the following:

- Each elevation and selected interiors.
- All structures on site such as sheds, outhouses and significant landscape features
- Several photographs of house from public streets or laneways including several views showing relationship to neighbouring buildings.

Minimum requirements:

- Title page
- Statement of reasons the recording was made
- Site plan showing all structures and site elements
- Sketch of the floor plan showing the location of the camera for each photograph.
- Black and white archival quality photographs, contact prints with negatives and selected prints (one copy of negatives other copies with contact sheets and selected prints)

Digital images and CDs may be submitted as supplementary information.

Rail Corp

73. The applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

Item 3

74. The applicant shall request service searches from RailCorp to establish the existence and location of any RailCorp services and structures. Where RailCorp Services are identified the applicant must discuss and agree with RailCorp how these services are to be accommodated in the development.
75. The applicant is to procure a report on the electrolysis risk to the development from stray currents, and the measures that will be taken to control the risk. The applicant is advised to consult an electrolysis expert. The expert's report must be submitted to RailCorp for review by the Senior Electrolysis Engineer or nominated Electrolysis Section personnel.
76. The applicant shall provide a geotechnical engineering report to RailCorp for review by RailCorp's geotechnical section prior to the commencement of works. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by RailCorp. The report shall include the potential impact of demolition and excavation, and demolition and excavation induced vibration in rail facilities, and loadings imposed on RailCorp Facilities by the development.
77. During all stages of the development environmental legislation and regulations will be complied with.
78. During all stages of the development extreme care shall be taken to prevent environmental harm within railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the applicant.
79. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the sole responsibility of the applicant.
80. Given the sites location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
81. During excavation the applicant is to observe extreme care to prevent water from collecting on or near RailCorp infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were the case, the applicant/contractor would be liable for the RailCorp expenditure involved with restoring or maintaining alternative services.
82. The current fencing separating this development from the rail corridor is to be replaced with a 2 metres high fence at the developers cost. Details of the type of fencing and the method of erection are to be submitted to RailCorp for review and comment prior to the fencing work being undertaken. RailCorp will provide supervision for the erection of the new fencing.
83. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.

Item 3

84. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
85. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
86. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
87. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
88. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
89. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
90. To prevent pollution, any areas cleared of vegetation where there is a flowpath greater than 12.0 metres in length shall have a properly constructed silt fence erected to intercept runoff.
91. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
92. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed 14 days stock-piles are to be sprayed with an appropriate emulsion solution or seeded to minimise particle movement.
93. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application. In particular, please note that full disabled access shall be provided to all communal areas of the development.
94. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.

Item 3

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

95. 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.

96. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
97. 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.
98. 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.

Item 3

- 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.
99. To aid cross ventilation, windows are to be provided in Bedroom 1 of Units 4.08, 5.08, 6.07 and 7.05.
100. A suitable screening device shall be provided to the balcony of Unit 5.04 to improve privacy between Units 5.04 and 5.03.
101. A screened outdoor drying area shall be provided in the south eastern corner of the site. This will require the deletion of the outdoor terrace area of Unit 4.07.
102. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
103. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

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 Development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways *inside* the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels. The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

104. Prior to the issue of the Construction Certificate, a longitudinal driveway section is to be prepared by a qualified civil/traffic engineer and be submitted for approval by the Principal

Item 3

Certifying Authority. The profile is to be at 1:100 scale along the lower edge of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- Vehicular access can be obtained using grades of 20% (1 in 5) maximum (to allow the laden garbage collection vehicle to exit the site), and
- All changes in grade (transitions) comply with clause 2.5.3 of Australian Standard 2890.1 (2004) –“Off-street car parking” to prevent the scraping of the underside of vehicles, particularly along the inside radius for curved driveways.

If a new driveway crossing is proposed then the longitudinal sections at the boundary alignment **must incorporate the driveway crossing levels as issued by Council** upon prior application.

105. Prior to issue of the Construction Certificate the Applicant must submit, for approval by the Principal Certifying Authority, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements clearly dimensioned. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- a) All parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply in full with Australian Standard 2890.1 – 2004 “Off-street car parking”.
- b) A clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement.
- c) No doors or gates are provided in the access driveways to the basement carpark which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area.

The vehicle access and accommodation arrangements are to be constructed in accordance with the certified plans.

106. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document “*Managing Urban Stormwater - Soils and Construction, Volume 1*” (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
107. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

Item 3

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments.
- Details of the required **on-site detention** tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).
- Details of water quality measures as required by DCP 47 Chapter 8.
- The required basement stormwater pump-out system to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design).

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based on the Stormwater concept plan by AFCE Environment + Building submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

108. Prior to issue of the Construction Certificate the Applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate. Any structures or other requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.
109. Prior to issue of the Construction Certificate the applicant must make contact with all relevant utility providers whose services will be impacted upon by the approved development. A written copy of the requirements of each provider, as determined necessary by the Principal Certifying Authority, must be obtained. All utility services or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage must be provided by the developer in accordance with the specifications of those supply authorities.

Item 3

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

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have 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.

111. A CASH BOND/BANK GUARANTEE of \$6 000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location	Bond Value
#9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-east/Pacific Hwy site boundary	\$1,000.00
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	\$1,000.00
#12 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	\$1,000.00
#14 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south-east site boundary	\$2,000.00
#15 <i>Acmena smithii</i> (Lillypilly) Adjacent to south-east site boundary	\$1,000.00

112. 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 33 ADDITIONAL DWELLINGS IS CURRENTLY \$561,211. The amount of the payment shall be in

Item 3

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 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Pymble	\$6,574.28
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 – under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

113. So as to minimise glare, the roof is to be of subdued colour which is compatible with the surrounding environment. A schedule of external finishes is to be submitted to and approved by the Council prior to the commencement of work.
114. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
115. Following demolition of the residences, but prior to commencement of bulk excavation, additional geotechnical investigation is to be carried out as recommended in the report by Jeffery and Katauskas, 19902Vrpt. The report of this investigation is to include recommendations for vibration monitoring, dilapidation survey and/ or remedial works required on the retaining wall to maintain support to the Pacific Highway road reserve, and recommendations for dilapidation survey of any other structures. The report is to be submitted for the approval of the Principal Certifying Authority (PCA) or Council if no PCA has been appointed.
116. Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

Item 3

1. **A plan view of the entire site and frontage roadways indicating:**
 - Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - The locations of proposed Work Zones in the frontage roadways,
 - Location of any proposed crane standing areas
 - A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
 - Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - The provision of an on-site parking area for employees, tradesperson and construction vehicles as far as possible and if not possible, an estimate of the number of on- street parking spaces necessary and an alternative legal on-street location for employee parking.
2. **Traffic Control Plans for the project**
 - All traffic control plans are to be prepared by a person accredited to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
 - Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
3. **A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided. Routes for construction vehicles travelling south, or approaching the site from the north are to be indicated.**
 - Light traffic roads and those subject to a load or height limit must be avoided at all times.
 - A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.
In addition, the plan must address:
 - Evidence of RTA concurrence where construction access is provided directly or within 20m of an Arterial Rd.
 - A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
 - Minimising construction related traffic movements during school peak periods.

The *Construction and Traffic Management Plan* shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The

Item 3

construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.

To maintain access in Clydesdale Place and Reservoir Lane, the applicant is to install "No Parking" signs along both sides of Clydesdale Place (including turning circle) and on the western side of Reservoir Lane (from Pacific Highway up to the northern Boundary of No. 11 Reservoir Road) which would be effective for the approved hours of construction. The signs are to be considered by the Ku-ring-gai Traffic Committee and approved by Council (subject to resident concurrence), and installed prior to the commencement of any work on the site. The applicant shall pay for the consideration of the matter by the Ku-ring-gai Traffic Committee, as well as for the installation, maintenance, and removal of the signs following completion of the work and the occupation certificate being issued. If construction activities overlap with another medium density development in Clydesdale Place, the maintenance and subsequent removal of the signs would be carried over to the other developer.

117. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.
118. Prior to the commencement of any works on site the applicant shall submit to Ku-ring-gai Council a full dilapidation report on the visible and structural condition (**including a photographic record**) of the following public infrastructure:
 - a) Full road pavement width, including kerb and gutter, of Pacific Highway northbound and Clydesdale Place over the site frontage, including the intersection.
 - b) All driveway crossings and laybacks opposite the subject site.

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both via photo and in written format) *existing* damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

Item 3

119. If the use of temporary rock anchors extending into the road reserve is proposed, then approval must be obtained from Council and/or the Roads and Traffic Authority in accordance with Section 138 of the Roads Act 1993. The Applicant is to submit details of all the work that is to be considered, and the works are not to commence until approval has been granted. The designs are to include details of the following:
- RTA concurrence to the proposed temporary rock anchors
 - How the temporary rock anchors will be left in a way that they will not harm or interfere with any future excavation in the public road
 - That the locations of the rock anchors are registered with Dial Before You Dig
 - That approval of all utility authorities likely to use the public road has been obtained. All temporary rock anchors are located outside the allocations for the various utilities as adopted by the Streets Opening Conference.
 - That any remaining de-stressed rock anchors are sufficiently isolated from the structure that they cannot damage the structure if pulled during future excavations or work in the public road.
 - That signs will be placed and maintained on the building stating that de-stressed rock anchors remain in the public road and include a contact number for the building manager. The signs are to be at least 600mm x 450mm with lettering on the signs is to be no less than 75mm high. The signs are to be at not more than 60m spacing. At least one sign must be visible from all locations on the footpath outside the property. The wording on the signs is to be submitted to Council's Director Technical Services for approval before any signs are installed.

Permanent rock anchors are not to be used where any part of the anchor extends outside the development site into public areas or road reserves.

All works in the public road are to be carried out in accordance with the Conditions of Construction issued with any approval of works granted under Section 138 of the Roads Act 1993.

120. 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/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
#1 <i>Podocarpus elatus</i> (Brown Pine) Adjacent to north-east site corner	3.0m
#9 <i>Corymbia maculata</i> (Spotted Gum) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#10 <i>Callistemon salignus</i> (Bottlebrush) Adjacent to north-east/Pacific Hwy site boundary	4.0m
#11 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	4.0m

Item 3

#12 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to north-east/Pacific Hwy site boundary	5.0m
#16 <i>Washingtonia filifera</i> (Californian Fan Palm) Adjacent to north-west site boundary	2.0m
#24 <i>Cornus florida</i> (Dogwood) Adjacent to western site corner	3.0m
#25 <i>Magnolia x soulangeana</i> (Soul's Magnolia) Adjacent to western site corner	2.0m
#26 <i>Pyrus ussuriensis</i> (Manchurian Pear) Adjacent to south-west site boundary in neighbouring property	4.0m
#27 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south-west site boundary	5.0m
A. <i>Washingtonia robusta</i> (Mexican Fan Palm) Adjacent to south-west site boundary	3.0m
B. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m
C. <i>Cinnamomum camphora</i> (Camphor laurel) Adjacent to southern site corner	6.0m

121. 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 residential flat building 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
#14 <i>Eucalyptus saligna</i> (Bluegum) Adjacent to south east site boundary	5.0m
#15 <i>Acmena smithii</i> (Lillypilly) Adjacent to south east site boundary	5.0m
#28 <i>Liquidambar styraciflua</i> (Sweet Gum) Adjacent to south west site boundary	6.0m

122. 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.

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

1. Tree Protection Zone

Item 3

2. This fence has been installed to prevent damage to the trees and their growing environment both above and below ground, and access is restricted.
 3. If encroachment or incursion into this Tree Protection Zone is deemed to be essential the consulting Arborist should be informed prior to the undertaking of such works.
 4. Name, address, and telephone number of the developer/principal certifying authority.
124. Prior to works commencing the area of the Tree Protection Zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood. The depth of mulch and type as indicated, to be maintained for the duration of the project & Principal Certifying Authority.
125. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. 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

126. 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.
127. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
128. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not

Item 3

limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

129. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. 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" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
130. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) 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 reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
131. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.
132. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
133. Prior to issue of an Occupation Certificate the applicant must submit certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority. This certification must be based on a site inspection of the constructed vehicle access and

Item 3

accommodation areas, with dimensions measurements as necessary, and must make specific reference to the following:

- a) That the as-constructed car park complies with the approved Construction Certificate plans,
- b) That the completed vehicle access and accommodation arrangements comply in full with Australian Standard 2890.1 – 2004 “Off-Street car parking” in terms of minimum parking space dimensions provided,
- c) That finished driveway gradients and transitions will not result in the scraping of the underside of cars.
- d) That no doors, gates, grilles or other structures have been provided in the access driveways to the basement car park, which would prevent unrestricted access for internal garbage collection from the basement garbage storage and collection area.
- e) That the vehicular headroom requirements of:
 - Australian Standard 2890.1 - “Off-street car parking”,
 - 2.44m height clearance for waste collection trucks (refer DCP 40) are met from the public street into and within the applicable areas of the basement carpark.

134. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- c) That retained water is connected and available for uses including toilet flushing, laundry, car washing and garden irrigation.
- d) That basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and appendix 7.1.1 of Ku-ring-gai Council Water Management DCP 47.
- e) That all grates potentially accessible by children are secured.
- f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47

Item 3

- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

135. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.
- As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.
- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

136. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.

137. Prior to issue of the Occupation Certificate a suitably qualified and experienced geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :

- a) According the relevant Australian Standards and guidelines, and
- b) According to any approved Geotechnical report undertaken for the development, and
- c) In a manner that ensures that the structural amenity of adjoining structures and property **is fully maintained.**

138. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers, and the professional

Item 3

geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.

139. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council and Council's contractors against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
140. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the existing structures originally assessed including:
 - a) Full road pavement width, including kerb and gutter, of Pacific Highway northbound and Clydesdale Place over the site frontage, including the intersection.
 - b) All driveway crossings and laybacks opposite the subject site.

The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.

141. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Inspections by and documentation from the Arborist to the Principal Certifying Authority are required. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.
142. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
143. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

BUILDING CONDITIONS

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

Item 3

- c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
145. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
146. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

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

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

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

147. 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).
148. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.

Item 3

149. 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.

150. 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.

151. 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.

152. 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.

Item 3

153. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. A Compliance Certificate from a suitably qualified person that the development complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - k. A Registered Surveyor's Report confirming approved levels of the ground floor.
154. A see through metal fence shall be provided along the boundary of the subject site with No 1992 Pacific Highway to increase surveillance of this property.

U Lang
Executive Assessment Officer

S Segall
A/g Team Leader
Development Assessment - Central

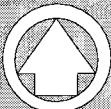
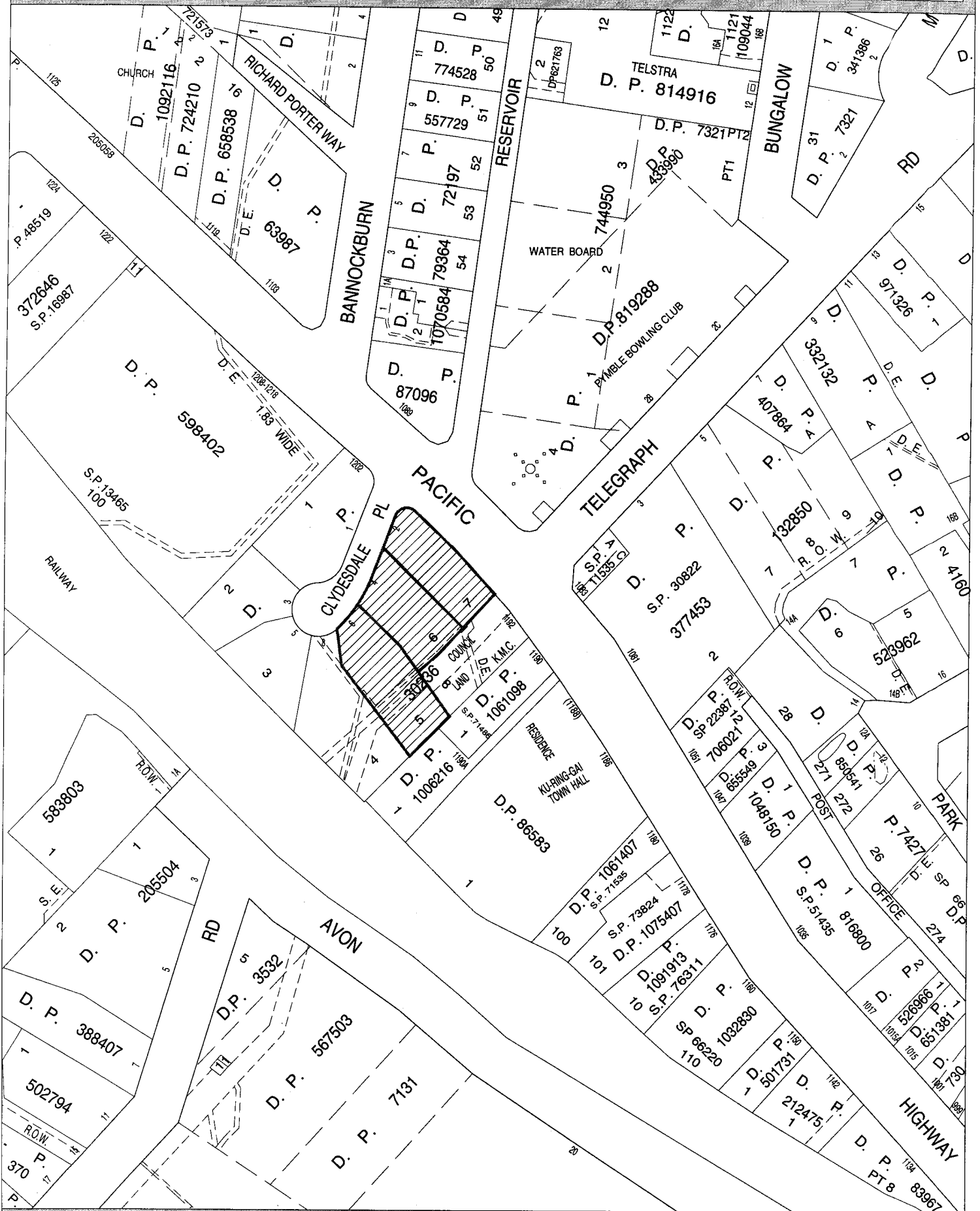
M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

- Attachments:**
- 1. Locality map - 623511**
 - 2. Zoning extract - 623512**
 - 3. Site plan - 623617**
 - 4. Elevations - 623620**
 - 5. Sections - 623623**
 - 6. Shadow diagrams - 623625**
 - 7. Landscape plan - 623626**
 - 8. Stormwater & Environmental site management concept plan - 623628**
 - 9. Photograph of model - 623550**
 - 10. Documentation submitted in relation to Isolated Site No. 1192 Pacific Highway - 598285**
 - 11. Submission by Lisa Christie, outlining her issues in relation to the isolation of No. 1190A Pacific Highway - 623500**
- Confidential Architectural drawings**

LOCATION SKETCH

2-6 Clydsdale Place - DA 1428/06



SCALE: 1:2000

DATE: 19-04-2006

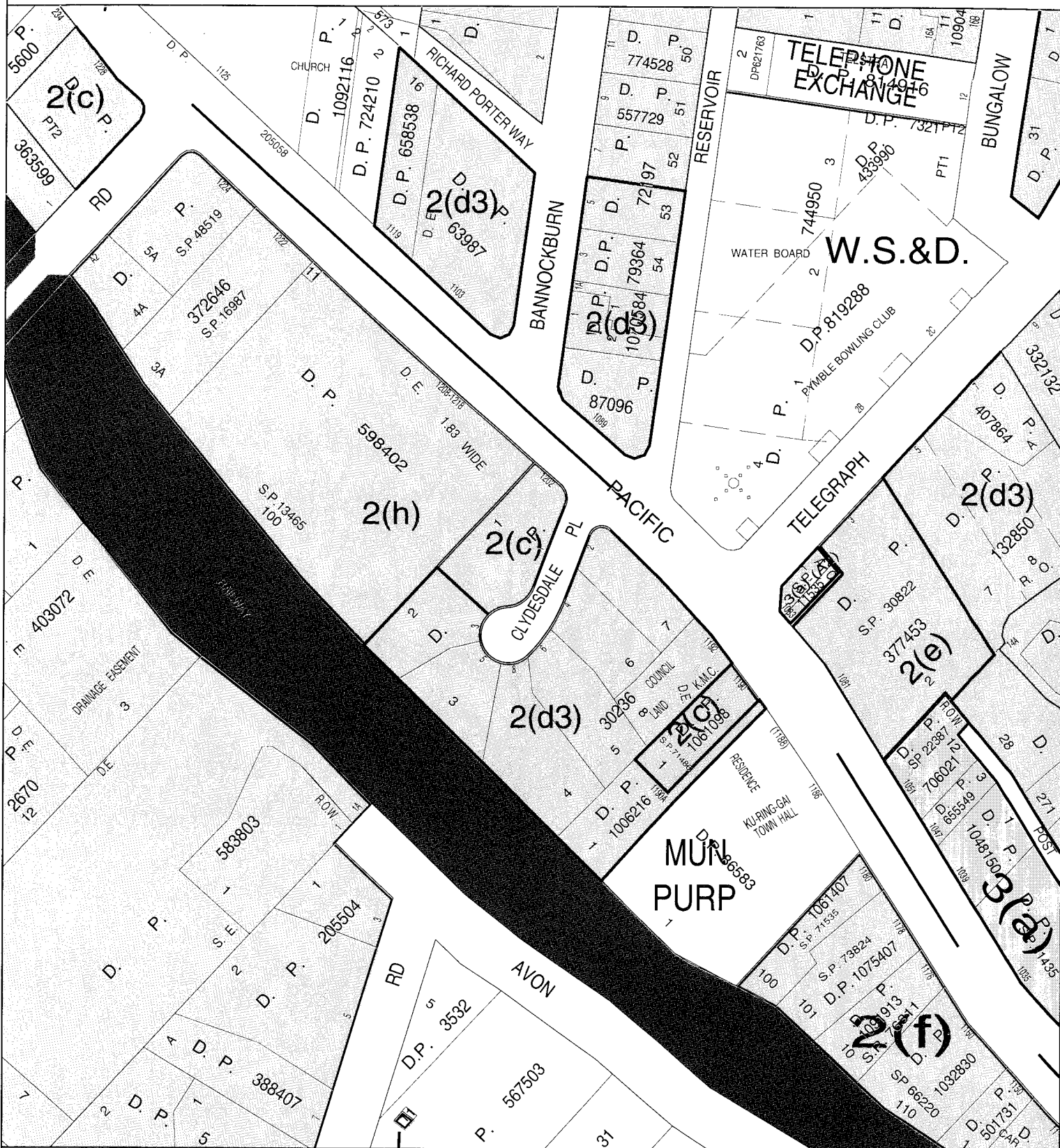




































SUBJECT LAND

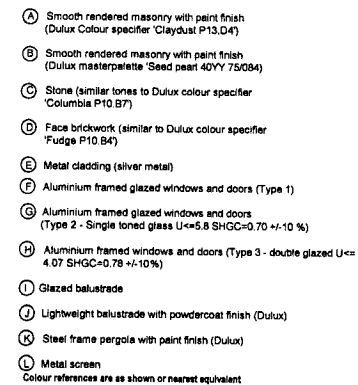


Zoning Extract

2-6 Clydsdale Place DA - 1428/06



ZONES			RESERVATIONS			GENERAL			
2. RESIDENTIAL			3. BUSINESS			5. SPECIAL USES			
(a) RESIDENTIAL A			(a) RETAIL SERVICES		3(a)	(a) SPECIAL USES A (Schools etc)		SC=00L	
(b) RESIDENTIAL B		2(b)	FLOOR SPACE RATIOS			(a1) SPECIAL USES A1		5(a1)	
(c) RESIDENTIAL C		2(c)	A1 2.0:1		3(a)-(A1)	(b) SPECIAL USES (Railway)			
(c1) RESIDENTIAL C1		2(c1)	A2 1.0:1		3(a)-(A2)	6. OPEN SPACE			
(c2) RESIDENTIAL C2		2(c2)	A3 0.75:1		3(a)-(A3)	(a) RECREATION EXISTING			
(d) RESIDENTIAL D		2(d)				(b) RECREATION PRIVATE			
(d3) RESIDENTIAL D3		2(d3)	(b) COMMERCIAL SERVICES		3(b)	(c) RECREATION PROPOSED			
(e) RESIDENTIAL E		2(e)	FLOOR SPACE RATIOS			OPEN SPACE			
(f) RESIDENTIAL F		2(f)	B1 1.0:1		3(b)-(B1)	(a) OPEN SPACE (Public Parks & Recreation)			
(g) RESIDENTIAL G		2(g)	B2 1.0:1		3(b)-(B2)	(b) COUNTY OPEN SPACE		C	
(h) RESIDENTIAL H		2(h)				SPECIAL USES			
						SPECIAL USES (Parking etc)		PARKING	
						ROADS			
						(a) COUNTY ROAD PROPOSED			
						(b) COUNTY ROAD WIDENING			
						(c) LOCAL ROAD PROPOSED			
						(d) LOCAL ROAD WIDENING			
						EXISTING COUNTY ROAD			
						OTHER PLANNING INSTRUMENTS			
									
						Scale:1:2000			
						Date:19-04-2006			



Architectural section drawing of a building facade. The drawing shows levels 1 through 8, with the roof level at RL 179.00. The ground line is at Pacific Hwy Here. The building has a central core and two side wings. The left wing has a glass louvre screen to balconies. The right wing has boxes out windows approx 400mm off facade. The drawing also shows sun shading over windows and a natural ground line. The property boundary is indicated on both sides. The drawing includes labels for 'Level 7 ceiling 11.7m', 'GLASS LOUVRE SCREENS TO BALCONIES', 'BOXES OUT WINDOWS APPROX 400mm OFF FACADE', 'SUN SHADING OVER WINDOWS', 'GROUND LINE AT PACIFIC HWY HERE', and 'NATURAL GROUND LINE'. The drawing also shows 'LINE OF CARPARKING LEVELS BELOW'.

NORTHEAST ELEVATION

C	2A SUBMISSION	12 DEC 08
B	1 ISSUE TO CONSULTANTS	08 DEC 08
A	1 ISSUE TO CONSULTANTS	28 NOV 08
1	ISSUE ASSIGNMENT	DATE

- Use written dimensions only. Do not scale from drawing.
- Contractors shall confirm all dimensions on-site prior to commencing any work or making any site drawings.
- All dimensions to be used in accordance with the manufacturer's specific ratings and instructions, and shall comply with the relevant Australian Standards.
- Copyright of this drawing and design remain the property of FutureSpace Pty Ltd

futurespace

Telephone: 017 938 129 129
 Fax: 017 938 129 129
 Email: info@hymn.co.uk
 Website: www.hymn.co.uk

PROJECT & SITE ADDRESS

PROPOSED APARTMENT BUILDING
2-6 CLYDESDALE PLACE
PYMBLE

CLIENT GLENSIDE GROUP P/L

DRAWING

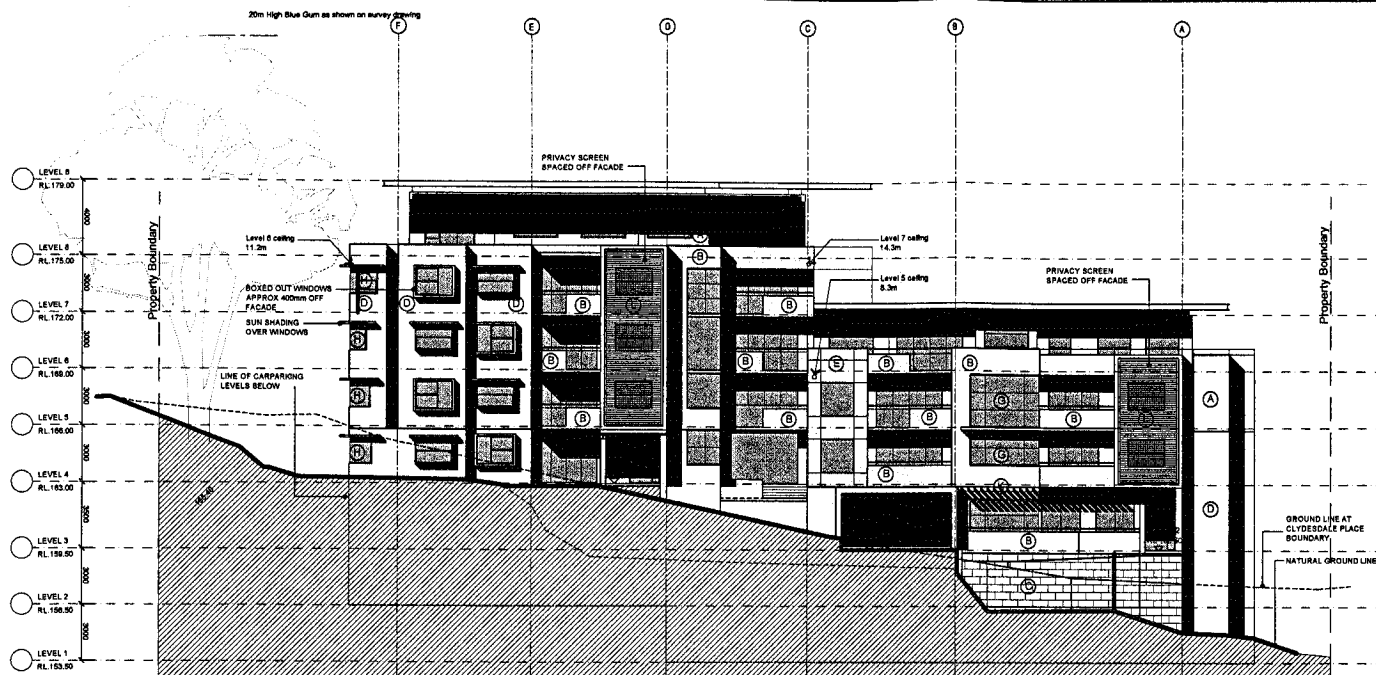
ELEVATIONS

SCALE
1:100 @A0

PROJECT NO	DRAWN
050712	MZ

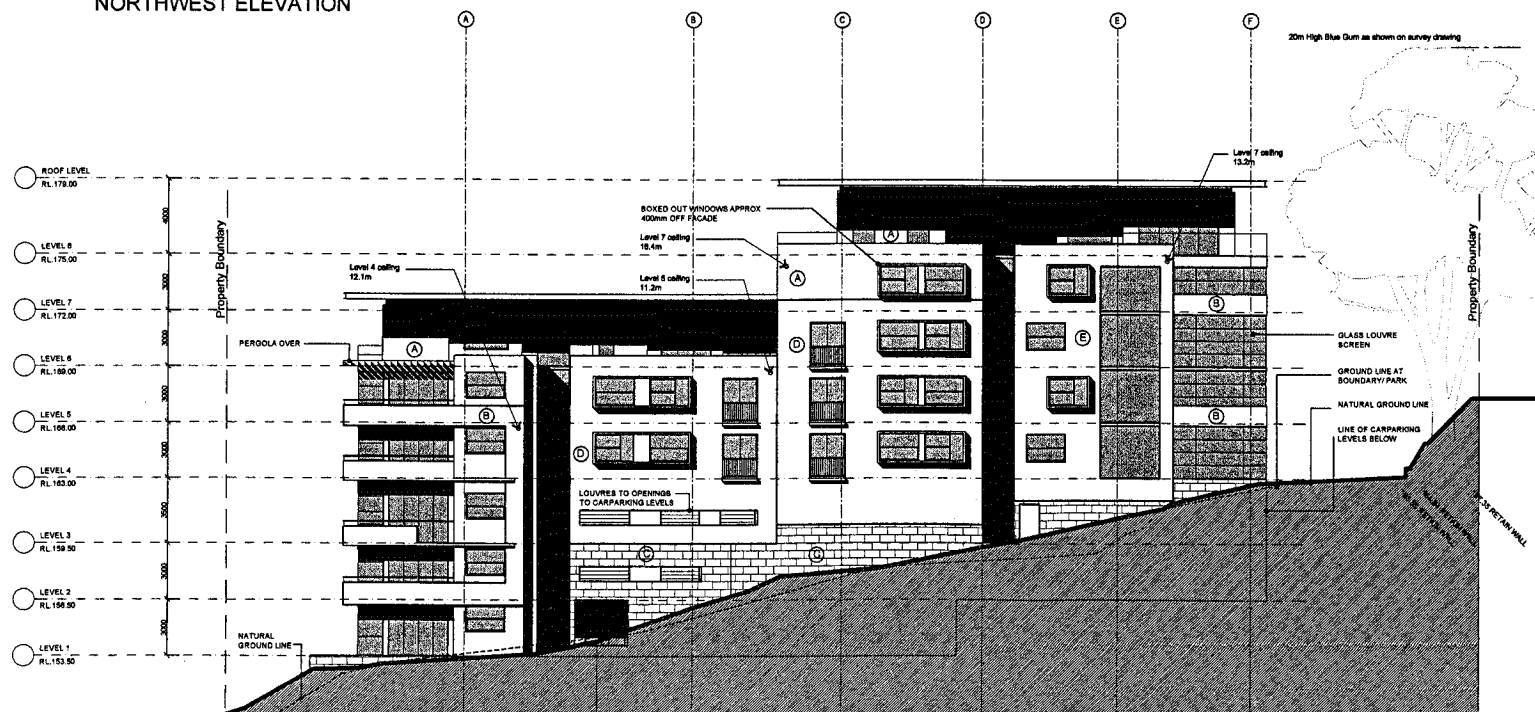
DRAWING NO	DATE
25 NOV 05	

117Δ11 1987



- A Smooth rendered masonry with paint finish (Dulux Colour specifier 'Claydust P13.D4')
 - B Smooth rendered masonry with paint finish (Dulux masterpalette 'Seed pearl 40YY 750B4')
 - C Stone (similar tones to Dulux colour specifier 'Columbia P10.B7')
 - D Face brickwork (similar to Dulux colour specifier 'Fudge P10.B4')
 - E Metal cladding (silver metal)
 - F Aluminium framed glazed windows and doors (Type 1)
 - G Aluminium framed glazed windows and doors (Type 2 - Single toned glass $U \leq 5.8$ SHGC=0.70 $\pm 10\%$)
 - H Aluminium framed windows and doors (Type 3 - double glazed $U \leq 4.07$ SHGC=0.78 $\pm 10\%$)
 - I Glazed balustrade
 - J Lightweight balustrade with powdercoat finish (Dulux)
 - K Steel frame pergola with paint finish (Dulux)
 - L Metal screen
- Colour references are as shown or nearest equivalent

NORTHWEST ELEVATION



SOUTHEAST ELEVATION

C. 20% SUBMISSION	11 DEC 06
B. 10% SUBMISSION	08 DEC 06
A. 10% SUBMISSION	18 NOV 06

2. Use of the word 'futurespace' is a registered trademark of futurespace Pty Ltd. All other trademarks are the property of their respective owners. The client warrants that the use of the word 'futurespace' in this drawing is for the purpose of identifying the design of the building and is not intended to be used for any other purpose.

futurespace

PROJECT'S SITE ADDRESS

PROPOSED APARTMENT BUILDING
34 CLYDEDALE PLACE
PYMBLE

CLIENT
GLENISIDE GROUP P/L

DRAWING
ELEVATIONS

SCALE
1:100 @A0

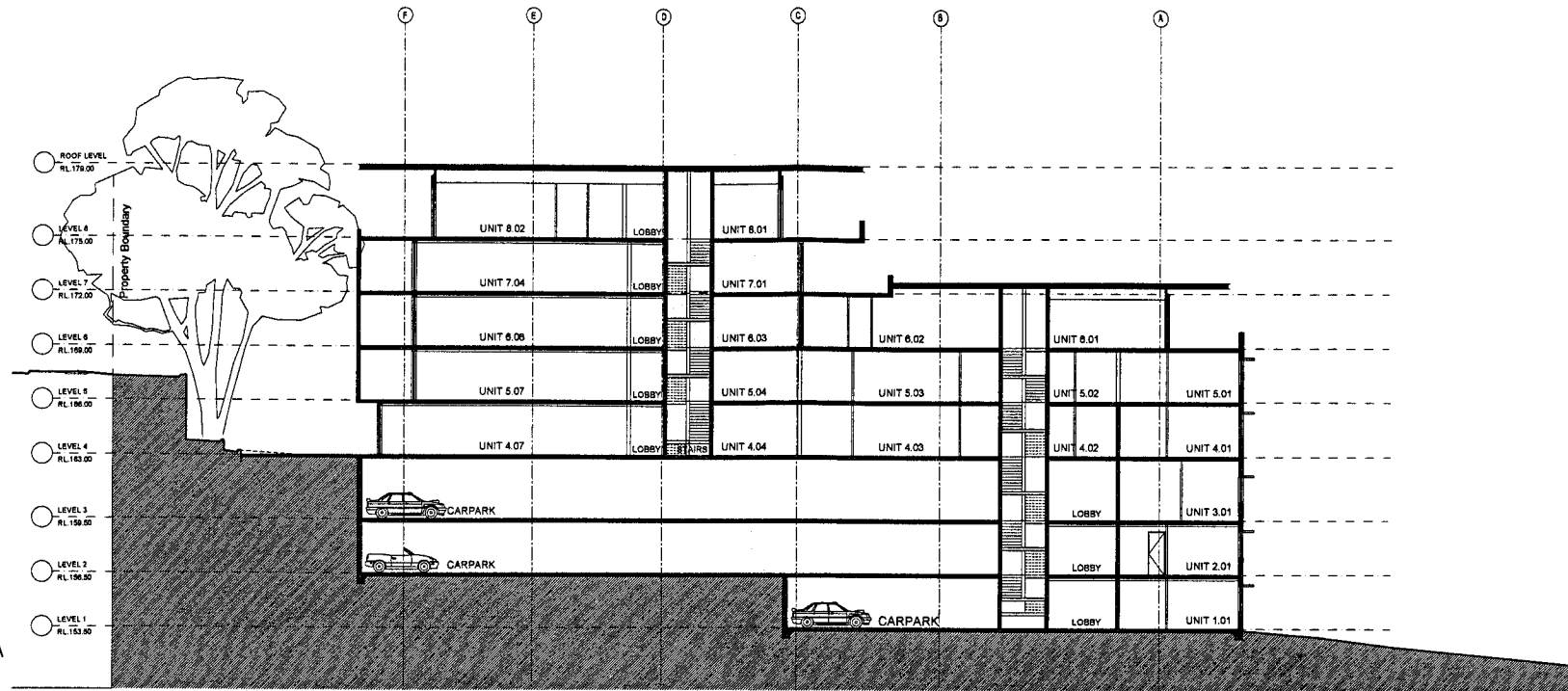
PROJECT NO
050712

DRAWING NO
050712

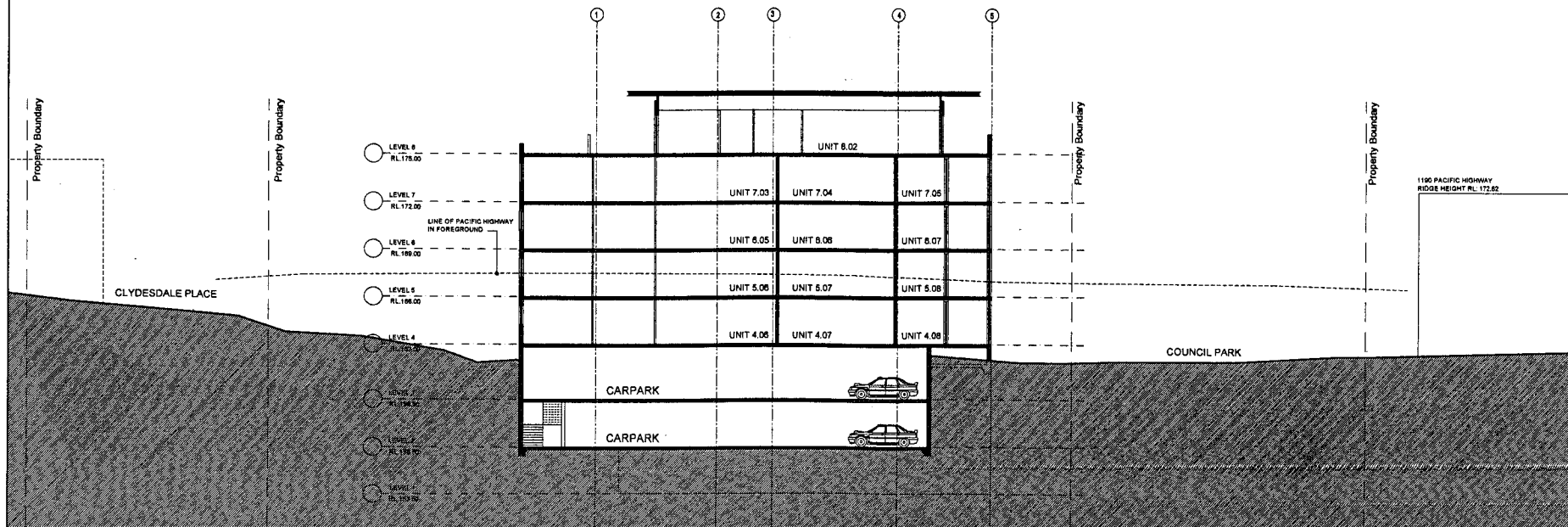
DATE
25 NOV 06

DA12

SECTION AA



SECTION BB



1.0	ISSUE SUBMISSION	11/06/05
2.0	ISSUE TO CONSULTANTS	11/06/05
3.0	ISSUE TO CONSULTANTS	11/06/05
4.0	ISSUE TO CONSULTANTS	11/06/05
5.0	ISSUE TO CONSULTANTS	11/06/05
6.0	ISSUE TO CONSULTANTS	11/06/05
7.0	ISSUE TO CONSULTANTS	11/06/05
8.0	ISSUE TO CONSULTANTS	11/06/05
9.0	ISSUE TO CONSULTANTS	11/06/05
10.0	ISSUE TO CONSULTANTS	11/06/05
11.0	ISSUE TO CONSULTANTS	11/06/05
12.0	ISSUE TO CONSULTANTS	11/06/05
13.0	ISSUE TO CONSULTANTS	11/06/05
14.0	ISSUE TO CONSULTANTS	11/06/05
15.0	ISSUE TO CONSULTANTS	11/06/05
16.0	ISSUE TO CONSULTANTS	11/06/05
17.0	ISSUE TO CONSULTANTS	11/06/05
18.0	ISSUE TO CONSULTANTS	11/06/05
19.0	ISSUE TO CONSULTANTS	11/06/05
20.0	ISSUE TO CONSULTANTS	11/06/05
21.0	ISSUE TO CONSULTANTS	11/06/05
22.0	ISSUE TO CONSULTANTS	11/06/05
23.0	ISSUE TO CONSULTANTS	11/06/05
24.0	ISSUE TO CONSULTANTS	11/06/05
25.0	ISSUE TO CONSULTANTS	11/06/05
26.0	ISSUE TO CONSULTANTS	11/06/05
27.0	ISSUE TO CONSULTANTS	11/06/05
28.0	ISSUE TO CONSULTANTS	11/06/05
29.0	ISSUE TO CONSULTANTS	11/06/05
30.0	ISSUE TO CONSULTANTS	11/06/05
31.0	ISSUE TO CONSULTANTS	11/06/05
32.0	ISSUE TO CONSULTANTS	11/06/05
33.0	ISSUE TO CONSULTANTS	11/06/05
34.0	ISSUE TO CONSULTANTS	11/06/05
35.0	ISSUE TO CONSULTANTS	11/06/05
36.0	ISSUE TO CONSULTANTS	11/06/05
37.0	ISSUE TO CONSULTANTS	11/06/05
38.0	ISSUE TO CONSULTANTS	11/06/05
39.0	ISSUE TO CONSULTANTS	11/06/05
40.0	ISSUE TO CONSULTANTS	11/06/05
41.0	ISSUE TO CONSULTANTS	11/06/05
42.0	ISSUE TO CONSULTANTS	11/06/05
43.0	ISSUE TO CONSULTANTS	11/06/05
44.0	ISSUE TO CONSULTANTS	11/06/05
45.0	ISSUE TO CONSULTANTS	11/06/05
46.0	ISSUE TO CONSULTANTS	11/06/05
47.0	ISSUE TO CONSULTANTS	11/06/05
48.0	ISSUE TO CONSULTANTS	11/06/05
49.0	ISSUE TO CONSULTANTS	11/06/05
50.0	ISSUE TO CONSULTANTS	11/06/05
51.0	ISSUE TO CONSULTANTS	11/06/05
52.0	ISSUE TO CONSULTANTS	11/06/05
53.0	ISSUE TO CONSULTANTS	11/06/05
54.0	ISSUE TO CONSULTANTS	11/06/05
55.0	ISSUE TO CONSULTANTS	11/06/05
56.0	ISSUE TO CONSULTANTS	11/06/05
57.0	ISSUE TO CONSULTANTS	11/06/05
58.0	ISSUE TO CONSULTANTS	11/06/05
59.0	ISSUE TO CONSULTANTS	11/06/05
60.0	ISSUE TO CONSULTANTS	11/06/05
61.0	ISSUE TO CONSULTANTS	11/06/05
62.0	ISSUE TO CONSULTANTS	11/06/05
63.0	ISSUE TO CONSULTANTS	11/06/05
64.0	ISSUE TO CONSULTANTS	11/06/05
65.0	ISSUE TO CONSULTANTS	11/06/05
66.0	ISSUE TO CONSULTANTS	11/06/05
67.0	ISSUE TO CONSULTANTS	11/06/05
68.0	ISSUE TO CONSULTANTS	11/06/05
69.0	ISSUE TO CONSULTANTS	11/06/05
70.0	ISSUE TO CONSULTANTS	11/06/05
71.0	ISSUE TO CONSULTANTS	11/06/05
72.0	ISSUE TO CONSULTANTS	11/06/05
73.0	ISSUE TO CONSULTANTS	11/06/05
74.0	ISSUE TO CONSULTANTS	11/06/05
75.0	ISSUE TO CONSULTANTS	11/06/05
76.0	ISSUE TO CONSULTANTS	11/06/05
77.0	ISSUE TO CONSULTANTS	11/06/05
78.0	ISSUE TO CONSULTANTS	11/06/05
79.0	ISSUE TO CONSULTANTS	11/06/05
80.0	ISSUE TO CONSULTANTS	11/06/05
81.0	ISSUE TO CONSULTANTS	11/06/05
82.0	ISSUE TO CONSULTANTS	11/06/05
83.0	ISSUE TO CONSULTANTS	11/06/05
84.0	ISSUE TO CONSULTANTS	11/06/05
85.0	ISSUE TO CONSULTANTS	11/06/05
86.0	ISSUE TO CONSULTANTS	11/06/05
87.0	ISSUE TO CONSULTANTS	11/06/05
88.0	ISSUE TO CONSULTANTS	11/06/05
89.0	ISSUE TO CONSULTANTS	11/06/05
90.0	ISSUE TO CONSULTANTS	11/06/05
91.0	ISSUE TO CONSULTANTS	11/06/05
92.0	ISSUE TO CONSULTANTS	11/06/05
93.0	ISSUE TO CONSULTANTS	11/06/05
94.0	ISSUE TO CONSULTANTS	11/06/05
95.0	ISSUE TO CONSULTANTS	11/06/05
96.0	ISSUE TO CONSULTANTS	11/06/05
97.0	ISSUE TO CONSULTANTS	11/06/05
98.0	ISSUE TO CONSULTANTS	11/06/05
99.0	ISSUE TO CONSULTANTS	11/06/05
100.0	ISSUE TO CONSULTANTS	11/06/05

futurespace

PROJECT & SITE ADDRESS

PROPOSED APARTMENT BUILDING
3-4 CLYDESDALE PLACE
PITTSBURGH

CLIENT
GLENISIDE GROUP P/L

DRAWING
SECTIONS

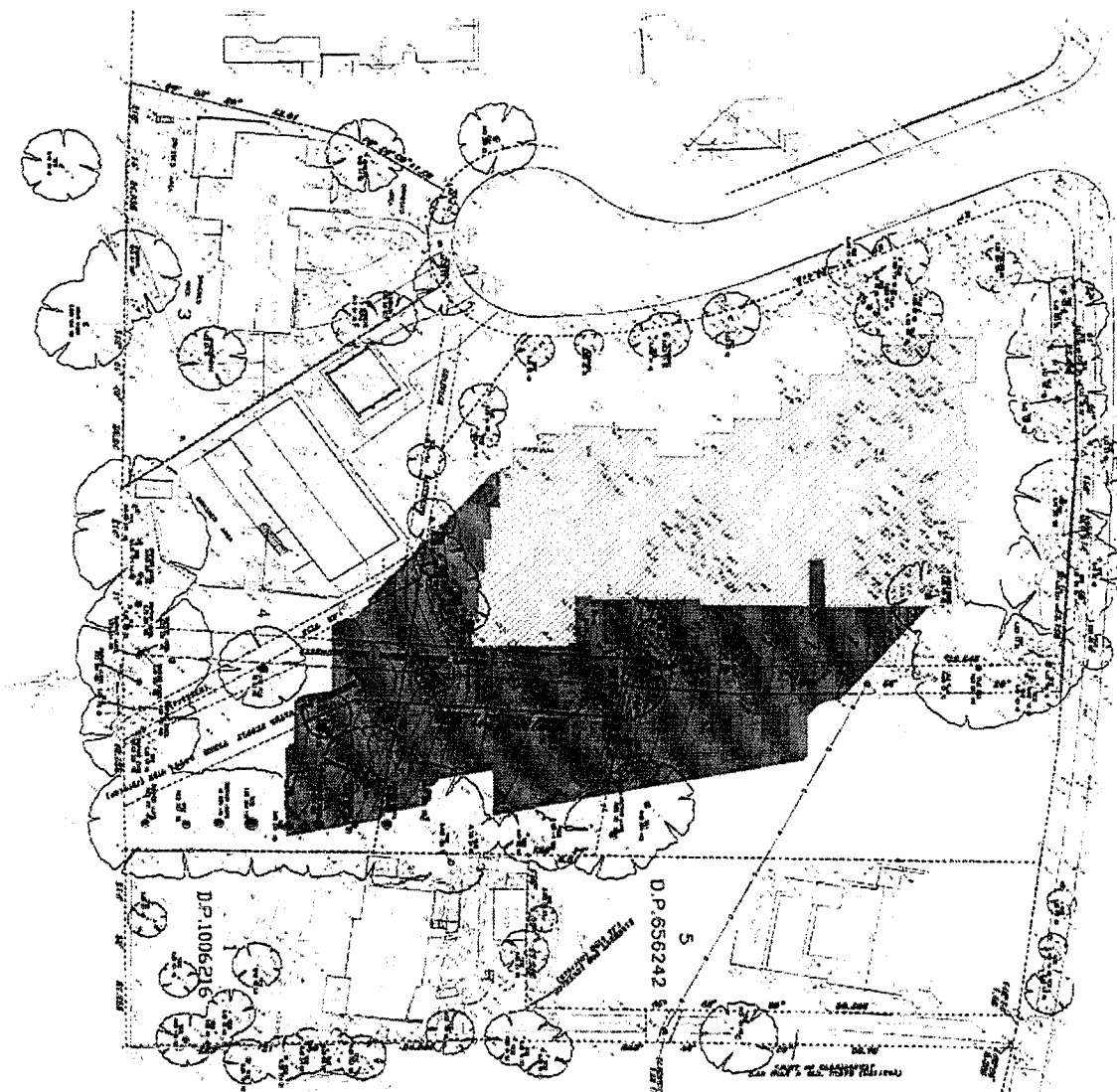
SCALE
1:100 @A0

PROJECT NO.
050712

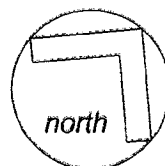
DATE
25 NOV 05

DRAWING NO.
DA13

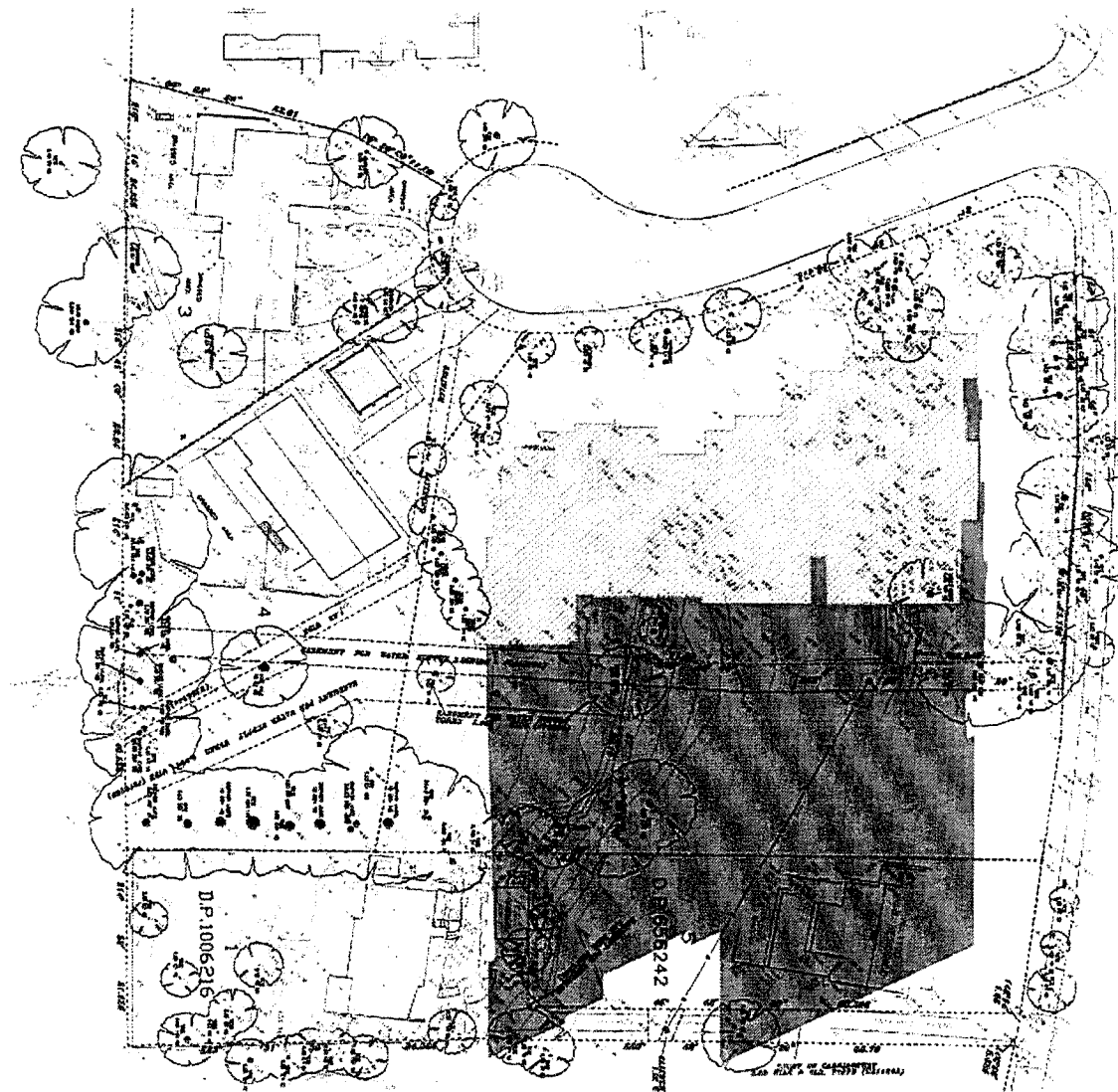
C



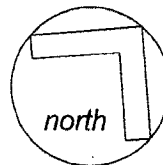
Residential Development at 2 - 6 Clydesdale Place Pymble
JUNE 12 noon



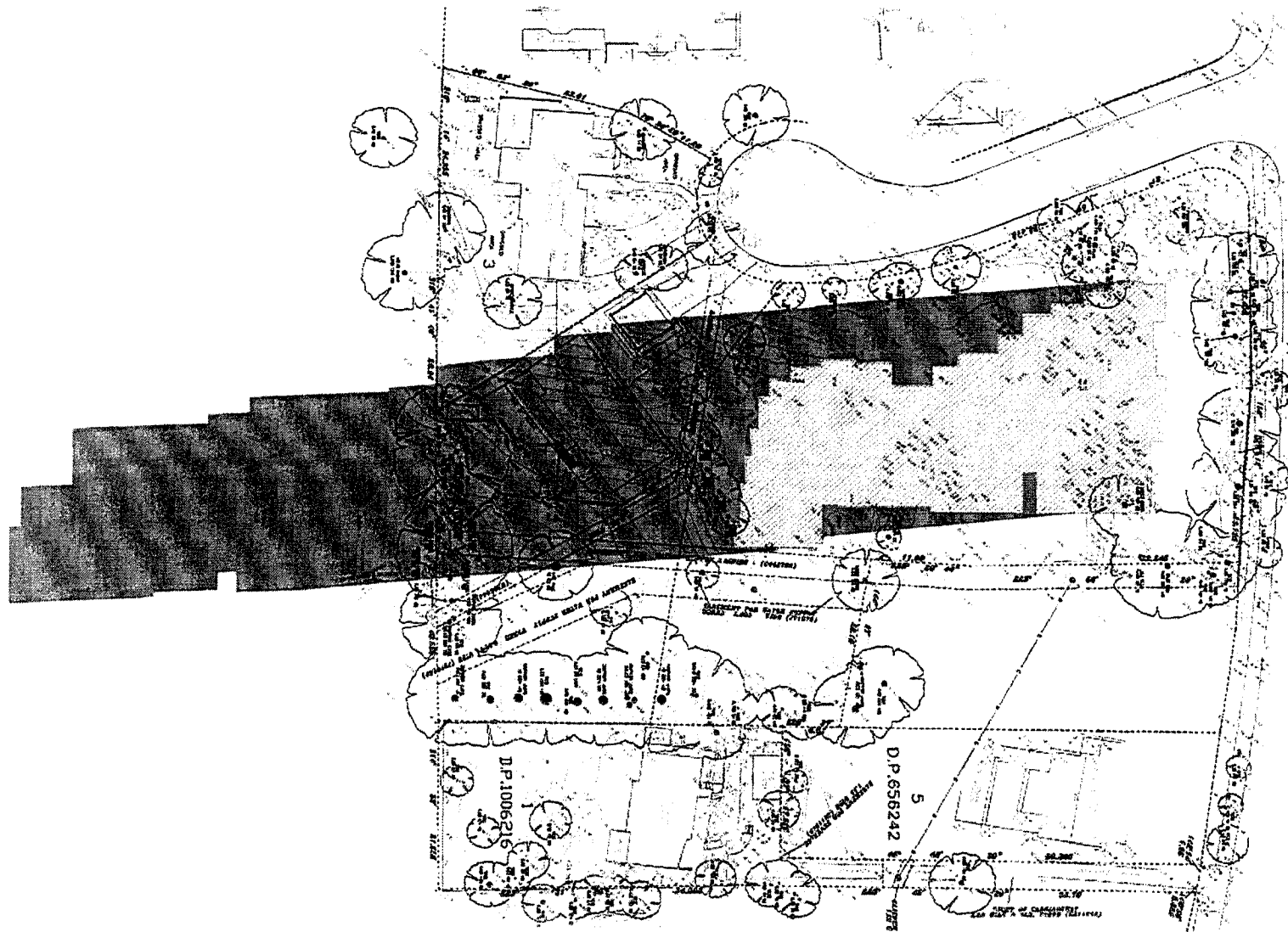
futurespace



Residential Development at 2 - 6 Clydesdale Place Pymble
JUNE 3pm

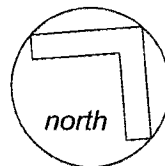


futurespace



Residential Development at 2 - 6 Clydesdale Place Pymble

JUNE 9am



futurespace

STORMWATER MANAGEMENT AND ENVIRONMENTAL SITE MANAGEMENT CONCEPT PLANS

PROPOSED DEVELOPMENT : TYPE 5 - MULTI-UNIT DEVELOPMENT				
DCP 47 REQUIREMENT		CLAUSE	PROPOSAL AND CALCULATIONS	COMPLIANCE WITH DCP 47
STORMWATER DISPOSAL	<p>HIGH LEVEL PROPERTY</p> <ul style="list-style-type: none"> - MAY DISCHARGE TO STREET GUTTER : MAX. 25 l/s - MAY DISCHARGE TO STREET DRAINAGE PIPE <p>LOW LEVEL PROPERTY</p> <ul style="list-style-type: none"> - PIPE MAY NOT EXTEND ACROSS NEIGHBOURS STREET FRONTAGE - ON-SITE ABSORPTION/DISPERSION NOT PERMITTED - FOR DISCHARGE TO BUSHLAND, NO RUNOFF DAYS TO NOT INCREASE AND BUA RESTRICTED TO 35% - CHARGED SYSTEMS NOT PERMITTED - EASEMENT REQUIRED <p>WATERCOURSE/EASEMENT AVAILABLE</p> <ul style="list-style-type: none"> - MAY DISCHARGE TO NATURAL W/C OR APPURTENANT EASEMENT 	<p>5.4.1</p> <p>5.4.2</p> <p>5.4.1</p> <p>5.7.7</p> <p>5.6, 4.4.1</p> <p>5.7.8</p> <p>6.9(c)</p>	<p>DRAINAGE BY GRAVITY TO STREET DRAINAGE</p>	YES
STORMWATER MANAGEMENT	<ul style="list-style-type: none"> - RAINWATER TANK : 1000 L PER UNIT TO TOILETS & LAUNDRY - OSD REQUIRED. STORAGE MAY BE REDUCED BY CORRESPONDING PROVISION OF ON-SITE RETENTION VOLUME. - WHERE BACKING ONTO BUSHLAND: <ul style="list-style-type: none"> - OSD NOT PERMITTED - ADDITIONAL ON-SITE RETENTION REQUIRED: <ul style="list-style-type: none"> = (GREATER OF) ROOF AREA x 20mm OR 5000 L - WHERE DISCHARGE IS DIRECT TO AN INTERALLOTMENT EASEMENT OSD MAY BE MANDATORY. 	<p>6.4</p> <p>6.7</p> <p>6.8</p> <p>6.9</p>	<p><u>DETERMINE RAINWATER TANK PROVISION</u></p> <p>No UNITS : 34</p> <p>RAINWATER TANK PROVISION : SINGLE TANK SERVICING ALL UNITS</p> <p>RAINWATER TANK STORAGE : = No UNITS x 1000 L = 34000</p> <p><u>DETERMINE OSD REQUIREMENT</u></p> <p>SITE AREA = 3198 m²</p> <p>COUNCIL CATCHMENT CODE : AC1</p> <p>REQUIRED STORAGE VOLUME = 398 m³/ha = 3198 x 50% x 398 x 75% = 48 m³</p> <p>PERMISSIBLE SITE DISCHARGE = 3198 x 50% x 102 = 16.3 l/s</p> <p><u>CONCLUSION</u></p> <p>PROVIDE MIN. 34 m³ RAINWATER RE-USE TANK</p> <p>PROVIDE MIN. 48 m³ ON-SITE RETENTION TANK</p>	YES

SHEET INDEX	
SHEET No.	DESCRIPTION
C1	COVER SHEET AND NOTES
C2	STORMWATER MANAGEMENT CONCEPT PLAN
C3	STORMWATER MANAGEMENT CONCEPT PLAN - LOWER BASEMENT

1. ALL WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH AS 3500.3.2:1999 AND THE REQUIREMENTS OF THE LOCAL COUNCIL'S POLICIES AND CODES.
2. THE MINIMUM SIZE OF STORMWATER DRAINS SHALL NOT BE LESS THAN 150MM FOR CLASS 1 BUILDINGS AND 100MM FOR OTHER CLASSES OF BUILDING OR AS REQUIRED BY THE REGULATORY AUTHORITY.
3. THE MINIMUM GRADIENT OF STORMWATER DRAINS SHALL BE AS GIVEN IN THE TABLE BELOW:

NOMINAL SIZE	MIN GRADIENT
mm	%
DN 90	1.00
DN 100	1.00
DN 150	1.00
DN 225	0.5
DN 300	0.40
DN 375	0.35

4. COUNCIL'S TREE PRESERVATION ORDER IS TO BE STRICTLY ADHERED TO. NO TREES SHALL BE REMOVED UNTIL PERMIT IS OBTAINED.
5. PUBLIC UTILITY SERVICES ARE TO BE ADJUSTED AS NECESSARY AT THE CONTRACTORS EXPENSE.
6. PERMITS ARE TO BE OBTAINED AND STREAMLINED. PROVIDE STEP RIMS FOR ALL PITS OVER 12m DEEP.
7. CATCH DRAINS ARE TO BE CONSTRUCTED AS REQUIRED BY COUNCIL'S ENGINEER.
8. MAKE SMOOTH JOINTS WITH ALL EXISTING WORK.
9. VEHICULAR ACCESS AND ALL SERVICES TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED BY CONSTRUCTION.
10. SUITABLE EASEMENTS TO DRAIN WATER TO BE PROVIDED OVER DRAINAGE LINES THROUGH ALLOTMENTS AND SUBSEQUENT PIPE TO BE CENTRALLY LOCATED (WHERE REQUIRED) BY DESIGN.
11. ALL RIVERS, DRENCHES, DRAINS AND CHANNELS ARE TO BE REMOVED. SERVICES SHOWN ON THESE PLANS HAVE BEEN LOCATED FROM INFORMATION SUPPLIED BY THE RELEVANT AUTHORITIES AND FIELD INVESTIGATIONS AND ARE NOT GUARANTEED COMPLETE OR CORRECT AND ARE TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
12. ADEQUATE PROVISIONS TO BE MADE FOR SCOURING AND SEDIMENTATION TO ALL DRAINAGE WORKS AS DIRECTED.
13. ANY VARIATION TO THE WORKS AS SHOWN ON THE APPROVED DRAWINGS IS TO BE CONFIRMED BY THE DESIGN ENGINEER PRIOR TO THEIR COMMENCEMENT.

EXISTING

KERR AND OUTRIG

ROAD CENTRELINE

DRAINAGE PIPELINE (ROAD)

DRAINAGE PIPELINE (PROPERTY)

WILET PIT (ROAD)

WILET PIT (PROPERTY)

JUNCTION PIT (ROAD)

SURFACE LEVEL -672.0

SURFACE CONTOUR -672-

PROPOSED

ROAD CENTRELINE

DRAINAGE PIPELINE (ROAD)

DRAINAGE PIPELINE (PROPERTY)

WILET PIT (ROAD)

WILET PIT (PROPERTY)

JUNCTION PIT (ROAD)

SURFACE LEVEL -672.0

SURFACE CONTOUR -672-

WATERMAIN

UNDERGROUND POWER CABLES

GAS MAIN

UNDERGROUND PHONE CABLES

POWER POLES

SEWER

INDICATES PIPE RISERS

INDICATES SERVICE TYPE

INDICATES SERVICE SIZE

INDICATES SERVICE DROPPERS

PRINT ISSUED

0 1 2 3 4 5 6

BASE SCALE


A	CLIENT REVISIONS	CF	<i>[Signature]</i>	12/20/2011
D	DEVELOPMENT APPLICATION ISSUE	CF	<i>[Signature]</i>	11/20/2011
	REVISION DETAILS	DRAWN	APPR.	DATE

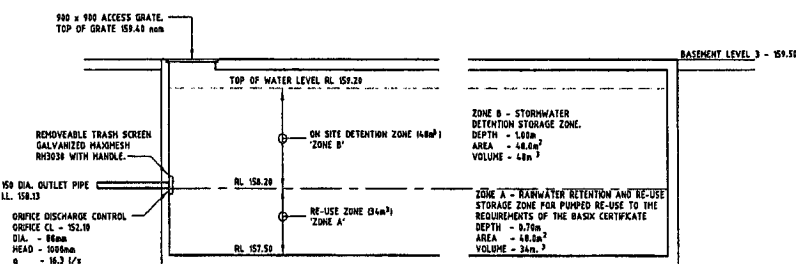
AFCE A DIVISION OF APPEYARD FORREST CONSULTING ENGINEERS Pty Ltd
 Environmental & Building
 10 MILLIE STREET, GOSFORD NSW 2258
 UNIT 10, 7 AMELIA AVENUE, CASTLE HILL NSW 2161
 SUITE 3, 41-417 HORN ROAD, SYDNEY NSW 2074
 TEL: (02) 4324-3479 FAX: (02) 4324-3993
 TEL: (02) 9634-0371 FAX: (02) 9634-0341
 TEL: (02) 4641-8517 FAX: (02) 4641-8541

CLIENT/BUILDER: **GLENSIDE GROUP**

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT
#2-6 CLYDESDALE PLACE PYMBLE

DRAWING TITLE: COVER SHEET AND NOTES

DRAWN	CF	11/2005	APPROVED		
DESIGNED	BK	11/2005			
CHECKED	BAK/LDA		L.D. APPEYARD P.E., DUST. WPR-3 (CIVIL AND STRUCTURAL)		
JOB No. 362418		SHEET Y OF 5		DRAWING No. 362418/C1	REV.

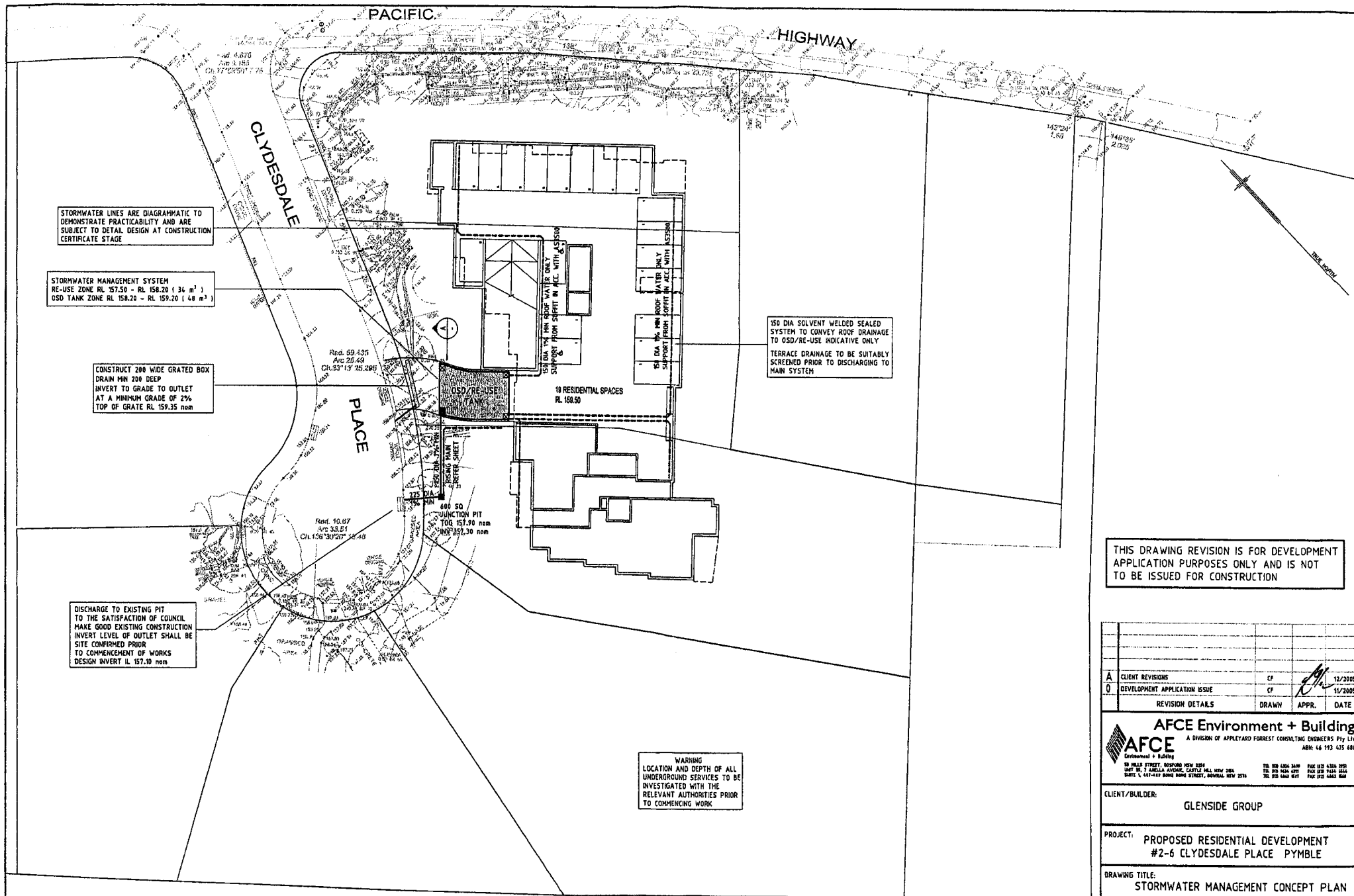


SECTION A- A
ON-SITE STORMWATER DETENTION/RETENTION TANK.

[illegible]

THIS DRAWING REVISION IS FOR DEVELOPMENT
APPLICATION PURPOSES ONLY AND IS NOT
TO BE ISSUED FOR CONSTRUCTION

© COPYRIGHT. THIS DESIGN AND PLAN IS THE PROPERTY OF AFCE Environment + Building. AND MUST NOT BE USED, REPRODUCED, OR COPIED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION FROM THE COMPANY.



PLAN - STORMWATER MANAGEMENT CONCEPT

SCALE 1:200/A1, 1:400/A3

WARNING
LOCATION AND DEPTH OF ALL
UNDERGROUND SERVICES TO BE
INVESTIGATED WITH THE
RELEVANT AUTHORITIES PRIOR
TO COMMENCING WORK

THIS DRAWING REVISION IS FOR DEVELOPMENT
APPLICATION PURPOSES ONLY AND IS NOT
TO BE ISSUED FOR CONSTRUCTION

[illegible]

AFCE Environment + Building
A DIVISION OF APPLEBY FOREST CONSULTING ENGINEERS Pty Ltd
ABN 46 193 475 685

AFCE
Environmental + Building

10 HILLS STREET, OSBORNE VILL 2206
1007 85, 7 ANNEXA ADOBE CRAFT, MILL NORT 2064
SUITE 5, 41/47-49 BOND STREET, DARWIN NSW 2576



TOL TEL 0264 3440 FAX 02 4364 2915
TEL 02 9606 4371 FAX 02 9714 2544
TEL 02 6344 3617 FAX 02 4444 8668

CLIENT/BUILDER:

GLENSIDE GROUP

PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT
#2-6 CLYDESDALE PLACE PYMBLE

DRAWING TITLE:
STORMWATER MANAGEMENT CONCEPT PLAN

DRAWN	CF	11/2005	APPROVED 
DESIGNED	BK	11/2005	
CHECKED	BAK/LDA		

L.O. APPELYARD M.E. AUST. INSP-3
 CIVIL AND STRUCTURAL

JOB No. 362418	SHEET 2 OF 5	DRAWING No. 362418/C2	REV. A
----------------	--------------	-----------------------	--------

© COPYRIGHT. THIS DESIGN AND PLAN IS THE PROPERTY OF AFCE Environment + Building. AND MUST NOT BE USED, REPRODUCED, OR COPIED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION FROM THE COMPANY.

THIS DRAWING REVISION IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND IS NOT TO BE ISSUED FOR CONSTRUCTION

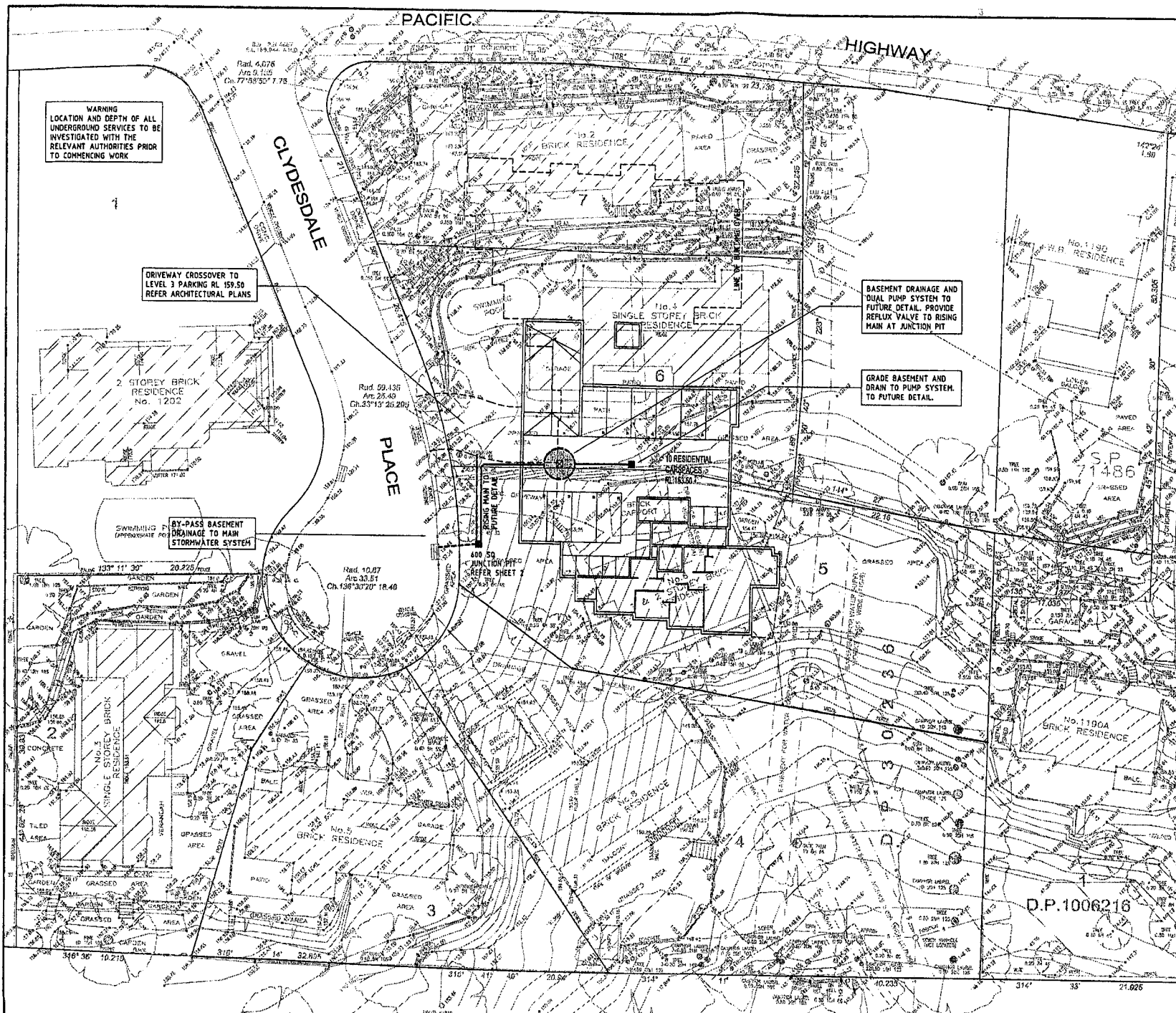
WARNING
LOCATION AND DEPTH OF ALL
UNDERGROUND SERVICES TO BE
INVESTIGATED WITH THE
RELEVANT AUTHORITIES PRIOR
TO COMMENCING WORK

DRIVEWAY CROSSOVER TO
LEVEL 3 PARKING RL 159.50
REFER ARCHITECTURAL PLANS

BASEMENT DRAINAGE AND
DUAL PUMP SYSTEM TO
REFLEX VALVE TO RISING
MAIN AT JUNCTION PIT

GRADE BASEMENT AND
DRAIN TO PUMP SYSTEM.
TO FUTURE DETAIL.

BY-PASS BASEMENT
DRAINAGE TO MAIN
STORMWATER SYSTEM



D.P.26583

D.P.1006216

0	DEVELOPMENT APPLICATION ISSUE	CF	12/2005
	REVISION DETAILS	DRAWN	DATE

AFCE Environment + Building
A DIVISION OF APPLEYARD FORREST CONSULTING ENGINEERS Pty Ltd
ABN 46 193 475 646

100 RILEY STREET, BUNDOORA VIC 3083
TEL 03 9461 1000 FAX 03 9461 1001
100 RILEY STREET, BUNDOORA VIC 3083
TEL 03 9461 1000 FAX 03 9461 1001

CLIENT/BUILDER: **GLENSIDE GROUP**

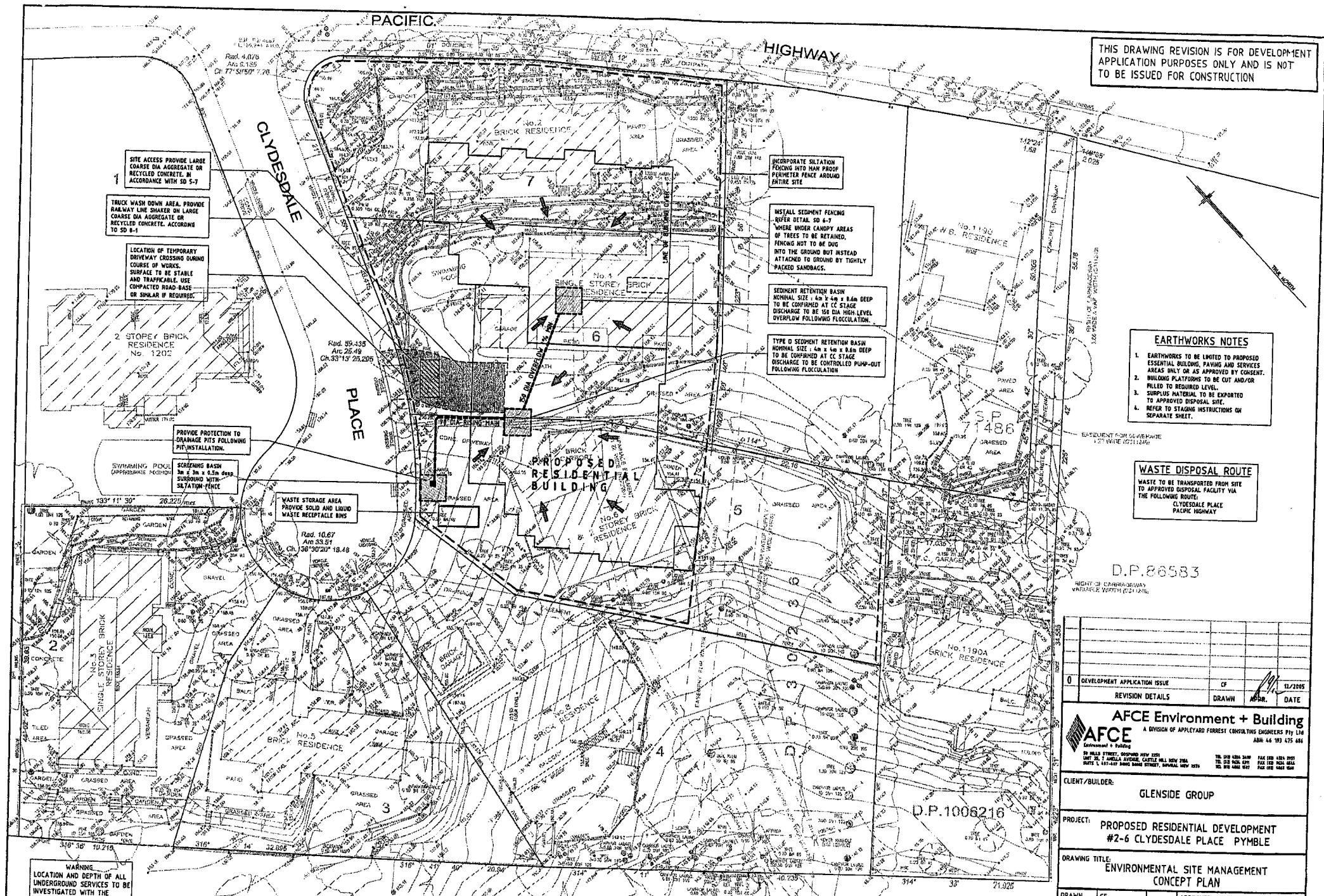
PROJECT: **PROPOSED RESIDENTIAL DEVELOPMENT
#2-6 CLYDESDALE PLACE PYMBLE**

DRAWING TITLE: **STORMWATER MANAGEMENT CONCEPT PLAN
- LOWER BASEMENT**

DRAWN	CF	12/2005	APPROVED
DESIGNED	BAK	12/2005	
CHECKED	BAK/LDA		
JOB No.	362418	SHEET 3 OF 5	DRAWING No. 362418/C3
REV.	0		

PLAN - STORMWATER MANAGEMENT CONCEPT - LOWER BASEMENT
Scale 1:1000/A1, 1:600/A3

© COPYRIGHT THIS DESIGN AND PLAN IS THE PROPERTY OF AFCE Environment + Building AND MUST NOT BE USED, REPRODUCED, OR COPIED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION FROM THE COMPANY.



THIS DRAWING REVISION IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND IS NOT TO BE ISSUED FOR CONSTRUCTION

- EARTHWORKS NOTES**
1. EARTHWORKS TO BE LIMITED TO PROPOSED ESSENTIAL BUILDING, PAVING AND SERVICES AREAS ONLY OR AS APPROVED BY CONSENT.
 2. BUILDING PLATFORMS TO BE CUT AND/OR FILLED TO REQUIRED LEVEL.
 3. SURPLUS MATERIAL TO BE EXPORTED TO APPROVED DISPOSAL SITE.
 4. REFER TO STAGING INSTRUCTIONS ON SEPARATE SHEET.

WASTE DISPOSAL ROUTE

WASTE TO BE TRANSPORTED FROM SITE TO APPROVED DISPOSAL FACILITY VIA THE FOLLOWING ROUTE:

CLYDEDALE PLACE
PACIFIC HIGHWAY

0 DEVELOPMENT APPLICATION ISSUE		CF	12/2005
REVISION DETAILS		DRAWN	APPR. DATE

AFCE Environment + Building
A DIVISION OF APPLEYARD FOREST CONSULTING ENGINEERS PTY LTD
ABN 46 193 475 686

20 MILL STREET, DOORNOO NSW 2252
PH: 02 4361 2400 FAX: 02 4361 2401
SUITE 1, 107-109 BANG ROAD STREET, MARLBOROUGH NSW 2252
PH: 02 4361 2402 FAX: 02 4361 2403

10, 120 MILL ST, DOORNOO NSW 2252
PH: 02 4361 2400 FAX: 02 4361 2401
SUITE 1, 107-109 BANG ROAD STREET, MARLBOROUGH NSW 2252
PH: 02 4361 2402 FAX: 02 4361 2403

CLIENT/BUILDER: **GLENSIDE GROUP**

PROJECT: **PROPOSED RESIDENTIAL DEVELOPMENT #2-6 CLYDEDALE PLACE PYMBLE**

DRAWING TITLE: **ENVIRONMENTAL SITE MANAGEMENT CONCEPT PLAN**

DRAWN	CF	12/2005	APPROVED
DESIGNED	BK	12/2005	
CHECKED	BAK/LDA		
JOB No. 362418 SHEET 4 OF 5 DRAWING No. 362418/C4 REV. 0			

PLAN - ENVIRONMENTAL SITE MANAGEMENT
SCALE 1:200 / A1, 8400/43

© COPYRIGHT 2005 THIS DESIGN AND PLAN IS THE PROPERTY OF AFCE Environment + Building AND MUST NOT BE USED, REPRODUCED, OR COPIED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION FROM THE COMPANY.

GENERAL INSTRUCTIONS

1. THIS SOIL AND WATER MANAGEMENT PLAN IS TO BE READ IN CONJUNCTION WITH OTHER ENGINEERING PLANS RELATING TO THIS DEVELOPMENT.
2. CONTRACTORS WILL ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE UNDERTAKEN AS INSTRUCTED IN THIS SPECIFICATION AND CONSTRUCTED FOLLOWING THE GUIDELINES OF "MANAGING URBAN STORMWATER SOILS AND CONSTRUCTION", VOL. 1, LONDON, 2004 BLUE BOOK.
3. ALL SUBCONTRACTORS WILL BE INFORMED OF THEIR RESPONSIBILITIES IN REDUCING THE RISK OF SOIL EROSION AND POLLUTION TO DOWNWIND AREAS.

STAGING AND LAND DISTURBANCE INSTRUCTIONS

1. DISTURBANCE TO BE NO FURTHER THAN 5 (PREFERABLY 3) METRES FROM THE EDGE OF ANY ESSENTIAL ENGINEERING ACTIVITY AS SHOWN ON APPROVED PLANS. ALL SITE WORKERS WILL CLEARLY RECOGNISE THESE ZONES THAT, WHERE APPROPRIATE, ARE IDENTIFIED WITH BARRIER FENCING (DOWNSLOPE) AND SEDIMENT FENCING (UPPER SLOPE) OR SIMILAR MATERIALS.
2. ACCESS AREAS ARE TO BE LIMITED TO A MAXIMUM WIDTH OF 10 METRES THE SITE MANAGER WILL DETERMINE AND MARK THE LOCATION OF THESE ZONES ON-SITE. ALL SITE WORKERS WILL CLEARLY RECOGNISE THESE BOUNDARIES THAT, WHERE APPROPRIATE, ARE IDENTIFIED WITH BARRIER FENCING (DOWNSLOPE) AND SEDIMENT FENCING (UPPER SLOPE) OR SIMILAR MATERIALS.

3. ENTRY TO LANDS NOT REQUIRED FOR CONSTRUCTION OR ACCESS IS PROHIBITED EXCEPT FOR ESSENTIAL THINNING OF PLANT GROWTH.
4. WORKS ARE TO PROCEED IN THE FOLLOWING SEQUENCE:
 - A. INSTALL ALL BARRIER AND SEDIMENT FENCING WHERE SHOWN ON THE PLAN.
 - B. CONSTRUCT THE STABILISED SITE ACCESS.
 - C. CONSTRUCT DRAINAGE DRAINS AS REQUIRED.
 - D. INSTALL PERSH AND GRAVEL BELTS FOR ANY ADJACENT KEND INLETS.
 - E. INSTALL GEOTEXTILE INLET FILTERS AROUND ANY ON-SITE DRAIN INLET PITS.
 - F. CLEAR SITE AND STUMP AND STOCKPILE TOPSOIL IN LOCATIONS SHOWN ON THE PLAN.
 - G. UNDERTAKE ALL ESSENTIAL CONSTRUCTION WORKS ENSURING THAT ROOF AND/OR PAVED AREA STORMWATER SYSTEMS ARE CONNECTED TO PERMANENT DRAINAGE AS SHOWN ON THE PLAN.
 - H. GRADE LOT AREAS TO FINAL GRADES AND APPLY PERMANENT STABILISATION (LANDSCAPING) WITHIN 28 DAYS OF COMPLETION OF CONSTRUCTION WORKS.
 - I. REMOVE TEMPORARY EROSION CONTROL MEASURES AFTER THE PERMANENT LANDSCAPING HAS BEEN COMPLETED.

5. ENSURE THAT SLOPE LENGTHS DO NOT EXCEED 10 METRES WHERE PRACTICABLE. SLOPE LENGTHS ARE DETERMINED BY SITUATION FENCING AND CATCH DRAIN SPACING.
6. ON COMPLETION OF MAJOR WORKS LEAVE DISTURBED LANDS WITH A SCARPED SURFACE TO DISCOURAGE WATER INFILTRATION AND ASSIST WITH KEYING TOPSOIL LATER.

SEDIMENT CONTROL INSTRUCTIONS

1. SEDIMENT FENCES WILL BE INSTALLED AS SHOWN ON THE PLAN AND ELSEWHERE AT THE DISCRETION OF THE SITE SUPERINTENDENT TO CONTAIN SOIL AS FAR AS POSSIBLE TO THEIR SOURCE.
2. SEDIMENT FENCES WILL NOT HAVE CATCHMENT AREAS EXCEEDING 900 SQUARE METRES AND HAVE A STORAGE DEPTH OF AT LEAST 0.4 METRES.
3. SEDIMENT REMOVED FROM ANY TRAPPING DEVICES WILL BE RELOCATED WHERE FURTHER POLLUTION TO DOWNWIND LANDS AND WATERWAYS CANNOT OCCUR.
4. STOCKPILES ARE NOT TO BE LOCATED WITHIN 5 METRES OF HAZARD AREAS INCLUDING AREAS OF HIGH VELOCITY FLOWS SUCH AS WATERWAYS, PAVED AREAS AND DRIVEWAYS.
5. WATER WILL BE PREVENTED FROM DIRECTLY ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR WATER HAS BEEN TREATED BY AN APPROVED DEVICE.
6. TEMPORARY SEDIMENT TRAPS WILL REMAIN IN PLACE UNTIL AFTER THE LANDS THEY ARE PROTECTIVE ARE COMPLETELY REHABILITATED.
7. ACCESS TO SITES SHOULD BE STABILISED TO REDUCE THE RISK OF POLLUTION FROM TRUCKS AND MATERIALS DURING PUBLIC HOURS AND ENSURE ALL-WEATHER ENTRY/EXIT.

SOIL EROSION CONTROL AND REHABILITATION INSTRUCTIONS

1. EARTH BATTERS WILL BE CONSTRUCTED WITH AS LOW A GRADIENT AS PRACTICABLE BUT NO STEEPER, UNLESS OTHERWISE NOTED, THAN:
 - A. 20% WHERE SLOPE LENGTH LESS THAN 10 METRES
 - B. 25% WHERE SLOPE LENGTH BETWEEN 10 AND 15 METRES
 - C. 30% WHERE SLOPE LENGTH BETWEEN 15 AND 20 METRES
 - D. 40% WHERE SLOPE LENGTH GREATER THAN 20 METRES
2. ALL WATERWAYS, DRAINS, SPLAYS AND THEIR OUTLETS WILL BE CONSTRUCTED TO BE STABLE IN AT LEAST THE 120 YEAR ARI, THE OF CONCENTRATION STORM EVENT.
3. WATERWAYS AND OTHER AREAS SUBJECT TO CONCENTRATED FLOWS AFTER CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.05 (5% GROUND COVER) WITHIN 10 WORKING DAYS FROM COMPLETION OF CONSTRUCTION.
4. STOCKPILES AFTER CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.1 (10% GROUND COVER) WITHIN 10 WORKING DAYS FROM COMPLETION OF CONSTRUCTION.
5. ALL LANDS, INCLUDING WATERWAYS AND STOCKPILES, DURING CONSTRUCTION ARE TO HAVE A MAXIMUM GROUND-COVER C-FACTOR OF 0.15 (15% GROUND COVER) WITHIN 10 WORKING DAYS FROM COMPLETION OF CONSTRUCTION.
6. FOR AREAS OF SHEET PILING USE THE FOLLOWING GROUND COVER PLANT SPECIES FOR TEMPORARY COVER, JAPANESE HAZEL 10 KG/M² AND DATES 20 KG/M².
7. PERMANENT REHABILITATION OF LANDS AFTER CONSTRUCTION WILL ACHIEVE A GROUND-COVER C-FACTOR OF LESS THAN 0.1 AND LESS THAN 0.05 WITHIN 10 DAYS. NEWLY PLANTED LANDS WILL BE WATERED REGULARLY UNTIL AN EFFECTIVE COVER IS ESTABLISHED AND PLANTS ARE GROWING VIGOROUSLY. FOLLOW-UP SEED AND FERTILISER WILL BE APPLIED AS NECESSARY.

8. REVEGETATION SHOULD BE AIDED AT RE-ESTABLISHING NATURAL SPECIES. NATURAL SPECIES SHOULD BE REPLACED AND NON-PERSISTENT ANNUAL COVER CROPS SHOULD BE USED.

WASTE CONTROL INSTRUCTIONS

1. ACCEPTABLE BINS WILL BE PROVIDED FOR ANY CONCRETE AND MORTAR SLURRIES, PAINTS, OIL WASHING, LIGHTWEIGHT WASTE MATERIALS AND LITTER. CLEANANCE SERVICES WILL BE PROVIDED AT LEAST WEEKLY. DISPOSAL OF WASTE WILL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.
2. ALL POSSIBLE POLLUTANT MATERIALS ARE TO BE STORED WELL CLEAR OF ANY POINTLY DRAINED AREAS, FLOOD PRONE AREAS, STREAMWAYS, CHANNELS AND STORMWATER DRAINAGE AREAS. STORE SUCH MATERIALS IN A DESIGNATED AREA UNDER COVER WHERE POSSIBLE AND WITHIN CONTAINMENT BUND.
3. ALL SITE STAFF AND SUB-CONTRACTORS ARE TO BE INFORMED OF THEIR OBLIGATION TO USE WASTE CONTROL FACILITIES PROVIDED.
4. ANY DE-WATERING ACTIVITIES ARE TO BE CLOSELY MONITORED TO ENSURE THAT WATER IS NOT POLLUTED BY SEDIMENT, TOXIC MATERIALS OR PETROLEUM PRODUCTS.
5. PROVIDE DESIGNATED VEHICULAR WASHDOWN AND MAINTENANCE AREAS WHICH ARE TO HAVE CONTAINMENT BUND.

SITE INSPECTION AND

MAINTENANCE PROGRAM INSTRUCTIONS

1. THE SITE SUPERINTENDENT WILL INSPECT THE SITE AT LEAST WEEKLY AND AT THE CONCLUSION OF EVERY STORM EVENT TO:
 - A. ENSURE THAT DRAINS OPERATE PROPERLY AND TO EXPECT ANY NECESSARY REPAIRS.
 - B. REMOVE SPILLED SLURR OR OTHER MATERIALS FROM HAZARD AREAS, INCLUDING LANDS GREATER THAN 5 METRES FROM AREAS OF LIKELY CONCENTRATED OR HIGH VELOCITY FLOWS ESPECIALLY WATERWAYS AND PAVED AREAS.
 - C. REMOVE TRAPPED SEDIMENT WHENEVER THE DESIGN CAPACITY OF THAT STRUCTURE HAS BEEN EXCEEDED.
 - D. REMOVE REHABILITATED LANDS HAVE EFFECTIVELY REDUCED THE EROSION HAZARD AND TO INITIATE UPGRADING OR REPAIR AS NECESSARY.
 - E. CONSTRUCT ADDITIONAL EROSION AND/OR SEDIMENT CONTROL WORKS AS MIGHT BECOME NECESSARY TO ENSURE THE DESIRED PROTECTION IS GIVEN TO DOWNWIND LANDS AND WATERWAYS. MAKE DRAINAGE CHANGES TO THE PLAN WHERE IT PROVES INADEQUATE IN PRACTICE OR IS SUBJECT TO CHANGES IN CONDITIONS ON THE WORK-SITE OR ELSEWHERE IN THE CATCHMENT.
 - F. MAINTAIN EROSION AND SEDIMENT CONTROL STRUCTURES IN A FULLY FUNCTIONING CONDITION UNTIL ALL EARTHWORK ACTIVITIES ARE COMPLETED AND THE SITE IS REHABILITATED.
2. THE SITE SUPERINTENDENT WILL KEEP A LOGBOOK HAVING ENTRIES AT LEAST WEEKLY, IMMEDIATELY BEFORE FORECAST RAIN AND AFTER RAINFALL. ENTRIES WILL INCLUDE:
 - A. THE VOLUME AND INTENSITY OF ANY RAINFALL EVENTS.
 - B. THE CONDITION OF ANY SOIL AND WATER MANAGEMENT WORKS.
 - C. THE CONDITION OF VEGETATION AND ANY NEED TO IRRIGATE.
 - D. THE NEED FOR DUST PREVENTION STRATEGIES.
 - E. ANY REPAIRS WORKS TO BE UNDERTAKEN.
 THE LOGBOOK WILL BE KEPT ON-SITE AND MADE AVAILABLE TO ANY AUTHORISED PERSON UPON REQUEST. IT WILL BE GIVEN TO THE PROJECT MANAGER AT THE CONCLUSION OF THE WORKS.

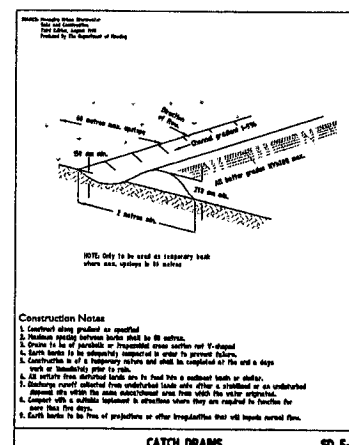
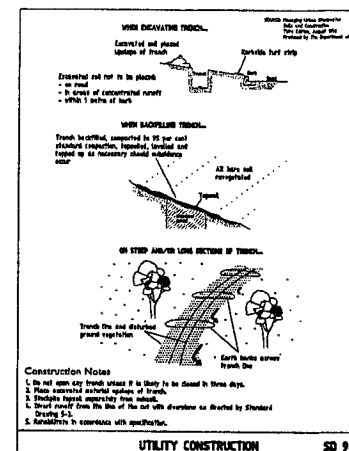
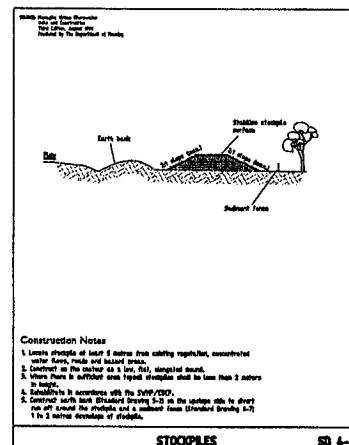
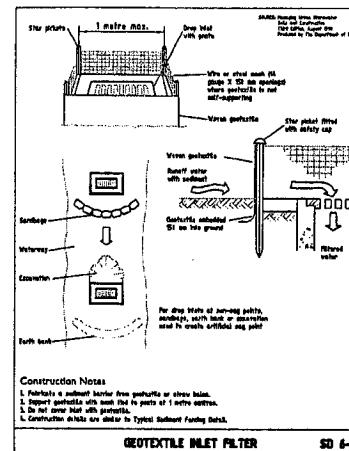
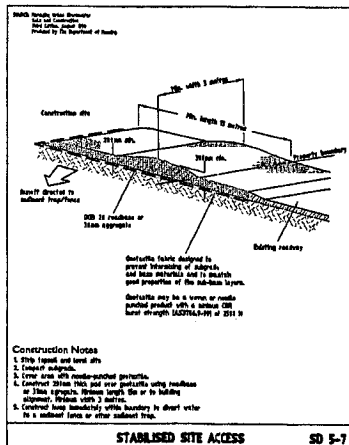
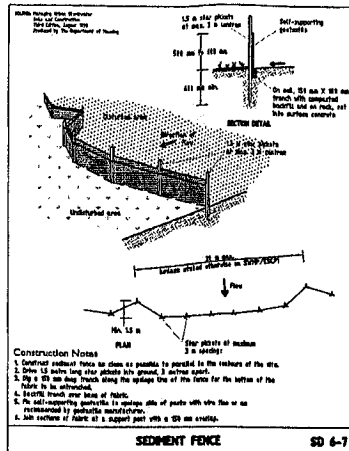
TYPE D SEDIMENT RETENTION BASIN NOTES

CONSTRUCTION NOTES

1. REMOVE ALL VEGETATION AND TOPSOIL FROM UNDER THE DAM WALL AND FROM WITHIN THE STORAGE AREA.
2. CONSTRUCT A CUT-OFF TRENCH 500 MM DEEP AND 1200 MM WIDE ALONG THE CENTRELINE OF THE EMBANKMENT EXTENDING TO A POINT ON THE GULLY WALL LEVEL WITH RIVER CREST.
3. MAINTAIN THE TRENCH FREE OF WATER AND RECOMPACT THE MATERIALS TO 95% STANDARD PROCTOR DENSITY.
4. SELECT SUITABLE FILL MATERIAL THAT IS FREE OF ROOTS, WOOD, ROCK, LARGE STONES OR PERVIOUS MATERIAL.
5. PREPARE THE SITE UNDER THE EMBANKMENT BY RIPPING AT LEAST 100 MM DEEP TO HELP BOND COMPACTED FILL TO EXISTING SUBSTRATE.
6. SPREAD FILL IN 100 MM TO 150 MM LAYERS AND COMPACT AT OPTIMUM MOISTURE CONTENT.
7. CONSTRUCT EMERGENCY SPILLWAY.
8. REHABILITATE THE STRUCTURE BY OBSERVING OTHER INSTRUCTIONS IN THIS PLAN.
9. PLACE A "FALL OF SEDIMENT" PEG MARKER AT THE TOP OF THE SEDIMENT STORAGE ZONE TO INDICATE WHEN SEDIMENT REMOVAL IS REQUIRED.

MANAGEMENT NOTES

1. THE CAPTURED STORMWATER IN THE SETTLING ZONE SHOULD BE DRAINED OR PUMPED OUT WITHIN THE 5 DAY PERIOD FOLLOWING RAINFALL PROVIDED THAT AN ACCEPTABLE WATER QUALITY (eg 50 mg/litre NON-FILTERABLE RESIDUES (NFR)) HAS BEEN ACHIEVED. FLOCCULATION SHOULD BE EMPLOYED WHERE EXTENDED SETTLING HAS FAILED TO MEET THIS OBJECTIVE.
2. FLOCCULATION SHOULD OCCUR WITHIN 24 HOURS OF THE CONCLUSION OF EACH STORM EVENT. THE SETTLING ZONE SHOULD THEN BE DRAINED OR PUMPED IN 12 HOURS LATER PROVIDED THE REQUIRED WATER QUALITY HAS BEEN ACHIEVED. DRAIN OR PUMP TO THE PEG MARKER PREVIOUSLY PLACED AT THE UPPER LEVEL OF THE SEDIMENT STORAGE ZONE.
3. FLOCCULATE BY USING OXYGEN CALCIUM SULPHATE AT THE RATE OF 2 kg PER 100 cubic metres OF STORED WATER. IN LARGE POUNDS HAY PAST INTO A SLURRY AND SPRAY OVER THE POND SURFACE. IN SMALLER POUNDS HAND BROADCAST OVER THE SURFACE.
4. MAINTAIN THE BASIN SO THAT THE DESIGN CAPACITY, NOT INCLUDING THE SEDIMENT STORAGE ZONE, IS PRESERVED. DISPOSAL OF WASTE MATERIAL WHEN THE SEDIMENT STORAGE ZONE IS FULL TO A SEDIMENT DUMP WHERE FURTHER POLLUTION TO DOWNWIND LANDS CANNOT OCCUR.



THIS DRAWING REVISION IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND IS NOT TO BE ISSUED FOR CONSTRUCTION

© COPYRIGHT, THIS DESIGN AND PLAN IS THE PROPERTY OF AFCE Environment + Building AND MUST NOT BE USED, REPRODUCED, OR COPIED WHOLLY OR IN PART WITHOUT WRITTEN PERMISSION FROM THE COMPANY.

REVISION DETAILS	CF	DATE
0 DEVELOPMENT APPLICATION ISSUE	CF	12/2005

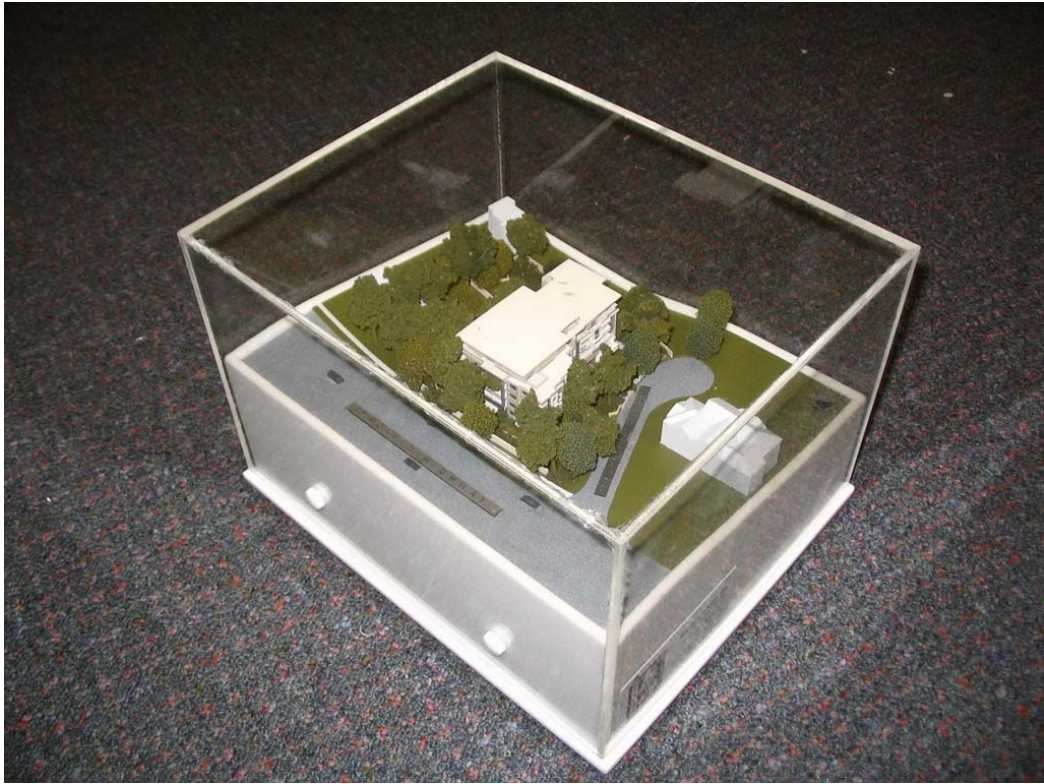
AFCE Environment + Building
A DIVISION OF APPLEYARD FORREST CONSULTING ENGINEERS Pty Ltd
100 HILLS STREET, OFFSHORE HOWE 2251
TEL: 08 8374 3000 FAX: 08 8374 3001
100 HILLS STREET, OFFSHORE HOWE 2251
TEL: 08 8374 3000 FAX: 08 8374 3001

CLIENT/BUILDER:
GLENSIDE GROUP

DRAWING TITLE: ENVIRONMENTAL SITE MANAGEMENT CONCEPT DETAILS	DRAWN: CF	12/2005	APPROVED: [Signature]
DESIGNED: BK	CHECKED: BAK/LDA	12/2005	
PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT #2-6 CLYDESDALE PLACE PYMBLE	JOB NO. 362418	SHEET 5 OF 5	DRAWING NO. 362418/CS

PRINT ISSUED







BELBOREPTY
LTD

Development & Project Management Consultants

PO Box 214 Balgowlah NSW 2093
Mob: 0414 991748
Fax: 9948 7338
email: steve@belbore.com.au
ABN 28 002 923 98030th March 2006

The General Manager
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072
FAX 9418 1117
Attention: Ursula Lang

Dear Ms Lang

DA 1428/2005 – 2-6 Clydesdale Place, Pymble
Request for additional Information- Isolated site

In response to the request in your email of 29th March in relation to the issue of isolation of the council owned parkland adjacent to our site, our client's position is as follows:

- On 18th August 2003 my client wrote to the General Manager asking if Council would be interested in selling their land at 1192 Pacific Highway (see attachment 1).
- On 29th August 2003 my client spoke to Mr K. Woosnam of council and subsequently wrote a further letter to Council (see attachment 2)
- On 24th September 2003 council wrote to my client acknowledging receipt of their letters and suggesting they contact council's Commercial Services Coordinator Keith Woosnam (see attachment 3)
- In early October my client's representative Mr David Hawes spoke to Mr Woosnam who advised him that the land is community land and would take a minimum of 18 months to change it to operational land and that Council is not currently inclined to do so.
- Around this time Mr Hawes and I met with Council officers Leta Webb and Antony Fabro to discuss among other things the status of the council land adjacent. They reiterated that the park is designated community land and as such the process for sale would be very long an involved and there was no certainty that Council would want to sell it. We agreed at that meeting that the site had probably been included on the zoning map by error, and that no further action would be taken to include that site in our development of Clydesdale Place.

- It is our understanding from Council's landscape officer that Council's current intention is that the park be retained as a community facility and in fact will be replanted back to blue gum high forest.
- Notwithstanding the above, the park is unsuitable to be included as part of our development site as there is a Sydney Water easement running along our common boundary. This easement cannot be built over or under, which effectively isolates the park from our land. The Park's 21m width dimension is not sufficient to allow a building to be constructed on it, even as part of our development, ie after deducting the 9m zone boundary set back to the south and a 6m set back to the north, there would only be 6m left to build on. This along with the steepness of the site makes any development as part of our site totally unfeasible.
- In conclusion, the site is unsuitable for development to the 2D3 zoning and should not have been included in LEP 194. Council have not expressed any intention or interest in selling it. We do not believe that any further action should be required on our behalf in this regard.

Yours Sincerely,


Steve Schinagel
Belbore Project Management

CC David Hawes- Warr Pty Ltd

"Attachment 1"

hawden

PROPERTY GROUP PTY. LTD.

Copy

Hawden Property Group Pty Ltd
ACN 003 528 345

Suite 6, 37 Alexander St., Crows Nest 2085
Telephone: (02) 9439-1644
Facsimile: (02) 9437-5397

18th August, 2003

Property Development and Project Management

The General Manager
Kuring-gai Council
818 Pacific Highway
GORDON NSW 2063

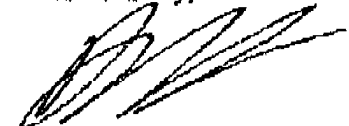
Dear Sir,

Re: Council Land - 1192 Pacific Highway, Pymble

We are commencing planning for a site we have consolidated consisting of 1190A Pacific Highway and Nos 2, 4, 6, 8 and 5 Clydesdale Avenue, Pymble. Council's land abuts the rear of 2 and 4 Clydesdale Avenue. This site totals 6820m² and council's land 850m² approximately. We believe the opportunity exists for council to 'sell' us the floor space available in council's residential strategy and have it incorporated in our large site and have council retain the land and remnant canopy vegetation as a park at 1192 Pacific Highway.

Should the above proposal be of interest to council, could you please advise the process involved and how we may properly commence that process.

Yours faithfully,



David Hawes,
Director.

Attachment 2

hawden

PROPERTY GROUP PTY. LTD.

Hawden Property Group Pty Ltd
ACN 009 528 345

Suite 6, 37 Alexander St., Crows Nest 2065
Telephone: (02) 9439-1644
Facsimile: (02) 9437-5397

Property Development and Project Management

29th August, 2003

Mr. K. Woosnam
Commercial Services Co-ordinator
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2063

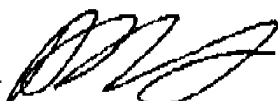
Dear Sir,

Re: 1192 Pacific Highway, Pymble

Further to our letter of 18.8.03 and discussions today in relation to our proposal, we confirm that we are currently contracting to purchase similar land on Pacific Highway with proposed rezoning to 1:1 FSR at \$1,000/m² of land. Our preference would be to purchase the land but if that is not possible, we would be willing to pay a similar sum for the applicable FSR to be added to the sites we currently control in Clydesdale Ave upon their being rezoned.

We trust this assists in the council's consideration of our proposal.

Yours faithfully,



David Hawes,
Director.

Attachment 3



Ku-ring-gai Council

24 September 2003

Director
Hawden Property Group Pty Ltd
Suite 6, 37 Alexander Street
CROWS NEST NSW 2065

Dear Mr Hawes

Re: Council Owned Land 1192 Pacific Highway, Pymble

I refer to your letters of 18th August & 29th August 2003 regarding a parcel of Council owned land at 1192 Pacific Highway, Pymble.

In order that your proposal may be further considered would you please advise the properties over which options have been secured and the duration of those options.

Should you wish to discuss this matter, please contact Keith Woosnam, Council's Commercial Services Coordinator on 9424 0858.

Yours sincerely

Brian Bell
General Manager

**Office of the
General Manager**

328666/PS4876 818 Pacific Highway, Gordon NSW 2072
DX8703, Gordon Telephone: (02) 9424 0711 Facsimile: (02) 9498 1765 www.kmc.nsw.gov.au

hawden

PROPERTY GROUP PTY. LTD.

Hawden Property Group Pty Ltd
ACN 003 528 346

Suite 1, 37 Alexander St, Crows Nest 2066
Telephone: (02) 9439 1644
Facsimile: (02) 9439 1172

Property Development and Project Management

FACSIMILE

TO: CHRISTINE

FAX: 9498-8443

COMPANY: KMC

DATE: 14.10.03

FROM: DAVID HAWES

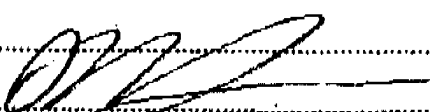
SUBJECT: 1192

No. of Pages: 4 (Including cover sheet)

PAC HMK PYMDK

COPIES OF CORRESPONDENCE

DURATION OF OPTIONS IS 18 MONTHS
WITH 17 MONTHS TO RUN.

RECORDS 

Discussed with Keith Worman - October '03
Land is community land and would take minimum
18 to change to operational land. Council is
not currently inclined to do so.

TO WHOM IT MAY CONCERN

APPLICATION TO DISPUTE DA APPLICATIONS FOR CLYDESDALE PLACE PYMBLE

I am writing with regards to the two developments currently being put before Kur-ringai Municipal Council, which are adjacent to my home in Pymble.

Namely:

1. DA 1428/2005 : 2-6 Clydesdale Pl, Pymble (6 storey, 30-50 units)
2. DA 301/06: 3,5 & 8 Clydesdale Pl, Pymble (6 storey, 35 units)

Firstly, apologies for my tardiness in submitting my concerns. I am temporarily residing in Brisbane for work reasons and did not receive the correspondence until weeks after you had sent it.

After detailed consultation with Ursula Lang and Selwyn Segall at Kur-ringai Council (who have been extremely helpful and diligent) and my solicitor and barrister, we are now in a position to lodge our concerns.

I am obviously greatly concerned that my property will be "land locked" by these developers.

"DCP 55", I believe, entitles me to right of request for a concept plan from the proposed developers, to demonstrate that this is or isn't the case. I request this urgently to ascertain my real predicament in this situation.

There are more than 6 other homes involved in these developments and my property is adjacent to 3 of them.

My only access is from Pacific Highway (directly adjacent to Telegraph Rd) and hence I am led to believe it would be **impossible for me to develop my block alone as safety issues arise forcing traffic onto the Highway from such a dangerous position.**

This is our first home and with a young daughter (3yrs old) and whopping mortgage, I am not in a position to fight through expensive legal process to be heard.

I like many others in this municipal council area face the non-enviable position of now owning a property that has:-

1. No access
2. No light
3. Greatly Reduced value for re-sale (currently already decline by more than 40% due to this situation in the last 6mths, in a market that has increased by double digits)
4. No hope of renting it out at the current market rate, as everyone is aware of the demolition orders on the adjacent properties (and who would want to live next to that)

The main areas of affectation are as follows (subject to no evaluation from a surveyor or planner).

Please note: The provided site plan is difficult to read and lacking in perspective/detail – I am basing, my responses on this

- unavailable light to our home - we are on a steep incline and will be severely limited/shadowed by the unit blocks

- current available access will be compromised, we have a very steep driveway down to our battleaxe block and
- should we ever want to develop our own block, we would not be able to, as I am led to believe delivering additional cars onto the Highway from this dangerous position would not be approved by Council
- Sewerage Issues - already we are the "last on the line" and have experienced ongoing issues with sewerage seepage into our lower back yard - from Kur-ringai Town Hall - the creek running through the development has a risk of increasing seepage onto our property as the natural flow is down hill to us (this was raised originally many years ago by the original owners who had the property for around 50 years)
- Traffic & Pollution from the Highway - already this is overly congested in peak hour - I cannot imagine how the Pacific Highway will cope with a further 140 drivers coming out of Clydesdale Place every morning
- This in turn will cause safety issues for my family and the family in the heritage house in front of us – we will have a greater risk of accidents entering the highway as now there will be two lines of traffic entering from Clydesdale Place at the same time as us. We have already experienced this via the recently developed block at 1180 Pacific Hwy. In fact there have already been near-misses with cars emerging from this unit block
- The view from my home is now greatly compromised – in fact we will have none! Shadowing over us will be 6 levels of units looking DOWN onto our property. The word Ghetto comes to mind as we also back onto the railway.
- the existing trees and leafy aspect of our property will be severely disadvantaged - 50yr+ trees are proposed to be lopped/chopped down, all these run adjacent to our property providing leafy privacy.
- This would also affect the "Bluegum Reserve" sitting next door (Fire Brigades land)
- There will be a dramatic change to the privacy and outlook we currently have - the only aspect we will have, will be these two developed blocks, 6 stories high and more or less right on top of us, whereas our aspect now, is blocked, high side and leafy on the sites where the developments are proposed
- Possible Land Slide - given the positioning of the top development, there is great risk that it collapses onto our property - **Last year's Lane Cove Tunnel Unit Block disaster** is a horrible reminder of how easily this can happen
- massive tree and wildlife reduction – non conducive to the Pymble environment and greatly affecting the resale value of my home
- Noise problem – as 1180 Pacific Hwy has proven, we expect these new units will also attract families with multiple people living in each unit. This has put great pressure on resident patience in the area and crime has risen.
- Safety Concerns: Our home was robbed not long after the first wave of tenants moved into 1180 Pacific Hwy, **for the 50 preceding years, this home had never been broken into.** The Pymble Police suggested it may have been people from the new unit block.
- Noise pollution, safety & burglary concerns will all affect us now.
- Privacy problem, both blocks will look down straight into my bedroom window and my 3 year old daughter's bedroom window – completely unacceptable.

Given the quick turnaround I have not been able to secure a planner to include their opinions, nor accessed any surveyors etc. I ask that you allow me grace to put forward further information should it arise from these two sources.

I am hoping to get to Sydney for the 14th June public discussion to put my case forward.

If you could advise me of any further outcomes and how I should proceed with preventing this development/s.

Thank you sincerely in advance.

Lisa Christie
(on behalf of Lisa, Scott and Samantha Christie, owners of 1190a Pacific Hwy, Pymble)

CONDUCT COMMITTEE & CODE OF CONDUCT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To establish an interim Conduct Committee and Guidelines for the operation of that Committee.
To adopt changes to Council's Code of Conduct.

BACKGROUND:

It is necessary for Council to establish a new Conduct Committee. Guidelines for the Committee will set out the procedures to be followed when enquiring into complaints received and ensure consistency of approach in dealing with complaints.

COMMENTS:

To ensure compliance with Council's Code of Conduct, a Conduct Committee should be established as soon as possible. The Conduct Committee Guidelines will enable the Committee to deal with complaints in a fair and transparent way.

RECOMMENDATION:

That Council establish an interim Conduct Committee, adopt the Ku-ring-gai Council Conduct Committee Guidelines and associated amendments to Council's Code of Conduct.

PURPOSE OF REPORT

To establish an interim Conduct Committee and Guidelines for the operation of that Committee. To adopt changes to Council's Code of Conduct.

BACKGROUND

The Department of Local Government issued a Model Code of Conduct for NSW Local Councils (the Model Code) in December 2004. The Model Code requires that all Councils establish a Conduct Committee to enquire into and make recommendations on allegations of breaches of Council's Code of Conduct by Councillors or the General Manager. The Department of Local Government has also recommended that guidelines be established for the operation of the Conduct Committee. The Guidelines set out the role and functions of the Conduct Committee.

This report recommends that an interim Conduct Committee be established and that Guidelines for the Conduct Committee be adopted. This has necessitated minor amendments to Council's Code of Conduct which are also required to be ratified.

The Model Code requires that the Conduct Committee consist of the Mayor, the General Manager and at least one person independent of the Council. The independent representative/s should comprise the Council's nominated legal adviser or other independent person/s of appropriate standing.

The Conduct Committee can only enquire into allegations of breaches of the Code of Conduct by Councillors or the General Manager. Further, allegations regarding pecuniary interest matters can not be dealt with by the Conduct Committee and must be referred to the Department of Local Government.

Council established a Conduct Committee shortly after it adopted its revised Code of Conduct in May 2005, based on the Model Code. The Committee consisted of the Mayor, the General Manager and an independent person with legal qualifications. The Conduct Committee received several complaints. All but one complaint were withdrawn by the respective complainants. In relation to the remaining complaint, the Conduct Committee determined that it would consider the matter further. The Conduct Committee was also in the process of developing Guidelines for the Conduct Committee. Unfortunately, the Conduct Committee ceased operation in late December 2005.

It is therefore necessary for Council to establish a new Conduct Committee to ensure compliance with the Model Code. It is also necessary to adopt guidelines for the operation of the Conduct Committee (Attachment A) and associated amendments to Council's Code of Conduct (Attachment B).

The draft Conduct Committee Guidelines propose that Council's Conduct Committee comprise the Mayor, the General Manager and at least one independent person with legal qualifications. It further proposes that the Conduct Committee comprise two additional persons of appropriate standing, independent of Council. To this end an expression of interest has been advertised in the Sydney

Item 4

S04462
5 June 2006

Morning Herald. This will allow for a panel of persons considered suitable for appointment, to be established.

COMMENTS

Given that it will take time to establish and ratify the new Conduct Committee, it is considered necessary and appropriate for Council to establish an interim Conduct Committee. Once established the interim Conduct Committee will be convened as soon as possible to consider the outstanding complaint and any other complaints received until the appointment of a permanent Conduct Committee. The Conduct Committee Guidelines will assist the Conduct Committee by outlining the procedures to be followed when enquiring into and making recommendations on allegations of breaches of the Code of Conduct. This includes the criteria to be used in assessing such allegations.

Accordingly, it is proposed that Council appoint the following independent persons to Council's interim Conduct Committee:

- Mr Chris Shaw, Partner, Shaw Reynolds Lawyers
- Emeritus Professor Maurice Daly, Principal, Daly Research Systems
- Ms Kath Roach, Executive Director Governance and Regulation, NSW Department of Housing

It should be noted that members of the interim Conduct Committee may or may not represent the members of the permanent Conduct Committee.

Further, as previously noted, adoption of the Conduct Committee Guidelines will necessitate minor amendments to Council's Code of Conduct. The amendments are broadly outlined as follows:

- That section 8.2 dealing with "Obligations of Councillors" be expanded to include a further dot point:

"Refrain from making mischievous or frivolous complaints for referral to the Conduct Committee."

- Section 10.3 currently states:

"You should report suspected breaches of the Code of Conduct to the General Manager, or Internal Ombudsman preferably in writing. The General Manager and Internal Ombudsman will ensure they advise one another of any breaches reported to them, unless they are subject of the complaint."

This section has been amended as follows:

Item 4

S04462
5 June 2006

“You should report suspected breaches of the Code of Conduct to the General Manager, in writing.”

- Sections 10.8 currently states:

“Council will establish a conduct committee that will consist of the Mayor, the General Manager and at least one person independent of Council. The independent representative/s should comprise Council’s nominated legal adviser or other independent person/s of appropriate standing.”

This section has been amended as follows:

“Council will establish a Conduct Committee that will consist of the Mayor, the General Manager and at least one independent person with legal qualifications. Any additional members will be of appropriate standing and independent of Council. Council’s Conduct Committee will operate within the “Ku-ring-gai Council Conduct Committee guidelines” adopted by Council.”

- Deletion of section 10.9, which states:

“The appointment of the independent person can only be made with the formal consent of the Internal Ombudsman.”

- Section 10.11 currently states:

“Councillors should report suspected breaches of the Code of Conduct to the General Manager, preferably in writing, in the first instance and refrain from making allegations at Council meetings. Where appropriate, the General Manager will report the matter to the conduct committee.”

This section, which has now become section 10.10, has been amended as follows:

“Councillors should report suspected breaches of the Code of Conduct to the General Manager, in writing, in the first instance and must not make allegations at Council meetings. Where appropriate, the General Manager will report the matter to the Conduct Committee.”

- Section 10.12 currently states:

“The Internal Ombudsman will assist the Conduct Committee by being their factual investigator into complaints that are before them, unless the Internal Ombudsman is an affected party to the complaint. The Internal Ombudsman is not part of the Conduct Committee.”

This section, which has now become section 10.11, has been amended as follows:

“The Internal Ombudsman may assist the Conduct Committee by being their factual investigator into complaints that are before the Committee. The exception to this is

where the Internal Ombudsman is an affected party to the complaint. The Internal Ombudsman is not a member of the Conduct Committee.”

CONSULTATION

The General Manager has reviewed the curriculum vitae of two of the three proposed members of the interim Conduct Committee (Confidential Attachment C). The final curriculum vitae will be distributed under separate cover. The General Manager has also reviewed and is satisfied with the content of the Conduct Committee Guidelines and associated amendments to the Code of Conduct. These documents were considered by the Policy Committee on 19 April 2006.

FINANCIAL CONSIDERATIONS

Independent members of the Conduct Committee will be remunerated for time spent dealing with Conduct Committee business. Annual costs will be dependent on the number of matters referred to the Committee.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The establishment of an interim Conduct Committee will ensure that the outstanding complaint and any subsequent complaints received before appointment of a permanent Conduct Committee can be dealt with expeditiously.

The establishment of guidelines for the Conduct Committee will ensure that allegations regarding the conduct of Councillors and the General Manager are dealt with in a fair and transparent manner

RECOMMENDATION

- A. That Council establish an interim Conduct Committee as proposed.
- B. That Council adopt the Ku-ring-gai Council Conduct Committee Guidelines as outlined in Attachment A.
- C. That Council adopt the associated amendments to the Code of Conduct as outlined in Attachment B.

Item 4

S04462
5 June 2006

- D. That following assessment of submissions received from newspaper advertisements, a further report be submitted to Council to enable appointment of a permanent Conduct Committee.

John McKee
General Manager

Attachments: **A. Ku-ring-gai Council Conduct Committee Guidelines - 623441**
 B. Amended Code of Conduct - 599858
 C. Curriculum Vitae - Interim Conduct Committee Members
 (Confidential)

KU-RING-GAI COUNCIL CONDUCT COMMITTEE GUIDELINES

1 DEFINITIONS

In these Guidelines, except in so far as the context or subject matter otherwise indicates or requires -

‘Council’ means that the Council of Ku-ring-gai.

‘Councillor/s’ mean the Councillor/s of Ku-ring-gai Council.

‘General Manager’ means the General Manager of Ku-ring-gai Council.

‘Mayor’ means the Mayor of Ku-ring-gai Council.

‘Conduct Committee’ means the Conduct Committee of Ku-ring-gai Council.

‘Code of Conduct’ means the Code of Conduct as adopted by Ku-ring-gai Council and includes any amendments adopted from time to time.

2 JURISDICTION OF CONDUCT COMMITTEE

The Conduct Committee may only investigate and report on allegations of breaches of Council’s Code of Conduct by Councillors or the General Manager.

Allegations regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the Conduct Committee.

3 COMPOSITION OF CONDUCT COMMITTEE

3.1 Members of Conduct Committee

The Conduct Committee will comprise the Mayor, the General Manager and at least one independent person with legal qualifications.

In circumstances where the Mayor or the General Manager are the subject of the complaint, the Deputy Mayor or another Councillor designated by Council will deputise for the Mayor or the General Manager on the Committee.

3.2 Selection of additional members

The Committee will also comprise two additional persons of appropriate standing, independent of Council. The selection will occur following the advertisement of an expression of interest in the press. The General Manager

in consultation with the Mayor, will establish a panel of persons considered suitable for appointment and arrange the rotation of such persons.

3.3 Quorum

The quorum of the Conduct Committee will be three members comprising the Mayor, the General Manager and the independent person with legal qualifications. In circumstances where the Mayor is the subject of the complaint, the quorum will comprise the Deputy Mayor or another Councillor designated by Council, the General Manager and the independent person with legal qualifications. In circumstances where the General Manager is the subject of the complaint, the quorum will comprise the Mayor, the Deputy Mayor or another Councillor designated by Council and the independent person with legal qualifications. Business shall not be conducted at any meeting of the Committee unless a quorum is present.

3.4 Duration of membership

The additional independent members, except for the member with legal qualifications, will serve for a period of twelve months and may not serve consecutive periods. The independent person with legal qualifications will serve for a period of 12 months and may serve consecutive periods.

4 COMPLAINT HANDLING PROCEDURES

4.1 Complaint to be in writing

Complaints about the conduct of Councillors are to be addressed in writing to the General Manager.

Complaints about the conduct of the General Manager are to be addressed in writing to the Mayor.

4.2 Initial review

Upon receipt of an allegation, the General Manager or the Mayor will undertake a review of the circumstances to determine if the matter should be referred to the Conduct Committee. Such determination shall be made within two business days of receipt of the complaint. The decision of the General Manager or the Mayor whether to refer the matter to the Conduct Committee or not, is final.

In arriving at that decision, the General Manager or Mayor shall have regard to the following -

- whether the allegation is covered by the Code of Conduct
- whether there is prima facie evidence of a breach of the Code of Conduct

- whether the complaint is trivial, frivolous, vexatious or not made in good faith
- whether there is an alternative and satisfactory means of redress (eg an apology or mediation)
- how much time has elapsed since the events the subject of the complaint took place
- how serious is the complaint and the significance it has for Council
- whether the complaint is one of a series, indicating a pattern of conduct

5 NO REFERRAL TO CONDUCT COMMITTEE

Where the General Manager or the Mayor determine not to report the matter to the Conduct Committee, the General Manager or the Mayor will provide the complainant with reasons in writing within two weeks of receipt of the complaint.

6 REFERRAL TO CONDUCT COMMITTEE

6.1 Convene meeting of Conduct Committee

Where the General Manager or the Mayor determine to report the matter to the Conduct Committee, the General Manager shall, in consultation with Mayor, convene an initial meeting of the Committee. Such meeting will be held, where practical, within three weeks of the determination.

6.2 Initial meeting of Conduct Committee

At the initial meeting, the Conduct Committee will determine –

- Not to make enquiries into the alleged breach. The complainant shall be provided with the reason/s in writing within two weeks of the determination.
- Make enquiries into the alleged breach to determine the particular factual matters. Such enquiries are to be made confidentially and by a member of the Conduct Committee or by Council's Internal Ombudsman.
- Engage an independent person to make enquiries into the alleged breach to determine the particular factual matters.

Where the Conduct Committee determines that further enquiries will be made, such enquiries will normally be undertaken within four weeks of the initial meeting.

6.3 Further meeting of Conduct Committee

The General Manager will convene a further meeting of the Conduct Committee, where practical, within two weeks of completion of the enquiry. At this meeting, the Committee will consider the results of the enquiry. The person against whom the allegation has been made (the affected person) shall be provided with particulars of the allegation at least 3 days before the Conduct Committee considers the allegation at the further meeting and such person will be provided with an opportunity to address the Committee and place before it any information the person considers relevant to the enquiry.

7 PROCEDURAL FAIRNESS

In conducting the enquiry, the Conduct Committee or independent person must observe the accepted rules of procedural fairness and must -

- inform the affected person that an allegation has been received and the details of the allegation
- inform the affected person that further enquiries into the allegation are being undertaken
- provide the affected person with a reasonable opportunity to respond to the allegation
- provide the affected person with an opportunity to place before the Conduct Committee or person undertaking the enquiry any information the affected person considers relevant to the enquiry
- provide the affected person with a reasonable opportunity to address the Conduct Committee in person
- hear all parties and consider all submissions before deciding the substance of any allegation and before making any recommendations
- act fairly and without prejudice or bias

8 FINDINGS OF CONDUCT COMMITTEE

8.1 Prima facie breach of the Code of Conduct

Where the Conduct Committee determines that an allegation discloses a prima facie breach of the Code of Conduct, the Conduct Committee will report its findings, and the reasons for its findings, in writing to Council. The Conduct Committee will also inform the affected person and the person making the allegation of its findings, in writing.

8.2 Recommendations

The Conduct Committee may, in its report to Council, make recommendations, that Council take any of the following actions –

- censure the councillor for misbehaviour
- require the Councillor to apologise to any person adversely affected by the breach
- counsel the Councillor
- make public findings of inappropriate conduct
- refer the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
- prosecute for any breach of the law

9 CONFIDENTIALITY

All person associated with the matter, including the complainant, the affected person, members of the Conduct Committee and any independent enquirer, shall ensure that confidentiality is maintained. Any breach of confidentiality shall be considered a breach of the Code of Conduct.

10 VOTING

Each member of the Conduct Committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the Chairperson shall have the casting vote.

The Chairperson of the Committee shall be nominated by Council. Failing any nomination by Council, the Chairperson of the Committee shall be the independent person with legal qualifications.

11 PROCEDURAL MATTERS

In relation to any procedural matters relating to the operation of the Conduct Committee, the ruling of the Chairperson shall be final.

12 AMENDMENT OF GUIDELINES

The Conduct Committee guidelines may be added to, repealed or amended by resolution of the Council.

KU-RING-GAI COUNCIL

Code of Conduct

**Adopted by Council – 24 May 2005
Minute No 195**

**Recommended Changes
June 2006**

TABLE OF CONTENTS

1	Introduction	3
2	Definitions.....	3
3	Purpose of the Code of Conduct	4
4	Key Principles	4
4.1	Integrity.....	4
4.2	Leadership.....	4
4.3	Selflessness	4
4.4	Objectivity.....	4
4.5	Accountability	5
4.6	Openness	5
4.7	Honesty	5
4.8	Respect	5
5	General Conduct Obligations	5
	General Conduct.....	5
	Fairness & Equity	6
	Harassment & Discrimination.....	6
	Development Decisions	6
	Guide to ethical decision-making	6
6	Conflict of Interests	7
	Pecuniary & non-pecuniary conflict of interests	7
	Other Business or Employment	9
	Political support.....	10
	Personal dealings with Council	10
7	Personal Benefit.....	10
	Gifts or Benefits.....	10
	Token Gifts & Benefits	10
	Gifts of Value.....	11
	Improper & Undue Influence	12
8	Relationship between Council Officials.....	12
	Obligations of Councillors	12
	Role of the Mayor.....	12
	Obligations of Staff.....	12
	Obligations during meetings.....	13
	Inappropriate Interactions	13
9	Access to Information and Council Resources	14
	Councillor access to information	14
	Refusal of access to documents	15
	Use of Council Information.....	15
	Security of Information	16
	Use of Council Resources.....	16
	Councillor access to Council buildings.....	17
10	Reporting Breaches, Complaint Handling Procedures & Sanctions.....	17
	Corrupt Conduct, Maladministration & Waste of Public Resources	17
	Reporting Breaches of the Code of Conduct	17
	Complaint handling procedures - staff conduct (excluding the General Manager)	18
	Complaint handling procedures - Councillor & General Manager conduct	18
	Sanctions	19
11	Councillor Misbehaviour	20

1 Introduction

The *Local Government Act 1993* requires every Council to adopt a Code of Conduct that incorporates the provisions of The Model Code of Conduct for Local Councils in NSW. Councillors, members of staff of Council and delegates of the Council must comply with the applicable provisions of Council's Code of Conduct. It is the personal responsibility of Council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of Council's Code of Conduct.

Failure by a Councillor to comply with an applicable requirement of Council's Code of Conduct constitutes misbehaviour. Failure by a member of staff to comply with Council's Code of Conduct may give rise to disciplinary action.

2 Definitions

In the model Code of Conduct the following definitions apply:

Council official:	Includes Councillors, members of staff of Council and delegates of Council.
Delegates of Council:	A delegate of Council is a person or body to whom a function of Council is delegated.
Designated person:	See the definition in section 441 of the Local Government Act 1993.
Act of disorder:	See the definition in clause 29 of the Local Government (Meetings) Regulation 1999
The Act:	The Local Government Act 1993.

The term "you" used in the model Code of Conduct refers to Council officials.

References to sections in the model Code of Conduct are references to sections in the *Local Government Act 1993*.

3 Purpose of the Code of Conduct

The Model Code of Conduct for Local Councils in NSW sets the minimum requirements of behaviour for Council officials in carrying out their functions. The model code is prescribed by regulation.

The model Code of Conduct has been developed to assist Council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

4 Key Principles

The Model Code of Conduct for Local Councils in NSW is based on the following key principles:

4.1 Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

4.2 Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council. *This means promoting public duty to others in the Council and outside, by your own ethical behaviour.*

4.3 Selflessness

You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision-maker.*

4.4 Objectivity

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of Council's resources; considering only relevant matters.*

4.5 Accountability

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

4.6 Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

4.7 Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the Code of Conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

4.8 Respect

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

5 General Conduct Obligations

General conduct

5.1 You must avoid behaviour that could constitute an act of disorder or misbehaviour. Specifically, you must avoid conduct that:

- contravenes the Act, associated regulations and Council's relevant administrative requirements
- is detrimental to the pursuit of the charter of a Council
- is improper or unethical
- is an abuse of power or otherwise amounts to misconduct
- causes, comprises or involves intimidation, harassment or verbal abuse
- causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A of the Act*)

- 5.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 5.3 You must treat others with respect at all times.

Fairness and equity

- 5.4 You have an obligation to consider issues consistently, promptly and fairly. This involves dealing with matters in accordance with established procedures, in a non-discriminatory manner.
- 5.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 5.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination, on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality or transgender.

Development decisions

- 5.7 It is your duty to ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid impropriety. You must also avoid any occasion for suspicion and any appearance of improper conduct.
- 5.8 In determining development applications, it is essential that you are highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. This means you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide concessions or preferential treatment.

Guide to ethical decision-making

- 5.9 If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:
- Is the decision or conduct lawful?
 - Is the decision or conduct consistent with Council's policy and with Council's objectives and the Code of Conduct?
 - What will the outcome be for the employee or councillor, work colleagues, the Council and any other parties?
 - Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?

- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Remember – you have the right to question any instruction or direction given to you which you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This includes your supervisor, trusted senior officer, **Internal Ombudsman**, the Department of Local Government, the Ombudsman's Office and the Independent Commission against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

6 Conflict of Interests

Pecuniary and non-pecuniary conflict of interests

- 6.1 A conflict of interests exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty.
- 6.2 You must appropriately resolve any conflict or incompatibility between your private or personal interests and the impartial performance of your public or professional duties.
- 6.3 Any conflict between your interests and those of Council must be resolved to the satisfaction of the Council. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 6.4 It is essential that you properly address conflict of interests issues that may arise. You must:
 - try to understand the concept and practical implications of conflict of interests issues
 - accept that failure to resolve an actual or reasonably perceived conflict of interests is unacceptable in local government
 - take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests.
- 6.5 Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on you to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of your public duty.
- 6.6 Where necessary, you must disclose an interest promptly, fully and in writing. If a disclosure is made at a Council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.
- 6.7 If you are in doubt whether a conflict of interests exists, you should seek legal or other appropriate advice.

6.8 A conflict of interests can be of two types:

Pecuniary - An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated. (*sections 442 and 443*)

Non-pecuniary - A private or personal interest the Council official has that does not amount to a pecuniary interest as defined in the Act (for example: a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

6.9 Pecuniary interest is regulated by Chapter 14 Part 2 of the Act. The Act requires that:

- Councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*).
- Councillors or members of Council committees disclose an interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter. (*section 451*)
- designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)

Designated persons are defined at section 441 of the Act.

- 6.10 Where you are a member of staff of Council, other than a designated person (as defined by section 441), you must disclose to your supervisor or the General Manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.
- 6.11 If you have a non-pecuniary conflict of interests, you must disclose the nature of the conflict. If this is in a meeting, do so as soon as practicable.
- 6.12 If you have declared a non-pecuniary conflict of interests you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interests in at least one of these ways:
- It may be appropriate that no action is taken where the potential for conflict is minimal. However, Council officials should consider providing an explanation of why they consider a conflict does not exist.
 - Limit involvement if practical (for example, participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
 - Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).

- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).
- Include an independent person in the process to provide assurance of probity (for example, for tendering or recruitment selection panels).

6.12.1 Former Council Officials

You must be careful in your dealings with former Council officials and make sure that you do not give them or appear to give them favourable treatment or access to privileged information.

Former Council officials must not use, or take advantage of confidential information obtained in the course of their official duties that may lead to gain or profit. At the end of your involvement with Council, you must:

- Return all Council property, documents or items (keys, mobile phones etc).
- Not make public or otherwise use any confidential information gained as a consequence of your involvement with Council.

(pg 21 Guide to the model Code)

Other business or employment

6.13 A member of staff of Council who is considering outside employment or contract work that relates to the business of the Council or that might conflict with their Council duties, must notify and seek the approval of the General Manager in writing. (*section 353*)

6.14 Before you engage in outside employment or business you must ensure that it will not:

- conflict with your official duties
- interfere with your Council work
- involve using confidential information or Council resources obtained through your work with the Council
- require you to work while on Council duty
- discredit or disadvantage the Council.

In all cases you should first seek permission in writing from the General Manager before undertaking secondary employment.

Political support

6.15 Councillors should note that matters before Council involving campaign donors may give rise to a non-pecuniary conflict of interests.

Personal dealings with Council

6.16 You will inevitably deal personally with your Council (for example, as a ratepayer, recipient of a Council service or applicant for a consent granted by Council). You must not expect or request preferential treatment for yourself or your family because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

7 Personal Benefit

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts or benefits

7.1 You must not:

- seek or accept a bribe or other improper inducement
- by virtue of your position acquire a personal profit or advantage which has a monetary value, other than one of a token value.

7.2 You must not seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:

- act in a particular way (including making a particular decision)
- fail to act in a particular circumstance
- otherwise deviate from the proper exercise of your official duties.

7.3 You may accept gifts or benefits of a nominal or token value that do not create a sense of obligation on your part.

Token gifts and benefits

7.4 Generally speaking, token gifts and benefits may include:

- gifts of single bottles of reasonably priced alcohol to individual Council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
- free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business

- free meals, of a modest nature, and/or beverages provided to Council officials who formally represent their Council at work related events such as training, education sessions, workshops
- refreshments, of a modest nature, provided at conferences where you are a speaker
- ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages
- invitations to appropriate out of hours “cocktail parties” or social functions organised by groups, such as Council committees and community organisations.

Gifts of value

- 7.5 You must never accept an offer of money, regardless of the amount.
- 7.6 In general, you must not accept gifts and benefits that have more than a nominal or token value. These include tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.
- 7.7 If you receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, you should accept the gift and disclose this promptly to your supervisor, the Mayor or the General Manager. The supervisor, Mayor or General Manager will ensure that any gifts received are recorded in a Gifts Register.
- 7.8 You must avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from you or the Council.
- 7.9 You must also take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.
- 7.10 Councillors and designated persons must by law disclose a description of any gift or gifts totalling a value exceeding \$500 made by the same person during a period of 12 months or less. *(required to be included in the disclosure of interests returns – section 449)*
- 7.10.1 **NEVER accept even token gifts during the evaluation phase of a tender.**
(ICAC Governance Health Check)

Improper and undue influence

- 7.11 You must not take advantage of your position to improperly influence other Council officials in the performance of their public or professional duties to secure a private benefit for yourself or for somebody else.
- 7.12 You must not take advantage (or seek to take advantage) of your status or position with, or functions performed for, Council in order to obtain unauthorised or unfair benefit for yourself or for any other person or body.

8 Relationship between Council Officials

Obligations of Councillors

- 8.1 Each Council is a statutory corporation. The Councillors are the governing body of the corporation. Councillors have the responsibility of directing and controlling the affairs of the Council in accordance with the Act.
- 8.2 Councillors must:
- refrain from directing Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or committee resolution, or by the Mayor exercising their power under section 226 of the Act (*section 352*)
 - refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - refrain from contacting a member of the staff of the Council unless in accordance with procedures governing the interaction of Councillors and Council staff that have been authorised by the General Manager
 - not contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Mayor exercising their power under section 226 of the Act.
 - *Refrain from making mischievous or frivolous complaints to the Conduct Committee.*

Role of the Mayor

- 8.3 The role of the Mayor is defined by section 226 of the Act. This role is the same whether the Mayor is popularly elected or elected by the Councillors.

Obligations of staff

- 8.4 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.

8.5 Members of staff of Council have an obligation to:

- give their attention to the business of Council while on duty
- ensure that their work is carried out efficiently, economically and effectively
- carry out lawful directions given by any person having authority to give such directions
- give effect to the lawful policies, decisions and practices of the Council, whether or not the staff member agrees with or approves of them.

Obligations during meetings

8.6 You must act in accordance with Council's Code of Meeting Practice, if Council has adopted one, and the *Local Government (Meetings) Regulation 1999* during Council and committee meetings.

8.7 You must respect the chair, other Council officials and any members of the public present during Council and committee meetings or other formal proceedings of the Council.

Inappropriate interactions

8.8 The following interactions are inappropriate:

- Councillors approaching Council staff other than directors or senior staff for information on sensitive or controversial matters.
- Council staff approaching Councillors directly on individual staffing matters.
- Councillors approaching Council staff outside the Council building or outside hours of work to discuss Council business.
- Council staff refusing to give information which is available to other Councillors to a particular Councillor because of the staff member's or Councillor's political views.
- Councillors who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.
- Councillors being overbearing or threatening to Council staff.
- Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- Councillors approaching Council staff organisations (for example unions and associations) in relation to staffing matters that relate to individual staff members rather than broader industrial policy issues.

- Council staff meeting with developers alone and outside office hours to discuss development applications or proposals.
- Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor, exercising their power under section 226 of the Act.
- Council staff meeting developers or their associates during work hours without prior knowledge and approval of their supervisor. (The reason, time and location of the meetings must be recorded by their supervisor in a register maintained by the supervisor, prior to the meeting taking place). Unplanned/coincidental meetings should be immediately reported to your supervisor and recorded in the register.
- Planned meetings with developers and their associates should be attended by at least 2 members of staff, one of which should be a senior member of staff.

8.9 Public Comment

Only the Mayor, the General Manager and the Media Relations Manager may make media or public comment on behalf of the Council.

Councillors must not purport to represent Council unless Council has resolved accordingly.

As a member of the community, Councillors and staff have the right to enter into public debate on political, professional and social issues. You need to take care, however, not to allow the impression to be gained that such comments are official comment on behalf of the Council.

9 Access to Information and Council Resources

Councillor access to information

- 9.1 A Council must provide access to the documents available under section 12 of the *Local Government Act 1993* to all members of the public, and to Councillors. A Council must also provide Councillors with information sufficient to enable them to carry out their civic functions.
- 9.2 Any information that is given to a particular Councillor in the performing of their civic duties must also be available to any other Councillor who requests it.
- 9.3 Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.
- 9.4 Members of staff of Council have an obligation to provide full and timely information to Councillors about matters that they are dealing with in accordance with Council procedures.

- 9.5 Councillors have an obligation to properly examine and understand all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with Council's charter.

Refusal of access to documents

- 9.6 The General Manager and Public Officer must act reasonably in deciding whether a document sought by a Councillor should be made available under section 12 of the *Local Government Act 1993* or because it is relevant to the performance of the Councillor's civic duty. The General Manager or Public Officer must state the reasons for the decision if access is refused.

Use of Council information

- 9.7 You must:

- protect confidential information
- only access information needed for Council business
- not use confidential information for any non-official purpose
- only release confidential information if you have authority to do so
- only use confidential information for the purpose it is intended to be used
- only release other information in accordance with established Council policies and procedures and in compliance with relevant legislation
- not use Council information for personal purposes
- not disclose any information discussed during a confidential session of a Council meeting.

- 9.8 You must carry out your duties in a manner that allows Council officials and the public to remain informed about local government activity and practices.

- 9.9 You must not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person.

- 9.10 You must not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you had access in the exercise of your official functions or duties by virtue of your office or position.

- 9.11 You must not use confidential information with the intention to improperly cause harm or detriment to your Council or any other person or body.

Security of information

9.12 You must take care to maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

9.13 When dealing with personal information you must comply with:

- *the Privacy and Personal Information Protection Act 1998*
- *the Health Records and Information Privacy Act 2002*
- the Information Protection Principles and Health Privacy Principles
- Council's privacy management plan
- the Privacy Code of Practice for Local Government.

Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

Use of Council resources

9.14 You must use Council resources ethically, effectively, efficiently and carefully in the course of your public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

9.15 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- the representation of members with respect to disciplinary matters
- the representation of employees with respect to grievances and disputes
- functions associated with the role of the local consultative committee.

9.16 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities and should not permit their misuse by any other person or body.

9.17 You must avoid any action or situation which could create the impression that Council property, official services or public facilities are being improperly used for your own or any other person or body's private benefit or gain.

9.18 The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, Council crests and other information that could give the impression it is official Council material must not be used for these purposes.

9.19 You must not convert any property of the Council to your own use or in any way borrow or use for personal use any Council property unless properly authorised, in writing from the General Manager.

9.20 Minimal use of telephones and computers for private purposes is permitted. Minimal and appropriate use of email and internet, in accordance with Council Policy is acceptable. Access to inappropriate internet sites and the use of email to distribute or store offensive or inappropriate material will not be tolerated under any circumstances.

- 9.21 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to Council buildings

- 9.22 As elected members of the Council, Councillors are entitled to have access to the Council Chamber, committee room, Mayor's office (subject to availability), Councillor's rooms, and public areas of Council's buildings during normal business hours and for meetings. Should Councillors need access to these facilities at other times, authority is required from the General Manager in order that necessary arrangements can be made.
- 9.23 Councillors must not enter staff-only areas of Council buildings without the approval of the General Manager (or delegate) or as provided in the procedures governing the interaction of Councillors and Council staff.
- 9.24 Councillors must ensure that when they are within a staff area they are cognisant of potential conflict or pecuniary interest matters and/or a perception that they may bring influence to bear on Council staff decisions and should conduct themselves accordingly.

10 Reporting Breaches, Complaint Handling Procedures and Sanctions

Corrupt conduct, maladministration and waste of public resources

- 10.1 You have an obligation to act honestly. You should report any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources in accordance with Council's internal reporting policy.
- 10.2 The Protected Disclosures Act 1994 provides certain protections against reprisals for Council officials who report such matters. It is an offence to take detrimental action against people who make such reports.

Reporting breaches of the Code of Conduct

- 10.3 *You should report suspected breaches of the Code of Conduct to the General Manager, in writing.*
- 10.4 Where you believe that the General Manager has failed to comply with this code, you should report the matter to the Mayor, preferably in writing, who will report the matter to the conduct committee.

Complaint handling procedures – staff conduct (excluding the General Manager)

- 10.5 Where appropriate, the General Manager will make enquiries, or cause enquiries to be made, into breaches of the Code of Conduct regarding members of staff of Council and others engaged by the Council and will determine the matter. In most cases the above enquiries will be managed or made directly by the Internal Ombudsman on behalf of the General Manager. If the General Manager elects to make enquiries himself he should advise the Internal Ombudsman of his decision to do so and outline the details of the complaint (unless the complaint is about the Internal Ombudsman).
- 10.6 Where the General Manager has determined not to enquire into the matter, the General Manager will give the complainant the reason/s in writing.
- 10.7 Enquiries made into staff conduct which might give rise to disciplinary action must occur in accordance with the relevant local government award and make provision for procedural fairness including the right of an employee to be represented by their union.

Complaint handling procedures – Councillor and General Manager conduct

- 10.8 Council will establish a Conduct Committee that will consist of the Mayor, the General Manager and at least one independent person with legal qualifications. Any additional members will be of appropriate standing and independent of Council. Council's Conduct Committee will operate within the "Ku-ring-gai Council Conduct Committee guidelines" adopted by Council.
- 10.9 In the instance of a complaint being made by or against the Mayor or the General Manager, the Deputy Mayor, or another Councillor who has been designated by Council, will take the place of the Mayor or General Manager on the committee.
- 10.10 Councillors should report suspected breaches of the Code of Conduct to the General Manager, in writing, in the first instance and must not make allegations at Council meetings. Where appropriate, the General Manager will report the matter to the Conduct Committee.
- 10.11 The Internal Ombudsman may assist the Conduct Committee by being their factual investigator into complaints that are before the Committee. The exception to this is where the Internal Ombudsman is an affected party to the complaint. The Internal Ombudsman is not part of the Conduct Committee.
- 10.12 Where the General Manager has determined not to report the matter to the conduct committee, the General Manager will give the complainant the reason/s in writing.
- 10.13 Council's conduct committee is responsible for making enquiries into allegations of breaches of the Code of Conduct by Councillors and must either:
- determine not to make enquiries into the allegation and give the reason/s in writing
 - make enquiries into the alleged breach to determine the particular factual matters, or

- engage an independent person to make enquiries into the allegation to determine the particular factual matters.

10.14 Enquiries made by the General Manager, an independent person or the conduct committee will follow the rules of procedural fairness. The enquirer must:

- inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them
- provide the person/s with a reasonable opportunity to put their case
- hear all parties to a matter and consider submissions
- make reasonable enquiries before making a recommendation
- ensure that no person is involved in enquiries in which they have a direct interest
- act fairly and without bias, and
- conduct the enquiries without undue delay.

10.15 Council's conduct committee must decide whether a matter reported to it discloses a prima facie breach of this code. The conduct committee will report its findings, and the reasons for these findings, in writing to the Council, the complainant and the person subject of the complaint.

10.16 The conduct committee may recommend that Council take any actions provided for in this Code of Conduct that the committee considers reasonable in the circumstances.

Sanctions

10.17 Where the Council finds that a Councillor has breached the code, it may decide by resolution to:

- censure the Councillor for misbehaviour in accordance with section 440G of the Act
- require the Councillor to apologise to any person adversely affected by the breach
- counsel the Councillor
- make public findings of inappropriate conduct
- refer the matter to an appropriate investigative body if the matter is serious (for example, the Department of Local Government, the Independent Commission Against Corruption, the NSW Ombudsman or the NSW Police)
- prosecute for any breach of law.

10.18 Sanctions for staff depend on the severity, scale and importance of the breach and must be in accordance with any staff agreements, awards, industrial agreements and contracts.

10.19 Sanctions may include counselling, official notification of unsatisfactory performance, dismissal or prosecution.

11 Councillor Misbehaviour

- 11.1 For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a Councillor to comply with an applicable requirement of this Code of Conduct constitutes misbehaviour. (*section 440F*)
- 11.2 Under section 440G a Council may by resolution at a meeting formally censure a Councillor for misbehaviour.
- 11.3 Under section 440H, the process for the suspension of a Councillor from civic office can be initiated by a request made by Council to the Director General of the Department of Local Government.
- 11.4 The first ground on which a Councillor may be suspended from civic office is where the Councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the Councillor's suspension.
- 11.5 Council cannot request suspension on this ground unless during the period concerned the Councillor has been:
- formally censured for incidents of misbehaviour on two or more occasions, or
 - expelled from a meeting of the Council or a committee of the Council for an incident of misbehaviour on at least one occasion.
- 11.6 The second ground on which a Councillor may be suspended from civic office is where the Councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the Councillor's suspension.
- 11.7 Council cannot request suspension on this ground unless the Councillor has been:
- formally censured for the incident of misbehaviour concerned, or
 - expelled from a meeting of the Council or a committee of the Council for the incident of misbehaviour concerned.
- 11.8 Under section 440H, the process for the suspension of a Councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

GUIDELINES FOR THE KU-RING-GAI COUNCIL OFFICE OF THE INTERNAL OMBUDSMAN

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	The position of Internal Ombudsman was permanently filled on 13 December 2005. This report recommends that Guidelines for the Office of the Internal Ombudsman be adopted.
BACKGROUND:	It is important to establish guidelines for the position of Internal Ombudsman to set out the role and functions to be carried out by the position.
COMMENTS:	The Guidelines are required to give effect to the position of Internal Ombudsman.
RECOMMENDATION:	That Council adopt the Ku-ring-gai Council Internal Ombudsman Guidelines.

PURPOSE OF REPORT

The position of Internal Ombudsman was permanently filled on 13 December 2005. This report recommends that Guidelines for the Office of the Internal Ombudsman be adopted.

BACKGROUND

Following the success of a trial last year, the position of Internal Ombudsman was permanently filled on 13 December 2005. This report recommends that Guidelines for the Office of the Internal Ombudsman be adopted.

As part of the need to promote the principles of accessibility, fairness, accountability and effectiveness for the position of Internal Ombudsman, it is important to establish guidelines for the position. The Guidelines set out the role and functions to be carried out by the Internal Ombudsman.

The attached guidelines (Attachment A) have been modelled on guidelines adopted for the position of Internal Ombudsman at Sutherland Shire Council, Warringah Council and Wollongong City Council. The Wollongong City Council Internal Ombudsman guidelines were used as a basis for gaining membership to the International Ombudsman Institute.

COMMENTS

The Guidelines are required to give effect to the position of Internal Ombudsman. Once the Guidelines are adopted it is proposed that they be made available to any person dealing with the Office of the Internal Ombudsman and posted on Council's website.

CONSULTATION

The General Manager has reviewed the Guidelines and discussed their content with the Internal Ombudsman. The General Manager is satisfied with the content of the Guidelines. The Guidelines were submitted to the Policy Committee on 19 April 2006.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The establishment of Guidelines for the Internal Ombudsman will ensure that any person dealing with the Office of the Internal Ombudsman is aware of the role and function to be carried out by that office.

Accordingly, it is recommended that the proposed Guidelines be adopted to enable the Internal Ombudsman to carry out the functions required of that position.

RECOMMENDATION

- A. That Council adopt Guidelines for the Office of the Internal Ombudsman in accordance with Attachment A.
- B That once adopted, the Internal Ombudsman operate within such Guidelines.

John McKee
General Manager

Attachments: Ku-ring-gai Council Internal Ombudsman Guidelines - 592556

KU-RING-GAI COUNCIL INTERNAL OMBUDSMAN GUIDELINES

1 DEFINITIONS

In these Guidelines, except in so far as the context or subject matter otherwise indicates or requires –

‘Administrative capacity’ means the implementation of Council resolutions, policies and procedures and management of the day-to-day operations of Council.

‘Council’ means the Council of Ku-ring-gai.

‘Councillor/s’ means the Councillor/s of Ku-ring-gai Council.

‘Expert’ means any person appropriately qualified in a particular area and available to provide advice to the Internal Ombudsman as required.

‘General Manager’ means the General Manager of Ku-ring-gai Council.

‘Mayor’ means the Mayor of Ku-ring-gai Council.

‘Internal Ombudsman’ means the Office of the Internal Ombudsman and includes any personnel conducting activities associated with, or on behalf of, the Internal Ombudsman.

2 REPORTING

The Internal Ombudsman shall report directly to the General Manager. It is the General Manager’s responsibility to address recommendations made by the Internal Ombudsman and ensure their implementation within the Council. The exception to this is when a conflict of interests may arise by referring the matter to the General Manager in which case the matter is referred to the Mayor. If for some reason both the General Manager or the Mayor are perceived to have a conflict of interest then the matter is referred direct to the Council to address the recommendations. The report on a complaint against a Councillor is to be referred to the General Manager who may report the matter to the Council’s Conduct Committee in accordance with Council’s Code of Conduct. The report on a complaint against the General Manager is to be referred to the Mayor who may report the matter to the Council’s Conduct Committee in accordance with Council’s Code of Conduct.

3 ORGANISATION OF THE OFFICE

3.1 Budget

The Internal Ombudsman shall be required to maintain and submit, as required, a budget to the General Manager.

3.2 Organisation of the Office

Subject to the approval of the General Manager, the Internal Ombudsman may select, appoint and compensate, within the budget approved by Council, such employees as the Internal Ombudsman considers necessary to perform the duties required of the position.

3.3 Confidentiality

The Internal Ombudsman and every person carrying out duties in connection with investigations conducted by the Internal Ombudsman and any person who becomes aware of an investigation being carried out by the Office of the Internal Ombudsman, shall ensure that confidentiality is maintained unless it is unreasonable or impossible to do so.

3.4 Independence

The Internal Ombudsman shall perform the duties of the Office with complete independence and impartiality.

3.5 Process

The Internal Ombudsman shall develop and document processes associated with the investigation and reporting of all matters which it investigates.

4 JURISDICTION

4.1 Jurisdiction

The Internal Ombudsman may, on receiving a complaint, or on the Internal Ombudsman's own initiative, investigate –

- a a decision or recommendation,
- b an act done or omitted, or
- c a procedure,

relating to a matter of administration or conduct of Council staff or Councillors (in an administrative capacity), whereby a person is, or may be aggrieved.

Those council employees or Councillors investigated shall be bound by the Internal Ombudsman's recommendations, once the General Manager, the Mayor or the Council has addressed them. The complainant cannot be bound.

While it may be usual practice that a complainant should at first exhaust the internal complaint procedures in place within Ku-ring-gai Council, the Internal Ombudsman shall have the right to waive this requirement on a case by case basis. The Internal Ombudsman shall have the right to investigate any complaint or initiate any investigation without the need for any prior consent of any person or body against whom the complaint is made.

4.2 Limit on jurisdiction

Nothing in this part authorises the Internal Ombudsman to investigate a decision or recommendation, an act done or omitted, or a procedure used by Council, a committee of Council or a community committee, or a matter where an adequate remedy or right of appeal exists, whether or not the complainant uses it. Notwithstanding, matters of maladministration or misconduct that have not, or are not likely to be addressed through the remedy or right of appeal can be investigated by the Internal Ombudsman.

4.3 Questions as to jurisdiction

Where a question arises as to the jurisdiction of the Internal Ombudsman to investigate a matter, the Internal Ombudsman may discuss the matter with the General Manager and/or any expert as required, to determine the question.

5 RIGHT TO COMPLAIN

5.1 Right to complain

Subject to this section and paragraph 7.1 any person may complain to the Internal Ombudsman about the conduct of Council staff or Councillors (in an administrative capacity).

5.2 Complaint in writing

A complaint made under paragraph 5.1 must be in writing. The Internal Ombudsman may accept a complaint that is not in writing if the Internal Ombudsman considers it appropriate to do so. In any such instance, the Internal Ombudsman shall reduce the complaint to writing as soon as practicable.

6 CONCILIATION

6.1 Dealing with complaint by conciliation

The Internal Ombudsman may at any time attempt to deal with a complaint by conciliation. The Internal Ombudsman shall determine the appropriateness of conciliation at any time.

6.2 Procedure for conciliation

The Internal Ombudsman shall be the conciliator in any conciliation. However, the Internal Ombudsman may with the agreement of the parties arrange for a mediator to assist with the conciliation.

6.3 Conciliation is unsuccessful

Where an attempt to deal with a complaint by conciliation is unsuccessful, the Internal Ombudsman may recommend that the complaint be referred to another authority for investigation.

7 REFUSAL TO INVESTIGATE

7.1 Refusal to investigate, conciliate or continue investigation

The Internal Ombudsman will refuse to investigate, deal with the complaint by conciliation or cease to investigate a matter where –

- a An adequate remedy or right of appeal already exists, whether or not the complainant uses the remedy or right of appeal. Where this provision is in conflict with paragraph 4.2, paragraph 4.2 shall prevail.
- b The complaint is in the opinion of the Internal Ombudsman frivolous, vexatious or not made in good faith, or concerns a trivial matter.
- c The complaint relates to a decision, recommendation, act or omission of which the complainant had knowledge for more than one year before making a complaint to the Internal Ombudsman.
- d The complaint relates to a decision of the Council.
- e The complaint relates to actions or conduct of the Mayor or Councillors, other than in an administrative capacity.
- f The complaint relates to decisions of a standing committee or a sub-committee of the Council.
- g The complaint pertains to conduct relating to a matter before a court, coroner or tribunal.
- h The complaint relates to matters under investigation by the –
 - i NSW Department of Local Government,
 - ii Independent Commission Against Corruption,
 - iii NSW Ombudsman,
 - iv A Minister or Government Department, or
 - v NSW Police.
- i The complaint relates to the appointment or dismissal of an employee or any industrial or disciplinary issue, including complaints involving the grievance and dispute procedures under clause 30 of the *Local Government (State) Award 2004*.
- j The complaint relates to a matter awaiting determination by the Council (conduct in dealing with the matter can be investigated).

- k A complaint relates to the actions or conduct of private individuals.
- l Senior Council staff have not had adequate opportunity to address the complaint. Where this provision is in conflict with paragraph 4.1, paragraph 4.1 shall prevail.
- m Resources are not available or the matter is of a low priority.
- n There is insufficient information available.
- o The complainant declines or refuses to provide further information and/or there are threats made against the Internal Ombudsman or Council.

7.2 Report of decision not to investigate

Where the Internal Ombudsman decides not to investigate or to cease to investigate a complaint, the Internal Ombudsman shall, in writing, inform the complainant and any other interested person of the decision and shall state the reason for the decision.

8 ACCESS TO INFORMATION

8.1 Access to information

The Internal Ombudsman may receive and obtain information, documentation and other materials from any person and in a manner that the Internal Ombudsman considers appropriate.

8.2 Further access

Without restricting the generality of paragraph 8.1, the Internal Ombudsman may –

- a At a reasonable time enter, remain on and inspect premises occupied by Council, conduct private discussions with any person on the premises and otherwise investigate matters within the jurisdiction of the Internal Ombudsman.
- b Require a person to provide information or produce a document or thing in the person's possession or control that relates to an investigation at a time and place specified by the Internal Ombudsman, whether or not the document or thing is in the custody or under the control of the Council.
- c Make copies of a document produced under this section.

8.3 Investigations to be private

An investigation by the Internal Ombudsman shall be conducted in private.

8.4 Meetings and right to be heard

The Internal Ombudsman may hold meetings, obtain information from any person and make such inquiries as the Internal Ombudsman considers necessary and no person is entitled, as of right, to be heard by the Internal Ombudsman.

8.5 Adverse findings

Councillors and staff have a right to remain silent during investigations being conducted by the Internal Ombudsman. Where a person being interviewed chooses to remain silent, the Internal Ombudsman may be entitled to draw adverse inferences from this silence. Notwithstanding, staff are expected to assist with investigations and if given a lawful and reasonable direction to answer a question, they should do so.

9 REPORT ON INVESTIGATIONS

9.1 Report on investigation

Where, after completing an investigation, the Internal Ombudsman is of the opinion that a decision, recommendation, act, omission or procedure of an employee or employees of the Council –

- a Is contrary to law,
- b Is unjust, oppressive or improperly discriminatory,
- c Is based on a rule of law or practice that is unjust, oppressive or improperly discriminatory,
- d Is based in whole or in part on a mistake of law or fact or on an irrelevant ground or consideration,
- e Is related to the application of arbitrary, unreasonable or unfair procedure,
- f Was made without providing adequate reasons,
- g Involves maladministration or misconduct of any kind, or
- h Is clearly at odds with the intention of a Council resolution, policy or procedure,

the Internal Ombudsman shall provide a confidential written report of the opinion, with reasons, to the General Manager.

A summary of the confidential report will be provided for public dissemination and will comply with privacy provisions.

9.2 Nature of recommendations

In making a report under paragraph 9.1, the Internal Ombudsman may recommend that –

- a A matter be referred to the General Manager for further consideration,
- b An omission or delay be rectified,
- c A decision or recommendation by an employee or employees of the Council be revoked or varied,
- d Reasons be given by an employee or employees of the Council for a decision,
- e A practice or procedure be altered,
- f The Council pay compensation to a complainant,
- g The Council provide a particular service,
- h The Council amend, or not impose a charge or condition in relation to a particular service, application or consent,
- i The Council supply a good or service or undertake any necessary corrective or other work to resolve a complaint,
- j The Council make an appropriate correction, deletion or addition to a record, or
- k Such other steps are taken as the Internal Ombudsman considers reasonable.

9.3 Notice of proposed steps

Where a recommendation is made under paragraph 9.2, the Internal Ombudsman may request the General Manager to notify the Internal Ombudsman within a specified time of steps taken, or that are proposed, to give effect to the recommendations.

9.4 Report to complainant

Where an investigation is made of a complaint, the Internal Ombudsman shall report the result of the investigation to the complainant, in such manner and at such time as the Internal Ombudsman considers proper.

9.5 Opportunity to make representation

Where it appears to the Internal Ombudsman that there may be sufficient grounds for making a report under section 9 that may adversely affect the Council or a person, the Internal Ombudsman may request that representations be made by the General Manager or any other person before the report is completed. The request for this representation is at the discretion of the Internal Ombudsman.

9.6 Reports to be made public

Before a report that may damage the reputation of any person is made public by the Internal Ombudsman, the following steps will be undertaken:

- i The draft or proposed report be provided to the person or persons who are the subject of the Internal Ombudsman's report;
- ii Those person or persons be invited to confirm the accuracy of relevant facts or matters, or to indicate where, and in what respects, they regard any material as erroneous;
- iii The person or persons identified be given the opportunity to provide a written response to the Internal Ombudsman's report and that response, is to be made public with the report.

10 REVIEW OF INTERNAL OMBUDSMAN'S DECISION

10.1 Review of Internal Ombudsman's decision

Matters investigated and reported by the Internal Ombudsman may only be reviewed by a body external to Ku-ring-gai Council.

10.2 No proceedings against Internal Ombudsman

No proceedings lie against the Internal Ombudsman or against an employee of the Internal Ombudsman for anything done in the course of the exercise or performance, or intended exercise or performance, of functions and duties under these guidelines, if done in accordance with section 731 of the *Local Government Act 1993*.

11 BREACH & PENALTY

A person who wilfully and without justification –

- a obstructs, hinders or resists the Internal Ombudsman or any other person in the performance of the functions and duties of the Internal Ombudsman under these guidelines,
- b fails to comply with a request of the Internal Ombudsman, or

- c makes a false statement to, or misleads or attempts to mislead the Internal Ombudsman or any other person in the exercise of performance of the functions and duties of the Internal Ombudsman under these guidelines,

will be guilty of a breach of these guidelines and may be liable to disciplinary action.

CENTENARY OF LOCAL GOVERNMENT COMMUNITY GROUPS GRANTS 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of applications received from community groups, for Ku-ring-gai Council Centenary Grants 2006, and to recommend to Council subsequent funding allocations.

BACKGROUND:

To mark the centenary of Ku-ring-gai Council, a small grants program was established to encourage community involvement, and to assist local organisations to participate in celebrating 100 years of Local Government in Ku-ring-gai.

COMMENTS:

Council has allocated \$10,000 for the Ku-ring-gai Council Centenary Grants Program. Applications totalling \$28,059 were received from 37 community groups for funding for a variety of projects.

RECOMMENDATION:

That Council approve the recommendations in this report for funding community organisations through the Centenary Grants Program.

PURPOSE OF REPORT

To advise Council of applications received from community groups, for Ku-ring-gai Council Centenary Grants 2006, and to recommend to Council subsequent funding allocations.

BACKGROUND

To mark the centenary of Ku-ring-gai Council, a small grants program was established to encourage community involvement, and to assist local organisations to participate in celebrating 100 years of Local Government in Ku-ring-gai.

COMMENTS

Council has allocated \$10,000 for the Ku-ring-gai Council Centenary Grants Program. Applications totalling \$28,059 were received from 37 community groups for funding for a variety of projects.

A panel chaired by the Director of Community Services assessed all applications against the following criteria.

Ku-ring-gai Council's Centenary Grants projects panel will fund projects that:

- *Celebrate 100 years of local government in Ku-ring-gai 1906-2006 and encourage broad community participation.*
- *Develop resources to further enhance community understanding of the role of local government in Ku-ring-gai over the past 100 years.*
- *Provide permanent records of places of historical significance to Ku-ring-gai residents which are cost effective and achievable.*
- *Demonstrate direct benefit to the community.*

A copy of the Centenary Grants Funding Guidelines and Request for Funding Form are attached to this report. Given the small amount of funds available, and the short time frame by which to administer the Centenary Grants Program and complete the various projects, a simplified submission process was adopted. The response from the community was very encouraging, with a range of innovative submissions received to mark the centenary of local government in Ku-ring-gai. A summary of each application received, with recommendations for funding, has been attached to this report.

When assessing the various applications, a high weighting was placed on the correlation between the project proposed and the centenary of local government in Ku-ring-gai, including the level of community participation. It is regretted that not all organisations that have applied have been recommended for assistance, and in some cases, the full amount requested cannot be granted.

CONSULTATION

The Centenary Grants Program has been discussed at a number of Ku-ring-gai Council Centenary Advisory Group and Community Development Committee meetings. Feedback and advice was sought regarding the assessment criteria, request for funding form format and time frame for completion of projects.

FINANCIAL CONSIDERATIONS

The full amount of \$10,000 allocated for the Centenary Grants Program has been recommended for approval by Council. It should be noted that the community organisations will be making a significant contribution in successfully implementing the various projects.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Where appropriate, advice was sought from relevant Council Departments relating to specific aspects of applications.

SUMMARY

Local organisations have responded enthusiastically to Council's Centenary Grants initiative which will both encourage community participation, and raise awareness of the Centenary of Local Government in Ku-ring-gai.

RECOMMENDATION

That Council approve the recommendations in this report for funding community organisations through Centenary Grants Program

Organisation	Amount Recommended \$
Bradfield Park Pre-school and child care centre	650.00
East Lindfield Community Pre-School Association Inc	600.00
English at Gordon	500.00
Friends of Ku-ring-gai Environment (FOKE)	500.00
Hornsby Ku-ring-gai Association Inc	750.00
Ku-ring-gai Historical Society Inc	750.00
Ku-ring-gai Historical Society Inc	500.00
Ku-ring-gai Neighbourhood Centre	500.00
Ku-ring-gai Philharmonic Orchestra Inc	1,000.00
Lady Game Community Kindergarten	500.00

Item 6

S04803
31 May 2006

The Mirrabooka Singers	500.00
Studio Artes Northside Inc	750.00
Wahroonga After school Care Centre Inc	500.00
Warrawee Public School	750.00
Warrawee Public School P&C Assoc.	750.00
West Pymble Out of School Care	500.00
TOTAL	\$10,000.00

Danny Houseas
Manager Community Development

Janice Bevan
Director Community Services

Attachments: **1. Funding Guidelines & Request for Funding Forms - 622723**
 2. Summary of Applications Received - 622729



Ku-ring-gai Council Centenary Grants 1906 – 2006

Funding Guidelines

2006 marks the Centenary of the formation of the Shire of Ku-ring-gai. To celebrate this important occasion the Council is providing \$10,000 to encourage direct community ownership of a Centenary project.

Council is seeking projects and ideas which:

- Commemorate or communicate the history of Ku-ring-gai
- Celebrate life in Ku-ring-gai and enhance a sense of community

The funding criteria are intentionally broad to encourage maximum participation and innovation. We hope you will make the most of this opportunity to be part of the Centenary of Ku-ring-gai.

Activities must be held during 2006
--

AVAILABLE FUNDS

A one-off grant of up to \$1,000 is available to fund or contribute to community activities or projects that acknowledge and celebrate 100 years of local government in Ku-ring-gai.

CLOSING DATE FOR SUBMISSIONS

Close of Business Friday 21 April 2006.

ELIGIBILITY

Funding from the 2006 Ku-ring-gai Centenary Grants is only available for incorporated organisations based in the Ku-ring-gai Local Government Area. The application must demonstrate that the organisation is working in partnership with a local community or non-government organisation.

APPLICATION PROCESS

- Applications must address the assessment criteria and be submitted by 5.00pm, 21 April 2006.
- A panel, chaired by the Director of Community Services will assess all applications against the set criteria.
- Successful applicants will be notified of the outcome by 26 May 2006.
- Funding will be available from 3 July 2006.

ASSESSMENT CRITERIA

Ku-ring-gai Council's Centenary Grants projects panel will fund projects that:

- ❖ Celebrate 100 years of local government in Ku-ring-gai 1906 – 2006 and encourage broad community participation
- ❖ Develop resources to further enhance community understanding of the role of local government in Ku-ring-gai are over the past 100 years
- ❖ Provide permanent records of places of historical significance to Ku-ring-gai residents

- ❖ Are cost effective and achievable
- ❖ Demonstrate direct benefit to the community.

PUBLICITY

Successful applicants are required to acknowledge the contribution of Ku-ring-gai Council in the following manner:

- All media, electronic literature and promotional activities associated with the organisation's delivery of the event shall include the Ku-ring-gai Council Centenary logo.
- During the course of any activity, the presenter will acknowledge the support of Ku-ring-gai Council to attendees.
- Any media releases and coverage concerning the event by the organisation will acknowledge the support from Ku-ring-gai Council.

REPORTING

By 31 March 2007 the successful applicants will be required to submit to Ku-ring-gai Council

- an income/expenditure statement relating to the acquittal of the grant funds;
- return of any unused funds;
- a brief report providing a description of the event, number of attendees, feedback from participants, copies of media releases and promotional material;
- two digital photographs showing community members participating in events. These photographs may be used in the final report publication of the events.

EXCLUDED ITEMS

Ku-ring-gai Council Centenary Grants Panel program will not consider funding the following:

- | | |
|--|--|
| <ul style="list-style-type: none"> • The purchase of computers, photocopiers, typewriters, machinery, stage/venue equipment) • Capital works (the purchase of, or costs of repair, extension or renovation to, buildings or any form of capital works) • Events which are run primarily for commercial purposes • Research (costs associated with research) • Fundraising events designed specifically for the purpose of fundraising for charities or for the organisation | <ul style="list-style-type: none"> • Non-essential costs (costs which are not essential or not related to the proposed core activity) • Retrospective costs (funds will not be provided for events which have already taken place) • Performers' equipment (the purchase of musical instruments or costumes) • Overseas travel costs • Cost of salaries |
|--|--|

FURTHER INFORMATION

Email tmills@kmc.kmc.nsw.gov.au for an electronic copy of the *Request for Funding* application form.
or Call Teresa Mills on (02) 9424 0896

HOW TO LODGE AN APPLICATION

Applications must be lodged by email to:

tmills@kmc.nsw.gov.au by the closing date of 21 April 2006 or by post to Locked Bag 1056, Pymble 2073.



Ku-ring-gai Council

celebrating 100 years 1906 - 2006

Ku-ring-gai Council Centenary Grants 1906 - 2006 Request for Funding

Please complete all sections.

**Email completed request for funding to: tmills@kmc.nsw.gov.au or by post to
Locked Bag 1056, Pymble 2073 by 21.4.06**

Applicant Details

Organisation Name		
ABN		
Address		
		Postcode:
Postal Address:		
		Postcode:
Contact Officer		Position
	Phone:	Fax:
	Email:	

APPLICANT'S AGREEMENT

I have read the requirements for eligibility and participation in the Ku-ring-gai Council Centenary Grants 2006, as set out in these Guidelines and agree to them.

I accept the decision of the assessment panel and will meet the program's requirements as per those outlined in the application form.

Full name _____ Position _____

Event Details

Name of the event or project	
Brief description of the event or project	
Key Dates	
Funds requested*	
How will funds be spent?	
Target groups (eg older, young, disabled, all women, whole community)	
List any other organisation that will be involved	

*Most grants are anticipated to be in the region of \$300 to \$500.

Centenary Grants – Summary of Applications

Organisation	Project Name	Project Description	Key dates	How will funds be spent?	Funds requested	Amount Recommended
Bradfield Park Pre-school and child care centre	Community Art Project	Staff, families (past and present) will be involved in creating an art project (painted mural) on an exterior fence in the Centre's garden. This will be an interactive and evolving process occurring over a few months. The fundamental concept and focus of the project will be to foster and incorporate inter-generational input into the artwork. The community will be involved in attaching masonite boards to the 'colour bond' fence so as to provide a painting surface whereby all stakeholders may contribute to the composition.	November/ December 2006	Art and building materials for the project	\$1,000	\$650.00
East Lindfield Community Pre-School Association Inc	Artwork entitled "Celebrating Children of Ku-ring-gai 1906-2006"	<p>Large external artwork prepared by children attending the East Lindfield Community Pre-School and supervised by local Gordon artist Haiyang Yang. Project will involve:</p> <p>Research into the changing dress, play activities and social conditions of children from 1906 to present day within Ku-ring-gai LGA.</p> <p>Research into the changing cultural background of children in the area from 1906 to 2006.</p> <p>Design of an artwork expressing the changing lives of children in the Ku-ring-gai LGA seen through the eyes of 3-5 year olds with reference to their dress, play activities and cultural backgrounds.</p> <p>The artwork would be designed and undertaken by children at the pre-school in collaboration with a local artist and with the support of parents.</p> <p>The objectives of the project are to:</p> <ul style="list-style-type: none"> ▪ Communicate the history of children and 	July/August to October/ November	Backing materials and installation, art materials, development of artwork design, production of written and visual resource material	\$500	\$600.00

<i>Organisation</i>	<i>Project Name</i>	<i>Project Description</i>	<i>Key dates</i>	<i>How will funds be spent?</i>	<i>Funds requested</i>	<i>Amount Recommended</i>
		<p>celebrate the important contribution they make to life in Ku-ring-gai's LGA.</p> <ul style="list-style-type: none"> ▪ Demonstrate the diversity of children's lives today and the supportive environment in which they live. ▪ Create a lasting legacy for children moving through the pre-school environment that illustrates and enhances a sense of community through their eyes. 				
English at Gordon	Discover Ku-ring-gai	<p>"Discover Ku-ring-gai" would be a series of 3 Monday morning excursions during the period of May to September visiting various places of historical significance in the Ku-ring-gai area. The aim of "Discover Ku-ring-gai" would be to create a greater awareness and appreciation of the Ku-ring-gai area and the part played by Ku-ring-gai Council in maintaining and developing this lovely part of Sydney. These outings would be open to all, but particularly for those who have recently settled in the area. North Shore Times will give free advertising of these events.</p>	May, August and September 2006	Bus hire and morning teas	\$440	\$500.00
Friends of Ku-ring-gai Environment (FOKE)	Photographic record of designated urban conservation areas of Ku-ring-gai	<p>The project is to produce a photographic record of the houses on Ku-ring-gai's rezoned sites (as per the State Government gazettal of LEP194/200 in May 2004) and on the interface sites adjoining these rezoned sites, along with the contextual streetscapes. In the designated urban conservation areas, those sections of the municipality adjoining the railway/Pacific Highway, there are over 600 rezoned sites and over 300 interface (immediately adjoining) sites.</p> <p>FOKE is compiling a photographic record of these houses in a presentation folder as a permanent record of these areas as they were at the beginning of the 21st Century. It is intended that copies of this record be</p>	Estimated completion date: September 2006	Photographic paper	\$500	\$500.00

Organisation	Project Name	Project Description	Key dates	How will funds be spent?	Funds requested	Amount Recommended
		given to Council, the National Trust, the Ku-ring-gai Historical Society, and the State Library.				
Hornsby Ku-ring-gai Association Inc (Action for Mental Health)	Mosaic Artwork	<p>Mosaic artwork focusing on and celebrating Ku-ring-gai Council's Centenary.</p> <p>If successful in obtaining a grant, the service proposes to engage mental health clients in the making of a piece of mosaic artwork focusing on and celebrating Ku-ring-gai Council's Centenary, which it will then present back to the Council for placement in a public place within the local area eg Wahroonga Park or Bicentennial Park.</p>	Estimate project will take six months	Cost of materials, tiles, grout, framework plus any tools not already available	\$1,000	\$750.00
Ku-ring-gai Historical Society Inc	Preparation and Publication of a CD on history and development of Ku-ring-gai	<p>Preparation and publication of a CD for use in primary schools on the history and development of Ku-ring-gai from the beginning of European settlement tracing the development of industry(ies) and the impact of the railway upon modern urbanisation. The target group will be from 3rd class to 6th class. It will include a unit on the development and role of local government and the Centenary of Local Government in 2006.</p> <p>The CD will be modular based for each period and subject to assist delivery and learning of different age groups. A flexible teaching guide to assist in the delivery of each module using particular techniques for differing educational needs will accompany the CD.</p>	4 th Term 2006	Production of commercial quality CD's, printing, binding and publication of Teacher's Guides	\$750	\$750.00
Ku-ring-gai Historical Society Inc	Conduct of Social History Tent	Promote and identify the location of the 'Social History Tent' at the St Ives Village Green a key activity of the Centenary of Local Government Program. By use of banners approx 3m x 1m erected above wall height on the tent. One banner at the front of the tent to face the Village Green, the other to the side of the tent facing the St Ives Shopping Village.	June 2006	Manufacture, supply and install two banners	\$583	\$500.00

Organisation	Project Name	Project Description	Key dates	How will funds be spent?	Funds requested	Amount Recommended
Ku-ring-gai Neighbourhood Centre	Luncheon for Ku-ring-gai Centenarians	Celebrating 100 years living in Ku-ring-gai	September 2006	Catering for Centenarians living in Ku-ring-gai area	\$1,000	\$500.00
Ku-ring-gai Philharmonic Orchestra Inc	Ku-ring-gai Centenary Concert	Highlight and record Council's valuable role over the past century in nurturing the supporting community focused organisations and events. Reward a significant number of volunteers and community leaders from Ku-ring-gai for their contribution to the community by inviting them to this centenary community concert and by providing them with free (or nominally priced) tickets to the evening.	November 2006	Funding of free tickets to concert, mailing out of invitations, fund concert program and free supper	\$1,000	\$1,000.00
Lady Game Community Kindergarten	Garden sculpture and plaque to honour Pat Gardiner	To install a sandstone sculpture, invite the Kindy community and representatives for Ku-ring-gai Council to a morning tea/dedication ceremony. This is to acknowledge the work of Pat Gardiner who was instrumental in fundraising to establish the Kindy.	To be confirmed	Purchase and installation of sandstone sculpture in the playground	\$1,000	\$500.00
The Mirrabooka Singers	Gala Centenary Concert	A special Gala Concert (free) to mark our connection with the Ku-ring-gai Council by performing at a local venue (to be decided) and including talented solo artists from within the LGA.. The audience would ideally be a cross-section of community organisations, invited by Council.	October 2006	Music and preparation for performance	\$500	\$500.00
Studio Artes Northside Inc	Out There	The 6 young men who are organising this project, together with other members of Studio Artes Northside propose to take a series of photographs, draw and paint places of historical interest in the Ku-ring-gai area. They plan to develop, scan, and produce cards and/or calendars from the photographs. They propose to have the original photographs and paintings framed for a travelling exhibition, beginning with a special display plus sale of cards/calendars at our annual exhibition to be called "Out There" in July 2006. This special exhibition, commemorating 100 years of local	July 2006	Framing, photographic developing, scanning of images and promotional material, transporting artists/photographers.	\$1,000	\$750.00

<i>Organisation</i>	<i>Project Name</i>	<i>Project Description</i>	<i>Key dates</i>	<i>How will funds be spent?</i>	<i>Funds requested</i>	<i>Amount Recommended</i>
		government, will be on display in the foyer of the art exhibition. People attending this exhibition come from all over Sydney and beyond and exceed 350 on opening night and up to 500 over the weekend.				
Wahroonga After school Care Centre Inc	Stroll Back in Time	The project would be to investigate the heritage of the building that Wahroonga after school care reside in and then put together a photo information pamphlet and display board. Further research would be carried out to find a heritage walk in the school grounds and nearby streets. Both these projects would then be put together and be presented to the community on one afternoon.	September 2006	Funds would be spent on advertising the event, publication of resources, research expenses and photo displays.	\$500	\$500.00
Warrawee Public School	Centenary Celebration Day	<p>Our school is celebrating its centenary in 2006 and therefore is having a year of commemorative activities culminating in a special 'Centenary Day' which involves:</p> <ul style="list-style-type: none"> ▪ Inviting members of the community to view a historical display of school and community artefacts and photos reflecting life at Warrawee and our district throughout the last 100 years. ▪ Inviting past community members to be interviewed by current students so that they can share their memories of Warrawee and its changes throughout the last century. ▪ Development of a Centenary DVD documenting life in our school and community. ▪ A Centenary morning tea inviting all students from the past and current community to allow them to meet and compare the changes of our school throughout the decades. ▪ An opportunity for students and members of the community to participate in 	November 2006	Collection of historical photos, scanning, printing, catering, games resources	\$1,000	\$750.00

<i>Organisation</i>	<i>Project Name</i>	<i>Project Description</i>	<i>Key dates</i>	<i>How will funds be spent?</i>	<i>Funds requested</i>	<i>Amount Recommended</i>
		activities and games that would have been played by students throughout the last 100 years.				
Warrawee Public School P&C Assoc.	Warrawee Public School Centenary 1906-2006	Construction of a memorial wall to accommodate the headstone of Ku-ring-gai pioneer, Owen McMahon and to restore the historic well on the school's Finlay Oval. The wall and well will form an historic site.	November 2006	Cost of the memorial wall and the restoration of the historic well and surrounding landscaping.	\$1,000	\$750.00
West Pymble Out of School Care (WPOOSC)	WPOOSC Ku-ring-gai Centenary Arch	Construction of an archway between the two garden beds on West Pymble School grounds with Plaque	July 2006	Construction of Archway (metal/wire), casting of plaque, purchase of climbing plants for arch	\$500	\$500.00
TOTAL					\$10,000	

Organisation	Project Name	Project Description	Key dates	How will funds be spent?	Funds requested	Amount Recommended
Community Fire Unit 416 Group Incorporated	Community Fire Unit Communications	Enhancing communications of Community Fire Units FHP17	Next Fire Season	Purchase 2 x TX610 Radios	\$306	Nil
Boonah Creative Arts Centre	"Our Community" Boonah Art Exhibition	Exhibition to showcase painting and drawings by students with a disability	June 2006	Cover some of the framing costs and printing of exhibition invitations.	\$1,000	Nil
Catholic Healthcare	Storage Facility	Purchase a supply shed to secure therapy and activity equipment for the house	May 2006	Purchase of lockable shed/construction/development of floor and erection of shed	\$1,000	Nil
Community Fire Unit No. 33	Community Fire Unit No. 33	The objective of the CFU is to provide protection to property and occupants of Morona Ave, Aleta Close, Yanilla Ave, Beltana Place and Ewong St - Fox Valley in the event of a bushfire.	Present and ongoing in respect of current fire risk	Supplement the current equipment issued by NSW Fire Brigade to CFU33.	\$1,000	Nil
Hornsby, Ku-ring-gai & Hills Multiple Birth Association	Celebrating Multiples in Ku-ring-gai (Family Fun Day)	To hold a family fun day BBQ event at Bi-centennial Park on Sunday 26 November 2006	November 2006	Food and promotion for the event	\$500	Nil
KU Killara Park Pre-school	Surprises in the Playground Hidden Treasures in Killara Park	To develop and engender in our students an appreciation of the wealth of local fauna that inhabit Ku-ring-gai by placing carved stone replicas of native animals and reptiles in sheltered positions in our playground.	Term 3 – 2006	Stone replicas of native animals and reptiles such as: blue tongue lizards, frogs, bandicoots or laser-etched drawings on stainless steel - depending on funds.	\$1,000	Nil
Ku-ring-gai Art Society Inc	Art Competition	Art competition for young people, judged by Society's selection committee, prizes awarded on Awards Night at the Annual Awards Exhibition	May and July	Prizes	\$400	Nil
Ku-ring-gai Branch of MS Society	MS Friendship Group	Monthly outing for people with MS, held at St Ives Wildflower Gardens or local church halls	Fourth Friday of each month	Assist with payment of Disabled Taxi, venue hire and lunch costs	\$1,000	Nil
Ku-ring-gai Family Support Program	Two Parenting Groups	Run two programs in second half of 2006 - 6 weeks long.	Term 3 and Term 4 2006	Flipchart, pads, book and DVD, publicity and catering	\$923	Nil
Ku-ring-gai Male Choir Inc	Publishing the History of the Ku-ring-gai Male Choir	The Ku-ring-gai male Choir was established in 1946 by a group of returned servicemen with a common love of singing. In 2006 the Choir, which has become one of the longest surviving community groups on the North Shore will be celebrating its 60th	June 2006	Supplement cost of publication	\$1,000	Nil

Organisation	Project Name	Project Description	Key dates	How will funds be spent?	Funds requested	Amount Recommended
		anniversary. As part of these celebrations it was decided, among other things, to publish a history of the Choir.				
Lifeline Harbour to Hawkesbury	Lifeline Harbour to Hawkesbury	Lifeline provides food vouchers for clients living in the Ku-ring-gai area who have immediate and emergency needs for food assistance. Lifeline has insufficient funds to meet the demand for food vouchers and this project would enable increased provision of vouchers.	Over a number of months	Paying Woolworths at Gordon for the food items bought in exchange for the Lifeline food vouchers	\$1,000	Nil
Lifestart Cooperative Ltd	Family Day	Family day at the Eastwood branch for families who have children with a disability.	October 2006	Catering, show bags and advertising	\$500	Nil
Palm St Community Fire Unit - FHP 122	Palm St Community Fire Unit - FHP122	Residence of Palm St and Monterey St volunteer their time to undertake training in residential fire fighting in an effort to reduce the risk of property and life loss. The unit meets every 4 and 6 weeks to practice with the various equipment available	On-going	Purchase of additional fire fighting equipment	\$850	Nil
Rainbow Club Aust. Inc., The Lindfield Rainbow Club	The Lindfield Rainbow Club	Water safety and swimming skills classes held on weekends for children with disabilities	Each Sunday	To fund trained staff to work with the children	\$500	Nil
Roseville Kids Care	Green space	Roseville Kids Care would like to make the swamp area more attractive by planting more trees and grass as it attracts more kids to go and play in that area. Currently the area does not attract a lot of attention due to its attraction.	June 2006	Purchase plants and equipment and educating the children and community to participate in events	\$1,000	Nil
Share our Language Incorporated	Training course for volunteers	For volunteers to teach English free of charge to non-English speakers. Have held one course so far this year (20 participants).	September 2006	Advertising, printing and course training materials	\$500	Nil
Technical Aid to the Disabled	TAD Golf Fundraising Day	To raise funds for 183 clients.	June 2006	Advertising and promoting the day	\$750	Nil
The Golden Stave Shepherd Centre	The Golden Stave	Establish a home corner for the children	May/June 2006	Children's stove, sink and cupboards	\$600	Nil

Organisation	Project Name	Project Description	Key dates	How will funds be spent?	Funds requested	Amount Recommended
The Local Handcraft Association	Tulkiyan St Ives Village Green Centenary Festival	Garden Fair celebrating centenary St Ives Village Green Fair Day (Festival)	April - June 2006	Printing costs for flyers that showcase the talents of our many Ku-ring-gai crafters. Screen-printing a banner to be displayed on our stall at the village green fair day as well as any other events we participate in.	\$500	Nil
UPFRONT Australia Incorporated	No name stated	Wednesday night social activities	July to December 2006	PO box, printing and postage, Stat fees (annual return etc.)	\$500	Nil
West Pymble Public School	Local environment Faces, then, Now and Tomorrow	To help students gain an understanding of their community via photographs, excursions, looking at a range of heritage places in Australia	May 2006	Purchase of Land Dept aerial map of local area plus framing, ABC video - our history	\$957	Nil

MANAGEMENT PLAN 2006 TO 2010 INCORPORATING BUDGET & FEES AND CHARGES INFRASTRUCTURE LEVY SURVEY RESULTS AND SUBMISSIONS RECEIVED

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to adopt the 2006-2010 Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006-2007.
BACKGROUND:	<p>Section 402 of the Local Government Act (1993) requires Councils to produce an Annual Management Plan which identifies its principal activities and objectives for the next four years.</p> <p>Section 405 of the Local Government Act (1993) requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days which allows for community feedback.</p> <p>Council resolved on 20 April 2006 to place the Draft management Plan 2006-2010 incorporating the Budget, Fees and Charges and the Special Rate Variation on public exhibition.</p> <p>Section 406 of the LGA requires that a Council's Management Plan must be adopted prior to the end of the financial year.</p>
COMMENTS:	<p>The Draft Management Plan was placed on exhibition for the period 28 April 2006–26 May 2006.</p> <p>No submissions were received from the community in relation to Council's Draft Management Plan.</p>
RECOMMENDATION:	That Council adopt the Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006-2007.

PURPOSE OF REPORT

For Council to adopt the 2006-2010 Management Plan, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006-2007.

BACKGROUND

- Section 402 of the Local Government Act (1993) (LGA) requires Councils to produce an annual Management Plan which outlines its principal activities for a period of four years.
- Sections 403 and 404 of the LGA set out the statutory contents of a Council's Management Plan.
- Section 405 of the LGA requires the Draft Management Plan to be placed on public exhibition for a period of twenty eight days, that suitable public notice be given and that submissions on the Management Plan are welcomed from the community.
- Section 406 of the LGS stipulates that a Council's Management Plan must be adopted prior to the end of each financial year.
- Council is also required to exhibit any proposed special rate variation with its Draft Management Plan including a statement as to the reasons for the variation.

Council resolved on 20 April 2006 to place the Draft Management Plan 2006-2010, incorporating the Budget, Special Rate Variation and Fees and Charges 2006/2007 on public exhibition for a period of twenty eight days.

The exhibition period was 28 April-26 May 2006.

Advertisements were placed in the North Shore Times on 28 April advising public exhibition details and inviting submissions from interested members of the community.

Copies of the Draft Management Plan 2006-2010, incorporating Budget, Special Rate Variation and Fees and Charges 2006/2007 were available for inspection at Council Chambers, each of Council's libraries and on Council's website.

COMMENTS

In the development of the Draft Management Plan, seven principal activities have been identified:

- Civic Leadership
- Integrated Planning
- Community Development
- Natural Environment

Item 7

S04708
30 May 2006

- Built Environment
- Financial Sustainability
- Council's Corporate Services

Within each of these principal activities the long, medium and short term goals have been set as well as the identification of issues that have the potential to affect reaching these goals. Linked to the goals are a number of statements that determine what will be done in the year ahead and a list of key performance indicators. Action against these indicators is reported to Council on a quarterly basis as one of the performance management tools to assess the delivery of services to our ratepayers.

Development of Council's Budget

The operating budget for 2006/2007 has been developed within the framework established by the 10 Year Financial Model as adopted by Council on 13 December 2005. This framework includes:

- An estimated employee award increase of 3.3%
- Net debt repayment of \$706,500
- New borrowings capped at \$1,000,000
- Rate pegging increase of 3.6%
- \$1,161,000 allocated to Council's depreciation reserves
- Interest earned on depreciation and New Facilities reserves restricted to those reserves (\$918,000)
- Capital works program totalling \$22.7M
- \$4,447,600 allocated to road projects
- Reductions in debt servicing costs allocated to projects of direct community benefit (\$1,981,800)
- Land and Environment Court legal costs budgeted at \$1,150,000
- Fees and Charges increased by 3% where appropriate

Special Rate Variation

Included within the draft plan was the provision for the continuation of the infrastructure levy special rate to fund Council's expenditure program for roads. On 10 August 2004 Council resolved:

"B. That Council endorses the preparation of the application for an extension of the Infrastructure Levy to take effect from 2006/07 in order to maintain the funding levels required to bring Council's road assets up to a satisfactory standard."

An application was submitted to the Department of Local Government, pursuant to section 508(2) of the LGA, on 31 March 2006. The special rate was originally levied in 2001/02 and was based on

Item 7

S04708
30 May 2006

a 5% increase. In 2006/07 the infrastructure levy, if approved at 5%, will yield \$1,914,000, and will operate for a further period of 7 years.

At the time of writing this report Council had not been advised as to the outcome of its Special Rate Variation application.

Rates

Under Section 506 of The Local Government Act, each year the Minister for Local Government determines the maximum amount by which Councils can increase their notional rates income. The increase announced by the Minister for 2006/2007 is 3.6%. This increase has been included in calculating Council's rate revenue for the 2006/2007 financial year.

Rate peg increase of 3.6%				
Rate Type	Category	Rate in \$	Min Amount \$	Yield \$
General	Residential	0.0016804	379	\$35,492,687
General	Business	0.00439086	379	\$2,392,009
Special	Environmental	0.00009142	-	\$1,957,352

Rate peg increase of 3.6% with special rate variation				
Rate Type	Category	Rate in \$	Min Amount \$	Yield \$
General	Residential	0.0016804	379	\$35,492,687
General	Business	0.00439086	379	\$2,392,009
Special	Environmental	0.00009142	-	\$1,957,352
Special	Infrastructure	0.00008940	-	\$1,914,088

Summary of adjustments to budget 2006/2007 after Draft Management Plan was adopted for public exhibition by Council on 28 April 2006.

- An additional \$50,000 to be allocated to Community Services to increase the provision of services in the Youth Services cost centre as resolved on 9 May 2006.
- An additional \$10,000 to be allocated to Community Services to support the sponsorship of the Business Achiever Awards.
- The Draft Management Plan recommended that the surplus funds of \$251,900 be transferred to Council's Contingency Reserve. The amendments outlined above will decrease this amount by \$60,000. The revised amount of \$191,900 is to be transferred to Council's Contingency Reserve.

CONSULTATION

The Draft Management Plan and information on the Special Rate Variation application was placed on public exhibition from 28 April 2006-26 May 2006 to allow for community feedback. No submissions were received on the draft Management Plan, however, some submissions were received on the Infrastructure Levy and they are **attached** to this report. Two copies of the updated Infrastructure Levy submission are available in the Councillor's room. Detailed information on the infrastructure levy details are also included on Council's website.

A consultation program consisting of the following items has been undertaken from March to June 2006 for the Infrastructure Levy extension. The consultation process consisted of the following:

Newspapers

Council notified residents in April and May 2006 through the local newspapers of its intention to apply for the Infrastructure Levy in order to maintain the road assets at a satisfactory standard. Residents were also advised of the public exhibition period and the Public Meetings which were held on 22nd May 2006. Information was also included on Council's web site.

Council Newsletters

Council distributed its Newsletter in April 2006 and an article on Council's intention to apply for the Infrastructure Levy was included in the newsletter.

Ku-ring-gai Council Website

Information on Council's application for the Infrastructure Levy was placed on Ku-ring-gai Council's website (<http://www.kmc.nsw.gov.au/>) since March 2006 and the website was updated in April 2006, seeking comments on the proposed application and an opportunity to fill in the survey.

Resident Survey

In late April 2006 Council undertook a survey using its resident feedback register to gauge support or otherwise for the application. The results of the resident feedback register survey showed 65% of the surveys returned in favour of the continuation of the Infrastructure Levy. There were 270 surveys mailed out and at the closing time of 12 May 2006, 113 responses were received. Of this, 74 were in favour, 27 against and 12 unsure.

Public Meeting

Public meetings were held on 22nd May 2006 at 2.00pm and 6.30pm in association with the draft 2006-2010 Management Plan presentation. Notices were placed in the local papers, Council's web site and libraries. At the 2.00pm meeting, no members of the public attended, while there were two attendees at the 6.30pm meeting. Residents were also requested to provide submission on the proposed infrastructure levy as part of the public exhibition period.

FINANCIAL CONSIDERATIONS

To set Council's Budget, Rates and Fees and Charges for 2006/2007 financial year.

Item 7

S04708
30 May 2006**Budget**

Council's Draft Budget for 2006/2007 as presented to Council on 20 April 2006 conforms to the requirements of Council's 10 Year Financial Model.

Council's proposed headline surplus for 2006/07 is \$18,147,500. This represents a decrease of \$15,095,600 compared to the budget adopted in the Management Plan for 2005/06. This variation is mainly due to the sale of the Carlotta Street depot site being included in the 2005/06 budget.

The funding statement below has been prepared with the inclusion of the infrastructure special rate variation. If the application is unsuccessful the "cash in" will decrease to \$78,642,900. Expenditure on roads will decrease by \$1,914,000 reducing projects to \$23,260,600.

Funding Statement	Management Plan 2005/2006	Revised Budget 2005/2006	Management Plan 2006/2007
Total cash in	\$93,893,500	\$94,324,000	\$80,556,900
Total cash out	\$60,650,400	\$60,747,800	\$62,409,400
Headline Surplus	\$33,243,100	\$33,576,200	\$18,147,500
Less:			
Funds to Restricted Assets	\$25,787,300	\$25,787,300	\$10,240,300
Funds to Depreciation Reserves	\$1,130,000	\$1,130,000	\$1,161,100
Operating Net Surplus	\$6,325,800	\$6,658,900	\$6,746,100
Capital Projects	\$11,522,300	\$14,068,900	\$25,174,600
Funded By:			
Operating Net Surplus	\$6,325,800	\$6,658,900	\$6,746,100
Surplus Carried Forward	\$0	\$437,000	\$0
Section 94	\$30,000	\$240,000	\$3,358,100
Other Restricted Assets	\$5,166,500	\$6,733,000	\$15,070,400
Net Surplus	\$0	\$0	\$0

Fees and Charges

Subsequent to the public exhibition of the Draft Fees and Charges for 2006/2007, a number of minor amendments have been made to fees.

The following fee has increased in accordance with statutory requirements and as such does not require re-exhibition.

Item 7

S04708
30 May 2006**Finance & Governance**

Page	Fee Details	Action/Comment	Exhibited Fee	New Fee
4	Certificate 603	Increase	\$50.00	\$55.00

The wording of the following fees has been amended and as such does not require re- exhibition.

Open Space

Page	Fee Details - Exhibited	Fee Details -Amended	Action/ Comment
	North Turrumurra Golf Courses	North Turrumurra Golf Courses	
13	Green fees – Senior Student weekday only- 9 or18 holes (current Student ID must be shown)	Green fees – Tertiary Student weekday only- 9 or18 holes (current Student ID must be shown)	Fee wording changed
	Synthetic Grass Court	Synthetic Grass Court	
20	Tennis Court Charges- public, casual (12-22 weeks)	Tennis Court Charges- public, casual (1-9 weeks)	Fee wording changed
20	Tennis Court Charges- casual (1-11 weeks)	Tennis Court Charges- casual (1-9 weeks)	Fee wording changed
20	Tennis Court Charges- permanent (12-22 weeks)	Tennis Court Charges- permanent (10-22 weeks)	Fee wording changed

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The development of the Management Plan, Budget and Schedule of Fees and Charges has been undertaken in full consultation with all departments across Council.

SUMMARY**MANAGEMENT PLAN**

- Council's Draft Management Plan has been developed in accordance with Sections 402, 403 and 404 of the Local Government Act (1993).
- Council's seven principal activities are:
 1. Civic Leadership
 2. Integrated Planning
 3. Community Development
 4. Natural Environment

Item 7

S04708
30 May 2006

5. Built Environment
6. Financial Sustainability
7. Council's Corporate Services

- Each principal activity has a number of objectives which are linked to outcomes and performance indicators that clearly identify how objectives will be achieved and how performance in achieving these objectives will be measured over the term of the Plan.
- Quarterly reviews measuring the extent to which performance targets have been met, will be reported to Council within two months after the end of each quarter.

BUDGET

- Council's Draft Budget for 2006/07 has been developed using the framework of the 10 Year Financial Model, adopted by Council on 13 December 2005.
- Should the application to continue Council's infrastructure special rate variation be unsuccessful, income will be decrease by \$1,914,000 for 2006/07 along with the capital program for roads.
- The revised amount of surplus funds totalling \$191,900 is recommended to be transferred to Council's Contingency Reserve.

RECOMMENDATION

- A. That Council adopt the Management Plan 2006-2010, incorporating the Budget, Special Rate Variation and Fees and Charges for 2006/07 as amended.
- B. That surplus funds totalling \$191,900 be transferred to Council's Contingency Reserve.
- C. That a general rate in the dollar of \$ 0.0016804 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2006 to 30 June 2007.
- D. That a general rate in the dollar of \$ 0.00439086 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2006 to 30 June 2007.
- E. That an environmental levy rate in the dollar of \$ 0.00009142 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2006 to 30 June 2007. That whereby a ratepayer qualifies as of 1 July 2006 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the environmental levy.

Item 7

S04708
30 May 2006

- F. That subject to approval by the Minister of Local Government for a continuation of the infrastructure levy, that a rate in the dollar of \$ 0.00008940 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2006 to 30 June 2007. That whereby a ratepayer qualifies as of 1 July 2006 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the infrastructure levy.
- G. That the minimum rate for both residential and business be set at \$379.00 for the period 1 July 2006 to 30 June 2007.
- H. That, in those cases where, after provision of the combined pensioner rebate to a maximum of \$250.00, the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such time as there is a change in either circumstances or ownership.
- I. That the charge for the Domestic Waste Management service be set at \$250.00 per residential property per annum excluding flats and home units.
- J. That the charge for Domestic Waste Management service be set at \$230.00 per residential property per annum for flats and home units.
- K. That the charge for Domestic Waste Management base service without green waste be set at \$190.00 per annum.
- L. That the charge for an additional green waste service be set at \$80.00 per container, per annum.
- M. That the charge for a 240 litre waste container with green waste be set at \$350.00 per annum.
- N. That the charge for a 240 litre waste container without green waste be set at \$270.00 per annum, excluding flats and home units.
- O. That the charge for a 240 litre waste container for flats and home units be set at \$350.00 per annum.
- P. That the charge for the provision of an additional 120 litre waste container, per container, per annum be set at \$120.00.
- Q. That the charge for Domestic Waste Management on vacant land be charged at \$100.00 per annum, per residential property.
- R. That the charge for Non-domestic Waste Management services be set at \$195.00 per unit of occupancy per annum.

Item 7

S04708
30 May 2006

- S. That the General Manager and Acting Director Finance & Business be delegated to negotiate and establish Council's new loan account of \$1,000,000 and the Common Seal be affixed to all required documents.

John Clark
Acting Director Finance & Business

Greg Piconi
Director Technical Services

John McKee
General Manager

Attachments:

- 1. Infrastructure Levy survey form - 623493**
- 2. Infrastructure Levy survey results - 623496**
- 3. Submissions received on infrastructure levy application – 606481, 606483, 606655, 611636, 612757, 613082, 616564, 540388, 623542**

RESIDENT SURVEY

PROPOSED INFRASTRUCTURE LEVY

Thank you for taking the time to complete this brief survey concerning Council's application to the State Government to extend the current Infrastructure Levy. It is important that Council consults with the community over the issue.

In 2001 the State Government approved a Special Rate Variation - Infrastructure Levy of approximately five percent on the base rate over five years to 30 June 2006. At that time, certain community concerns emerged during the consultation process. These are addressed below.

What will be the amount of the proposed levy?

The amount of the proposed levy is similar to that introduced five years ago, indexed for inflation.

If the levy is approved, there will be no significant increase in your annual rates assessment. **The reduction in the Waste Charge introduced at that time will continue.**

Based on a 4.8% increase, approximately \$1,914,000 would be generated in 2006/2007 with subsequent increases as projected in Council's 10 year financial model. This figure is based on 36,366 rate assessments less 3,118 pensioner rebates.

Given that there are currently 36,366 rate assessments, this equates to an average cost per household of \$53.00. This figure is an indicative average only and will vary between rate assessments in line with differences in rateable land values.

What will be the effect on pensioners?

Pensioners will not pay the levy. If you receive a pensioner rebate, the levy will not affect you.

How can I be sure that it will be spent on roads?

Council is committed to spending the entire levy on roads. The money will be held as an internally restricted asset and subject to audit. That is, it could not be used for any expenditure other than roads. The money would be allocated for road projects through the Pavement Management System that is set up to allocate road funding throughout Ku-ring-gai. Council would report the progress being made through Council reports and newsletters.

Why is a levy necessary?

Limited funding prior to 2001 caused many of Ku-ring-gai's roads to be in a poor condition. Every year that a substantial amount is not spent on our roads, they become more expensive to fix. Heavily deteriorated roads cost \$85.00 per square metre to fix whereas roads in the earliest stages of deterioration cost only \$17.00 per square metre. Ageing roads, buildings, drains and amenities is a problem facing many councils. The situation needs to be addressed not ignored, otherwise the bill for residents will be far greater in the future

Although the condition of Council's roads has improved over the past five years, Council's Pavement Management System indicates that funding of approximately \$5 million per annum is required for 15 years in order to maintain Council's road assets at a satisfactory standard. A 5% levy would contribute approximately \$1.9 million to these very necessary roadworks in 2006/2007. This levy application is for a fixed period of seven years and during this time period, residents will notice a major improvement in local roads

What is being done to improve financial management in Council?

In the past 5 years, there have been reviews across each department of Council to improve the operational efficiency of service delivery. The outcomes of these reviews have identified savings through a reduction in staff numbers, revision of operational procedures, increasing the accountability of staff and managers to deliver services within set time periods and standards and the application of new technology.

Council's financial strategies are governed by its Ten Year Financial Model, which aims to increase the organisation's commitment to asset renewal, while simultaneously reducing debt. Council's loan liability will reduce from \$11.2 million in 2005/2006 to \$6.1 million in 2014/2015. The Ten Year Financial Model also includes an initiative to allocate reductions achieved in debt servicing costs to works of direct community benefit.

Council is investigating opportunities for greater commercial returns on its assets and other commercial opportunities with relatively low levels of risk to the community. Council has recently entered into arrangements for the display of advertising on bus shelters and is looking at other similar initiatives for its golf courses and seeking reputable offers for further and new, commercially focused opportunities within our open space network.

Council has resolved to hold a public meeting on the Special Rate Variation application for the extension of the Infrastructure levy. The public meeting will be held on **Monday 22 May 2006 at 2.00pm and 6.30pm** and will be held on Level 3 of the Council Chambers at 818 Pacific Highway Gordon.

Both Council's draft Management Plan and the Special Rate Variation application papers will be placed on exhibition for 28 days from 28 April 2006 to 26 May 2006.

If you would like further information on this issue please e-mail, mail or fax on:

Email kmc@kmc.nsw.gov.au

Mail Ku-ring-gai Council
 Locked Bag 1056
 PYMBLE NSW 2073

Fax 9424 0880.

Your opinion on this matter will be valuable to the Councillors and staff in helping them understand what the community thinks about this issue.

Thank you for taking the time to respond.

RESIDENT SURVEY

PROPOSED INFRASTRUCTURE LEVY

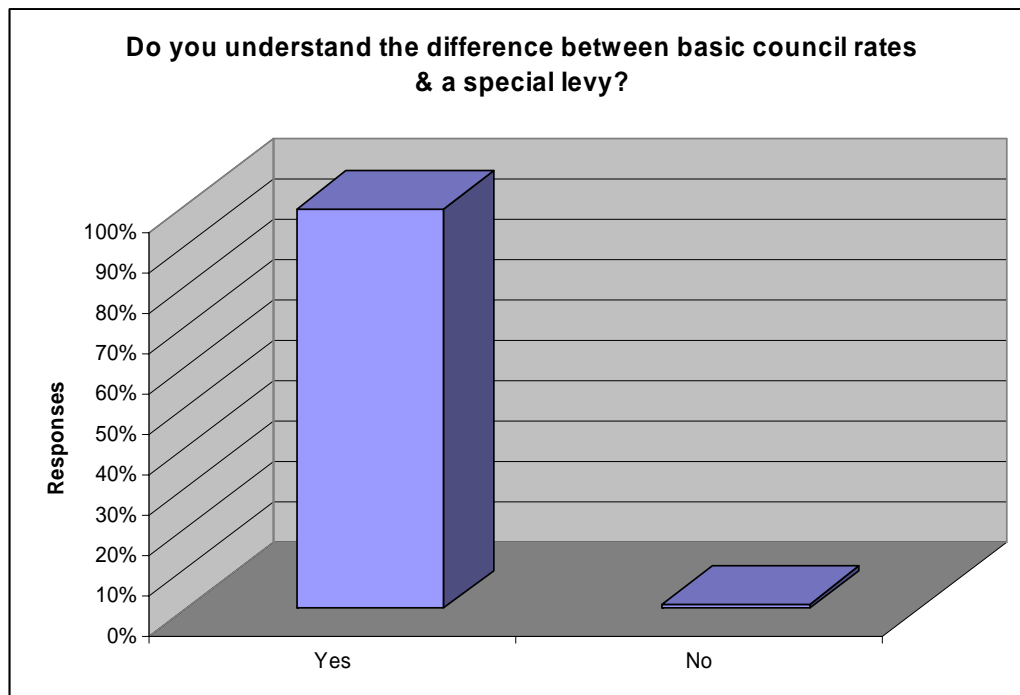
- 1** Do you agree that Council should restore its assets to a satisfactory standard and maintain them at that level?
- YES** ☐ **NO** ☐
- 2** Would you support an extension of the current Infrastructure Levy to ensure that this can be achieved?
- YES** ☐ **NO** ☐
- 3** Do you support levies that are tied to specific works?
- YES** ☐ **NO** ☐
- 4** Do you agree that early intervention should be taken now to significantly reduce the cost of roadworks to ratepayers in the future?
- YES** ☐ **NO** ☐
- 5** At the current rate of expenditure (including the current Infrastructure Levy) it will take 15 years to restore the road network to a satisfactory standard. Would you prefer that this 15 year time period be reduced?
- YES** ☐ **NO** ☐
- 6** If Council is not successful in obtaining an extension of the Infrastructure Levy, would you support a reduction in other services to help fund roadworks funded by the Infrastructure Levy?
- YES** ☐ **NO** ☐
- 7** Are you satisfied that Council has improved its financial management in recent years?
- YES** ☐ **NO** ☐
- 8** Are you aware of Council's consultation with the community about the proposed Infrastructure Levy through its newsletters, website or newspaper items?
- YES** ☐ **NO** ☐
- 9** Do you believe that the Ku-ring-gai community supports the Infrastructure Levy?
- YES** ☐ **NO** ☐

Proposed extension of Infrastructure Levy – 2006 Survey Responses

Resident Feedback Register (RFR) – this group was set up as a general purpose reference group of residents across Ku-ring-gai and in this case the survey was posted to individual householders – a sample frame of some 270. From this group 113 responses were received.

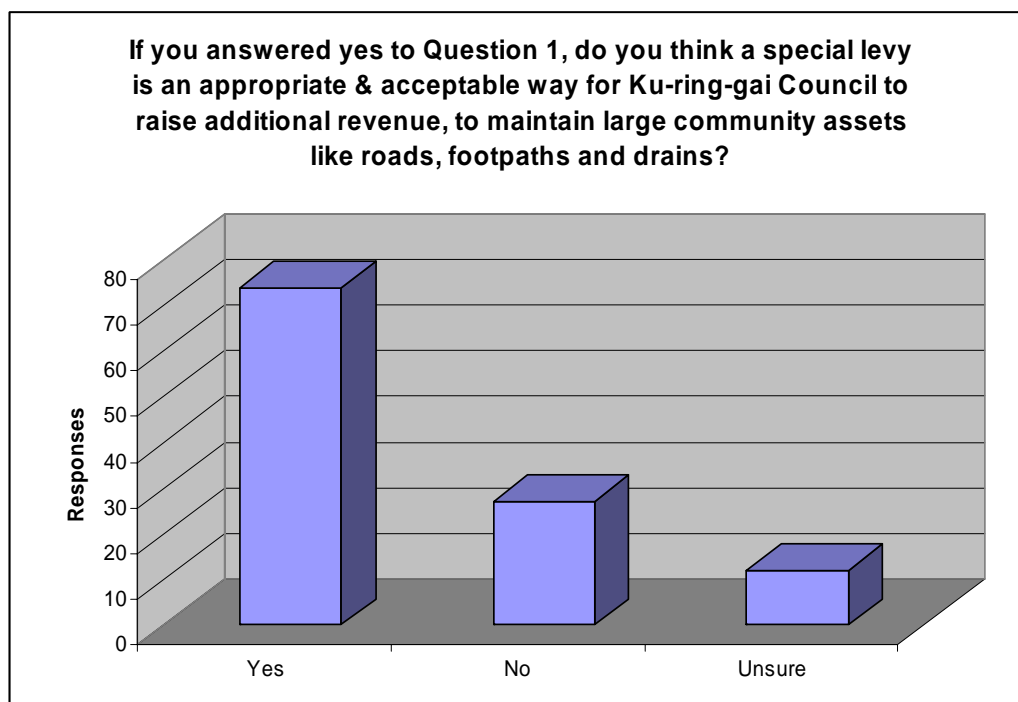
In order to assist respondents understand the issues, selected background information on the levy was posted to them with the survey.

Question 1:



There was overwhelming understanding by 99% of respondents of the difference between basic Council rates and the special levy.

Question 2:

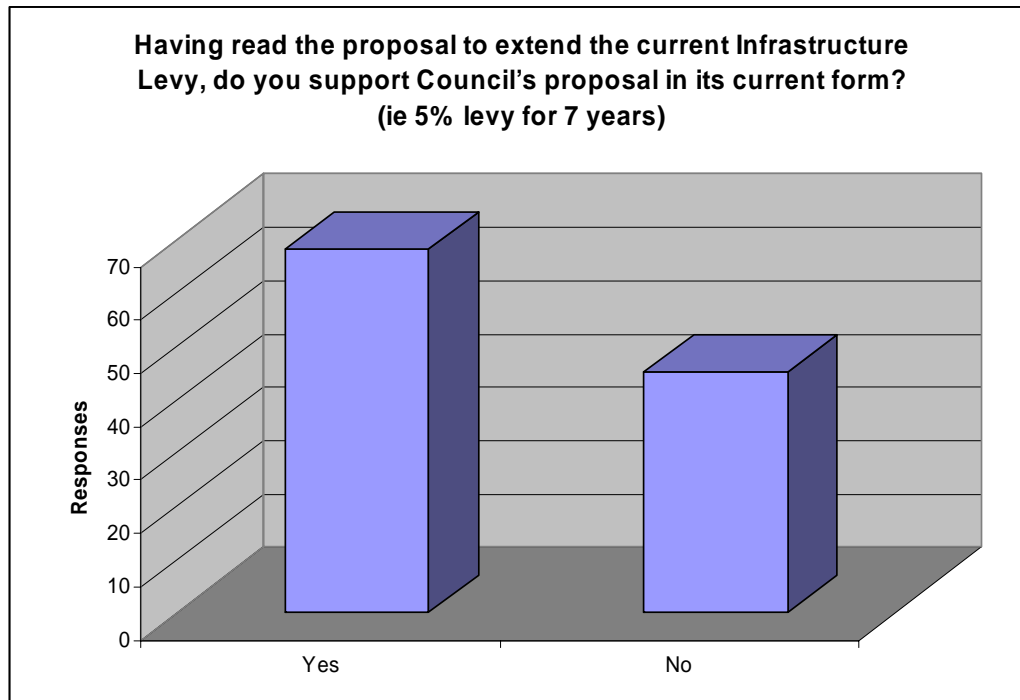


Yes	74	65%
No	27	24%
Unsure	12	11%

Asked if they answered yes to question 1, and thought a special levy was appropriate and acceptable for Council to raise additional funds for maintenance including roads, footpaths and drains, a majority of people (65%) said yes whilst just under a quarter (24%) said no. Very small numbers (11%) were unsure.

Responses indicate majority agreement to the proposition that the levy is appropriate and acceptable.

Question 3:

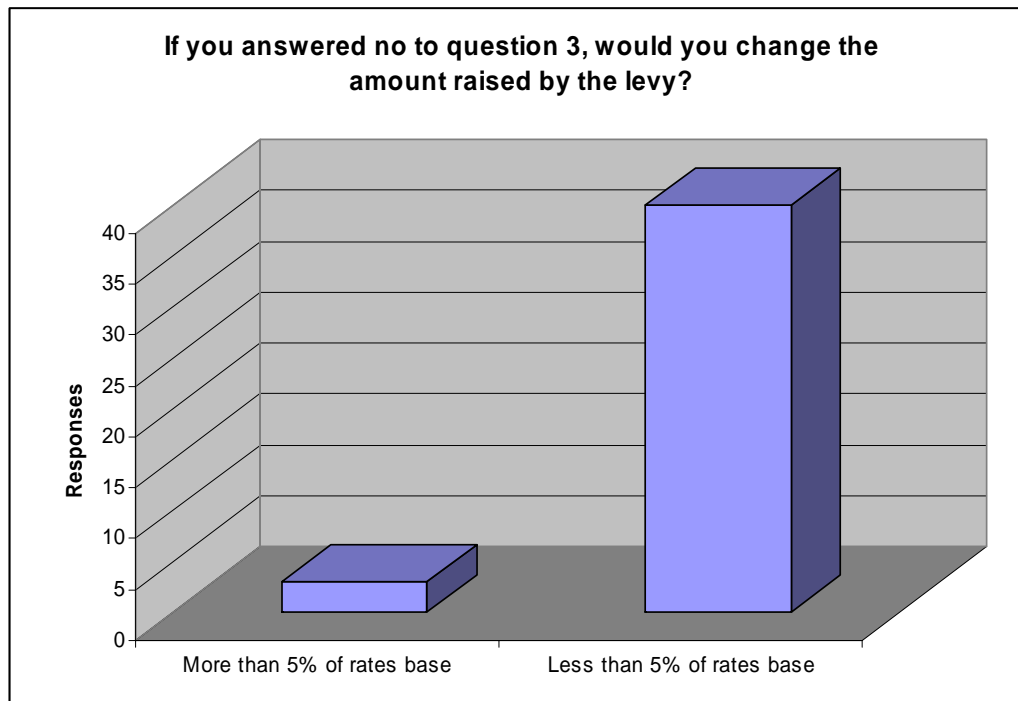


Yes	68	60%
No	45	40%

Respondents were then asked that having read the material provided about the levy, did they support Council's proposal in its current form, that is a 5% rates levy in place for the next 7 years. Most said yes (60%).

There is a notable element of caution reflected in the above responses. This was a very focussed, binary question which allowed no latitude in its responses. The following questions expanded this focus and provided more useful latitude.

Question 4:

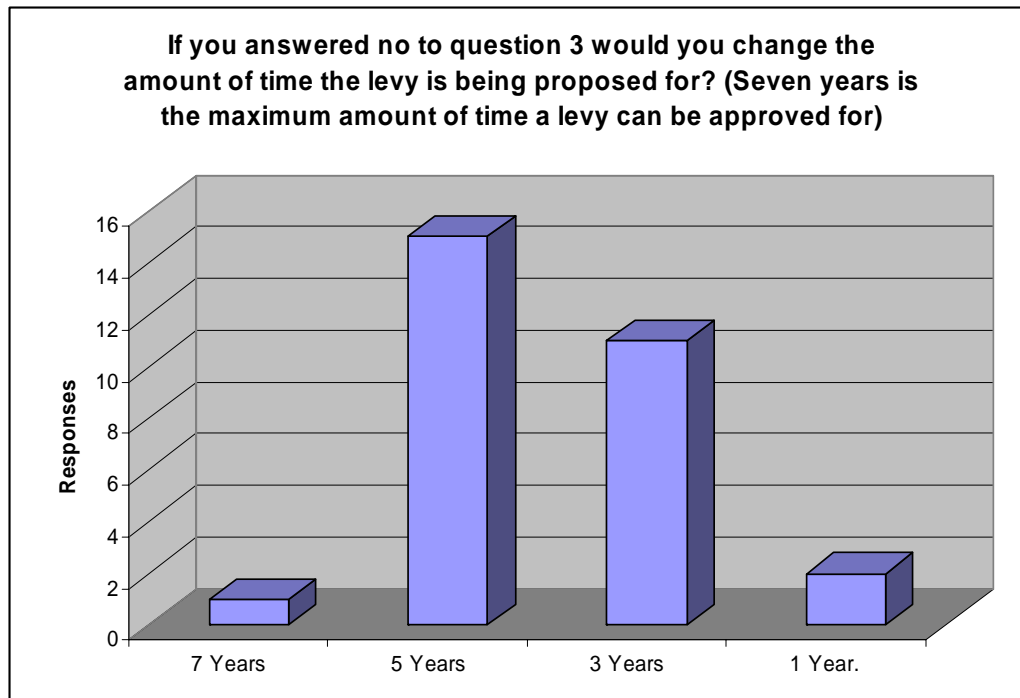


More than 5% of rates base	3	7%
Less than 5% of rates base	40	93%

Those responding were then asked that if they had answered no to question 3, would they change the amount of money raised by the levy. The question provided a binary alternative of a levy of either more or less than 5% of the rates base. Of the 40% that did not support the proposed 5% for 7 years, 93% indicated that they would support an amount less than 5% of the rates base should apply as a levy. This reflects a cautious attitude by this group of respondents.

There was a strong response from the group that did not support the levy under its current proposal to support an amount of less than 5%..

Question 5:



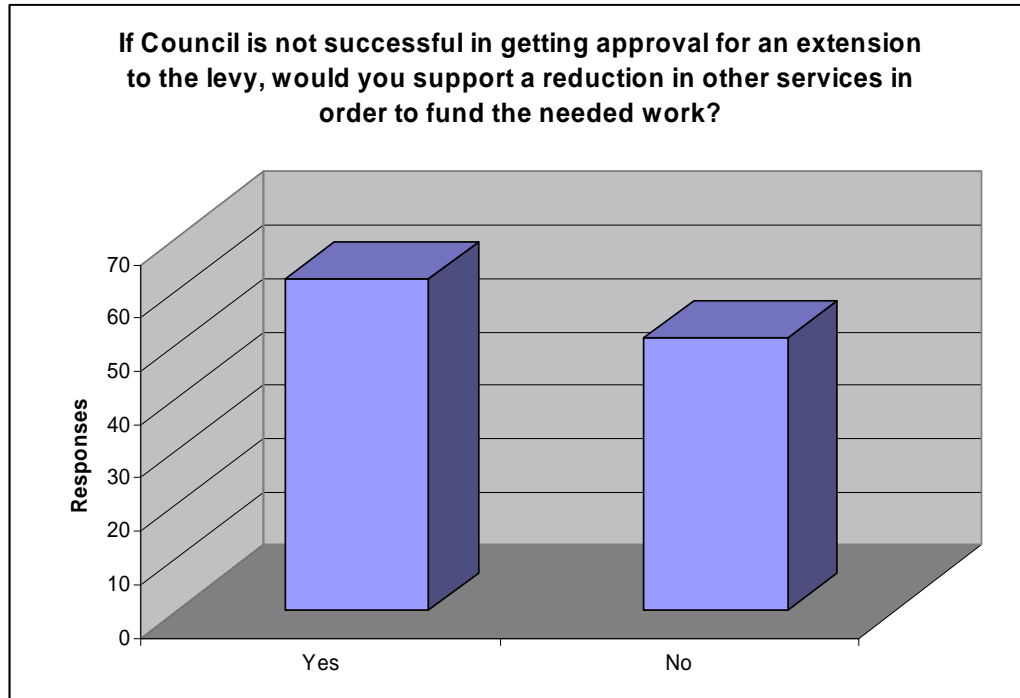
7 Years	1	3%
5 Years	15	52%
3 Years	11	38%
1 Year.	2	7%

Those answering the survey were then asked if they had answered no to question 3, would they change the time of the levy being proposed for? (Seven years is the maximum time a levy can be approved.) Four options were given to these; 7 years, 5 years, 3 years or 1 year.

Twenty eight (28) respondents preferred a time frame less than 7 years with 52% indicating 5 years. The largest group was 52% who indicated 5 years. The second largest group was 31% who indicated that the levy should be proposed for 3 years. The smallest groups comprised 7% who said 1 year and 3% who said 7 years.

Of the group that did not support the levy application in its current form, the responses reported would tend to suggest a 5 year levy period as a practical term to consider.

Question 6:

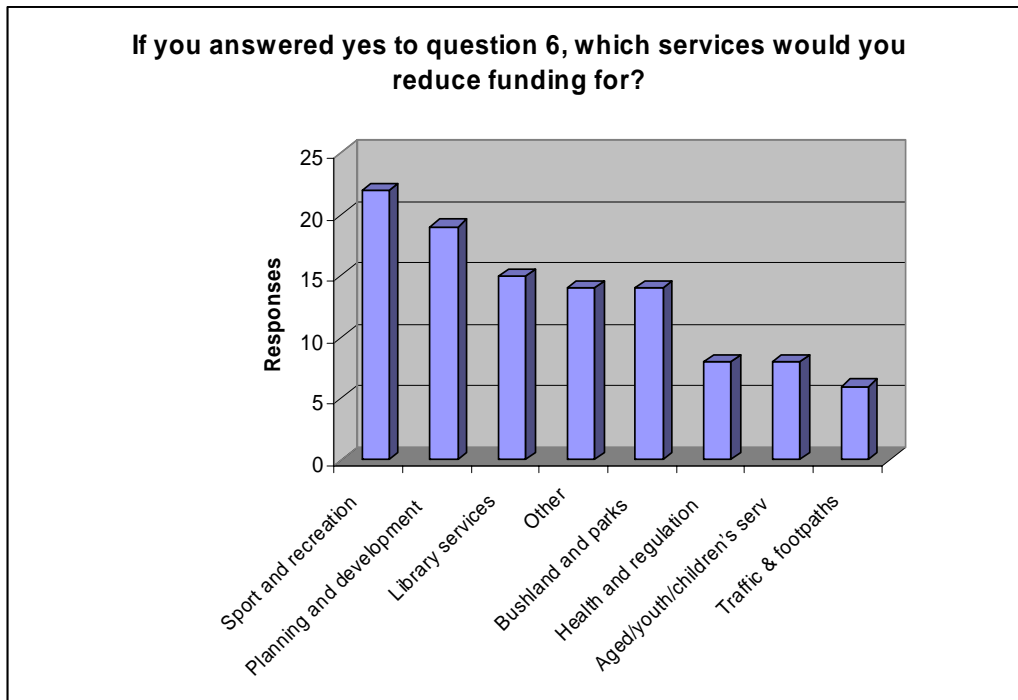


Yes	62	55%
No	51	45%

Asked if Council was not successful in getting approval for an extension to the levy, would they support a reduction in other services in order to fund the needed work, the larger part of the group indicated yes (55%). The (45%) no response is notable.

The above indicates that a reduction in other services to fund the needed work would not be supported by a large majority of residents.

Question 7:

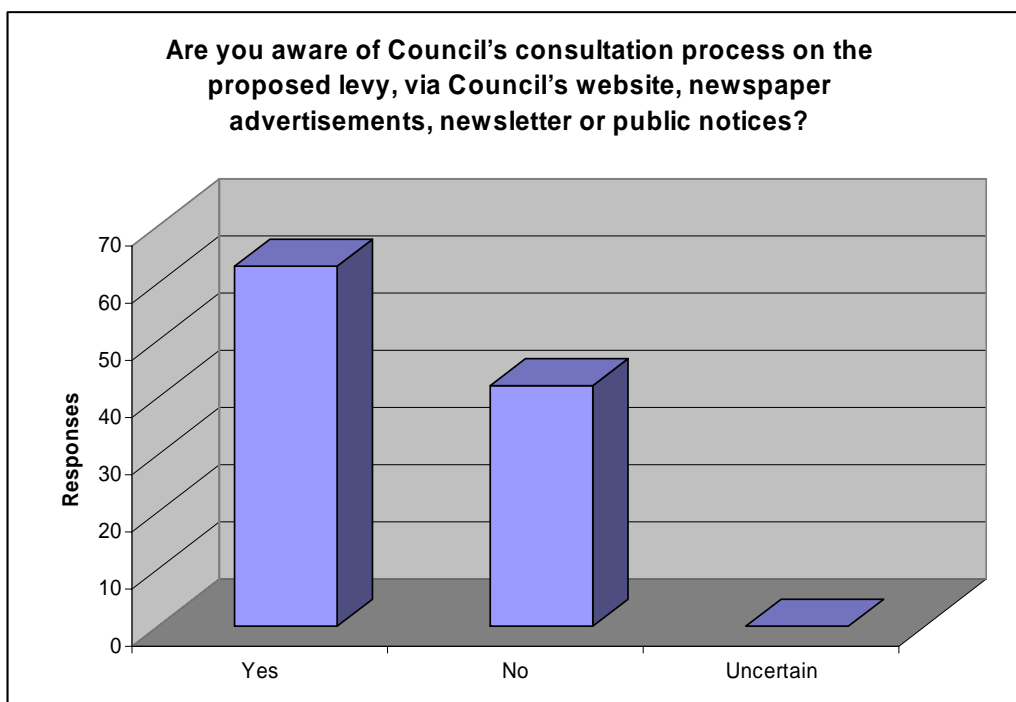


Sport and recreation	22	21%
Planning and development	19	18%
Library services	15	14%
Other	14	13%
Bushland and parks	14	13%
Health and regulation	8	8%
Aged/youth/children's services	8	8%
Traffic & footpaths	6	6%

Multiple responses were allowed for this question – other details were sought in a later question. Sport and recreation was the highest area indicated by householders that could be have funding reduced, if Council was not successful in gaining approval to a levy for the period ahead. Planning and development was ranked next, with Library services third. Bushland and parks ranked a close specific fourth. (Other – ranked equal fourth.)

The priorities indicated by responses could indicate that irrespective of the levy for infrastructure, the overall program priorities of Council might be subjected to public survey scrutiny to ensure congruence with households' needs.

Question 8:



Yes	63	60%
No	42	40%
Uncertain	0	0%

Asked about Council's public consultation process about the levy in local media, 60% indicated yes to awareness. No was indicated by 40% of householders. Notably, the group reported 0% uncertain.

With some 60% awareness reported about the levy consultation process via local media, information about the levy could be regarded as reaching much of its target, particularly as the levy involves an array of options and choices.

Submissions Received on Infrastructure Levy Application

Dear KMC

I have had a look at the proposed roll out of the infrastructure Levy up until 2013.
I have a enormous problem with the fact that you have scheduled to upgrade/resurface many roads that I believe are in good condition!

I have lived in Paul Ave St ives for over 10 years and the Surface and shoulder (they don't even have kerb and gutters) of this road and the adjoining roads, Carmen street and Catherine Street are the worst in the whole of Ku-ring-gai.

I just can not believe they are not schedule for improvement.

I will be vocally apposing this levy as I belive the money will be wasted on what are already good roads

regards

George Appleby

St ives resident for over 40 years

Dear Sirs,

I wish to voice my strong objection to the proposed extension to the infrastructure levy as I believe that we pay a substantial amount in rates anually and when the rates base is set up you should automatically have allowed for keeping the infrastructure up to date in the sum levied.

If you need money for specific projects then council should raise public bonds - repayable over 5, 10, or 15 years to fund these projects

Yours faithfully

L.Kaplan122/381 Bobbin Head Road
N.Turramurra
Ph. 9144 1790

Dear General Manager

I am pleased the poor condition of the roads is likely to be addressed over the next few years. I am interested to know the selection criteria for deciding which roads to do first. I live at 26 Luxor Parade, Roseville and it is scheduled for work in 2010/2011 but not the full length of it. At the moment it is in extremely poor condition, including right down to the end so I can only guess the deterioration over the next 4-5 years. It would be appreciated if an inspection could be carried out with a view to moving the proposed work forward.

Yours sincerely

Julie Sanders

From: Mara Horwitz

8 Alvona Avenue

St Ives

Generally the roads in the area are in a rather poor state. Before the residents are asked to contribute an additional amount of money towards repair I want to know

How much developers are asked to contribute towards road repair and maintenance? The large amount of heavy building related trucks continually driving through residential areas are adding to the wear and tear of the roads much more than the general car traffic. Besides the blocking of roads and the dangerous conditions that result from these trucks, they are ruining our roads!

I want to indicate my total support for continuation of the infrastructure levy. The condition of Ku-ring-gai roads is still poor and certainly can't get better unless we, the ratepayers contribute to the cost

John Watts
19 Marlborough Place
St Ives 2075

sir/madam

I am a KRG rate payer and support the levy if it includes the installation of cycle ways during the next 5 year period

W T Dawes 17 Glen Road Roseville 2069



Barbara Hamilton
7/26 Cowan Road
St Ives 2075
Email: bobham@tpg.com.au
17th May 2006

The General Manager
Ku-ring-gai Council
Gordon 2075

Dear Sir

Re: Levies

I am writing to object strongly to the ratepayers of Ku-ring-gai having a special levy imposed upon them to cover the maintenance of the roads and footpaths.

The levy should be imposed on the developers who are destroying Ku-ring-gai as they are the ones who are damaging our roads and footpaths.

An example of this is Cowan Road where several apartments building are being constructed. The developers are destroying the local roads with their large trucks and heavy machinery.

A large piece of machinery was parked on the footpath beside the park opposite to number 30 Cowan Road under construction at the moment. When the machinery was moved to the site it broke up the footpath. Why should the residents be levied to pay for this.

With the amount of development going on in Ku-ring-gai at the present if the developers were made to repair or replace the roads etc that they damage there would be no reason for the ratepayers to have a special levy imposed upon them.

A further argument I make is that in the past we did not have to pay a special levy to take care of the roads etc. The council did them where needed. Now that there are so many developments in the area where there was one home on a block of land with one amount of rates there is now apartments with multi residents and so that the council is now getting multiple rates instead of one.

By my calculations the council should be awash with money!

Yours faithfully,

Barbara Hamilton

12 King Edward St
PYMBLE NSW 2073
8 August 2005

Mr B Bell
General Manager
Ku-ring-gai Council
818 Pacific Highway
GORDON NSW 2072

Dear Mr Bell,

Infrastructure (ROAD) Levy

~~The residents of Ku-ring-gai have been paying the above levy since 1 July 2001.~~

The 5% levy was introduced for a period of 5 years.

It was introduced on approval from the Department of Local Government to "help bring Ku-ring-gai roads up to a reasonable standard and ensure that the areas of greatest need are targeted".

It is therefore a surprise that until very recently the roads were getting worse because residents could see that resurfacing, even repairing roads in Ku-ring-gai was not a priority. It continues to be a very common topic of conversation amongst residents.

The levy and other funding provisions have clearly not been enough.

This levy has been increased, without being drawn to the attention of residents, by the following percentages each year and I understand it is due to expire at the end of June 2006.

2002/2003 + 3.2% 2003/2004 + 6.4% 2004/2005 + 3.5%

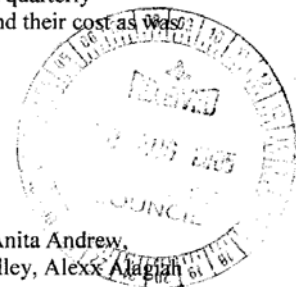
Average increase 4.495% per year. Council Rates, by comparison, have increased by an average of 3.4% per year over this period.

I attach a copy of the letter addressed to residents and received in July 2001 and ask that ~~you send me copies of the relevant sections of the annual reports and quarterly~~ newsletters to residents advising of specific roadworks undertaken and their cost as was agreed when this levy was introduced.

Yours faithfully


Roger Howard

Copies: Adrienne Ryan, Laura Bennett, Tony Hall, Elaine Malicki, Anita Andrew,
Nick Ebbeck, Ian Cross, Michael Lane, Graham Innes, Maureen Shelley, Alexx Alagiah



Roger Guerin

From: Roger Guerin
Sent: Friday, 5 May 2006 4:02 PM
To: 'Roger Myles'
Subject: RE: Resident survey - proposed extension of Council's infrastructure Levy - closing Sunday 14 May 2006

Roger

The cheaper resurfacing refers to laying a single layer of asphalt about 40mm thick over the existing asphalt surface.

The more expensive rehabilitation involves excavating and replacing the existing road pavement with new material to a depth of about 200mm.

The shoulders will be repaired and regraded.

Existing kerb and gutter will be repaired where necessary, but no new kerb and gutter will be built. The levy is for the restoration of existing assets only.

There is no objection to your writing to the Minister in support of the levy, but if you do it would help if you copied it to Council for inclusion with our submission. Thank you for your support.

Roger Guerin Manager Design & Projects
Ku-ring-gai Council
guerinkmc.nsw.gov.au
P 02 9424 0889
F 02 9424 0952
www.krnc.nsw.gov.au
Celebrating 100 years of Local Government in Ku-ring-gai 1906-2006

- - - - - Original Message - - - - -

From: Roger Myles [mailto:RogerMyles@compuserve.com]
Sent: Thursday, 4 May 2006 9:20 PM
To: Roger Guerin
Subject: FW: Resident survey - proposed extension of Council's infrastructure Levy - closing Sunday 14 May 2006

Roger.

Thank you for this response - this has created a clearer picture for me. But as in all such information exchanges further questions arise, I have just one - and it is a question of definition.

When you use the phrase "resurfacing" in the "cheap remedial approach" or the more extensive resurfacing, are you referring just to the surface, or does it include road resurfacing and gutter development/reconstruction/maintenance.

I am interested, as it appears that, close and against my property in Yararar Road, Grayling Road was subjected to the cheap remedial approach and yet in some places it made the problem worse, with erosion at the edges on the unguttered side now rapidly proceeding. And I wonder how many other roads are subject to the same set of circumstances.

Thus my interest in this area is on two fronts - everytime I walk around or to/from my property and when I am exercising in the district.

On both. occasions I am continually reminded of a problem.

Thus look forward to the outcome of the submission for the Levy.

Should I be lobby the State Minister for Local Government?
Roger

----- Forwarded Message-----

From: "Roger Guerin" INTERNET :guerinkmc .nsw. gov. au
To: [unknown], RogerMyles

Date: 5/4/2006 2:03 AM

RE: FW: Resident survey - proposed extension of Council's Infrastructure Levy - closing Sunday 14 May 2006

Roger

Colin has asked me to respond to your request for information on how Council selects roads for inclusion in the Road Rehabilitation Program.

Council uses a sophisticated Pavement Management System developed by the Snowy Mountains Engineering Corporation to ascertain the most cost effective time and treatment of road pavements. All road pavements within Ku-ring-gai have been assessed by professional engineers to determine a prioritised rehabilitation program. Every year twenty percent of Council's roads are reassessed on a rotating basis and the program is reviewed annually. The assessment, takes into account existing pavement condition, traffic loading and available funds.

While many roads being treated appear to be in reasonable condition, analysis has shown that cheap remedial action such as resurfacing (costing \$17/sq m) must be taken now to prevent further deterioration.

If these roads are left considerably more funds (\$5/sq m) will be required at a future date to fully reconstruct the road base.

Other roads have already deteriorated to a stage where resurfacing is not effective, but the cost of repair will not increase significantly with time. These have been prioritised for reconstruction when funds can be made available.

This enables many more kilometres of road to be restored early in the program.
It's a bit like putting a coat of paint on your house before the old paint blisters and peels to a stage where it needs costly preparation.

With regard to routine footpath and road maintenance, Council is determined to give high priority in its budgets to rehabilitation of its valuable road assets until the road network has been restored to a reasonable condition. Increased funding will then be available to improve routine maintenance of all assets.

Thank you for your support in completing the Survey, without the levy funds it will take many, many years to fully restore the road network.

Roger Guerin Manager Design & Projects
Ku-ring-gai Council
guerin@kmc.nsw.gov.au
P 02 9424 0889
F 02 9424 0952
www.kmc.nsw.gov.au
Celebrating 100 years of Local Government in Ku-ring-gai 1906-2006

----- Original Message -----

From: Colin Johnston
Sent: Tuesday, 2 May 2006 11:16 AM
To: 'Roger Myles'
Cc: Roger Guerin
Subject: RE: Resident survey - proposed extension of Council's Infrastructure Levy - closing Sunday 14 May 2006

Roger,

Should not be a problem - will ask Roger Guerin to respond to you direct about your enquiry.

Regards,
Colin.

----- Original Message -----

From: Roger Myles [mailto:RogerMyles@compuserve.com]
Sent: Tuesday, 2 May 2006 10:46 AM
TO: Colin Johnston
Cc: Roger Guerin.
Subject: RE: Resident survey - proposed extension of Council's Infrastructure Levy - closing Sunday 14 May 2006

Colin,

Thank you.

Re contacting Roger Guerin - not in the very near future. I am overseas working.
Currently in Manila.
This is part of my problem - when I am at home in Sydney the time is limited and thus
the motivation for following up on issues like this is absent for long periods.

Next time I an back I will, follow up however

Roger

----- Forwarded Message -----

From: "Colin Johnston", INTERNET: cjohnston@kmc.nsw.gov.au
To: "Roger Myles", RogerMyles
CC: "Roger Guerin", INTERNET:guerin@kmc.nsw.gov.au
Date: 5/1/2006 7:46 PM
RE: RE: Resident survey - proposed extension of Council's
Infrastructure Levy closing Sunday 14 May 2006

Roger,

I have passed your enquiry on to Roger Guerin - if you have time could you contact
him directly on tel 9424 0889.

Regards,
Colin.

----- Original Message -----

From: Roger Myles [mailto:RogerMyles@compuserve.com]
Sei: Monday, 1 May 2006 3:46 PM
To: Cohn Johnston
Subject: Resident survey - proposed extension of Council's Infrastructure Levy -
closing Sunday 14 May 2006

Colin,

I have completed the survey - and I support the levy.

But I have an issue - in terms of actual detail how does a member of the community
understand the detail - for instance on Page 43 of the Draft management Plan there a
KPI mentioned called the Roads arid Footpath Program. As I walk around the locale
regularly for exercise the issue of footpath and minor road maintenance is very much
front of mind. I am very interested in how some of the work is actually selected when
the reason appears totally mystifying - and why other areas are neglected when the
need for maintenance or upgrading is obvious.

Roger

=====

TELECOMMUNICATIONS CARRIAGE - TENDER REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide information on Council's tender for telecommunications carriers and recommend a carrier for Council's mobile phone call services.

BACKGROUND:

In 2005 Council was approached by PABX Advisory Services to join with several other New South Wales Councils in a group tender for telecommunications services. The aim of the project was to establish a structured and mutually beneficial alliance with one or more suppliers for the orderly and cost effective supply of telecommunications services. It was anticipated that joining with the other Councils would result in more competitive pricing for all categories and that PABX Advisory Services managing the process would provide for expert advice and professional services.

COMMENTS:

Tenders closed on 14 February 2006 with 10 carriers submitting tenders. Tender details are included in this report.

RECOMMENDATION:

That Council accept the tender from Optus for the supply of mobile phone services and call rates.

PURPOSE OF REPORT

To provide information on Council's tender for telecommunications carriers and recommend a carrier for Council's mobile phone call services.

BACKGROUND

In 2005 Council was approached by PABX Advisory Services to join with several other New South Wales Councils in a group tender for telecommunications services, being:

- Mobile services and call rates (S1)
- Fixed land line services and call rates (S2)
- Internet services and rates (S3), and
- Virtual Private Networking services and rates (S4)

The aim of the project was to establish a structured and mutually beneficial alliance with one or more suppliers for the orderly and cost effective supply of telecommunications services. It was anticipated that joining with the other Councils would result in more competitive pricing for all categories and that PABX Advisory Services managing the process would provide for expert advice and professional services.

When tenders were called in January 2006, 15 Councils had joined the tender group and they included:

- Balranald Shire Council
- Bega Valley Shire Council
- Hawkesbury City Council
- Kiama Municipal Council
- Kogarah Municipal Council
- Ku-ring-gai Council
- Lane Cove Municipal Council
- Leichhardt Municipal Council
- Orange City Council
- Penrith City Council
- Port Macquarie-Hastings Council
- Queanbeyan City Council
- Upper Hunter Shire Council
- Willoughby City Council

As part of the tender process all Councils were able to choose whichever supplier they deemed appropriate (if any) and some, all or none of the services. Councils could then negotiate contracts individually.

COMMENTS

Tenders closed on 14 February 2006. There were 10 tenderers with each tendering for one or more of the sections S1, S2, S3 or S4. They are as follows:

Tenderer	Service
Optus	S1, S2, S3 and S4
Macquarie Telecom Pty Ltd	S1, S2, S3 and S4
Soul Pattinson Telecommunications Pty Ltd	S1, S2, S3 and S4
Southern Phone Company Ltd	S1, and S2
ATI Australia Pty Ltd	S4
Aussie Dial Pty Ltd	S2
Vertebral Solutions	S3 and S4
Netforce Pty Ltd	S3 and S4
MCI Worldcom Australia Pty Ltd (Verizon)	S2 and S3
Eftel Pty Ltd	S3 and S4

The following table summarises which tenderers complied with each of the sections for which they tendered:

Tenderer	Compliant Sections
Optus	S1, S2
Macquarie Telecom Pty Ltd	S1, S2, S3, Part S4
Soul Pattinson Telecommunications Pty Ltd	S3, S4
Southern Phone Company Ltd	S1, S2
ATI Australia Pty Ltd	S4
Aussie Dial Pty Ltd	No
Vertebral Solutions	S3, S4
Netforce Pty Ltd	S3, S4
MCI Worldcom Australia Pty Ltd (Verizon)	No
Eftel Pty Ltd	S3, S4

As Council is currently tendering for the supply of a new telephone system (PABX), services for fixed land lines and call rates (S2), internet services and rates (S3) and virtual private networking services and rates (S4) are not, at this point in time being considered as part of this report. The type of services and their costs will be determined by the new PABX system that is installed.

The purpose of this report is to consider the tenders for Mobile services and call rates and recommend a suitable provider. In assessing mobile phone call costs the following categories were established to measure usage patterns to determine the most efficient tenderer:

- Council mobile to Council mobile calls
- Council mobile to same carrier mobile calls
- Council mobile to other carrier mobile calls
- Council mobile to fixed line calls

Item 8

S04716
30 May 2006

- SMS
- Voicemail deposits
- Voicemail retrievals
- Other charges

To compare call costs for each carrier, the costs of the categories above were calculated on the tendered prices and compared to Council's existing costs. **Attachment 1** details initial estimates for each of the complying tenderers in terms of the potential savings when compared to Council's existing rates and call patterns.

In order to measure the costs of the tendered prices compared to existing rates, a sample month (July 2005), was analysed to illustrate the projected costs. **Attachment 2** shows that, in terms of price, Optus is the best option for Council. Based on the sample month Council would save approximately \$41,000 per annum or potentially \$58,000 depending on the outcome of the PABX tender and the technology that could be utilised.

In addition to the financial considerations, coverage testing was conducted throughout the Council area, including various blackspots reported by staff. Coverage by the three networks tested varied from location to location but overall, were considered adequate. The results for Optus show that we will receive the same or improved network coverage. Areas where coverage was not available for Optus is the same for all carriers and mainly only includes fire trails and deep valleys.

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The adoption of the recommendation contained in this report is projected to result in savings of approximately \$58,000 per annum. It is proposed that these savings be allocated towards funding a new PABX system, pending the results of that tender which is currently being assessed.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation took place with various departments in terms of testing the mobile phone coverage of the various carriers.

The tender processes have been validated by Council's corporate lawyer.

SUMMARY

Following the assessment of tenders received for telecommunications carriage, it is recommended that, at this stage, Council proceed with accepting the tender from Optus for mobile services and call rates. This is projected to result in savings of approximately \$58,000 per annum.

RECOMMENDATION

- A. That Council accept the tender from Optus for mobile services and call rates in accordance with the terms and conditions contained in their tender.
- B. That Council not accept any of the tenders for fixed land line services and call rates, internet services and rates and Virtual Private Networking services and rates, pending the assessment of a current tender covering the replacement of Council's PABX.

John Clark
Acting Director Finance & Business

John McKee
General Manager

Attachments: **Attachment A: Mobile phone tender analysis - Confidential**
 Attachment B: Mobile costs comparison - Confidential

OPTUS MOBILE PTY LTD - PROPOSED DEED OF ACCESS TO USE A PORTION OF ROAD RESERVE ADJACENT TO 212 RYDE ROAD WEST PYMBLE

Ward: Gordon

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to grant a Deed of Access to Optus Mobile Pty Ltd to use a portion of the road reserve for its telecommunication network.
BACKGROUND:	Optus Mobile Pty Ltd served notice upon Council on 13 April 2005. The work is deemed low impact in accordance with the Telecommunications Act 1997. Prior to the installation being constructed, negotiations have taken place to establish an appropriate compensation amount and Deed of Access for the site.
COMMENTS:	Council staff have negotiated an arrangement associated with compensation, landscaping and site remediation which is consistent with similar Deeds of Access granted to other communications carriers within the Northern Sydney region.
RECOMMENDATION:	That Council approve a Deed of Access with Optus Mobile Pty Ltd for the installation of a low impact telecommunications facility located on the road reserve.

PURPOSE OF REPORT

For Council to grant a Deed of Access to Optus Mobile Pty Ltd to use a portion of the road reserve for its telecommunication network.

BACKGROUND

On 21 November 2005, Optus Mobile Pty Ltd formally notified Council pursuant to the Telecommunications Act 1997 (Commonwealth) and the Code, of its intent to install and operate a “low impact” telecommunications antenna on an Energy Australia light pole adjacent to 210 Ryde Road, West Pymble, and associated equipment cabinets on the road reserve adjacent to 212 Ryde Road, West Pymble.

The installation is deemed low impact in accordance with the Telecommunications Act 1997 and the Telecommunications Code of Practice 1997. As such, no formal development application approval is required from Council. The Telecommunications Act 1997 (Commonwealth) authorises licensed telecommunications carriers to carry out certain activities and undertake maintenance activities (Low Impact Facilities) upon lands without the need for specific approval of the land owner.

As part of the negotiations, Optus Mobile Pty Ltd has offered to enter into a Deed of Access for the use of the road reserve to house the equipment cabinets. The use of the road reserve is subject to compensation and a Deed of Access pursuant to Section 138 of the Roads Act 1993. Council officers have negotiated with representatives of Optus to establish terms and conditions acceptable to both parties (subject to Council approval) for an appropriate compensation amount, tenure, landscaping and remediation costs.

Should Council elect not to received compensation by way of an agreement, it will not deter Optus to proceed with this installation and could likely encourage them to install additional low impact facilities in our Local Government area without having to consider the appropriate compensation or to allow for landscaping and site remediation within their own cost base.

Council staff liaised with representatives of Optus Mobile Pty Ltd throughout the notification period to ensure the best possible community outcome. The community consultation plan approved by Council included a letterbox drop and mailout to 242 households within a 300 metre radius of the installation, along with placement of a public notice on the subject light pole.

On 7 March 2006, and in accordance with Clause 5.5.10 of the ACIF Code, Optus Mobile Pty Ltd submitted a community consultation report to Council (**Attachment A: Consultation Report Summary dated 7/03/2006**).

On 13 April 2006, Optus Mobile Pty Ltd issued Council with a Land Access Notice to proceed with the installation of the low impact facility (**Attachment B: Notice of Activities, Part 1**).

COMMENTS

Given the significant privileges afforded to telecommunication providers under the Telecommunication Act 1997, there is little that Council can do to prevent the installation of facilities deemed "Low Impact" on Council owned or managed lands providing that Carriers comply with the provisions of the Act and in particular with the Australian Communications Industry Forum (ACIF) Deployment of Mobile Phone Network Infrastructure Code.

In regard to this facility, Optus through their representatives, have followed the process as set out by the Act and Code.

Council officers have negotiated an arrangement associated with compensation (Deed of Access), landscaping and site remediation works.

Optus has entered into a joint venture arrangement with Vodafone for the deployment of 3G voice mobile services in the local area. This arrangement will enable both carriers to provide new network services by sharing one mobile base station. Due to this arrangement Optus has requested that the deed include a subletting clause to permit access to Vodafone's equipment in the base station. The subletting clause has been developed in conjunction with Council's Solicitors and ensures that Optus does not benefit from any profiteering due to the proposed Vodafone or future sublets. Correspondence from Optus confirming the proposed financial arrangement with Vodafone has been provided in a previous report.

If Council elects not to receive compensation it will not deter Optus to proceed with this installation and could likely encourage them to install additional low impact facilities in our Local Government Area without having to consider the appropriate licence/lease compensation or to allow for landscaping and site rehabilitation within their own cost base.

CONSULTATION

Officers have requested extensive consultation for this proposal, to which the Carrier has complied. Notification of all residences and community sensitive locations within a 300 metre radius of the proposed installation were identified for inclusion in the Carrier's consultation plan

The consultation process was conducted between 21 November 2005-27 January 2006. The consultation process was extended twice, once at the request of Council to take into account the Christmas and New Year period (**Attachment A: Consultation Report Summary dated 7/3/2006**).

Due to a resident's concerns, Optus representatives extended the closing date for community responses to mid-February 2006. Meetings between Council, Optus representatives and affected residents ensued to discuss alternate locations for the placement of the antenna, and to provide a forum for those parties to discuss the process surrounding location determination and Electro Magnetic Emissions (EME) and Electro Magnetic Radiation (EMR) related issues.

Item 9

88/06023/01
1 June 2006

Additionally, officers have undertaken onsite inspections with the Carriers to assess likely impacts on immediate residents and the broader community, along with detailed assessment of all plans and technical drawings to assess siting of antennas and equipment shelters and to gauge the impacts on the community in relation to access and environmental issues.

The proposed agreement will be prepared by Council's solicitors Matthews Folbigg Pty Ltd, which will be consistent with the terms and conditions of existing telecommunications documentation. Solicitors have prepared the draft subletting and draft assignment clause to ensure that Council's interests are protected.

FINANCIAL CONSIDERATIONS

Attachment C: Confidential Heads of Agreement of Deed of Access, road reserve adjacent to 212 Ryde Road, West Pymble.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Council's Open Space, Technical Services and Finance and Business Departments have been involved in discussions and negotiations in assessing and determining the impacts on the site.

Council's Finance and Business Department have negotiated the terms of the Heads of Agreement, and prepared this report.

SUMMARY

On 21 November 2005, Optus Mobile Pty Ltd formally notified Council pursuant to the Telecommunications Act 1997 (Commonwealth) and the Code, of its intent to install and operate a "low impact" telecommunications antenna on an Energy Australia light pole adjacent to 210 Ryde Road, West Pymble, and associated equipment cabinets on the road reserve adjacent to 212 Ryde Road, West Pymble.

Council officers have negotiated with representatives of Optus and established terms and conditions acceptable to both parties (subject to Council approval) for compensation, tenure, landscaping and site remediation costs.

Should Council elect not to receive compensation it will not deter Optus to proceed with this installation and could likely encourage them to install additional low impact facilities in our Local Government Area without having to consider the appropriate compensation or to allow for landscaping and site rehabilitation within their own cost base.

RECOMMENDATION

- A. That Council grant a Deed of Access to Optus Mobile Pty Ltd over a portion of road reserve adjacent to 212 Ryde Road, West Pymble for the installation of a low impact telecommunication facility.
- B. That Council authorise the Mayor and General Manager to sign all documentation associated with the lease and licence.
- C. That the Council Seal be affixed to the agreement.

Deborah Silva
Property Services Co-ordinator

John Clark
Acting Director Finance & Business

Attachments: **Attachment A: Consultation report summary dated 7/03/2006 - 590498**
 Attachment B: Notice of Activities, Part 1 - 602842
 Attachment C: Confidential Heads of Agreement of Deed of Access, road
 reserve adjacent to 212 Ryde Road, West Pymble

**'yes'
OPTUS**

7 March 2006

Ms Deborah Silva
Commercial Services Co-ordinator
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073



Dear Ms Silva

**Report on Consultation in relation to installation of a Optus/Vodafone
Telecommunications Facility at E.A. Pole (no T106), Road Reserve, adjacent to 210
Ryde Road, West Pymble NSW 2073**

Further to our letter 21st November 2005 and subsequent telephone conversations and emails, we now write to you on behalf of Optus/Vodafone in accordance with the requirements of the Clause 5.10 of the ACIF Code.

As you are aware, Optus/Vodafone is required to comply with the provisions of the Code for the Deployment of Mobile Phone Network Infrastructure ("the Code"). One of the requirements of the Code is to provide the Council with a Consultation Report about the responses received from those notified and the results of any other consultation conducted under this plan.

The Code required Optus/Vodafone to include in the report:

- a) A summary of comments received during the consultation process
- b) Optus/Vodafone's consideration of these comments
- c) A statement about Optus/Vodafone's intended actions regarding the proposed work.

The consultation and notification process has now been completed and a copy of the consultation report is included with this letter.

Further Information

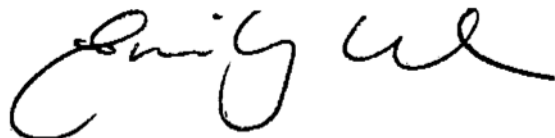
Further information on a range of issues relevant to the placement of mobile phone towers (including industry codes of practice and legislation, and a video clip on mobile phones and health) is available directly from the Australian Communications and Media Authority (ACMA) website at <http://emr.acma.gov.au> or by phoning (02) 6219 5555 and asking for the Projects Team. The Australian Communications and Media Authority is a government regulator of telecommunications and radiocommunications.

UrbisJHD Services Pty Limited
ABN 24 105 273 505
**Abigroup Telecommunications Pty
Limited**
ABN 73 079 830 470
A member of Abigroup Limited

Melbourne Head Office
Level 12
120 Collins Street
Melbourne Vic 3000
Telephone + 61 3 8663 4888
Facsimile + 61 3 8663 4999

Should you require any additional information or wish to discuss this further, please don't hesitate to contact the undersigned.

Yours sincerely



Emily Wardlaw
Planning Manager
Site Acquisitions Team
UrbisJHD Services

Mobile 0422 685 472
Fax 03 87663 4999
ewardlaw@urbisjhd.com

Level 12, 120 Collins Street
Melbourne Vic 3000

Attachments

1. Consultation Report

**Consultation Report
ACIF Industry Code C564:2004
for
Deployment of Mobile Phone Network Infrastructure**

**Report to Council on responses received during
consultation and notification**

Tuesday 7th March 2006

**E.A. Pole (no T106), Road Reserve, adjacent to 210
Ryde Road, West Pymble NSW 2073**

Optus/Vodafone Joint Venture

Summary of Comments Received

A total of 11 comments were received from residents in relation to the proposal, including 1 petition with 8 signatures. In addition, comments were received from Ku-ring-gai Council, Barry O'Farrell State Member for Ku-ring-gai, and the Department of Communications Information Technology and the Arts. These comments are summarised along with our responses to them in the attached table.

Carrier's Consideration of Comments

Based on the ACIF consultation process, it was apparent that the major concerns were the consultation timeframes, the location of the proposed facility in a residential area due to Electromagnetic Emissions from the facility, and the visual impact of the facility.

Whilst it is not a specific requirement of the ACIF processes, UrbisJHD (on behalf of Optus) decided to extend the consultation period from Friday 9th December 2005 until 20th December 2005 and then again until the 27th January 2006. As further responses were received after this date, Optus did not close off the consultation period until the date of this letter, when all comments had been responded to.

An independent consultant has been engaged to carry out pre and post Electromagnetic Testing on the site to demonstrate the facilities actual compliance with regulations administered by the Australian Communications and Media Authority (ACMA) regarding mobile telephone facilities and equipment.

A photomontage has been prepared and sent to Council, Barry O'Farrell MP, and residents concerned about the visual impact from the proposal. The photomontage assisted in providing an accurate image of the proposal including its location on top of an existing light pole, and the application of brush fencing to visually screen the outdoor units located on the ground.

Intended action regarding proposed work

As a result of this consultation and feedback received Optus/Vodafone has or will be undertaking any actions that have been described in the carrier response column of the attached table.

Specifically, Optus/Vodafone has decided to undertake independent Electromagnetic testing before the site is built, and again once the site is operational in order to demonstrate the facility's actual compliance with regulations administered by the Australian Communications and Media Authority (ACMA) regarding mobile telephone facilities and equipment.

Consultation Summary

'yes'
OPTUS

Consultation Plan Sent to Council	10-Nov-05			
		42 Letters sent to surrounding properties (hand dropped) 1 Letter to Owner (posted) 1 Letter to Council (posted) 1 Letter to Occupier (posted) 4 Letters to Interested Parties (Bowl Club, Preschool, Council open space dept & Local Pool) Posted Sign Placed on EA Pole		Community Consultation Due for Completion 8th December 2005
Consultation Commenced with Community	21-Nov-05	Consultation Period Extended form 9th Dec 2005 until 20th December 2005		
Consultation Extended	8/12/2005	Consultation Extended until 27th January 2006 as a result of extra consultation being undertaken. Christmas period taken into account when setting new timeframes.		
Consultation Extended (2nd Time)	14/12/2005			
Pre-testing carried out by EMC Technologies	23/02/2006	Pre-testing conducted on site by EMC Technologies		Post Testing to be undertaken once the site is built.

Deborah Silva Ku-ring-gai Council	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Email from Deborah Silva (Ku-ring-gai Council)	12/12/2005	Received email detailing extra consultation requested which included every property within a 300 metre radius, an additional interested party- Yasna Child Care Centre, a copy of the notice placed on site, a photo montage of the proposal	14/12/2005	Additional Consultation sent to community as requested by Council. 192 Further surrounding properties were posted a letter. 1 Further interested party notified- Child Care Centre. 3 letters returned from 56A Kipara Street & 28 Bolwara Ave, 18 Kamilaroy Road.
			24/01/2006	Copy of Photomontage sent to Council
Mrs Sybil Booker	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Phone Call Mrs Sybil Booker	22/12/2005	Received a call from Mrs Booker (210 Ryde Road) on 22/11/05 who expressed concern that the facility was proposed outside her house. She stated that she was upset about not being consulted as the Council had also not told her about a bus shelter that was erected on the site as well. She expressed concern in relation to EME and loss of property value. I advised I would send an information pack, including the drawings.	28/11/2005	Response Letter sent to Mrs Sybil Booker including information pack on EME, drawings of the facility, and EME report.
Letter to Mrs Sybil Booker			8/12/2006	Sent Letter to Mrs S Booker advising of extension from the 9th December 2005 until the 20th December 2006.
Letter from Mrs Sybil Booker	13/12/2005	Received letter from Mrs Booker dated 29 November 2005-		Concerns previously raised and responded to in telephone conversations.

		Received phone call from Mrs Booker requesting further time for consultation. Advised her that the times frames had been extended until the 27th Jan. She expressed dissatisfaction again with the proposal outside her house. I advised we would prepare a photo montage to demonstrate the low level of visual impact from the site. She was quite distressed about the proposal and I advised I would be in contact in the New Year after my leave until the 16th Jan. She requested we fix the sign on site, putting the new consultation dates on and facing it towards the pavement. Also she requested we resend a letter to 208 Ryde Road, as there were new owners who had just moved in. I advised that we would undertake these requests.	19/12/2005 20/12/05	Resent letter to 208 Ryde Road as requested by Mrs Booker. Updated signage on site as requested by Mrs Booker. Two signs now on each side of EA Light Pole.
Phone Call from Mrs Sybil Booker	18/12/2005			
Phone Call from Mrs Sybil Booker	16/01/2006	Received Phone call from Mrs Booker stating she was still very concerned about the EME from the site, queried Australian Standards, requested a further extension, and expressed concern about property values and the visual impact from the proposal. get onto me and had subsequently written a letter. I apologised and advised that the photomontage would be sent this day along with other information she had requested. Mrs Booker stated		Advised Mrs Booker I would provide further information including a photomontage of the site.
Phone Call from Mrs Sybil Booker	23/01/2006	Letter received from Mrs Booker- concerns raised were addressed in previous response- cross over between phone call on 23/1/2006 No response required.	23/01/2006	relation to EME, Australian Standards, Consultation Process, Visual Impact, and interference. A photomontage was included to address visual impact
Letter received from Mrs Sybil Booker	27/01/2006			

	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Mr Ian Moffatt				
Phone Call Mr Iain Moffatt	30/11/2005	Received call from Ian Moffatt, resident at 15 Bandalong Ave. He explained that he was ringing as a result of Mrs Booker being nervous about the facility. We discussed the design and the EME on the site. I advised I would send further information on EME and base stations. Mr Moffatt expressed satisfaction that mobile coverage to the area would be improved.	30/11/2005	Letter sent to Ian Moffatt re design and EME, and Information Pack. No further enquiries received from respondent.

Mr Barry O'Farrell State Member for Ku-ring-gai	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Letter from Barry O'Farrell MP	1/12/2005	Received enquiry from State Member as result of him receiving letter from Mrs S Booker at 210 Ryde Road.	8/12/2005	period would be extended until the 20th December. Stated a brief would be prepared and sent to him, and Mrs Booker would be called and advised of the
Letter received from Barry O'Farrell MP	8/02/2006	Barry O'Farrell MP requested additional consultation be undertaken with the community	27/02/2006	Comprehensive brief posted to Barry O'Farrell detailing site particulars and proposed independent testing.

Department of Communications, Information Technology and the Arts	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Enquiry from the Department of Communications, Information Technology and the Arts	14/12/2005	Received Ministerial Tracking Form re enquiry from DCITA	14/12/2006	Responded to enquiry providing brief on proposal and consultation to date.

Ms Sue Booker	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Letter received from Ms Sue Booker	23/01/2006	Requested alternative site be considered, raised concerns relating to the consultation process, EME, precautionary approach, devaluation of property, co-locating equipment.	30/01/2006	Letter sent responding to concerns and EME
Email received from Ms Sue Booker	14/02/2006	Noted that she did not agree or support the ACMA standards. Noted that the consultation period ended before she received the response from Optus	14/02/2006	Sent return email stating that consultation on the site was still open as a result of a number of community responses received, and advising that independent testing was being considered.

Ms Pauline Wheeler	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Letter from Ms Pauline Wheeler	23/01/2006	Received letter from Ms Wheeler expressing concern in relation to the location of the facility next to a residential property due to EME, requested reasons for site selection to be explained.	25/01/2006	Letter sent to Ms Wheeler addressing her concerns- and including an information pack on EME.

D Bellany	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Copy of letter sent to council from D Bellany received	23/01/2006	Council forwarded on a copy of a letter received from B Bellany objecting to the location of the facility	25/01/2006	Letter sent responding to concerns and EME

Ms Norma Cunningham	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Letter received from Norma Cunningham	27/01/2006	Concerns raised in relation to the location of the facility and EME	30/01/2006	Letter sent responding to concerns and EME

Tie Xia & Yaoming Wu	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Letter received from TieXia and Yaoming Wu	27/01/2006	Concerns raised in relation to legislation, notification of the proposal, the location of the battery unit, EME, land values.		Letter sent responding to concerns and EME

Mr Lloyd Frollier	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Letter received from Lloyd Frollier	30/01/2006	Objections to location of the facility in a residential area and EME concerns	7/02/2006	Letter sent responding to concerns and EME

Residents of Ryde Road	DATE	SUMMARY	RESPONSE DATE	OPTUS RESPONSE
Letter received from Residents of Ryde Road c/o Angela Holmes (8 Signatures)	30/01/2006	Objections to location of the facility in a residential area and EME concerns	7/02/2006	Letter sent responding to concerns and EME

Letter sent to all community respondents			27/02/2006	Letter sent to all community respondents advising that the site will go ahead, however independent testing will be carried out pre and post construction to demonstrate Optus compliance with the Australian Standards.
---	--	--	-------------------	--

~~Friday~~ April 13th, 2006
Thursday

Ms Deborah Silva
Commercial Services Co-ordinator
Ku-ring-gai Shire Council
Locked Bag 1056
PYMBLE NSW 2073

Optus Proposal at 'South Pymble', E.A. Pole (no T106), in the Road Reserve of Ryde Road, immediately north of the intersection of Wyuna Road and Ryde Road, West Pymble NSW 2073

Site Description: South Pymble – S0697 – JS9290

Dear Ms Silva

In the last 6 months Optus and Ku Ring Gai Council have been progressing the proposal to install equipment on the ground and on the light pole at Ryde Road, West Pymble. Optus has completed the community consultation process in accordance with the ACIF Code and has also reached agreement of the terms of the tenure agreement between Optus and Ku Ring Gai Council. As a result, Optus, and on behalf of Vodafone, is now in a position to proceed with the installation of the telecommunications facility.

Optus are proceeding with their rights of a Low Impact Notice under Section 3 the Telecommunications Act 1997 to install the proposed equipment at the South Pymble site as set out in the attached letter and plans and also discussed over the last 6 months. Attached is a copy of the Low Impact Notice.

We will endeavour to work with you and Council's Legal representative in order to finalise the tenure agreement. During the construction activities we will ensure there is as little damage as possible to the site as well as Council's road and footpath infrastructure and the existing bus shelter. Following the construction and installation activities, the site will be restored as close as practicable to its original condition.

The timber light pole has been structurally certified for the proposed equipment by Independent Structural Engineers, 'Murray Low Consultants'.

We re-iterate this Notice is not done in an aggressive manner and we remain committed to working with Council and formalising a tenure agreement.

We thank you for your cooperation. Should you have any queries or require any additional information, please do not hesitate to contact Mark Byrnes at Abigroup Telecommunications, on 0419 977 826.

Yours faithfully

M A Seaman
for

Mary Seaman
Project Manager
Mobile Network Deployment
Optus
Mobile 0403 331 732
Mary.Seaman@optus.com.au



NOTICE OF ACTIVITIES

Part 1 - This Notice

1. The *Telecommunications Act 1997* (**Act**) provides carriers with powers to access land for the purposes of inspection, installation and maintenance of telecommunications facilities. This Notice is given in accordance with clause 17 of Schedule 3 to the Act and relates to land being the road reserve of Ryde Road, south of the intersection with Wyuna Road (out the front of 210 Ryde Road), West Pymble NSW 2073 (**Land**).
2. Vodafone Australia Limited [ACN 056 161 043] (**Vodafone**) and Optus Mobile Pty Limited [ACN 054 365 696] (**Optus**) are telecommunications carriers licensed under the Act.
3. Vodafone Network Pty Limited [ACN 081 918 461] (**VNPL**) operates the Vodafone mobile telecommunications network and is contracted by Vodafone to carry out certain activities in connection with the installation, maintenance and operation of facilities which form part of the Vodafone network. **Optus** operates the Optus mobile telecommunications network.
4. Optus and VNPL have made arrangements to share infrastructure necessary for the supply of carriage services to the customers of their respective networks. As a consequence of those arrangements, both Optus and VNPL will operate equipment at the Land.
5. Implementation of the arrangement requires the carrying out of activities detailed in Part 2 of this Notice (**Activities**) at the Land commencing on the date referred to below.
6. Part 3 of this Notice sets out other matters which are relevant to carrying out Activities at the Land.
7. The Act and the *Telecommunications Code of Practice 1997* (**Code**) require that you be informed, as an owner or occupant of the Land, of certain specific matters concerning the Activities as set out at Part 4 of this Notice.
8. Plans depicting the facilities and the location of the Activities (**Plan**) are attached at Part 5 of this Notice.
9. This notice is given on 13th April 2006.

Part 2 - The Activities

Purpose of the Activities:

The purpose of the Activities is to facilitate the installation, operation and maintenance of a mobile phone network facility on the site for use by Optus and Vodafone for their respective mobile phone networks. The activities will also facilitate the sharing of infrastructure by VNPL and Optus to permit each to

provide carriage services to the customers of their respective mobile telecommunications networks.

Location of the Activities:

The proposal for this site is to install a set of panel antennas on the wooden light pole (T106) located on the eastern side of Ryde Road, out the front of the property known as 210 Ryde Road and immediately south of the intersection of Ryde Road and Wyuna Road as well as associated equipment to be located in the road reserve (nature strip) of Ryde Road on the eastern side between the Bus Shelter and Wyuna Road. There will also be electrical, cabling, earthing and civil works required for the installation activities for the telecommunications facility. All of the telecommunications equipment and the land will be access by Vodafone and Optus.

When it will commence:

The installation will start on or after the Wednesday May 5th, 2006 and continue for 16 weeks. It should be noted that the Activities may commence without taking physical access to the Land. It is intended that such physical access be taken in consultation with relevant owners and occupiers of the Land including Council and Energy Australia to ensure that any disruption to the Land and its existing uses is minimised. Prior to taking physical access for undertaking the works comprised in the Activities, a representative of the works contractor will contact you to seek to co-ordinate times at which physical access will be taken. If reasonable arrangements for access cannot be made with you and any occupant, it will be necessary to determine the manner of taking access which best minimises any disruption to the Land.

The duration of the Activities:

The Activities of Optus and Vodafone will continue for a period of approximately 16 weeks. Once the Activities are completed, the facilities will be operated until further notice to you.

Part 3 - Other Relevant Matters

Details of the Activities and whether they will involve material disturbance to the Land:

The Activities to be carried out by Optus and Vodafone will consist of:

- Installation of three (3) panel antennas (1302 mm long) on a turret mount attached to the top of the existing light pole (T106) located in the road reserve on the eastern side of Ryde Road and associated civil works.
- The installation of a radio dish (300mm in diameter) on a mount attached to the top of the

wooden light pole;

- The installation of three outdoor equipment cabinets (770 X 790 X 2100) on a concrete slab and associated civil works. The equipment will be located in the nature strip on the eastern side of Ryde Road adjacent to the intersection with Wyuna Road;
- The installation of 2 underground pits, underground conduits and cable trays for the running of cables;
- The running of a series of cables from the equipment cabinets to the antennas on the light pole including underground conduits and cables attached to the wooden pole;
- Works associated with the electrical and earthing connection of the facility;
- Other necessary and desirable works including electrical, earthing, safe access, trenching, air conditioning works required for the operation of the telecommunications facility.

Please refer to the attached plans (S0697 – A01, S0697 – A02, S0697 – A03 for further information about the activities

If there will be any material disturbance, how any damage, detriment or inconvenience is to be minimised:

There will be some disturbance to the land as a result of the underground works and placement of the equipment cabinets on the ground where there is vegetation. Where possible, this disturbance will be minimised and the land will be restored as close as practicable to its original condition after the work. Some landscaping will be implemented to partially screen views of the equipment cabinets and the equipment will be painted to match the background. Apart from this it is not anticipated that any significant material disturbance to the Land will occur during the carrying out of the Activity and subsequent operation of the facilities.

To the extent that any material disturbance may occur as a result of the Activities, it will be most apparent during the construction period. All reasonable steps will be taken to ensure that the activities cause as little detriment or inconvenience, and do as little damage to the Land as is practicable. To minimise any inconvenience or disturbance you may perceive, such measures as to construction timing and access timing etc will be taken as you may reasonably require.

Last date for making objections:

You may object to the matters set out in this notice. More particulars of the manner of objection are set out in Part 4 below. If your written objection is received at the address given below **not later than 5 business days** before the date specified in this Notice for the commencement of the Activities, the activities will not proceed until the objection is resolved in the manner set out under Chapter 4 of the Code.

Address for giving of objections:

Objections to the Activities may be forwarded in writing to: Optus c/- Abigroup Telecommunications, Level 6 Nokia House, 19 Harris Street, Pyrmont NSW 2009. Attention: Mr Mark Byrnes

Part 4 - Statutory Notification

Statement as to compensation:

If a person suffers financial loss or damage in relation to property because of anything done by a carrier in engaging in the Activities, compensation may be payable under Clause 42 of Schedule 3 to the Act.

Right of objection to the Activities being carried out:

Chapter 4 of the Code sets out procedures for you to object to the carrying out of the Activities.

Under the Code, your objection must be given in writing and you must set out the reasons for your objection to the Activities. Those reasons must relate to one or more of the following matters:

- (a) using the Land to engage in the Activities;
- (b) the location of a facility on the Land;
- (c) the date when it is proposed to start the Activities, engage in them or stop them;
- (d) the likely effect of the Activities on the Land;
- (e) the manner in which it is proposed to minimise detriment and inconvenience and do as little damage as practicable to the Land.

The Code sets out an objection procedure which includes consultation with you about your objection. If you make an objection all reasonable efforts will be made to consult with you about your objection within 5 business days. Reasonable efforts to resolve the objection by agreement will be made within 20 business days after receipt of your objection.

If the objection is not resolved by agreement or withdrawn by the end of that period you will receive a

final response to your objection explaining any proposed change to the activities or, if no change is proposed, why the activities as originally notified will go ahead.

Within 5 business days of receiving that response you may by notice in writing to the address set out in Part 3 above require the referral of your objection to the Telecommunications Industry Ombudsman.

Part 5 - The Plan

DATE OF ISSUE

DRAWING PACKAGE VERSION

04.08.05 02.11.05

1 2

ARCHITECTURAL DRAWINGS

S0697-A01 SITE LOCALITY PLAN

S0697-A02 SITE SETOUT PLAN

S0697-A03 SITE ELEVATION

A B
A B
A B

STRUCTURAL DRAWINGS

ELECTRICAL DRAWINGS

RADHAZ / EXCLUSION ZONES DRAWINGS

S0697-R01 EME EXCLUSION ZONES - PLAN

S0697-R02 EME EXCLUSION ZONES - ELEVATION

A B
A B

FITOUT / INSITU SHELTER DRAWINGS

TRANSMISSION

LEASE / LICENCE

REFERENCE DOCUMENTS

DISTRIBUTION

ABIGROUP

NOKIA

URBIS JHD

2P 2P
1P 1P
1P 1P

'yes' OPTUS

OPTUS SITE - S0697

SOUTH PYMBLE

JS 9290 - SOUTH PYMBLE

E.A. POLE No: T106,
FRONT OF 210 RYDE ROAD,
WEST PYMBLE NSW 2073

WCDMA 2100 UPGRADE

Abigroup
TELECOMMUNICATIONS

41 Burwood Road
Hawthorn, Victoria 3122
Tel: (03) 9816-5555, Fax: (03) 9816-5566

NOKIA

FOR APPROVAL

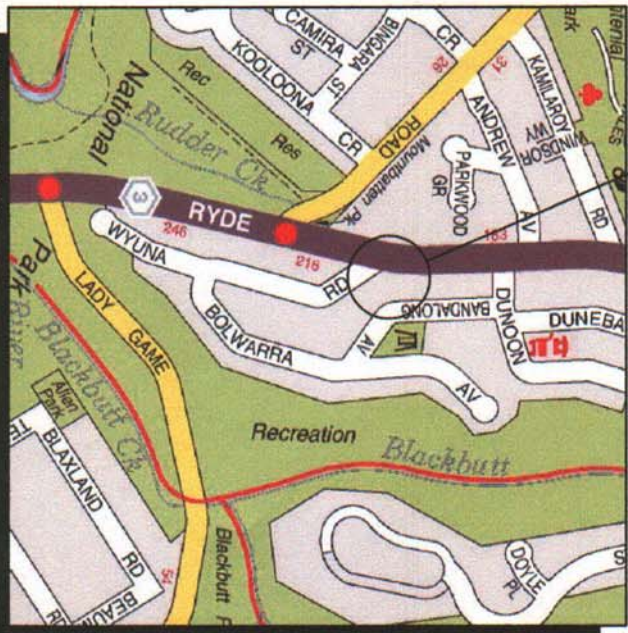
SPN Job No. Drawing No.
NB22736.406 S0697-C00

PREPARED BY: SINCLAIR KNIGHT MERZ PTY. LTD.



OPTUS SITE S0697

MAP REFERENCE: CITY LINK UBD 2001
STREET DIRECTORY
MAP PAGE: 174
MAP GRID REFERENCE: G, 13



MAP REPRODUCED WITH PERMISSION OF URB.
COURTESY UNIVERSAL PRESS PTY LTD DE 14/93

SITE LOCATION PLAN

SITE INFORMATION

1. SITE ADDRESS

ENERGY AUSTRALIA LIGHT POLE No: T106
FRONT OF 210 RYDE ROAD,
WEST PYMBLE, NSW 2073

2. GENERAL

THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS SET OUT IN THE STANDARD CONSTRUCTION NOTES APPENDED, INCLUDING LIAISON REGARDING PROPERTY ACCESS AND THE SITE SPECIFIC NOTES SET OUT BELOW.

3. SITE ACCESS

ACCESS IS OFF SOUTH BOUND LANE FROM RYDE ROAD.
STREET PARKING AVAILABLE ON WYUNA ROAD.

4. ANTENNA AND SHELTER ACCESS

ACCESS TO ACO OUTDOOR CABINETS IS FROM EXISTING CONCRETE FOOTPATH.
ANTENNA ACCESS IS VIA "CHERRY PICKER" ONLY.

5. SHELTER, EQUIPMENT AND SECURITY

NEW ACO OUTDOOR CABINETS ARE LOCATED ON COUNCIL VERGE IN FRONT OFF 212 RYDE ROAD & FENCED OFF WITH BRUSH FENCING.
THE SITE HAS A 'MEDIUM' SECURITY RATING.

6. EXISTING SERVICES

THE CONTRACTOR SHALL IDENTIFY AND CONFIRM THE LOCATION OF ALL RELEVANT EXISTING SERVICES PRIOR TO COMMENCEMENT OF WORKS.

7. SIGNAGE

UNLESS NOTED OTHERWISE ON THE DRAWINGS, PROVIDE SIGNAGE AS REQUIRED PER THE "GSM NETWORK AUSTRALIA DESIGN AND CONSTRUCTION MANUAL".

8. SITE HAZARDS

THERE ARE A NUMBER OF L.V. OVERHEAD POWER LINES IN THE WORKING AREA.

9. TRANSMISSION LINK

OPTUS TRANSMISSION VIA EXISTING Ø300 PARABOLIC ANTENNA TO S0066 NORTH RYDE

FOR APPROVAL

Original drawing signed
where shown marked "A."

PREPARED BY: SINCLAIR KNIGHT MERZ PTY. LTD.

8	DETAILS	L.L.A.	PROPOSED OPTUS NETWORK EQUIP. RE-LOCATED
7	DETAILS	L.L.A.	ISSUED FOR APPROVAL
6	DETAILS	L.L.A.	ISSUED FOR APPROVAL
5	DETAILS	L.L.A.	ISSUED FOR APPROVAL
4	DETAILS	L.L.A.	ISSUED FOR APPROVAL
3	DETAILS	L.L.A.	ISSUED FOR APPROVAL
2	DETAILS	L.L.A.	ISSUED FOR APPROVAL
1	DETAILS	L.L.A.	ISSUED FOR APPROVAL

Abigroup
TELECOMMUNICATIONS
41 Burwood Road
Heidelberg, Victoria 3122
Tel: (03) 9816-5555, Fax: (03) 9816-5566

NOKIA

'yes'
OPTUS

Project:
MOBILE NETWORK
AUSTRALIA
SITE No:- S0697
SOUTH PYMBLE
RYDE ROAD

Drawing Title:
SITE LOCALITY PLAN
JS 9290 - SOUTH PYMBLE

Drawn	Checked	Designed	Scale	Date
A.A.B.	E.A.S.	E.A.S.	64/08/05	
Drawn Date	Checked Date	Designed Date	Scale	Date
L.L.A.	A.S.B.	A.S.B.	AS SHOWN	
Approved	Reviewed	Reviewed	Reviewed	Date
JOLEVSKI*	JOLEVSKI*	JOLEVSKI*	JOLEVSKI*	18/02/2006
Drawn No.	Checked No.	Designed No.	Scale	Date
S0697-A01	S0697-A01	S0697-A01	AS SHOWN	
Drawn	Checked	Designed	Scale	Date
B	B	B	B	B

20 10 0 10 20 30 40 50m

Copyright: The copyright and all other rights in this document are the property of Alkermes and its wholly owned subsidiaries. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Alkermes and its wholly owned subsidiaries. All rights reserved.

1. EXISTING TIMBER POLE & FOUNDATION TO BE STRUCTURALLY CERTIFIED FOR PROPOSED OPTUS WCDMA & EXISTING LOAD BY "MURRAY LOW CONSULTANTS".

2. MINIMUM CLEARANCE BETWEEN PROPOSED DRAW PIT & EXISTING TIMBER POLE FOOTING TO BE DETERMINED BY "MURRAY LOW CONSULTANTS".

SUB-CONTRACTOR TO CONFIRM ALL U/G SERVICES
PRIOR TO CONSTRUCTION.
SUB-CONTRACTOR TO COMPLY WITH AUTHORITIES
SPECIFICATION WHERE WORK EFFECTS EXISTING
UNDERGROUND SERVICES

PROPOSED OPTUS WCDMA EQUIPMENT TO BE
COLOUR MATCHED TO EXISTING ENERGY
AUSTRALIA TIMBER LIGHT POLE



SCALE: 1:100

PREPARED BY: SINCLAIR KNIGHT MERZ PTY. LTD. NOTE: PROPOSED NEW WORK IN ITALIC TEXT

Ali group
TELECOMMUNICATIONS

1 Burwood Road
Crawthorn, Victoria 3122
Tel: (03) 9816-5555. Fax: (03) 9816-5566

Project
MOBILE NETWORK
AUSTRALIA
SITE No:- S0697
SOUTH PYMBLE
RYDE ROAD

SITE ELEVATION

FOR APPROVAL

SITE ELEVATION					
Project No.	Designated	Date	Scale		
AAB	E.A.s	8/10/95	AS SHOWN		
Drawing Date	Issuing Date				
J.L.E	A.S.B.s				
Approved	ISSUED BY				
JOL EVSKI*	NB2736-406				
Drawing No.			Revision		
S0697-A03			B		
IS 9290 - SOUTH PYMBLE					

	0	10	20	30	40	50mm
0.7						
1.0						
1.5						
2.0						
2.5						
3.0						
3.5						
4.0						
4.5						
5.0						
5.5						
6.0						
6.5						
7.0						
7.5						
8.0						
8.5						
9.0						
9.5						
10.0						

PARKS SPORT & RECREATION REFERENCE GROUP - MINUTES OF MEETING HELD 4 MAY 2006

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 4 May 2006.

BACKGROUND:

The role of the Parks, Sport and Recreation Reference Group (PSRRG) is to provide resident, user groups and industry expert advice to Council on matters relevant to the types and standards of service and the content of Council's strategic plans, policies and Plans of Management

COMMENTS:

Five (5) items of business were discussed (PSRRG 34-PSRRG 38), comments have been provided on items relevant to Council and items not referred relate to general business of the reference group.

RECOMMENDATION:

That the minutes of the Parks, Sport and Recreation Reference Group meeting of 4 May 2006 be received and noted.

PURPOSE OF REPORT

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 4 May 2006.

BACKGROUND

The role of the Parks, Sport and Recreation Reference Group (PSRRG) is to provide resident, user groups and industry expert advice and feedback to Council on matters relevant to Parks, Sport and Recreation within the Ku-ring-gai Local Government Area. The group was established to ensure that community and stakeholder input is considered in Council's direction and management of Open Space.

Those matters include but are not limited to the following areas:

- a. Future planning and policy development
- b. Strategic program review including relevant Plans of Management
- c. Community input into the development of Council's Management Plan
- d. Facilitation of partnerships, community and user participation and volunteer programs
- e. Provide support to specific project working groups established by Council from time to time.

COMMENTS

No quorum was reached at the previous two meetings of the PSRRG (November 05 & March 06) therefore no formal minutes were prepared or presented to Council. Notes were taken of the discussions held at each meeting and copies of those notes are attached. (Attachment 1 & 2)

At the meeting held 4 May 2006, several items of business were discussed. Comments have been provided on the items relevant to Council and items not referred, relate to matters requiring further consideration prior to recommendation to Council or were items directed towards the sharing of information. Members were presented with information regarding Council's Bushwalking Tracks, Town Centre Planning Overview, the Autumn Sports Forum, and Council's Draft Management Plan 2006-2010.

The Reference Group discussed in more detail the Aquatic Feasibility Study, the Draft Allocation, Licence and Leasing Policy & 2006/07 Open Space Capital Works Program.

In addition to the above items, the Reference Group was advised of the date for the next Sports Forum, advised the date that the Draft Sport in Ku-ring-gai Strategy was going to Council, and provided updates on works being completed at Barra Brui, Queen Elizabeth and Bannockburn sportsgrounds and changes in traffic and parking conditions at Canoon Road netball courts.

PSRRG 36 - The Aquatic Feasibility Study:

The reference group was advised that the study would be on the agenda of the OMC on the 9 May. The scope of the study and the recommended mix of facilities, possible locations and the

Item 10

S03447
31 May 2006

improvements being proposed for West Pymble Pool were discussed in detail. Following the discussions the PSRRG recommended and unanimously supported:

“That the Parks, Sport and Recreation Reference Group strongly support the Aquatic Feasibility Study being put forward to Council and strongly recommend that study be put on Public Exhibition for the purpose of consultation.”

A subsequent recommendation was made that *“The Mayor and all Councillors be advised of the above Parks, Sport and Recreation Reference Group motion prior to the report being discussed at the Ordinary Meeting of Council on 9 May 2006.”*

Councillors were advised by memorandum, dated 5 May 2006:

PSRRG 37 – 2006/2007 Open Space Capital Works Program

The reference group was advised of the proposed projects planned for the 2006/07 Open Space Capital Works program. It was noted that the program is now in its fifth year and that the scale of the projects now being planned requires Council resolution for both the projects to be completed and the commencement of concept planning for future years projects.

Following discussion, the following recommendation was made by the PSRRG:

“That the Committee supports the proposed Open Space Capital Works Program for 2006/07”.

CONSULTATION

The Reference Group is a consultative forum representing the interest of residents, user groups and industry professionals.

FINANCIAL CONSIDERATIONS

There are no direct financial considerations related to this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other departments has not taken place in the preparation of this report.

SUMMARY

The meeting held on 4 May gave the Group members present the opportunity to review and discuss in detail the progression of the Aquatic Feasibility Study.

Five items of Business were discussed at the May 2006 meeting, two items PSRRG 36 & 37 were considered significant, with the remaining three (3) items relating to general matters as detailed in this report and the attached Minutes (Refer Attachment 3).

Item 10

S03447
31 May 2006

The Reference Group made two (2) recommendations regarding the progress of the Aquatic Feasibility Study and one (1) recommendation supporting the 2006/07 Capital Works Program.

RECOMMENDATION

That the Minutes of the Parks, Sport and Recreation Reference Group meeting held 4 May 2006 be received and noted.

Carol Harper
Sport & Recreation Planner

Morven Cameron
Senior Projects Officer

Steven Head
**Director Open Space &
Planning**

Attachments:

- 1. Minutes of Parks Sport & Recreation Reference Group meeting 4 May 2006 - 622789**
- 2. Notes of Parks Sport & Recreation Reference Group meeting 3 November 2005 - 588790**
- 3. Notes of Parks Sport & Recreation Reference Group meeting 9 March 2006 - 602881**

Ku-ring-gai Council

Parks, Sport and Recreation Reference Group

Minutes from meeting on

Thursday 4 May 2006

Level 3, Council Building.

7.00pm

Attendees:

Members	Councillors	Staff	Guests
Craig Bryant Sandra Van De Water Frank Freeman Alan Fredericks Hugh Bennett Matthew Horne Andrew Falk Ann Smith Grand Corderoy Peter Duncan	Councillor Nick Ebbeck (Deputy Mayor)	Steven Head Director of Open Space & Planning (DOSP) Morven Cameron Senior Projects Officer (SPO) Carol Harper Sport & Recreation Planner (SRP) Mary-Lou Lewis Projects Officer – Natural Environment & Bushland	Tim Smith

Apologies:

Members	Councillors	Staff
Campbell Wratt Gary Foster Birgitte Lund	Mayor Elaine Malicki	

Meeting Commenced: 7.10pm

Declaration of Pecuniary Interests

No pecuniary interests were declared.

PSRRG 34 Bushwalking/Track Presentation

Mary-Lou Lewis, Projects Officer Natural Environment and Bushland gave a presentation to the meeting on bushwalking and cycle tracks in Ku-ring-gai.

Mary-Lou discussed proposed tracks including fire trails, specific tracks for mountain bikes and multi-purpose/shared tracks as well as work which has occurred to create partnerships with other Councils in order to establish a regional focus for track provision and management.

Bushwalking brochures produced by STEP and Council were tabled and discussed. Mary-Lou advised that there are a number of volunteer groups who are involved in producing bushwalking maps and information.

In addition Mary-Lou provided a summary of upgrade work which has been undertaken and is planned for tracks throughout Ku-ring-gai as part of the Environmental Levy. Walking track upgrades include; Rofe Park and historical tracks joining with Sheldon track, the Agal track, and the Seven Little Australians Track. The upgrade work on Seven Little Australians Track will be partly funded by a Metropolitan Greenspace Grant.

PSRRG 35 Ku-ring-gai Town Centre Planning Overview

At the March meeting the PSRRG requested an information session regarding the Town Centre Planning. The Director of Open Space & Planning (DOSP) discussed the process and outlined that planning for the town centre is one of the highest priorities facing Ku-ring-gai Council, and the group was reminded that a directive from the State Government requires that town centre plans be prepared and adopted by Council for six Ku-ring-gai Town Centres by the end of 2006. (St Ives, Turramurra, Pymble, Gordon, Lindfield & Roseville)

Using St Ives Town Centre as an example DOSP outlined the integrated process involved in preparing and exhibiting plans. Issues considered include:- the topography, the size of catchment, traffic flow, pedestrian flows to and through the areas, retail and commercial facilities, character and heritage issues, community facilities, open space and town square opportunities, interface issues and funding opportunities.

The process involves assessing issues and is carried out in conjunction with household surveys and focus group meetings with local residents, local businesses, retail representatives and community groups to determine perceived needs, potential needs, concerns and/or potential improvements.

Following this preliminary consultation phase, land use plans are prepared which broadly the types of use considered appropriate for different areas within the Town Centre precinct. These plans are placed on public exhibition and local residents are invited to comment.

Sandra Van de Water commented that the preliminary plans looked great and pointed out a need for redevelopment of all of the town centres as well as to create better links between the town centres and open space areas. DOS advised that an Open Space Acquisition Strategy was being prepared in accordance with Council's current Section 94 plan.

Senior Projects Officer advised that the Acquisition Strategy will tie-in with town centre planning and that next year Council will look to identify opportunities for acquisition.

DOSP explained that Gordon would be the largest town centre in terms of retail and commercial space, but that none of the Town Centres would be of sufficient size to be classified as a regional centre and all would be considered either district or local.

PSRRG 36 Aquatic Feasibility Study

Senior Project Officer (SPO) advised that the Aquatic Facility Feasibility Study was on the agenda for discussion at the next meeting of Council on Tuesday 9 May 2006, and PSRRG members would be emailed a link to the report on Friday 5 May.

Hard copies and electronic copies of the study were available for members of the group.

SPO discussed the study and the research and consultation which had occurred during the preparation of the study. SPO advised that the final chapter (chapter 6) included the summary or recommendations from the study to date.

The report to Council recommends that the study be placed on public exhibition for 1 month, and the local community encouraged to submit comments.

Responses/submissions received will be collated and reported back to Council with a view of Council being in a position to identify one preferred site for further investigation for a new facility. The consultants are unable to progress with the final stages of the study including business planning and preliminary cost estimates until a preferred site has been determined.

SPO confirmed that the study has also considered and made recommendations relating to future improvements for West Pymble Pool.

Alan Fredericks moved a motion to *“That the Parks, Sport and Recreation Reference Group strongly support the Aquatic Feasibility Study being put forward to Council and strongly recommend that study be put on Public Exhibition for the purpose of consultation.”*

Sandra Van De Water seconded the motion.

The motion was voted on and was supported unanimously.

A subsequent motion was moved by Alan Fredericks: *“The Mayor and all Councillors be advised of the above Parks, Sport and Recreation Reference Group motion prior to the report being discussed at the Ordinary Meeting of Council on 9 May 2006.”*

Ann Smith seconded the motion.

The motion was voted on and was supported unanimously.

PSRRG 37 Review of Capital Work Program for 06/07

In accordance with the prioritisation processes adopted by Council in 2002 and reviewed and updated in consultation with the PSRRG in 2005 capital works for 2006/2007 and planning for 2007 – 2009 for parks, sportsgrounds and playgrounds were tabled and discussed.

The priority and projects being recommended are in accordance with the reference groups recommendation and Council's resolution in 2005. Planning for the 2006/2007 projects has been substantially commended. The scale of projects now being planned requires Council resolution for both the projects to be completed the following year and the commencement of planning for future projects.

It was noted 06/07 will be the 5th year that the capital works program has been in place, and that as a result a number of projects have already been completed including the reconstruction of Bannockburn, Barra Brui and Queen Elizabeth Reserve.

Additionally the funding available and in particular the availability of Section 94 and Environmental Levy funding were discussed.

Andrew Falk asked for feedback regarding the success of the water recycling system at Barra Brui Oval. SPO advised that Barra Brui had been a successful pilot program and that as a result Council has acquired a solid knowledge base from which Council will draw on for future projects.

The first competition game played at Barra Brui since its reconstruction is to be held on Saturday 13 May 2006, and training will commence on Queen Elizabeth on Wednesday 10 May 2006.

Frank Freeman moved a motion, *“That the Committee supports the proposed Open Space Capital Works Program for 2006/07”*.

The motion was seconded by Matthew Horne.

The motion was voted on and was supported unanimously.

PSRRG 38 General Business

Update - Allocation, Licence and Leasing policy

Comments had been received from Reference Group members.

SPO advised that there are currently 7 clubs who have a licence agreement in place, 6 in process of execution. There are 3 groups who have raised concerns in particular to Clause 20 of the standard licence document.

Additional copies of the standard licence were tabled.

The group was advised that Council staff had sent previous documentation to all governing bodies requesting comments. Comments were received, particularly from Gow Gates who acts as the insurance agent for all rugby union clubs. They were then sent to Council's solicitors and clause 20 has been amended.

At this stage Council solicitors have suggested that the amended version of Clause 20 is the minimum position that they would recommend to ensure that Council's interests are protected.

Members of the reference group are encouraged to review the entire document again and to forward a copy to their governing body if possible and provide feedback.

In addition Council will, if necessary, write to all clubs with a summary sheet regarding the proposed standard licence to request further comments before presenting the policy to Council.

Craig Bryant advised that the 3 or 4 clubs who are not ready to sign are concerned about the onus that Clause 20 places on clubs in relation to the insurance policies they hold through the ARU.

SPO reiterated that Council officers would continue to work through the issues and concerns with individual clubs in order to ensure that once adopted the standard agreement could be used effectively.

DOSP reminded the group that under the Local Government Act all groups using community land and community facilities must have a formal agreement with Council.

Matthew Horne – clarified that \$10 million public liability insurance is required and not \$20 million.

Update – Regional Forum

Preparation for the Region Forum is progressing SPO will be in touch with a number of people over the next few weeks to discuss inviting local sports stars.

Reminder - Council's Draft Management Plan 2006 - 2010 which set the direction for Council's priorities for the next four years is on public exhibition. The document also includes the proposed fees & charges for next financial year.

Reminder – The Sports Forum will held at St Ives Rugby Club, Hassell Park on Monday 8 May. PSRRG are encouraged to attend and to advise all of their members about the event.

Update – The Draft Sport in Ku-ring-gai Strategy will be going to Council on Tuesday 9 May 2006

Update - Changes to netball and parking in Canoon Road

Significant changes were made to netball and parking around Canoon Road for this winters netball season. Four courts at Canoon Road have be made accessible for vehicles and are now being used as extra parking on game days (Saturdays) with the games which have been played on those courts being relocated to Lofberg Road Courts. Feedback from residents and the netball association has been positive.

Update - Bannockburn Oval – the outside of the amenities block has been upgraded including being cement rendered and coated with a graffiti proof substance and is much more modern in appearance.

Next Agenda – Councillor Ebbeck requested that the group consider how we can involve individual members of the sporting community and improve communication, and that this item be placed on the agenda for the next meeting.

Tim Smith asked about natural area development and use in particular for rock climbing and mountain biking. DOSP commented that the recreation and natural environment areas policy recognises public liability limitations and that requests about these activities are dealt with on a case by case basis. Historically Natural Areas management has focussed on conservation however it is now recognised that one of the best ways to achieve conservation is to encourage and effectively manage appropriate levels of use.

Meeting Closed: 9.45pm

Next Meeting: THURSDAY 29 June 2006

7.00pm

Council Chambers Ante Room (Level 3)

Ku-ring-gai Council

Parks, Sport and Recreation Reference Group

NOTES from meeting on Thursday 3 November 2005

Level 3, Council Building.
6.30pm - 8.30pm

Attendees:

Members	Councillors	Staff	Guests
Gary Foster Alan Fredericks Campbell Wratt Matthew Horne Birgitte Lund Michael Nesteroff	Cr Elaine Malicki Mayor Cr Nick Ebbeck Deputy Mayor	Steven Head Director of Open Space Amanda Colbey Manager Parks, Sport and Recreation Morven Cameron Senior Projects Officer Carol Harper Sport & Recreation Planner	Friends of Swain Garden: John King Joy Bryan Geoff Cutter

Apologies:

Members	Councillors	Staff
Nick Farr-Jones John Spana Ann Smith Peter Duncan Col Simpson Grant Corderoy Sandra Van de Water Andrew Falk Hugh Bennett Frank Freeman	Cr Adrienne Ryan Cr Michael Lane Cr Ian Cross	

Formal minutes were not taken, given a quorum was not reached however, in light of the presentation by “Friends of Swain Garden”, meeting notes have been scribed for the November 2005 meeting. Notes from this meeting will not be reported to Council, but will be referred to the next meeting of the Reference Group for noting.

Declaration of Pecuniary Interests

No pecuniary interests were declared.

Friends of Swain Garden, John King and Geoff Cutter provided a presentation to attendees. The presentation included brief details and information on the following matters:-

- ❖ Pruning and weeding.

- ❖ Restoration of site lines.
- ❖ Inventory of species.
- ❖ Current maintenance
- ❖ The drought – impacts.
- ❖ Future strategies.

The Sport and Recreation Planner confirmed that the garden was listed in Council's website together with another website which listed suitable venues around Sydney for wedding ceremonies. The website address is www.yourwedding.com.au

Staff committed to maintaining operational site meetings between staff and representatives from the Friends of Swain Garden group.

DOS advised that raising the profile of the Garden was supported by the Generic Plan of Management for Parks. In addition, DOS confirmed that the Swain Garden Conservation Plan prepared in the 1990s would be reviewed and updated during the preparation of the Landscape Master Plans, in accordance with Council's resolution of 20 September 2005.

Deputy Mayor Ebbeck and Mayor Malicki, on behalf of the Reference Group, thanked John, Geoff and Joy for their informative presentation and attendance.

Plans of Management Review

The Senior Projects Officer advised Council has twelve (12) current Plans of Management which relate to Open Space lands:-

No.	Description	Date Adopted
1	Bushland (<i>new draft currently being prepared</i>)	1996
2	Tennis Courts	1996
3	St Ives Village Green	August 1999
4	Canoon Road	June 2000
5	St Ives Showground	November 2001
6	Gordon Golf Club	November 2001
7	Gordon & North Turramurra Golf Courses	November 2001
8	Bicentennial Park	August 2002
9	Sportsgrounds	July 2003
10	Echo Point Park	June 2004
11	Parks	September 2005
12	Ku-ring-gai Flying-Fox Reserve Management Plan	May 1999

Each Management Plan includes a table of actions that prioritises required work. Each year a report will be presented to Council to update the progress and implementation of these actions.

This process will allow both Open Space and the Council to track the progress of the plans. Plan of Management reviews are specifically undertaken at this time of the year to allow high priority actions to be recommended for inclusion in the following year's Management Planning and budgetary processes.

At this stage, it is anticipated that the report will go to Council on 7 February 2006. Once the date is confirmed, members will be advised and provided with a link to the report and attachments.

Report from Sports Forum

Campbell Wratt advised the group that yet again, Council set up a good agenda and ran a successful Sports Forum. Jackie Picker from the NSW Department of Sport and Recreation presented grant

funding opportunities for sport and recreation. Kim Horne and Henry Gundry from the Australian Sports Foundation (ASF) advised the group on the tax deductible process available through the ASF to encourage sponsorship type funding opportunities.

Deputy Mayor Ebbeck stated that he was disappointed with participation numbers and suggested a later start time may encourage more participants to attend.

The Committee were advised the trend is quite common, in that initially great enthusiasm and attendance, then, over time, as representatives feel more comfortable with the process and dealing with officers, numbers usually drop off. Additionally, it was recognised that it was important the forums continue.

It was suggested a different venue, such as a clubhouse be used for the next forum. Most attendees agreed it is a useful forum and Council should continue facilitating such meetings as they demonstrate transparency and due process.

The Sports Forums were advertised by notifying previous attendees from Council's contact database, resident letters, posters, shopping centres, banners and articles in 'Out in the Open'.

All agreed it was a shame that there was not a broader representation from sports groups as most thought this meeting was the best forum to date and that staff were to be congratulated on their efforts.

Opportunities for development of additional sporting facilities as identified in the 1997 Strategic Plan for Sportsfields/Courts in Ku-ring-gai.

Staff provided a list of sites as identified in the 1997 Strategic Plan as being:-

- 1 Sections of the abandoned **B2/B3 freeway link**.
This land, originally reserved by the Roads and Traffic Authority (RTA). The land, comprising degraded bushland and paddocks, adjoins Canoon Road netball complex, Auluba Reserve and Vernon Street.
- 2 The 13 hectare ex-**road safety centre site**, opposite St Ives Showground. Development of this site as a sporting facility would however involve clearing some bushland. No longer abandoned, this site is currently leased from Council by Honda Australia Rider Training (H.A.R.T.)
- 3 Tree lopping site/**recycling depot** at St Ives.
- 4 Sections of **Cowan Creek Reserve** near Killeaton Street and Warrimoo Avenue, St Ives.
- 5 **Council Nursery** on Mona Vale Road at St Ives Chase. Redevelopment of the nursery for sporting purposes would involve relocation of the nursery and could adversely affect the Cowan Creek Catchment.
- 6 Land owned by the **Department of School Education** and other State and Federal Government land that may be considered for disposal.

Alan Fredericks requested that the following additional sites also be investigated:-

- Greenwood Quarry
- Surgeon White Reserve
- JJ Melbourne Hills Memorial Reserve (Pony Club)

- Kamber/Thompson Roads, Ingleside.
- North Wahroonga

Staff advised that site inspections will be arranged in the New Year and staff will send an email to group members to arrange a date and time.

Council's Senior Projects Officer reminded the group that the Draft Sport in Ku-ring-gai Strategy would recommend further investigation of opportunities in future.

Parks, Sport and Recreation Reference Group Meeting Schedule 2006

Parks, Sport and Recreation Planner tabled the dates for 2006 meetings. These dates have now been confirmed.

Agenda Timetable for 2006 PSRRG Meetings

PARKS, SPORT & RECREATION REFERENCE GROUP 2006 MEETING SCHEDULE	
Level 3, Ante Room, Council Chambers 6.30pm - 8.30pm	
Meeting Date	Focus of Meeting
Thursday 9/3/2006	Priorities for development of Management Plan
Thursday 04/05/2006	Capital Works Program
Thursday 29/06/2006	Review of Programs & Completed Projects & Autumn Sports Forum Review
Thursday 31/08/2006	Policy Development & Review
Thursday 02/11/2006	Plans of Management Review & Spring Sports Forum Review
Sports Forum Dates - venue and time to be confirmed.	
Monday 08/05/2006	AUTUMN Sports Forum - Water & Sustainability Issues
Monday 23/10/2006	SPRING Sports Forum - Topic TBC

Reports from Specific Project Groups

- 1 **North Turramurra Recreation Area (NTRA).**
Council's Senior Projects Officer advised an Expression of Interest was undertaken during September 2005. The assessment panel had completed its report to DOS, recommending the preferred consultant and anticipated that within two weeks they could be engaged.
- 2 **Draft Sport in Ku-ring-gai Strategy.**
Parks, Sport and Recreation Planner advised that a first draft of the document has been sent to the sub-group seeking comments. In addition, the draft action plan will be completed this week and will be sent to the sub-group for comments within two weeks. It is anticipated

that a report will be presented to Council in February 2006 seeking resolution to place it on public exhibition. Once dates are known, participants will be updated.

3 **Aquatic Facility**

Council's Senior Projects Officer advised two councillor briefings had been undertaken outlining details on the proposed facility and the progress of the study. In particular, the consultants have considered the mix of facilities and how they may fit at five locations. This is a theoretical/conceptual phase only to add value to the next steps. In addition, a resident survey will be undertaken within the next 3 weeks. Approximately 800 homes will be randomly chosen to reconfirm the studies initial findings/conclusions to date.

The survey includes questions regarding the detail the household's swimming/aquatic habits, as well as identifying five possible locations and including an open question offering the opportunity for respondents to suggest alternative locations within the local government area.

Michael Nesteroff tabled concerns over time taken to achieve results to-date.

Deputy Mayor Ebbeck and DOS concurred that significant consultation and feedback from the community is a time consuming exercise. DOS advised he was happy to address the Ku-ring-gai Amateur Swimming Club about the project at any time and that he was unaware the Club had such concerns.

Alan Fredericks suggested that the Group support Council in continuing the work towards progressing the aquatic/leisure centre facility consistent with current proposals.

Due to a quorum not being reached, this matter will be held over until the first meeting in 2006.

4. **Open Space Strategy**

Council's Senior Projects Officer advised the Open Space strategy was adopted formally by Council on 20 September 2005. An action plan will be reported to Council on a yearly basis similar to that undertaken for the Plans of Management.

General Business

- 1 Deputy Mayor Ebbeck tabled the concept of a forum (as a starting point) to brainstorm all issues associated with the lack of sport facilities in Ku-ring-gai and across the surrounding local government area. Deputy Mayor Ebbeck suggested key stakeholders, residents and relevant politicians, local, state and federal members be invited.

Mayor Malicki suggested, given that it is a major planning issue consistent across many local government areas, the matter be tabled at the next NSROC meeting.

Gary Foster agreed the matter is very concerning and that as an issue would benefit from any initiative to raise its profile.

Deputy Mayor Ebbeck thanked everyone for their comments and stated he would prepare a brief to the Mayor and DOS to progress this important concept.

Mayor Malicki advised 2006 is "100 years of Local Government" and the Mayor is seeking opportunities from our community to help celebrate.

Mayor Malicki suggested she be advised of outstanding youth achievements, both team wise and individually. The Mayor stated she would be happy to personally write to such people acknowledging their achievements.

- 2 **District Park Master Planning** update.
Council's Senior Projects Officer advised a discussion paper had been sent to members. Feedback had been received and a report would go to Council during December 2005.
- 3 **National Child Protection Week**
Parks, Sport and Recreation Planner distributed a flyer from the NSW Department of Sport and Recreation about National Child Protection Week.
- 4 **Department of Sport and Recreation handout** was distributed to members by Birgitte Lund on new programs and initiatives run by the Department.

Meeting Closed: 8.40pm.

**Next Meeting: THURSDAY 9 MARCH 2006
6.30pm – 8.30pm
Level 3 Council Building.**

Ku-ring-gai Council

Parks, Sport and Recreation Reference Group

NOTES from meeting held on Thursday 9 March 2006

Level 3, Council Building 6.30pm - 8.30pm

Attendees:

Members	Councillors	Staff	Guests
Sandra Van De Water	Nick Ebbeck (Deputy Mayor)	Steven Head Director of Open Space & Planning	Michael Wright Spackman & Mossop
Alan Fredericks	Laura Bennett attended (6.45 – 7.30pm)	Morven Cameron Senior Projects Officer	Judith Fritsche Spackman & Mossop
Hugh Bennett		Carol Harper Sport & Rec Planner	
Grant Corderoy			
Campbell Wratt			
Ann Smith			
Frank Freeman			

Apologies:

Members	Councillors
Andrew Falk	Mayor Malicki
Michael Nesteroff	
Birgitte Lund	

Meeting Commenced: 6.30pm

Formal minutes were not taken as only 7 members were present, which is insufficient for a quorum. Notes from this meeting will not be reported to Council, but will be referred to at the next meeting of the Reference Group.

Declaration of Pecuniary Interests

No pecuniary interests were declared.

North Turrumurra Recreation Area Presentation

Michael Wright and Judith Fritsche from Spackman & Mossop

Councillor Bennett arrived to listen to the presentation.

The consultants provided a presentation to the group outlining the scope of the project and the preliminary work completed to date. The presentation identified a number of the issues relevant to the project including geotechnical considerations, neighbouring land uses, and options for providing water for the site.

At the conclusion of the presentation members of the Reference Group and consultants discussed the project.

Cr Ebbeck thanked the consultants for their presentation

Review of priorities for development of Council's Management Plan

DOS advised that the Management Plan determines priorities for Council for the following year and encouraged Reference Group members to review the draft plan and provide comments. The plan will go to Council as draft in April before being put on public exhibition for one month. PSRRG members will be advised of the date of the relevant Council meeting.

Cr Ebbeck asked for comments to be provided in the next 2 weeks and reiterated that this is an opportunity for the committee to contribute to the strategic/future priorities of Council.

Regional Sports Forum

Cr Ebbeck outlined what had been proposed for the Regional Sports Forum. A working party has been formed (including some of the PSRRG members present) and has met on a few occasions. The aim of the forum is to raise awareness of the shortage of sports facilities in the North Sydney area at a State and National level. The forum will involve local sporting personalities and Federal, State and Local politicians and should attract significant media attention.

Allocation, Licensing and Leasing Policy

Senior Projects Officer explained that over the past 5 years Council has been working with clubs who use clubhouses to enter into licence agreements for the use of these facilities. The process started with the permanent hirers of areas of the St Ives Showground. All but one of these groups now has a licence agreement with Council. The current process is both expensive and time consuming for clubs and Council. Members of the Reference Group had received a copy of the standard agreement and a first draft of the accompanying policy.

DOS emphasised the importance of this document for all hirers who use a clubhouse.

Once the policy and standard licence are adopted, these will be applied to all clubhouse use agreements. If a licence agreement is not entered into, a casual hire agreement and casual hire fees will apply.

The Reference Group members agreed that the policy is a necessary document.

Review of Site Visits – Tuesday 31 January 2006

Alan Fredericks discussed the site visit undertaken in January. The members attending the site visit agreed that the site with the greatest potential was the Avondale pony club site in St Ives. The members agreed that the Reference Group should work as a group and start providing support for the process of exploring how this site can be better utilised for a wide range of sport and recreation activities.

General Business

- I. The problem of there being no quorum at the last two Reference Group meetings was discussed. Members present expressed disappointment that they were not able to put official statements and suggestions to Council because insufficient members were attending.

Cr Ebbeck advised that he will write to all members regarding their commitment to the group and offer the option of sending an alternate delegate in their absence.

2. Draft Sport in Ku-ring-gai Strategy – is currently on public exhibition Members of the Reference Group are encouraged to read and provide comments on the document and to advise members of their clubs and associations to review and comment on the document.
3. Child Protection Seminar – is scheduled for Monday 20 March, 6.30 – 9.30pm at Ku-ring-gai Town Hall.
4. Barra Brui & Queen Elizabeth Reserve update – both projects are in the final stages of work. Winter activity will commence on both fields on May 1.

Meeting Closed: 8.45pm.

**Next Meeting: THURSDAY 4 May 2006
7.00pm – 8.30pm
Level 3 Council Building.**

NOTICE OF MOTION

AIR-CONDITIONING FOR KYDS

Notice of Motion from Councillor M Shelley dated 15 May 2006.

I move that:

"Council support the installation of a reverse cycle air conditioner at KYDS premises in Lindfield at a cost of approximately \$1800 and such funding be provided from the contingency budget or other appropriate source.

KYDS have been offered a 50% sponsorship of the air conditioner through Mark Taylor and Fujitsu and are able to fund 50% of the remaining cost.

The Centre is in Council property that previously had two air conditioners that were removed prior to KYDS taking over the premises."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Maureen Shelley
Councillor for Roseville Ward