



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 13 MARCH 2007 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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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 27 February 2007

Minutes numbered 23 to 52

MINUTES FROM THE MAYOR

PETITIONS

- PT.1 **Creation of Lead-Free Park - East Gordon Park, Mount Ida Street, East Gordon - (One Hundred & Twenty-Six [126] Signatures)** **1**

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File: S04922

"We, the undersigned, dog owners and friends, daily exercise our animals at

DARNLEY OVAL - EAST GORDON RESERVE

morning and evening, in an atmosphere of friendship and conviviality especially for the elderly.

We maintain control of our precious animals and clean-up any droppings that may occur. Our animals cannot venture out onto the roads, nor do most have a large backyard to enjoy; the exercise at the Oval keeps them fit and non-aggressive to each other and ourselves.

The Oval is a source of pride and ownership — we also exercise on it and keep it clear of debris etc.

We now ask Council to declare the Oval a “lead-free” zone and oblige".

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 **18 Kanoona Avenue, St Ives** **2**

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File: 558/06

Ward: St Ives

To respond to issues raised at the site inspection of 10 February 2007 and seek Council's determination of Development Application No. 558/06.

Recommendation:

Approval.

GB.2 **2 to 4 Sturt Place, St Ives - Demolition of 2 Dwelling Houses & Construction of a Residential Flat Building comprising 33 Units, Basement Car Parking for 69 Vehicles, Swimming Pool & Associated Landscaping Drainage** **66**

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File: DA0962/06

Ward: St Ives

Applicant: Mr Michael Cedric, Karingai Developments Pty Ltd

Owner: Karingai Developments Pty Ltd

To determine development application No 926/06 for the demolition of 2 dwelling houses and construction of a residential flat building, comprising 33 units and basement car parking for 69 vehicles.

Recommendation:

Approval.

GB.3 **ALGWA (NSW) Women's Conference 2007** **139**

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File: S02815

For Council to nominate delegates to the Australian Local Government Women's Association (NSW) Annual Conference.

Recommendation:

That Council determine its delegates to the Australian Local Government Women's Association Conference 2007.

GB.4 **Tender for Audit Services for the Period 1 July 2007 to 30 June 2013** **147**

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File: S05943

To advise Council of the expiration of the current contract for audit services and to recommend calling new tenders.

Recommendation:

That Council confirms the recommended process for selection of its auditor for the next six year period ending 30 June 2013.

GB.5 Lease - 265 to 271 Pacific Highway, Lindfield

161

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File: P55058

To advise Council of the Ku-ring-gai Youth Development Service Inc. exercising its option to renew the lease for the premises at 265 to 271 Pacific Highway, Lindfield.

Recommendation:

That Council authorise the exercise of the option by the Ku-ring-gai Youth Development Service Inc. for the premises at 265 to 271 Pacific Highway, Lindfield to continue to operate the Ku-ring-gai Youth Development Service.

GB.6 Development Control Plan No 28 - Advertising Signs - Draft Amendments

164

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File: S02367

To report to Council on the public exhibition and consultation of Draft Amendments to Development Control Plan No 28 - Advertising Signs (DCP 28) to present a final amendment to Council for consideration for adoption.

Recommendation:

That Council adopt the draft amendments to development Control Plan No 28 - Advertising Signs as attached to this report.

GB.7 New Members to the Heritage Advisory Committee

179

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File: S03816

For Councillors to consider approving new Community representatives as members to the Heritage Advisory Committee and the meeting dates for 2007 for the Committee.

Recommendation:

That Council appoint the persons as nominated in this report as Community representatives to the Heritage Advisory Committee and that the dates for the 2007 meetings as outlined be adopted.

GB.8 Finalisation of Bushland Encroachment Policy 188

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File: S04801

To seek Council's approval to adopt the final Bushland Encroachment Policy in accordance with the Local Government Act 1993.

Recommendation:

That Council adopt the Bushland Encroachment Policy without amendment in accordance with Section 161 of the Local Government Act 1993.

GB.9 St Ives Centre Planning - Response to Council Resolution, 27 February 2007 211

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File: S04019

To provide a response to the Council Resolution adopted on 27 February 2007 relating to the Acquisition / Lease of Public Land by St Ives Village Shopping Centre.

Recommendation:

That the report be received and noted.

GB.10 Response to Department of Local Government on "A New Direction for Local Government" Position Paper & "Planning for a Sustainable Future" Options Paper 220

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File: S02779

To consider and forward a submission on the Department of Local Government's position paper "A New Direction for Local Government" and options paper "Planning a Sustainable Future" to the Department.

Recommendation:

That the attached submission be sent to the Department of Local Government as Ku-ring-gai Council's response to both options papers.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Beechworth to Warragal Site

298

File: S04082

Notice of Motion from Councillor E Malicki dated 1 March 2007.

I move:

"That staff investigate and report back on a variety of densities for the Beechworth to Warragal Roads site in order to deal with the issues raised by Councillors on the site inspection.

This report should return to Council within 3 months and should include a more thorough look at the three potential heritage items as well as environmental issues, block depth and other matters raised on the inspection.

The report should also take into account the fact that there is little housing choice around our town centres and seek to provide housing variety as appropriate to the site.

Also further advice be sought from State and Federal Departments of Conservation on the proximity of the Sheldon Forest BGHF and the need to keep intact linkages to facilitate the long term survival of this species."

NM.2 Inquiry into the F3 to Sydney Orbital Transport Link

299

File: S02846

Notice of Motion from Councillor T Hall dated 5 March 2007.

I move that:

"Following the announcement by the Federal Minister for Roads and Local Government to appoint an Inquiry headed by Justice Pearlman into an alternative road link between the F3 and M2 to replace the abandoned road corridor, known as the B2/B3 option, that this Council present a detailed submission to that Inquiry to provide its own alternatives to alleviate the increasingly devastating traffic congestion of State highway No.1 (Pacific Highway) between the F3 and Ring Road 3 (Lane Cove Road Pymble) and the current through-traffic from and to the Central Coast is having on the welfare and health of residents in the Ku-ring-gai Local Government Area, detrimentally affected by this state highway."

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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Environmental Planning & Assessment Act 1979 (as amended)

Section 79C

1. Matters for consideration - general

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

a. The provisions of:

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

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

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

PETITION

CREATION OF LEAD-FREE PARK - EAST GORDON PARK, MOUNT IDA STREET, EAST GORDON - (ONE HUNDRED & TWENTY-SIX [126] SIGNATURES)

"We, the undersigned, dog owners and friends, daily exercise our animals at

DARNLEY OVAL - EAST GORDON RESERVE

morning and evening, in an atmosphere of friendship and conviviality especially for the elderly.

We maintain control of our precious animals and clean-up any droppings that may occur. Our animals cannot venture out onto the roads, nor do most have a large backyard to enjoy; the exercise at the Oval keeps them fit and non-aggressive to each other and ourselves.

The Oval is a source of pride and ownership — we also exercise on it and keep it clear of debris etc.

We now ask Council to declare the Oval a “lead-free” zone and oblige".

RECOMMENDATION

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

18 KANOONA AVENUE, ST IVES

Ward: St Ives

EXECUTIVE SUMMARY

PURPOSE OF REPORT: To respond to issues raised at the site inspection of 10 February 2007 and seek Council's determination of Development Application No. 558/06.

BACKGROUND:

- Application lodged 7 June 2006.
- Applicant requested to amend proposed driveway design to preserve an existing street tree on 30 June 2006.
- Applicant advised that an amended design could not be achieved on 6 July 2006.
- Council officer's met applicant to discuss an amended driveway design on 5 October 2006.
- Applicant provided evidence from a qualified Arborist stating that the street tree was of poor health and of poor form and should be removed on 1 December 2006.
- Applicant was requested to amend the design of the building to improve appearance to the street on 16 January 2007.
- Council considered a report at its meeting of 6 February 2007.
- A site inspection was conducted on 10 February 2007.

COMMENTS: To address matters raised at the site inspection.

RECOMMENDATION: Approval.

PURPOSE OF REPORT

To respond to issues raised at the site inspection of 10 February 2007 and seek Council's determination of Development Application No. 558/06.

BACKGROUND

- Application lodged 7 June 2006.
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- Applicant was requested to amend the design of the building to improve appearance to the street on 16 January 2007.
- Council considered a report at its meeting of 6 February 2007.
- A site inspection was conducted on 10 February 2007.

COMMENTS

The following issues were raised at the site inspection of 10 February 2007:

1. ***Council staff are requested to identify which (if any) development consents for dual occupancies and seniors living developments in the vicinity of the site were issued under staff delegation.***

The report to Council dated 6 February 2007 identified existing dual occupancy development within Kanoona Avenue, most notably, the existing dual occupancy development at Nos 10, 12, 14 & 19 Kanoona Avenue.

Council has requested confirmation as to whether any of the existing developments were approved under delegated authority. Details of the approvals for these development are provided in the following table:

No.	DA No.	Development description.	Approved by	Date
10	953/99	Attached dual occupancy	Land & Environment Court	24 May 2002
12	33/04	Attached dual occupancy	Council Meeting	9 November 2004
14	458/01	Attached dual occupancy	Council Meeting	24 July 2001
19	1261/02	Attached dual occupancy	Council Meeting	18 November 2003
3	DA432/02	Senior's living development comprising 6 dwellings.	Land & Environment Court	16 September 2003

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The above developments were approved by full Council or by the Land and Environment Court. None of the above developments were approved under delegated authority.

2. Vegetation

- a) Council staff are requested to describe the characteristics and screening qualities (including width) of the 16 Syzigium plants (coloured light green on the applicant's landscape plan adjoining the western side boundary) adjacent to the proposed building.***

Council's Landscape Development Officer has advised that characteristics and screening qualities of the proposed 16 x *Syzygium wilsonii* (Powderpuff Lilly Pilly) shown on the landscape plan located along the western boundary of the site, are as follows:

- 2 - 3 metres mature height and 2 metres spread at maturity.
- Dense growth habit of dark green foliage.
- Magenta red flowers borne in Spring and Summer.

- b) Notwithstanding the submission of a photomontage by the applicant, Council staff are requested to describe the extent to which proposed landscaping will shield the building when viewed from Kanoona Avenue, having regard to Condition No. 52 which precludes trees from being planted within the detention basins.***

Council's Landscape Assessment Officer has advised that a combination of new canopy trees, mid-canopy trees and shrubs and ground covers will be provided within the front setback including the following:

- 2 x *Angophora Costata* (Sydney Red Gum) canopy trees capable of attaining a height of 13 metres and located either side of the proposed driveway.
- 8 x *Ceratopetalum gummiferum* (NSW Christmas Bush) shown located adjacent to the site's front boundary. These shrubs/small trees will attain a height of between 3 metres - 5 metres.
- 32 x *Lomandra longifolia* (Spiny Mat-rush) that attain a height of between 1 metre to 1.5 metres.
- A combination of ground covers including smaller plants with heights up to 1 metre.

In addition to planting within the site, it is proposed to replace the existing Chinese pistachio tree, currently located in the Kanoona Avenue Road reserve with a 75 litres advanced growth tree.

The combination of proposed landscaping within the site and the sufficient setbacks from the street will ensure that the development will be in keeping with other similar development in the street and will be well screened.

- c) Council staff are requested to identify any potential conflict between the likely location of the proposed Pistachio tree on the nature strip and the existing***

Pistachio tree located within close proximity to the west of the subject site on the nature strip.

Council's Landscape Assessment Officer advises that there is no likely conflict between the proposed *Pistacia chinensis* (Pistacia) and the existing Pistacia located forward of No. 16 Kanoona Avenue, as the 2 trees will be a minimum of 5 metres apart and a minimum 3 metres from the edge of the driveway. (***Refer Condition No. 39***).

- d) Council staff are requested to comment on whether it is actually possible for a minimum of 2 canopy trees to be successfully planted within the front setback. In addition, Council staff are requested to identify which of the 3 angophoras are to be retained on the property and (if applicable) where these trees are to be relocated as Condition No. 52 precludes trees from being planted within the detention basins thereby limiting potential for planting within the front setback without amendments to the proposal's OSD design/location.***

Council's Landscape Assessment Officer advises that 2 canopy trees can be successfully planted within the front setback, with an additional canopy tree required at the rear of the proposed development. The proposed canopy trees in the front setback shall be Angophoras as shown on the landscape plan, with one Angophora relocated to the rear garden (***Refer Condition No. 54***).

Council's Development Engineer has advised that, as an amended stormwater design is required, the planting restrictions imposed by ***Condition 52*** can be removed. (***Refer Condition No. 52***).

- 3. Council staff are to advise if it is possible for the proposed on site detention basins to be relocated beneath the driveway to allow appropriate area for the planting of Angophoras within the front setback, whilst still being able to achieve the objectives of controlled stormwater release from the site and appropriate streetscape presentation.***

Council's Development Engineer has reviewed the proposed stormwater detention system and has advised that the proposed on-site detention system can be amended to include a single detention tank beneath the proposed driveway. The deletion of the detention basins from the front setback will enable the proposed landscaping in the front setback to be implemented. Amended conditions have been recommended to achieve this. (***Refer Conditions Nos 51 & 52***).

- 4. Council staff are requested to advise if it is both feasible and practical to reduce the width of the carports to minimise hard surface area.***

Council's Development Engineer has advised that the proposed driveway and carports have been designed in accordance with Australian Standard and cannot be reduced in width, as they are currently at the minimum acceptable width. Furthermore, as the carports are located in the centre of the front façade and provide the main pedestrian access to the dwellings, a reduction of width will unreasonably affect access to the dwellings.

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A reduction in the width of the carports would not be practical and would not result in any significant improvement to the level of landscaping within the front setback.

SUMMARY

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, grant development consent to DA 558/06 for demolition of an existing dwelling and construction of an attached dual occupancy on land at 18 Kanoona Avenue, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

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

<i>Plan no.</i>	<i>Rev</i>	<i>Title</i>	<i>Drawn by</i>	<i>Dated</i>	<i>Date Received</i>
DA-203	B	Site/Ground floor plan	WIBSOMA Pty Ltd	05-01-07	15-02-07
DA-204	B	First floor plans	WIBSOMA Pty Ltd	05-01-07	15-02-07
DA-205	B	Roof Plan	WIBSOMA Pty Ltd	05-01-07	15-02-07
DA-206	B	Elevations and Sections	WIBSOMA Pty Ltd	05-01-07	15-02-07

2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the 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.

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

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
10. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
11. 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.
12. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
13. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
14. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.

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

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

16. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
17. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
18. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
19. 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.
20. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

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21. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
22. 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).
23. 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.
24. 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 the 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.
25. 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.**
26. 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

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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.

27. 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".
28. 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.
29. 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
<i>Cupressus macrocarpa</i> 'Brunniana' (Golden Cypress) Towards the site's south-eastern corner.	Remove
<i>Hakea salicifolia</i> (Willow Leafed Hakea) Adjacent to the site's north-western corner.	Remove
30. 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:

No/Tree/Location	
T1/ <i>Pistacia chinensis</i> (Pistacia)/Within the driveway crossing site.	
31. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
32. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

No/Tree/Location	Tree Works
T6/ <i>Camellia sasanqua</i> (Chinese Camellia) Near the south-eastern corner of the garage at the western side of the site.	Prune

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33. 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.
34. 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
<i>Franklinia axillaris</i> (Gordonia)	3m
Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue.	
35. No mechanical excavation for the approved OSD 1 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
<i>Franklinia axillaris</i> (Gordonia)	3m
Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue.	
36. 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
<i>Franklinia axillaris</i> (Gordonia)	3m
Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue.	
37. 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:

No/Tree/Location	Radius From Trunk
T2/ <i>Pistacia chinensis</i> (Pistacia)	4m
On the Kanoona Avenue nature strip in line with the common side boundary between Nos. 18 and 20 Kanoona Avenue.	
38. 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.
39. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Kanoona Avenue. The tree used shall be a minimum 75 litres container size specimen tree:

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Tree Species	Quantity
<i>Pistacia chinensis</i> (Pistacia)	1

To ensure the replacement tree will remain clear of the driveway and will be viable in the long term, the tree shall be located on the western side of the driveway crossover, at a minimum distance of 3 metres from the edge of the driveway.

40. Following removal of the existing *Pistacia chinensis* (Pistacia) from Council's nature strip and its replacement, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
41. 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.
42. The 3 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

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

43. 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.

44. 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).
45. 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

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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.

46. 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.
47. To maintain suitable levels of privacy to adjoining properties, a fixed privacy screen shall be installed on the western and eastern edges first floor balconies of both dwellings having a minimum height of 1.8m above the finished floor level, as shown in red on the approved plans. The privacy screens shall be constructed of materials complimentary to the finishes of the development. Details of the privacy screen shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
48. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$32,324.00. 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:

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1. Community Facilities (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - St Ives	\$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

49. 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.

50. 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

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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.

51. 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 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 **Hydraulic Plans D1580 Sheets 1 to 7 Rev. 'A' dated 30 May 2006** prepared by **Nasseri Associates** submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

52. Prior to issue of the Construction Certificate the submitted **Hydraulic Plans D1580 Rev. 'A' dated 30 May 2006** prepared by **Nasseri Associates** must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address the following issues:
1. The On-Site Detention (OSD) basins 1 and 2 located within the front landscaped area shall be deleted. A single detention tank shall be provided under the common driveway area. Supporting hydraulic calculations shall be submitted in accordance with Appendix 3 '*OSD Calculation Sheet*' of Council's Water Management Development Control Plan 47.
53. Prior to the issue of a Construction Certificate, the compliance certificate obtained under Section 73 of the Water Board (Corporatisation) Act must be submitted for verification by the Principal Certifying Authority.

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54. The submitted landscape plan Job No. 05.014 Issue D, prepared by PATIO LANDSCAPE ARCHITECTURE & DESIGN and dated 23.05.06, is to be amended. An amended plan of the proposed landscape works for the site shall be submitted to, and approved by, the Principal Certifying Authority, prior to the issue of any Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- All stormwater infrastructure shall be shown.
 - The canopy trees shown in the front setback shall be amended to include 2 x *Angophora costata* (Sydney Red Gum). The third canopy tree could be located at the site's north-eastern (rear) corner. The canopy replenishment trees shall be positioned so as not to conflict with or cause future damage to stormwater infrastructure.
 - The retaining walls along the northern and western sides of the lawn and close to the *Magnolia x soulangiana* (Magnolia) located at the rear of the western dwelling shall be deleted.
 - The lawn at the rear of the western dwelling shall be maintained at its existing level to ensure preservation of the *Magnolia x soulangiana* (Magnolia).
55. The Construction Certificate shall not be issued until a Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority.

The plan shall indicate the location of services, erosion and drainage management, tree protection measures including tree protection zones, areas nominated for storing materials, site access, construction access requirements and where vehicle parking is proposed during construction.

56. A CASH BOND/BANK GUARANTEE of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to issue 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.

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CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

57. 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.

58. 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
<i>Magnolia x soulangiana</i> (Magnolia)	3m
Close to the rear boundary and towards the site's north-western corner.	

59. 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 western garage 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:

No/Tree/Location	Radius From Trunk
T6/ <i>Camellia sasanqua</i> (Chinese Camellia)	3m
Forward of the garage at the western side of the site.	

60. 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.
61. 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.
62. 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.
63. 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

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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

64. Prior to the issue 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 Regulations.
65. 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 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.

66. 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.

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67. 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.
68. 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.
69. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
70. 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 as specified by **BASIX or DCP 47 commitments (all toilet flushing, laundry 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.

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- 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.

71. 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.

72. 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.

No/Tree/Location

T2/*Pistacia chinensis* (Pistacia)

Radius Form Trunk

4m

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On the Kanoona Avenue nature strip in line with the common side boundary between Nos. 18 and 20 Kanoona Avenue.

73. 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 conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate:

Plant species

Conyza sp (Fleabane)

Cytisus sp. (Broom)

Hedera helix (English Ivy)

Jasminum polyanthum (Jasminum)

Nephrolepis cordifolia (Fishbone fern)

Tradescantia albiflora

74. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to the issue of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.

D Hoy
Executive Assessment Officer

R Eveleigh
Acting Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments: Minutes of Council's site inspection of 10 February 2007 - 743128
Report to Council meeting of 6 February 2007 with attachments - 733078

KU-RING-GAI COUNCILLOR SITE INSPECTION – 10 FEBRUARY 2007

18 Kanoona Avenue, St Ives

Development Application No. 0558/06

Chairperson: Cr Andrew (Deputy Mayor)

In Attendance: Crs Anderson, Andrew (Deputy Mayor), Bennett, Cross, Hall, Malicki and Lane

Apologies: Crs Ebbeck, Ryan and Shelley

Meeting commenced: 9:00am

The following matters were raised at Saturday's site inspection:

1. Existing Surrounding Approvals

- a) *Council staff are requested to identify which (if any) Council approvals for existing dual occupancies and seniors living developments in the vicinity of the site were issued under delegation.*

2. Vegetation

- a) *Council staff are requested to describe the characteristics and screening qualities (including width) of the 16 Syzigium plants (coloured light green on the applicant's landscape plan adjoining the western side boundary) adjacent to the proposed building.*
- b) *Notwithstanding the submission of a photomontage by the applicant, Council staff are requested to describe the extent to which proposed landscaping will shield the building when viewed from Kanoona Avenue having regard to Condition No. 52 which precludes trees from being planted within the detention basins.*
- c) *Council staff are requested to identify any potential conflict between the likely location of the proposed pistachio tree on the nature strip and the existing pistachio tree located within close proximity to the west of the subject site on the nature strip.*
- d) *Council staff are requested to comment on whether it is actually possible for a minimum of 2 canopy trees to be successfully planted within the front setback. In addition, Council staff are requested to identify which of the 3 angophoras are to be retained on the property and (if applicable) where these trees are to be relocated as Condition No. 52 precludes trees from being planted within the detention basins thereby limiting potential for planting within the front setback without amendments to the proposal's OSD design/location.*

3. On-site Detention System Design

- a) *Council staff are to advise if it is possible for the proposed on-site detention basins to be relocated beneath the driveway to allow appropriate area for the planting of angophoras within the front setback,*

whilst still being able to achieve the objectives of controlled stormwater release from the site and appropriate streetscape presentation.

4. Carports

- a) *Council staff are requested to advise if it is both feasible and practical to reduce the width of the carports to minimise hard surface area.*

Meeting concluded at 9:40am.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE: 18 KANOONA AVENUE, ST IVES -
ATTACHED DUAL OCCUPANCY

WARD: St Ives

DEVELOPMENT APPLICATION N^o: 558/06

SUBJECT LAND: 18 Kanoona Avenue, St Ives

APPLICANT: AKSA Property Developments Pty Ltd c/-
Glendinning Minto & Associates

OWNER: AKSA Property Developments Pty Ltd

DESIGNER: WBSOMA Pty Ltd Architects

PRESENT USE: Residential

ZONING: Residential 2(c)

HERITAGE: No

PERMISSIBLE UNDER: SEPP 53

COUNCIL'S POLICIES APPLICABLE: KPSO, Dual Occupancy Code, DCP 31 -
Access, DCP 40 - Waste Management, DCP 43
- Car Parking, DCP 47 - Water Management

COMPLIANCE WITH CODES/POLICIES: No

GOVERNMENT POLICIES APPLICABLE: SEPP 55, SEPP 53, SEPP (BASIX), SREP 20
(Hawkesbury - Nepean River)

**COMPLIANCE WITH GOVERNMENT
POLICIES:** Yes

DATE LODGED: 7 June 2006

40 DAY PERIOD EXPIRED: 17 July 2006

PROPOSAL: Attached dual occupancy

RECOMMENDATION: Approval

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DEVELOPMENT APPLICATION N^o

558/06

PREMISES:

18 KANOONA AVENUE, ST IVES

PROPOSAL:

ATTACHED DUAL OCCUPANCY

APPLICANT:

**AKSA PROPERTY DEVELOPMENTS PTY
LTD C/- GLENDINNING MINTO &
ASSOCIATES**

OWNER:

**AKSA PROPERTY DEVELOPMENTS PTY
LTD**

DESIGNER

WIBSOMA PTY LTD ARCHITECTS

PURPOSE FOR REPORT

To determine development application No.558/06 for demolition of an existing dwelling and construction of an attached dual occupancy development.

This matter has been called to full Council by Councillor Bennett.

EXECUTIVE SUMMARY

Issues:

Streetscape, setbacks, trees, landscaping, access & driveway design.

Submissions:

Three (3) submissions received.

Land & Environment Court Appeal:

No.

Recommendation:

Approval.

HISTORY

Property History:

The site is used for residential purposes. There is no property history of relevance to the current development application.

Development Application History:

7 June 2006 Development application lodged

30 June 2006 Council officers requested that the applicant submit a revised driveway design to preserve an existing Chinese Pistacio tree located within the road verge. Council officers advised that:

The removal of the Chinese Pistacio located on the Kanoona Ave nature strip cannot be supported. The tree is part of an established avenue planting that lines both sides of the street, for the length of the street, providing a

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very strong streetscape character. The proposed driveway should be amended to utilise the existing driveway cross-over and ensure the retention of the tree. ”

6 July 2006

The applicant advised that a revised design had been considered, however, that amended plans would not be provided. The applicant advised that

“I consider that all possible design outcomes for this site have been considered and that the proposal as submitted is appropriate. A redesigned driveway will require a different design which, I consider, will have adverse outcomes.”

The applicant did not specify what adverse impacts would occur as a result of providing a revised driveway design and re-iterates comments made in their statement of environmental effects that:

“the proposal will not require the removal of any trees warranting specific consideration for retention on the site so as to accommodate the proposed dwelling”.

5 Oct 2006

Council officer’s met with the applicant’s designer and discussed potential driveway designs that could achieve the retention of the street tree. No revised design was submitted.

6 Oct 2006

The applicant advised that the original driveway design was preferable to a revised design which utilised two vehicular crossovers. No revised design was submitted.

16 Nov 2006

Following further discussion between staff and the applicant, a revised driveway design was submitted. The revised driveway design enabled the retention of the street tree, however, proposed excessive areas of hard paving and two vehicle crossovers to the street.

1 Dec 2006

The applicant then submitted an arborist’s report, prepared by Mr Ian English of Sydney Arboricultural Services supporting the removal of the Chinese Pistacio tree situated within Council’s road reserve. The findings of this report have been considered by Council’s Landscape Officer and it is agreed that the tree is of poor health and of poor form and may present a hazard should it decline further.

16 Jan 2007

The applicant was requested to submit revised drawings detailing an improved presentation of the development to the street. The applicant submitted revised plans incorporating the following changes:

- Relocation of the single car garages from the centre of the street elevation to the sides and relocation of the single carports to the centre of the front façade.
- Inclusion of skylights above the front entry.

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- The garage entries stepped back an additional 300mm to improve articulation in the front façade.

The revised plans incorporate a centrally located driveway design which requires removal of Council's street tree. Council's Landscape Development Officer has supported the findings of the Arborist's report submitted by the applicant and has recommended that the tree be removed and an advanced replacement tree be planted in the road verge.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1945-1968
Lot Number:	28
DP Number:	15689
Area:	715.4m ²
Frontage:	15.24m
Long Boundary:	46.94m
Heritage Affected:	No
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Not affected
Urban Bushland:	No
Contaminated Land:	No

The subject allotment is legally described as Lot 28 in D.P.15689. The site is located on the northern side of Kanoona Avenue, St Ives. The site has an area of 715.4 square metres and is a regular shaped allotment. The southern (front) boundary to Kanoona Avenue has a length of 15.24 metres, while the east and west (side) boundaries both have a length of 46.94 metres. The site is relatively flat, with a slight fall towards the street.

The site is occupied by a single storey dwelling house with an attached garage. The dwelling is set back 19 metres from the street and approximately 900mm and 1.1 metres from the western and eastern boundaries respectively. There is an existing single crossover from Kanoona Avenue, with a low brick front fence.

The site is dominated by the existing treed landscape of Kanoona Avenue, the house being largely obscured by an avenue of tree plantings along both sides of Kanoona Avenue as well as trees on adjoining properties.

There is an existing Golden Cypress situated within the front garden as well as a Chinese Pistacio tree located adjacent to the centre of the front boundary, within the road reserve.

Surrounding development:

The subject site is described in the Ku-ring-gai Visual Character Study as being located within an area characterised by single dwellings on single lots, with the majority of construction being from

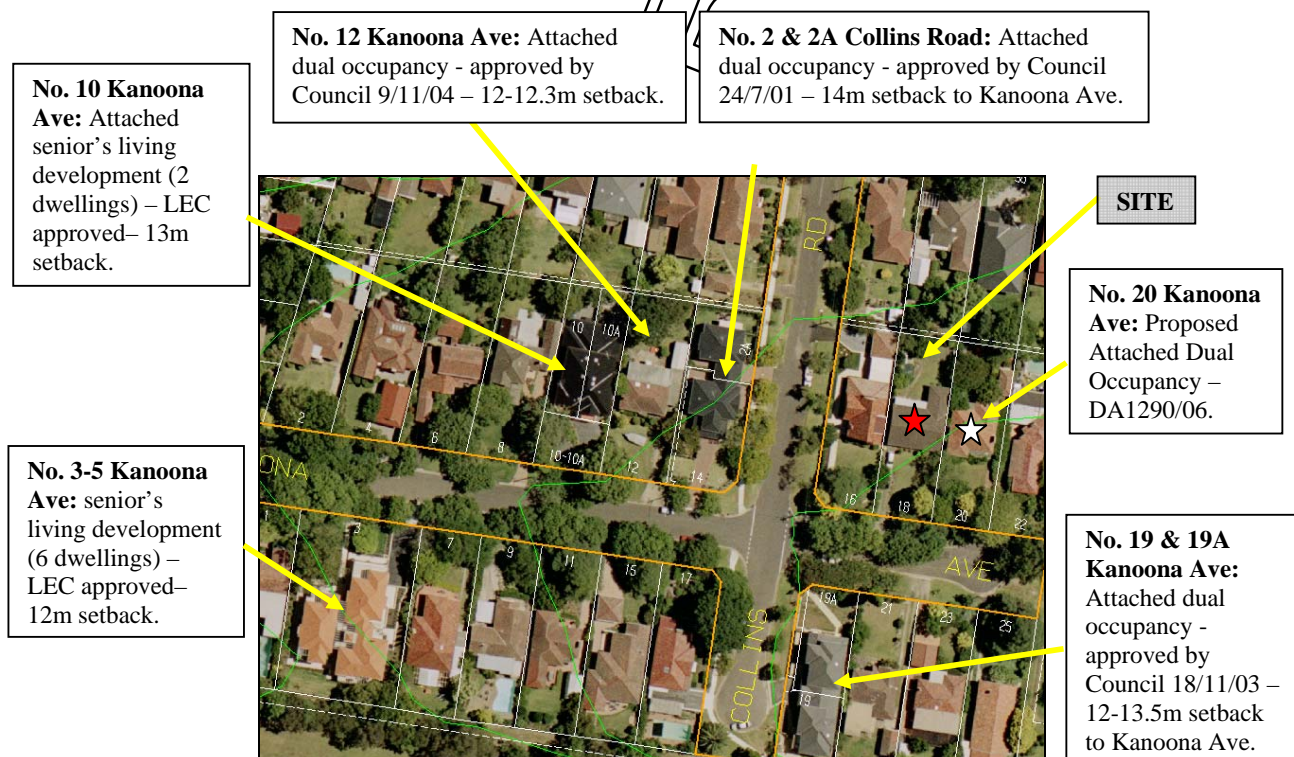
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the period between 1945 and 1968. Sites on both sides of Kanoona Avenue fall within the Visual Character Study category of 1945 and 1968.

The land in the immediate vicinity of the site generally slopes from the north-west to the south-east, with the land having a gradual slope towards the St Ives Village Green to the south-west and south. Development within the street is generally set within open gardens in a tree-lined street.

Mature trees, along both sides of Kanoona Avenue, provide good screening for existing development and comprise a well landscaped streetscape.

There have been a number of recently approved developments along both sides of Kanoona Avenue and the adjoining Collins Road. Most notably, developments at Nos. 3, 10, 12, 14 & 19 (identified below) which consist of dual occupancy development and Seniors Living development. The location of existing development in the street is shown in the following map.



Overall, the development in the locality is of a mixture of single and two storey detached dwellings on well landscape allotments, along with some attached dwellings and a Seniors living development of 6 dwellings. There is a mix of architectural styles and periods, with the majority of development being set back at least 12 metres from the street boundary.

A development application for an attached dual occupancy on the adjoining site (No. 20 Kanoona Avenue) is also currently being assessed. The proposed dual occupancy development at No. 20 Kanoona Avenue is set back 12.3 metres from the street.

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THE PROPOSAL

The proposal involves the demolition of the existing dwelling and construction of an attached dual occupancy development. The proposal comprises a two storey building with proposed dwellings constructed side-by-side, fronting Kanoona Avenue and having a long common wall running through the centre of the development.

The proposed attached dual occupancy has a pitched roof and is set in at the first floor level with balconies overlooking the street and the rear yards. Two (2) single car garages are proposed in the front elevation adjacent to the side of the each dwelling, with two open carports located in the middle of the front elevation, providing both secondary car accommodation as well as the main entry points to each dwelling. The proposed façade has been staggered, with the garages recessed behind the main façade by 300mm.

Private open space for both dwellings is to the north of the development, with both courtyards accessed at ground level from internal living areas. A small elevated deck is provided at the first floor, having access from first floor bedrooms only. The rear yard of the site is divided in two along a centre line between the two dwellings and has dimensions of 12.4 metres x 7.6 metres.

Both dwellings contain three bedrooms, a main bathroom and ensuite on the first floor. The ground floor contains a single car garage, carport, living, dining and family rooms, w.c. and laundry, with the family room and kitchen orientated to the northern elevation. The development is staggered along the side elevations to accommodate a small courtyard between the dining room and the side boundary, acting both as a light well to the interior of both dwellings and as additional open space.

It is proposed to remove the existing driveway and crossover, located adjacent to the south-western corner of the site, and to construct a new driveway and crossing in the centre of the site. The location of the driveway in the centre of the site would allow for the creation of reciprocal rights of way of future lots, allowing dual ownership and access over the driveway.

CONSULTATION - COMMUNITY

In accordance with Council's Notification DCP, owners of surrounding properties were given notice of the application. The following comments have been received:

In response, submissions from the following were received:

1. Mr A T & Mrs J C Griffiths, 16 Kanoona Avenue, ST IVES 2075
2. Ms J & Ms J C Tebbart, 20 Kanoona Avenue, ST IVES 2075
3. Mr. I J Chung, 20 Kanoona Avenue, ST IVES 2075 (**new owner**)

The submissions raised the following issues:

Loss of privacy from side facing upper floor windows and first floor deck to the rear.

The proposed side windows in the upper floor are bathroom and ensuite windows, with one window in each dwelling being dedicated to Bedroom 2. Whilst the window to Bedroom 2 is orientated

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towards adjoining dwellings to the east or west, respectively, the window is necessary for light and ventilation, with little opportunity to relocate the windows elsewhere. It should also be noted that the first floor bedrooms of No. 16 Kanoona Avenue are currently located within existing roof space as attic rooms and that the dwelling at No. 20 Kanoona Avenue is single storey only.

Request that the carports be relocated to the centre of the block to limit noise.

The applicant has amended the proposed to relocate the carports and front entry away from side boundaries. The development, as amended, has addressed this concern.

Setbacks from the street are inadequate

The proposed development is set back 12.3 metres from the street boundary which complies with the minimum setback required by the Dual Occupancy Development Control Code. The proposed dual occupancy is also consistent with the prevailing setback of existing dual occupancy development elsewhere in the street, with development at Nos. 10, 12, 14 & 19 Kanoona Avenue generally set back 12 metres from the street boundary.

Building height

The proposal complies with the building height requirement and is set in at the first floor level.

New owner (No. 20) supports the application

The new owner at No. 20 Kanoona Avenue supports the application.

CONSULTATION - WITHIN COUNCIL

Landscaping

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

“Removal/negative impacts upon trees/vegetation

This proposal proposes the removal of all vegetation including several Camellia sp. (Camellias) from the site, some of which have been identified in the applicant's arborist report prepared by Landscape Matrix, dated 19 May 2006, with the exception of the following 3 plants:

- *T6: healthy Camellia sasanqua (Chinese Camellia), of 6 metres height, is located adjacent to the western side boundary within the building setback zone. Pruning of this Camellia to accommodate vehicular access into the near side garage is acceptable. It would be preferable that all other mature Camellias, located mostly adjacent to the site boundaries and away from proposed works be retained in the landscape arrangement.*

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- One over-mature *Hakea salicifolia* (Willow Leafed Hakea) is located adjacent to the site's north-western corner. This Hakea is not worthy of retention.
- One healthy *Magnolia x soulangiana* (Magnolia), of 5 metres height and 6 metres canopy spread, is located close to the site's northern (rear) boundary. Proposed excavation to lower the lawn by approximately 0.5 metre around the Magnolia is not supported therefore, the lawn is to be retained at its existing level to ensure the tree's preservation as shown on the landscape plan.

Excavation for the eastern side garage will result in the severance of major structural roots of 1 *Jacaranda mimosifolia* (Jacaranda) within 1 metre of its trunk. This tree abuts the western boundary of No. 20 Kanoona Avenue. There is no objection to the removal of this tree.

Landscape and stormwater drainage plans

An amended landscape plan is required to address inconsistencies between the landscape plan and both the architectural and stormwater plans concerning the driveway layout, the surface detention area and pits. In addition, all 3 proposed canopy replenishment trees conflict with the surface detention basin walls and should not be located in such close proximity to them, or within the detention area, to avoid future damage to the walls. (**Refer Condition No. 54**).

The proposed retaining wall (TOW 163.59) at the northern and western sides of the lawn at the rear of the site is to be deleted and the existing lawn level is to be maintained to avoid damage to the *Magnolia x soulangiana* (Magnolia) tree's root system. (**Refer Condition No. 54**).

The proposed drainage line to the Kanoona Avenue kerb is to pass the trunk of T2: *Pistacia chinensis* (Pistacia) located on the nature strip in line with the common boundary between the subject site and No. 20 Kanoona Avenue. Thrust boring method will be required for this line, or pending the surface detention area being replaced by a tank beneath the driveway, the discharge line to the street could be relocated clear of this *Pistacia*, thereby avoiding any negative impact to it.

Street tree

The following comments are made in response to the report prepared by Sydney Arboricultural Services Pty Ltd dated 30.11.06, regarding T1: *Pistacia chinensis* (Pistacia) located on the Kanoona Avenue nature strip and which the applicant proposes to remove to locate the driveway crossing centrally along the properties front boundary.

It is agreed that this tree is of poor form and structure due to it being located to the road side of the overhead electric power mains that extend along the northern side Kanoona Avenue and from which it has been repetitively pruned. The tree is lop-sided with most growth over the road side. Growth to the property side of the tree is sparse

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due to repetitive pruning. The tree's foliage is healthy. All Pistacia trees along Kanoona Avenue, west of Collins Road, have been planted in line with the power poles and directly beneath the power lines and therefore their canopies have a healthy symmetrical form.

Advanced decay has occurred in the trunk 1.2 metres above ground, just below the main fork, where a large limb has been removed from the western side of the tree. The prognosis of this wound (cavity) is that, as the tree's canopy develops further over roadway it is prone to failure due to the additional weight that would be placed on the weakened trunk.

While the tree is not of a size that would cause great damage, its poor form, compromised structure and state of development are sufficient grounds to permit its removal for relocation of the driveway.

The arborist's recommended replacement species is not agreed with. Replacement of this tree with 1 Pistacia of super-advanced (75 litre nursery stock) size at the eastern side of the existing driveway is recommended to maintain the integrity of the avenue planting and existing tree spacings. Two developing Pistacia chinensis (Pistacia) are located on the nature strip opposite the subject tree. (Refer Condition No. 39).

This application supported subject to conditions."

The application seeks removal a number of trees including the Golden Cypress in the centre front garden and the Chinese pistacio located within the Kanoona Avenue road reserve.

Given the value of the tree plantings within the road reserve, the applicant was initially encouraged to retain the tree. However, further assessment by Council's Landscape Development Officer, in response to the report from Sydney Arboricultural Services Pty Ltd, has identified reasonable grounds to support the removal of the tree. Subject to a suitable, advanced growth, replacement tree of the same species, the overall uniformity of the characteristic avenue plantings in the street will be retained. (Refer Condition No. 39)

The proposal is supported by Council's Landscape Development Officer, subject to conditions (Refer Condition Nos 29 to 42, 54 to 56, 58 to 63 and 73 to 76).

Engineering

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

"Stormwater disposal

The stormwater runoff is to be collected and conveyed to two (2) on-site detention basins located in the front landscaped area. In addition two (2) above ground rainwater tanks totalling 8,040L have been provided for re-use for irrigation, laundry and toilet use with the overflow from the rainwater tank connected to the stormwater line. OSD

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storage volume has been reduced by modifying the on-site retention volume. This is considered satisfactory system for this development.

*There is to be no planting within the detention basin except for shrubs. The *Angophora costata* as proposed cannot be considered due to the impact the tree roots would have on the pipes and surrounding retaining wall structure. (Refer Condition No. 52).*

Site access

The existing concrete layback is to be removed and replaced with a new vehicle crossing and driveway. The driveway has a grade less than about 3% from the garage entry to the front property boundary. The driveway complies with Australian Standard 2890.1 (2004) "Off-Street car parking" and Council's Driveway Criteria.

Recommendations

From an engineering perspective, there are no objections to this application, subject to the following:

- 1. The sediment control sump needs to be redesigned to have a minimum depth of 200mm below the invert of the orifice to enable the sump to drain dry. Weepholes in the base of this type of pit is also to be provided and to be designed in accordance with Council's standards.*
- 2. There is to be no planting within the detention basin except for shrubs. The landscape plan must be consistent with the Hydraulic Plan."*

Council's Development Engineer has recommended specific conditions to address the relevant stormwater issues identified above. (Refer Conditions Nos 24 to 28, 49 to 53, and 64 to 72).

STATUTORY PROVISIONS

State Environmental Planning Policy No 53

SEPP 53 aims to encourage the provision of housing in metropolitan areas that will:

- (a) broaden the housing choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

Clause 3 of the SEPP states that these aims will be achieved by:

- (a) by establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted development strategies, and*

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- (b) *by setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location*
- (c) *by encouraging councils to prepare and adopt residential development strategies an supporting local environment plans and policies that will achieve those aims, and by allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.*

Clause 18 of the SEPP permits dual occupancy development with Council's consent.

Clauses 19 and 20 specify standards that must be complied with. A summary of compliance is as follows:

COMPLIANCE TABLE		
Development standards	Proposed	Complies
Allotment size (cl.19(1)(a)) • 400m ² attached dual occ (min)	715.4m ²	YES
Floor space ratio (cl.19(1)(b)) • 0.5:1 (max)	0.5:1 (359.2m ²)	YES
Car parking (cl.20) • Dwelling 1: 2 car spaces (min) • Dwelling 2: 2 car spaces (min)	Dwelling 1: 2 car spaces Dwelling 2: 2 car spaces	YES YES

Site analysis (cl.31):

The documentation submitted with the application is considered satisfactory with respect to the requirements of Clause 31 and Schedule 5 of SEPP 53.

Streetscape (cl.32(a)):

The proposed development will be of suitable appearance and satisfies the streetscape principles of SEPP 53. The scale and bulk of the proposal is compatible with that of other development in the locality, being a combination of single and two storey dwellings as well as a number of dual occupancy development and a recently completed SEPP 5 development.

Visual & acoustic privacy (cl.32(b)):

The proposal is generally satisfactory with regard to visual privacy. The main living areas of both dwellings are orientated towards the rear boundary and internal courtyards and first floor windows are located away from opposing windows on adjoining properties. The proposed first floor deck to the main bedroom at the rear should be amended to include a privacy screen along the side elevation to prevent overlooking of rear yards on adjoining properties. A condition has been recommended in this regard. **(Refer Condition No. 47)**

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

The proposal has been designed to provide all living areas with north-facing windows and an area of private open space for each dwelling orientated towards the north. The proposed development has been designed in accordance with BASIX requirements and shall incorporate passive energy design efficient construction methods.

The design and siting of the proposed dwellings will ensure at least 4 hours of solar access between 9.00am and 3.00pm to north-facing windows, living rooms and outdoor living areas within the development. Adjoining premises will retain at least 4 hours of solar access between 9.00 am and 3.00pm.

The living areas for the proposed dwelling have a northerly orientation. The proposed development receives 3+ hours solar access to its internal living areas and private open space areas during the winter solstice.

Stormwater (cl.32(d)):

Stormwater disposal is considered to be satisfactory, subject to a condition (*refer to Condition No. 71*).

Crime prevention (cl.32(e)):

Pedestrian and vehicular access will be from Kanoona Avenue. The proposed entries at ground floor level allow general observation of the dwelling entry areas. The occupants of the development will have acceptable levels of passive and active surveillance in accordance with the crime prevention objectives under State Environmental Planning Policy No 53.

Accessibility (cl.32(f)):

Safe pedestrian links are available to local facilities from the subject property. Convenient access and parking will be available.

Waste management (cl.32(g)):

Suitable space exists on the property for the storage of waste management containers.

Visual bulk (cl.32(h)):

The building form, setbacks and height of the proposed development are consistent with those of surrounding development.

The proposal provides an acceptable response to the built environment of the immediate locality. The architecture within the street is varied in respect to bulk and scale. Having considered the scale of surrounding development, the proposal is in keeping with the area.

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The proposal does not disrupt the character of adjoining buildings and would not detract from the amenity of the area.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP and adequately reflects all amendments to the application.

State Environmental Planning Policy No 55 - Remediation of Land

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

Sydney Regional Environmental 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.

Subject to compliance with the relevant engineering conditions requiring appropriate stormwater management, in accordance with DCP 47, the proposed development is considered to achieve the relevant aims under this policy.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Building height 8m (max)	5.8m	YES
Built-upon area 60% (max)	50%	YES
Notional built-upon area	Dwelling 1: 50% Dwelling 2: 50%	YES YES

Aims and objectives for residential zones

The development:

- (i) provides satisfactory levels of solar access & privacy to surrounding properties
- (ii) is of an acceptable bulk, scale and design, and is reasonably in keeping with the character of the area
- (iii) maintains adequate levels of soft landscaping
- (iv) provides suitable egress/ingress for vehicles
- (v) maintains the landscape quality of the municipality

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Consequently, the aims and objectives for residential development as outlined by Schedule 9 have been satisfied.

POLICY PROVISIONS

Development Control Plan 40 - Waste Management

The site is of a sufficient size to accommodate waste storage and recycling facilities associated with the proposed use in accordance with DCP 40.

Development Control Plan No 43 - Car Parking

The proposal complies with DCP 43 which requires the provision of two parking spaces for each dwelling.

Council's Dual Occupancy Development Control Code

COMPLIANCE TABLE		
Development control	Proposed	Complies
4.2 Streetscape:		
Roof pitch		
• 3m roof height-2 storey (max)	2 storey & 2.2metres	YES
• Roof pitch 35 ⁰ (max)	22.5 ⁰	YES
Fences		
• Height:900mm (solid fence) (max)	300mm	YES
• Height:1.2m (transparent fence) (max)	1.2m	YES
4.3 Visual and acoustic privacy:		
Visual privacy		
• Windows to habitable rooms offset or set back 9m from neighbouring windows (min)	Windows to habitable rooms set back less than 9 m from windows in adjoining dwellings but are offset and from adjoining habitable room windows.	YES
4.4 Solar access and design for climate:		
Solar access		

COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> Dual occupancy receive 3+ hours of solar access between 9am and 3pm (min) 	>3 hours solar access	YES
<ul style="list-style-type: none"> Neighbouring properties receive 3+ hours of solar access between 9am and 3pm (min) 	All neighbouring properties receive 3+ hours solar access	YES
4.7 Accessibility:		
Vehicular access and car parking dimensions		
<ul style="list-style-type: none"> Carport – 2.7m x 5.4m (min) 	3.0m x 5.7m	YES
<ul style="list-style-type: none"> Garage – 3.1m x 5.4m (min) 	3.1m x 5.4m	YES
4.9 Visual bulk:		
Building setbacks		
<ul style="list-style-type: none"> Front building line: Min Street setback: 12m 	12.4m (min)	YES
<ul style="list-style-type: none"> Side setback: Ground floor: 2.0m (min) 1st floor: 2.0m (min) 	<i>Dwellings 1 & 2</i> Ground Floor: 900mm to 2.0m 1 st Floor: 1.5m to 2.5m	NO NO
<ul style="list-style-type: none"> Rear setback: 3.0m (min) 	10m	YES
Building form		
<ul style="list-style-type: none"> Unrelieved wall length: 12.0m (max) 	5.8m (single storey only)	YES
<ul style="list-style-type: none"> Total building length: 24m (max) 	22.5m	YES
Built-upon area		
<ul style="list-style-type: none"> Total built upon area (max): 40% 	49.7%	NO
<ul style="list-style-type: none"> Notional built-upon area: 60% Per dwelling lot 	Dwelling 1: 50% Dwelling 2: 50%	YES YES

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Floor space ratio <ul style="list-style-type: none"> FSR (max): 0.5:1 	0.5:1	YES
Height of buildings <ul style="list-style-type: none"> Attached dual occ: 8m (max) 	5.8m	YES
<ul style="list-style-type: none"> Building envelope: 45° from horizontal at any point 3m above boundary 	Complies	YES
Cut and fill (building works) <ul style="list-style-type: none"> Cut & fill: 900mm & Total 1800mm (max) 	900mm (cut), 0mm (fill)	YES
Section 5: Landscaping & Open Space		
Total soft landscaping : 60% (min)	50.3%	NO
Notional soft landscaping:	Dwelling 1: 50.3% Dwelling 2: 50.3%	NO NO
Tree retention and refurbishment <ul style="list-style-type: none"> No. of Trees: 4 (min) 	Minimum of 4 trees required by condition	YES
Cut & fill (landscaping) <ul style="list-style-type: none"> Cut & Fill: 900mm & Total 1800mm 	900mm (max cut), 0mm (fill)	YES
Open space <ul style="list-style-type: none"> Area: 100m² or 2 x 75m² areas (min) 	Dwelling 1: 107m ² Dwelling 2: 107m ²	YES YES
<ul style="list-style-type: none"> Min dimension 5m x 5m (min) 	Dwelling 1: 7.6m x 10.0m Dwelling 2: 7.6m x 10.0m	YES YES
<ul style="list-style-type: none"> 50% receives 3+ hours solar access (min) 	>3 hours solar access	YES

Part 4.3 Visual & acoustic privacy

The proposal is generally satisfactory with regard to visual privacy. The main living areas of both dwellings are orientated towards the rear boundary or internal courtyards and first floor windows

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are located away from opposing windows on adjoining properties. The proposed first floor deck to the main bedroom at the rear should include a privacy screen along the side elevation to prevent overlooking of rear yards on adjoining properties. A condition has been recommended in this regard. (*Refer Condition No. 47*)

Part 4.9 Visual bulk:

Front setback

The proposed development complies with the minimum required setback of 12 metres but would be situated closer to the street than the existing dwelling and dwellings on adjoining properties. Part 4.9 of the Dual Occupancy Code encourages new development to adopt existing prevailing setbacks within the street, generally established by the existing and adjoining dwellings. In this case, the front setback of the existing dwellings on adjoining properties at Nos. 16 and 20 Kanoona Avenue are between 18.5 metres and 19 metres, well in excess of the minimum requirement of 12 metres.

Compliance with existing setbacks in this case is unreasonable given the narrowness of the site and the existence of other similar developments at Nos. 10, 12, 14 & 19 Kanoona Avenue that are set back significantly closer from the front boundary than 19 metres.

The proposed dual occupancy is consistent with the prevailing setback of existing dual occupancy development within the street, being generally 12 metres. Given the development is consistent with these developments, and appears similar to dual occupancy development at No. 10 and 12 Kanoona Avenue, in terms of building form, setback and design, the proposed front setback is considered to be acceptable.

Side setbacks

The proposed development is significantly articulated along its western and eastern elevations, with setbacks varying from 900mm at the ground floor garages to 2.5 metres for the majority of the upper floor walls.

While the development does not fully comply with the minimum side setback requirements, the majority of the development does comply, ensuring that it appears well set back from the side boundaries without any significant impact to the street or adjoining properties.

A combination of the proposed setback from side boundaries and a well landscaped front setback will ensure that the development appears consistent with similar development in the street and would not have an adverse impact to the street or adjoining properties. The development is therefore acceptable with regard to side setbacks.

Part 4.9 Built Upon Area

The proposal does not comply with the maximum 40% built upon area requirement of the Dual Occupancy Code.

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The proposal does however comply with Clause 60C of the KPSO which requires a maximum 60% built upon area. Where there is inconsistency between the requirement of the dual occupancy code and the KPSO, the provisions of the KPSO prevail.

The intentions of the built upon area provisions of the dual occupancy code is to ensure that a sufficient proportion of the site is retained for soft landscaping and stormwater infiltration. Council's Landscape Development Officer and Development Engineer have advised that the development would be satisfactory with regard to both landscaping matters and stormwater management.

The proposed departure from the built upon area requirement of the code is considered, on balance, to be acceptable.

Part 5 Landscaping and open space:

Part 5.1.1 Soft Landscaping

The proposal does not comply with the minimum 60% soft landscaping requirement as expressed within the code.

The proposal does however comply with Clause 60C of the KPSO which requires a maximum 60% built upon area. The soft landscaping provisions of the code work together with the built upon area requirement of the KPSO to ensure adequate site area is retained for screen planting, tree planting and the like.

The soft landscaping provisions also seeks to ensure sufficient site area is available for stormwater infiltration. Council's Landscape Development Officer and Development Engineer have advised that the development would be satisfactory with regard to both landscaping matters and stormwater management.

On balance the departure from the minimum soft landscaping requirement is acceptable.

Section 94 Plan

This proposal will be subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development. The monetary contribution is required to be paid by **Condition 48** of the recommended consent.

LIKELY IMPACTS

The design responds appropriately to the site's topography and surroundings and will have minimal impact on the adjoining properties. There will be no adverse impacts upon the streetscape or on the character of the locality.

SUITABILITY OF THE SITE

The land is of a satisfactory shape and size to accommodate the proposed development and to enable it to integrate with the surrounding development and provide a suitable level of amenity for

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future occupants. Utility services are available to the site and there are not any site hazards such as landslip, etc. The site is therefore suitable for the proposed development.

ANY SUBMISSIONS

All submissions received have been considered in the assessment of this application.

PUBLIC INTEREST

The proposal is compatible with the existing environment and its approval is in the wider public interest as envisaged by SEPP 53.

ANY OTHER RELEVANT MATTERS CONSIDERATIONS NOT ALREADY ADDRESSED

There are no other matters for consideration.

CONCLUSION

The proposal is permissible with consent under the provisions of SEPP 53. The proposal complies with the aims, objectives and development standards of the environmental planning instruments applying to dual occupancies.

The development will provide greater housing choice. The proposal will provide a satisfactory level of amenity for future occupants and will not have any unreasonable impacts on the amenity of adjoining properties or the character of the surrounding area.

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, grant development consent to DA 558/06 for demolition of an existing dwelling and construction of an attached dual occupancy on land at 18 Kanoona Avenue, St Ives, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 33/04 and Development Application plans prepared by Architectural Design Services (Maria Stavrianos, Architect), Job 2016, reference number 01B, 02B, and 03B, dated 23-07-04 and lodged with on 2 August 2004.
2. All building works shall comply with the Building Code of Australia.

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3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Rammer guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
10. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
11. 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

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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.

12. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
13. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
14. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
15. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

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

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18. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970s should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
19. 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.
20. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
21. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
22. 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).
23. 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.
24. 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.
25. 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

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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.**

26. 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.
27. 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".
28. 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.
29. 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
<i>Cupressus macrocarpa</i> 'Brunniana' (Golden Cypress) Towards the site's south-eastern corner.	Remove
<i>Hakea salicifolia</i> (Willyw/Leafed Hakea) Adjacent to the site's north-western corner.	Remove
30. 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:

No/Tree/Location
T1/ <i>Pistacia chinensis</i> (Pistacia)/Within the driveway crossing site.

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31. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
32. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:
- | | |
|--|------------|
| No/Tree/Location | Tree Works |
| T6/ <i>Camellia sasanqua</i> (Chinese Camellia) | Prune |
| Near the south-eastern corner of the garage at the western side of the site. | |
33. 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.
34. 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 |
| <i>Franklinia axillaris</i> (Gordonia) | 3m |
| Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue. | |
35. No mechanical excavation for the approved OSD 1 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 |
| <i>Franklinia axillaris</i> (Gordonia) | 3m |
| Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue. | |
36. 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 |
| <i>Franklinia axillaris</i> (Gordonia) | 3m |
| Adjacent to the western boundary and close to the south-western corner of No.20 Kanoona Avenue. | |
37. 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:
- | | |
|--|-------------------|
| No/Tree/Location | Radius From Trunk |
| T2/ <i>Pistacia chinensis</i> (Pistacia) | 4m |

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On the Kanoona Avenue nature strip in line with the common side boundary between Nos. 18 and 20 Kanoona Avenue.

38. 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.
39. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Kanoona Avenue. The tree used shall be a minimum 75 litres container size specimen tree:
- | Tree Species | Quantity |
|--------------------------------------|----------|
| <i>Pistacia chinensis</i> (Pistacia) | 1 |
40. Following removal of the existing *Pistacia chinensis* (Pistacia) from Council's nature strip and its replacement, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
41. 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.
42. The 3 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

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

43. 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.

44. 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

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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).

45. 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 of public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
46. 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.
47. To maintain suitable levels of privacy to adjoining properties, a fixed privacy screen shall be installed on the western and eastern edges first floor balconies of both dwellings having a minimum height of 1.8m above the finished floor level, as shown in red on the approved plans. The privacy screens shall be constructed of materials complimentary to the finishes of the development. Details of the privacy screen shall be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
48. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$32,324.00. 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.

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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 (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - St Ives	\$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

49. 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.

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50. 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.
51. 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 **Hydraulic Plans D1580 Sheets 1 to 7 Rev. 'A' dated 30 May 2006** prepared by **Nasseri Associates** submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

52. Prior to issue of the Construction Certificate the submitted **Hydraulic Plans D1580 Rev. 'A' dated 30 May 2006** prepared by **Nasseri Associates** must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address the following issues:
1. The sediment control sump needs to be redesigned to have a minimum depth of 200mm below the invert of the orifice to enable the sump to drain dry. Weepholes in the base of

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this type of pit is also to be provided and to be designed in accordance with Council's standards.

2. There is to be no planting within the detention basin except for shrubs. The landscape plan must be consistent with the Hydraulic Plan.
53. Prior to the issue of a Construction Certificate, the compliance certificate obtained under Section 73 of the Water Board (Corporatisation) Act must be submitted for verification by the Principal Certifying Authority.
54. The submitted landscape plan Job No. 05.014 Issue D, prepared by PATIO LANDSCAPE ARCHITECTURE & DESIGN and dated 23.05.06, is approved, subject to the following amendments. An amended plan of the proposed landscape works for the site shall be submitted to, and approved by the Principal Certifying Authority, prior to the issue of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan shall apply:

- The garages and car spaces shall be consistent with the architectural plans.
 - The driveway layout shall be consistent with the architectural and stormwater drainage plans.
 - All stormwater infrastructures such as surface detention area walls and pits shall be shown.
 - All 3 canopy replenishment trees shall be positioned so as not to conflict with or cause future damage to the surface detention basin walls.
 - The retaining walls along the northern and western sides of the lawn and close to the *Magnolia x soulangiana* (Magnolia) located at the rear of the western dwelling shall be deleted.
 - The lawn at the rear of the western dwelling shall be maintained at its existing level to ensure preservation of the *Magnolia x soulangiana* (Magnolia).
55. The Construction Certificate shall not be issued until a Site Management Plan is prepared by a suitably qualified professional and approved by the Principal Certifying Authority.
- The plan shall indicate the location of services, erosion and drainage management, tree protection measures including tree protection zones, areas nominated for storing materials, site access, construction access requirements and where vehicle parking is proposed during construction.
56. A CASH BOND/BANK GUARANTEE of \$4,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to issue of the Construction Certificate to ensure that the

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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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

57. 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.

58. 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

Magnolia x soulangiana (Magnolia)

3m

Close to the rear boundary and towards the site's north-western corner.

59. 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 western garage 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:

No/Tree/Location

Radius From Trunk

T6/*Camellia sasanqua* (Chinese Camellia)

3m

Forward of the garage at the western side of the site.

60. 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.

61. 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

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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.
62. 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.
63. 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

64. Prior to the issue 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 Regulations.
65. 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 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.

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66. 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.
67. 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.
68. 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.
69. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
70. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.

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71. 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 as specified by **BASIX or DCP 47 commitments (all toilet flushing, laundry 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 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.

72. 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.

Item 1

- 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.

73. 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.

No/Tree/Location

Radius Form Trunk

T2/*Pistacia chinensis* (Pistacia)

4m

On the Kanoona Avenue nature strip in line with the common side boundary between Nos. 18 and 20 Kanoona Avenue.

74. 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 conditions of consent in this regard shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate:

Plant species

Conyza sp (Fleabane)

Cytisus sp. (Broom)

Hedera helix (English Ivy)

Jasminum polyanthum (Jasminum)

Nephrolepis cordifolia (Fishbone fern)

Tradescantia albiflora

75. The landscape works, shall be installed in accordance with the approved plan/s and/or conditions of consent, be completed prior to the issue of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.

D Hoy

Executive Assessment Officer

R Kinninmont

Team Leader

Development Assessment - Central

M Prendergast

Manager

Development Assessment Services

M Miocic

Director

Development & Regulation

Item 1

Attachments: **Location sketch - 728214**
 Reduced architectural plans – 728216
 Survey plan - 728217
 Shadow diagrams - 728218
 Landscape plans - 728219

Report

Previous

LOCATION SKETCH

18 KANOONA AVE ST IVES

DEVELOPMENT APPLICATION No 558/06



ONE LETTER OF SUPPORT FROM NEW OWNER OF No 20



Scale : 1:1500

23-01-2007



AGREEMENT



OBJECTION



SUBJECT LAND



PETITION

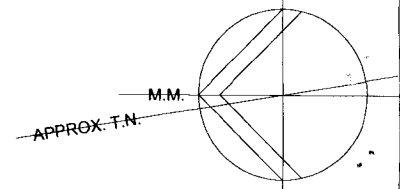


SUBMISSION

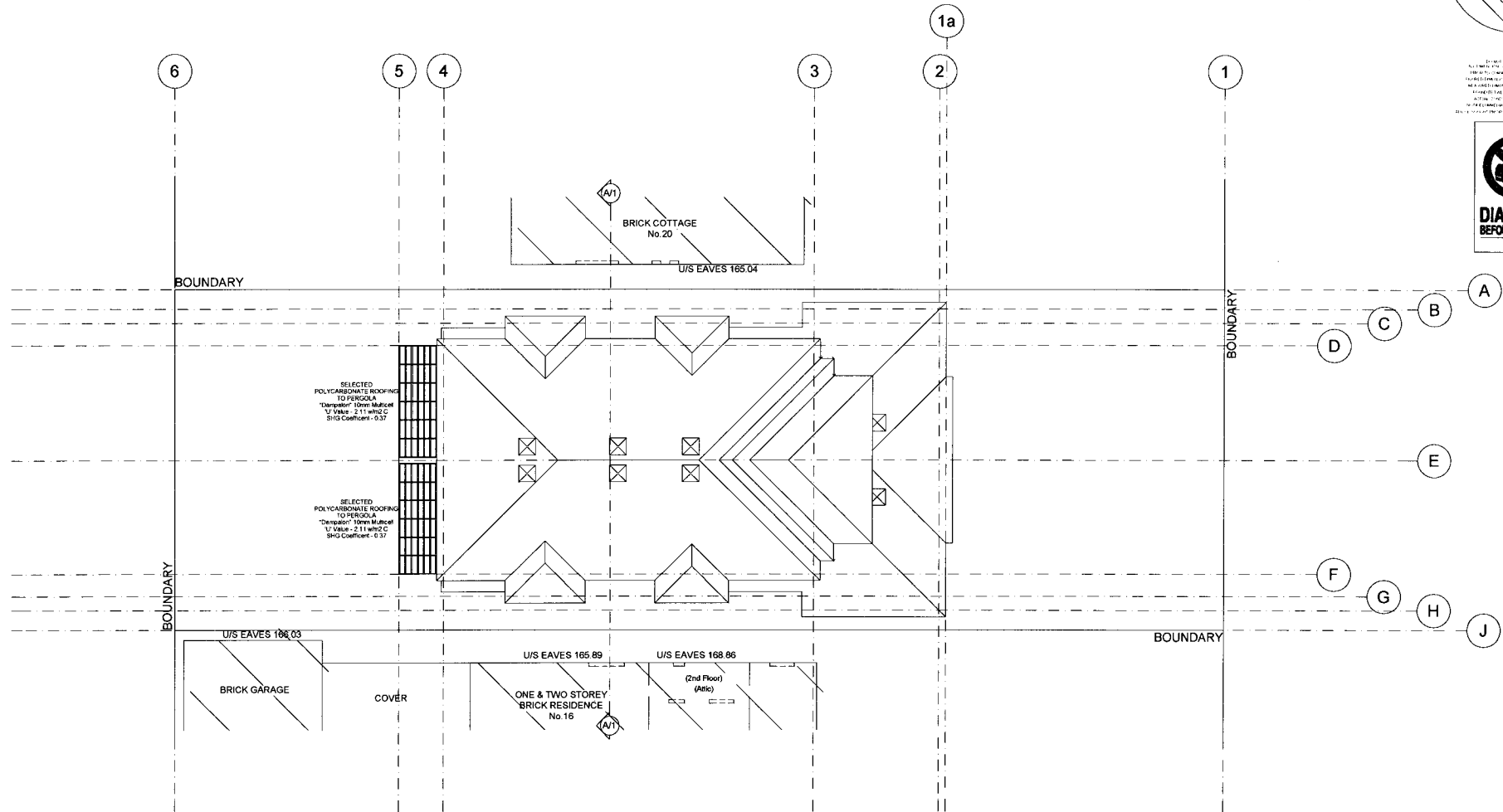


CIRCULATED AREA





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DIMENSIONS TO FACE UNLESS
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ISSUED FOR
DEVELOPMENT APPLICATION

ISSUE	DESCRIPTION	DATE
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A	ISSUED FOR APPROVAL	02/03/06

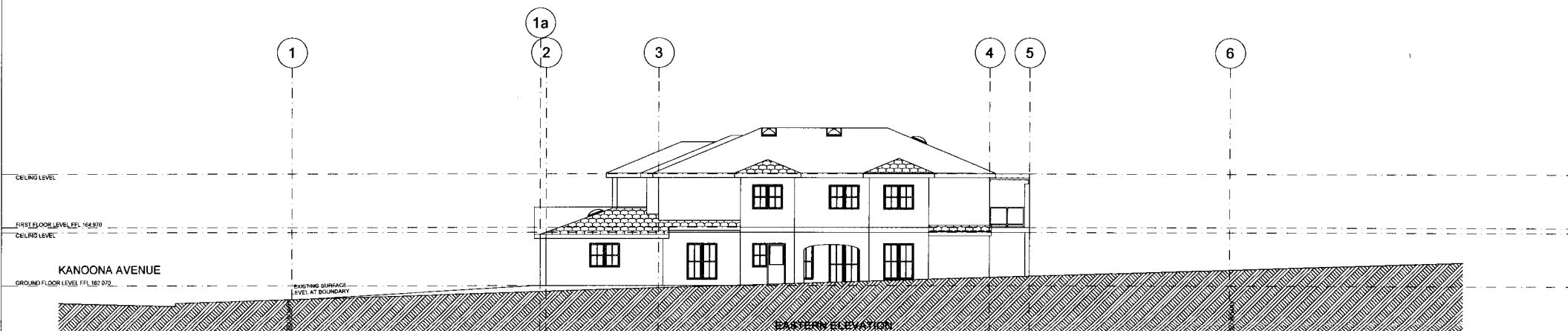
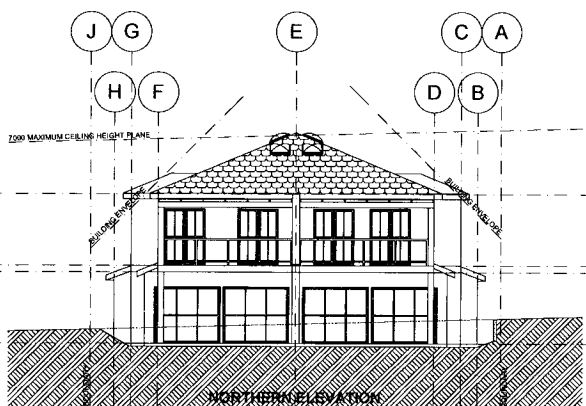
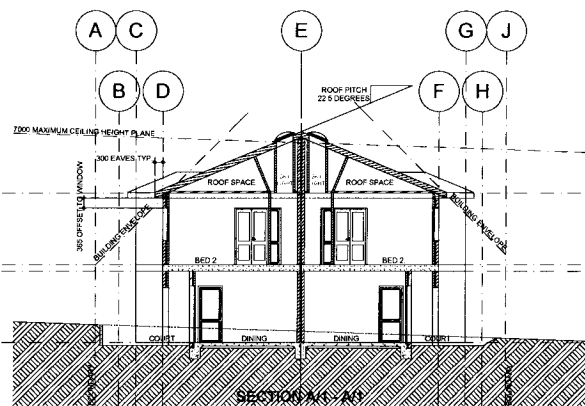
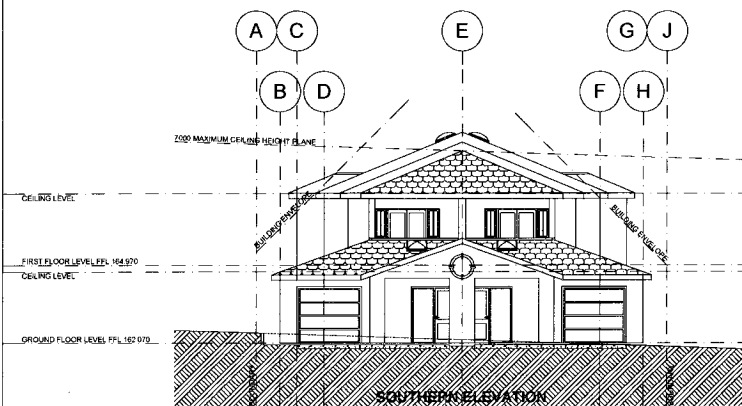
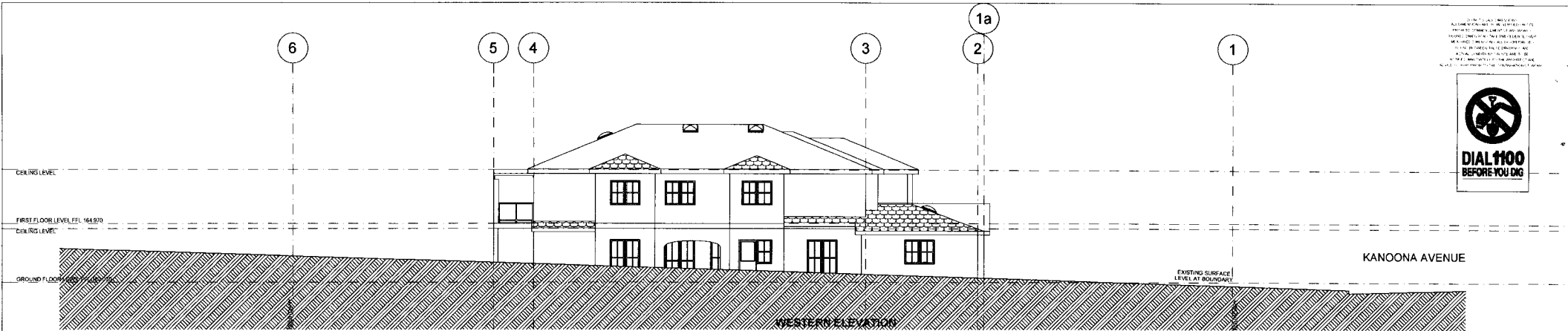
PROPOSED DUAL OCCUPANCY
ROOF PLAN

PROPOSED NEW RESIDENCE FOR
Aksha Property Developments Pty Ltd

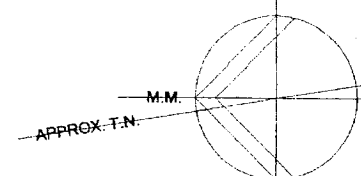
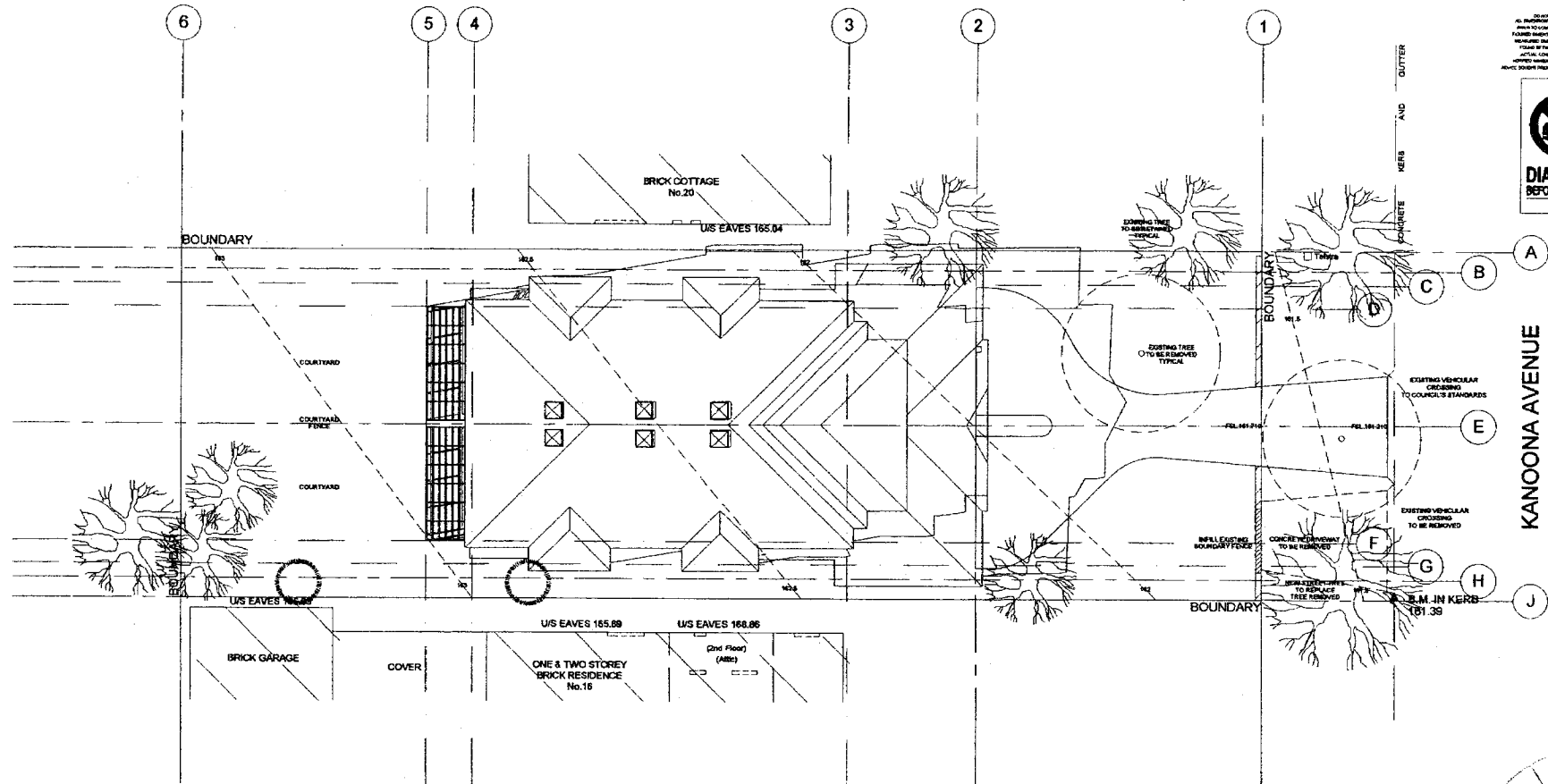
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1 TO 100 @ A1	R.P.	R.B.	J.E.A.	FEB. 2006
JOB	DWG NO.	REV NO.	DATE	
Aksha	DA. 205	B		

WIDSOMA PTY LTD
ARCHITECTURAL & LEGAL CONSULTANTS
PO BOX 160 PYMBLE VIC 3073 AUSTRALIA
TEL 9967 9999 | FAX 9967 3361 | EMAIL: info@widsoma.com.au

ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SPECIFIED.
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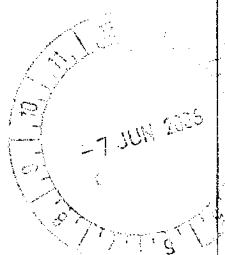
ISSUED FOR DEVELOPMENT APPLICATION			PROPOSED DUAL OCCUPANCY ELEVATIONS & SECTION			PROPOSED NEW RESIDENCE FOR Aksa Property Developments Pty Ltd			PLAN OF No.18 KANOONA AV. ST IVES BEING LOT 29 IN D.P. 15689			WIBSOMA PTY LTD ARCHITECTURAL & LEGAL CONSULTANTS TEL 0967 9699 / FAX 0967 3361 / EMAIL wibso@group.com.au		



ALL PROPOSED WORKS MUST BE DONE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S PLANNING SCHEME. THE LOCAL GOVERNMENT'S PLANNING SCHEME IS THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE PLANNING SCHEME. THE LOCAL GOVERNMENT'S PLANNING SCHEME IS THE FINAL AUTHORITY IN ALL MATTERS RELATING TO THE PLANNING SCHEME.



KANOONA AVENUE



ISSUED FOR
DEVELOPMENT APPLICATION

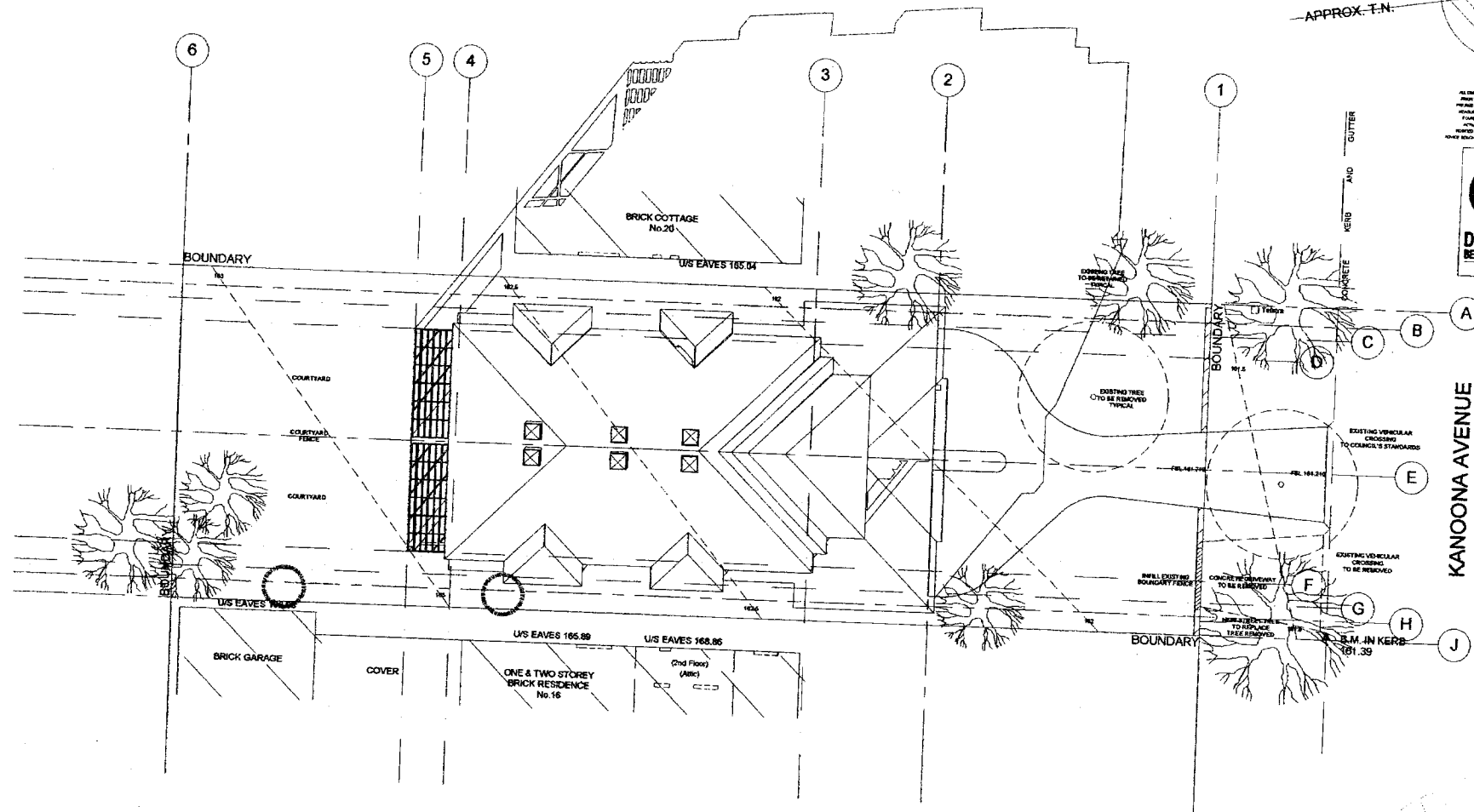
NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	
2		
3		
4		
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6		

PROPOSED DUAL OCCUPANCY
SHADOW DIAGRAM
22nd JUNE - 12:00noon

OWNER
PROPOSED NEW RESIDENCE FOR
Aksha Property Developments Pty Ltd

SCALE	DRAWN	CHECKED	APPROVED	DATE
1 TO 200 @ A3	R.P.	R.B.	J.E.A.	FEB 2006
JOH	AKSHA	DA. 302	A	

WIDSOMA PTY LTD
ARCHITECTURAL & LEGAL CONSULTANTS
PO BOX 188 PYMBLE NSW 2073
TEL: 9457 8386 FAX: 9457 8371 EMAIL: widsoma@widsoma.com.au



ISSUED FOR
DEVELOPMENT APPLICATION

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	
2		
3		
4		
5		
6		

PROPOSED DUAL OCCUPANCY
SHADOW DIAGRAM
22nd JUNE - 9:00am

OWNER
PROPOSED NEW RESIDENCE FOR
Aksa Property Developments Pty Ltd

SITE
PLAN OF No. 18 KANOONA AV. ST IVES
BEING LOT 29 IN D.P. 15689

SCALE 1 TO 200 @ A3	DRAWN R.P.	CHECKED R.B.	APPROVED J.E.A.	DATE FEB 2006
JOB AKSA	WORKING DA. 303	REVISED A		

WIDSOMA PTY LTD
ARCHITECTURAL & LEGAL CONSULTANTS
PO BOX 106 PYRMONT NSW 2009
TEL 002 997 9999 | FAX 002 997 3301 | EMAIL: info@widsoma.com.au

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	2 TO 4 STURT PLACE, ST IVES - DEMOLITION OF 2 DWELLING HOUSES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING COMPRISING 33 UNITS, BASEMENT CAR PARKING FOR 69 VEHICLES, SWIMMING POOL AND ASSOCIATED LANDSCAPING DRAINAGE
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	962/06
SUBJECT LAND:	2 to 4 Sturt Place, St Ives
APPLICANT:	Mr Michael Cedric, Karingai Developments Pty Ltd
OWNER:	Karingai Developments Pty Ltd
DESIGNER:	Hill Thallis Architects
PRESENT USE:	Residential
ZONING:	Residential 2(d3)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	KPSO, DCP 31 - Access, DCP 40 - Waste Management, DCP 43 - Car Parking, DCP 47 - Water Management, DCP 55 - Multi-unit Housing
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	SEPP 65, SEPP 55, SEPP (Sydney Harbour Catchment) 2005, SEPP (BASIX)
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	5 September 2006
40 DAY PERIOD EXPIRED:	15 October 2006
PROPOSAL:	Demolition of 2 dwelling houses and construction of a residential flat building comprising 33 units, basement car parking for 69 vehicles, swimming pool and associated landscaping drainage
RECOMMENDATION:	Approval

Item 2

DEVELOPMENT APPLICATION N^o 962/06
PREMISES: 2 TO 4 STURT PLACE, ST IVES
PROPOSAL: DEMOLITION OF 2 DWELLING HOUSES
AND CONSTRUCTION OF A RESIDENTIAL
FLAT BUILDING COMPRISING 33 UNITS,
BASEMENT CAR PARKING FOR 69
VEHICLES, SWIMMING POOL AND
ASSOCIATED LANDSCAPING DRAINAGE
APPLICANT: MR MICHAEL CEDRIC, KARINGAI
DEVELOPMENTS PTY LTD
OWNER: KARINGAI DEVELOPMENTS PTY LTD
DESIGNER HILL THALLIS ARCHITECTS

PURPOSE FOR REPORT

To determine development application No 926/06 for the demolition of 2 dwelling houses and construction of a residential flat building, comprising 33 units and basement car parking for 69 vehicles.

EXECUTIVE SUMMARY

Issues: Setbacks, building length, privacy, site coverage, trees, private courtyards, swimming pool and compliance with Memorial Avenue Precinct Master Plan

Submissions: One submission received

Pre-DA: 8 June 2006

Land & Environment Court Appeal: Not applicable

Recommendation: Approval

HISTORY

Site history:

The site is currently used for residential purposes.

Rezoning history:

The site was rezoned to Residential 2(d3) as part of LEP 194. The rezoning conferred upon the site a development potential for residential flat development up to a maximum of five storeys.

THE SITE AND SURROUNDING AREA

Item 2

The site

Zoning:	Residential 2(d3)
Visual Character Study Category:	1945-1968
Legal Description:	Lot 1 in DP 29578 (No. 2 Sturt Place) Lot 2 in DP 29578 (No. 2 Sturt Place) Lot 3 in DP 29578 (No. 4 Sturt Place)
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

The site is located at the corner of Sturt Place and Mona Vale Road, St Ives. The site is located on the northern side of Mona Vale Road and is bound along its north-east boundary by Sturt Place. The site is located approximately 100 metres to the south of the intersection of Mona Vale Road and Link Road. St Ives Shopping Village is located to the south-west and Stanley Street shops are to the south.

The site is comprised of three properties identified as Nos 2 & 4 Sturt Place, St Ives. Together they form an irregularly shaped site with a total area of 2912m².

The site can be described in two parts as follows:

- A. A regularly shaped allotment fronting Mona Vale Road (No. 2 Sturt Place), having a frontage of 48 metres to Mona Vale Road to the south-east. The allotment has a frontage of 40 metres to Sturt Place to the north-east and a second frontage to Sturt Place of 9.1 metres to the north-west.
- B. A triangular shaped allotment fronting Sturt Place (No. 4 Sturt Place) having an irregularly shaped frontage to Sturt Place of approximately 30 metres along the north-east boundary, a rear boundary to the south-west of 52 metres and a splayed boundary to the north having a length of 42.18 metres.

The site is roughly 'L' shaped having a combined frontage to Sturt Place of approximately 68 metres. The longest boundary (south-west) has a length of 91.7 metres.

The site contains 2 detached residences, along with a swimming pool on No. 4 Sturt Place and a swimming pool and half tennis court on No. 2 Sturt Place. Driveway access is provided to each lot from Sturt Place.

The property is relatively flat, with only a slight fall to Mona Vale Road.

The site adjoins residential properties at No. 222 Mona Vale Road to the south-west and No. 8 Sturt Place to the North. All adjoining properties are zoned Residential 2(d3).

The site is situated at the entry to Sturt Place from Mona Vale Road.

Item 2

A total of thirty-two trees are identified as being located on the site. The principle tree cover is generally along the Mona Vale Road frontage, along the rear (south-western) boundary and in the northern portion of No. 4 Sturt Place.

THE PROPOSAL

The proposal is for the demolition of existing structures and the construction of two residential flat buildings, comprising 33 units, basement car parking for 69 vehicles and associated landscaping. Details of the proposed development are as follows:

Demolition of the existing residences including the removal of outbuildings, two swimming pools, a tennis court, trees, driveways and other paved areas.

The construction of 2 x 5 storey residential flat buildings. Building A is located at the front of the site fronting Mona Vale Road and Building B, fronting Sturt Place, is located to the north of Building A and is orientated perpendicular to the front building. The development comprises 3 levels of basement car parking under both Buildings accessible via a single driveway entry from the north-eastern boundary to Sturt Place.

The proposed unit mix consists of 16 x 3 bedroom, 16 x 2 bedroom units and 1 x 1 bedroom unit.

The proposed basement levels contain 58 parking spaces for residents, 9 visitor parking spaces and 2 disabled spaces. The basement levels also contain secure storage areas, bicycle parking and a garbage collection room on Basement Level 1.

The proposed in-ground swimming pool is located adjacent to the northern elevation of Building A in the front setback to Sturt Place. The proposed pool has dimensions 8.6 metres by 3.5 metres and is situated between Building A and Building B. The pool is partially located over the basement levels and behind a 1.8 metres high timber and rendered concrete wall.

Landscape works, include the removal of twenty one trees on site and three (3) street trees as well as tree replenishment comprising thirteen tall canopy trees capable of attaining a minimum height of 13.0m.

Associated site works, including the construction of a variable width driveway and crossover, new pedestrian pathways, reconstruction of the adjoining public footpath, new retaining walls and garden beds, construction of boundary fencing along Mona Vale Road and drainage works.

CONSULTATION - COMMUNITY

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

1. *Meriton Apartments Pty Ltd, 6, 8, 10, 7 Sturt Place ST IVES*

Item 2

The submissions raised the following issues:

Council must ensure compliance with deep soil landscaping, building height, floor space ratio and car parking standards.

The proposed development achieves full compliance with the deep soil landscaping, building height and car parking development standards contained within the Ku-ring-gai Planning Scheme Ordinance. The proposal also complies with the maximum floor space ratio requirements of Development Control Plan No 55.

CONSULTATION - WITHIN COUNCIL

Urban Design

Council's Urban Design Consultant, Russell Ollson, has commented on the proposal as follows:

"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 on the corner of Sturt Place and Mona Vale Road. The site is in close proximity of St Ives Shopping Centre and St Ives Village Green.

The site consists of three parcels of land known as 2 (2 lots) and 4 Sturt Place all of which are zoned 2(d3). The site has an area of approximately 2912m².

The built form context is comprised of:

- *two x 2 storey detached residential dwellings fronting Sturt Place.*
- *lots to the north-west of the site, detached residential dwellings zoned 2(d3), which have recently been given approval for 6 apartment buildings.*
- *lots to the south of the site with detached houses which are zoned 2 (d3)*

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 future planned context is acceptable.

Principle 2: Scale

Item 2

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:

The scale of the proposed building is acceptable, as it complies with the height controls in LEP 194.

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 Draft DCP for St Ives requires a setback of 12m from the northern boundary of 2 Sturt Place and the boundary of 4 Sturt Place to Sturt Place. A 10-12m setback is required from the Sturt Place boundary to the building envelope on 2 Sturt Place, and from the Mona Vale Road boundary to the building envelope on 2 Sturt Place.

The proposed development has setbacks of only 6m from the Sturt Place boundary and a 10-12m setback from the Mona Vale Road boundary.

The multiple street frontages, irregular geometry and relatively small size of this site leads to the 10-12m street setback control creating an excessive front setback area. It is recommended that the front setback of 6m from Sturt Place be accepted as a reasonable setback distance due to the irregularities of this site.

The side setback from the south western boundary is in part 4.63m, rather than 6m. This wall contains bedroom windows. Due to the possibility of the adjoining site developing in the future, it is recommended that the wall is set back to 6m, or the potential privacy problem with the windows is addressed with screening or deletion.

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)

Comment:

LEP 194 requires that the site coverage by building footprint is to be a maximum of 35%. The proposed development exceeds this by 1.7%, with a site coverage of 36.7%.

Item 2

A SEPP No.1 objection has been lodged. The main points in the SEPP No 1 objection, based on the objectives of the development standard, are set out below, with our comments:

	<i>SEPP No 1 Objection Headings</i>	<i>Reviewers comments</i>
<i>a</i>	<i>The desirability to provide a high proportion of deep soil landscape to the site area</i>	<i>The parking is the limiting factor. The building footprint has no influence on deep soil.</i>
<i>b</i>	<i>The impact of any overshadowing, and any loss of privacy and loss of outlook likely to be caused by the proposed development</i>	<p><i>A reduction in building footprint has the potential to reduce overshadowing on the adjoining property to the south. The buildings along the southern boundary cast shadow between 9am and 2pm on the adjoining property, and the proposed buildings are in part closer than 6m to the boundary.</i></p> <p><i>Compliance with the standard 35% site cover will not result in a “straightening” of the building façade. The standard is an area measurement. There is no geometric relationship between an area measurement and whether a building is articulated or not.</i></p> <p><i>These buildings could have exactly the same amount of articulation with 35% site coverage as they have with 36.7%. To think that extra site cover will allow a more articulated building is a fallacy.</i></p>
<i>c</i>	<i>The desirability to achieve an appropriate separation between buildings and site boundaries and landscaped corridors along rear fence lines</i>	<i>The building to building separation does not achieve the requirements of Council (and LEP 194), which require a 6 m setback from the southern boundary. This has not been achieved in part, and may impact on development on the adjoining site.</i>
<i>d</i>	<i>The environmental features that are characteristic of the zone in which the site is situated by requiring sufficient space on site for effective landscaping.</i>	<i>The unusual shape of the site and the large amount of road reserve around the development has not resulted in a scheme with high levels of landscaping and building separation. The unusual shape of the site and the long street frontages have the potential to create high levels of landscaping if the 12m setbacks from Sturt Place in the DCP are followed. This proposal has only 6m setbacks, which we</i>

Item 2

	<i>SEPP No 1 Objection Headings</i>	<i>Reviewers comments</i>
		<p><i>accept as being a reasonable compromise.</i></p> <p><i>The proposed additional site cover above 35% only exacerbates an already compromised situation. There is no justification for having additional site cover, as it leads to further reduced setbacks than would otherwise have been achievable.</i></p>
<i>e</i>	<i>The desirability of adequate landscape so that the built form does not dominate the landscape</i>	<i>It is desirable to have a balance between built form and landscape. The additional site cover does not assist in this regard.</i>
<i>f</i>	<i>How the principles of water cycle management can be applied to limit the impacts of runoff and stormwater flows off site</i>	<i>The change to the building footprint may improve water management in detailed design.</i>

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 reuse of water.

Comment:

These buildings potentially perform very well in terms of resource energy and water efficiency, due to their slender footprints, with many opportunities for natural ventilation and winter solar access to large parts of the buildings.

More than 70% (minimum recommended in the Residential Flat Design Code) of living rooms/balconies in the apartments will receive greater than 2 hours sunlight between 9am and 3 pm in mid-winter. There are no, south facing apartments.

More than 25% (minimum recommended in the Residential Flat Design Code) of all the kitchens are located on external walls.

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

The development has a deep soil landscaping area of more than 50%.

Principle 6: Landscape

Item 2

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:

The apartment layouts are excellent, with many having the long axis of living areas adjoining a long balcony. Wet areas are very efficiently planned and kitchens have good access to ventilation and sunlight. The proposal performs very well in terms of amenity, due to the use of 3 lifts, slender buildings, naturally lit and ventilated lift lobbies and the potential for controlling sunlight access to apartments in winter and summer. The development has high levels of occupant amenity.

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 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.

Comment:

The proposed buildings have well proportioned façades with a good balance between vertical and horizontal proportions. The larger scaled façade proportions in the western building are appropriate, as the building is set back at the end of the cul-de-sac, with substantial street space in front, in comparison with the smaller scaled building and smaller street space on the corner of Sturt Place and Mona Vale Road.

The use of zinc cladding in the lighter top floor will contribute to reducing the perceived bulk of the building. The extensive use of brickwork is welcomed, particularly as the large scale, approved adjoining DA has predominantly rendered and painted surfaces.

The aesthetics for the proposed development is acceptable.

2.0 Conclusion and recommendation

It is recommended that:

- *the front setback of 6m from Sturt Place be accepted*
- *the site coverage of 36.7% is reduced to 35% in compliance with LEP 194*
- *the wall, which is in part 4.63m from the south western boundary, is set back to 6m, or the potential privacy problem with the windows is addressed with screening or deletion*

The proposal is otherwise acceptable in terms of SEPP 65 design principles, and should be approved in terms of this SEPP 65 assessment."

Council's Urban Design Consultant has recommended amendments to improve the design of the proposed development in terms of an increased setback from the south-west (side) boundary and a reduction to the proposed building footprint.

The applicant has amended the proposal by increasing the setback from the south-west boundary from 4.6 metres to 5.1 metres. DCP 55 requires a side setback of 6.0 metres to side boundaries to encourage adequate separation between building on adjoining allotments. The increase side setback improves the building's performance with regard to the setback controls of DCP 55 and is supported in this instance due to the minor extent and relatively small distance of the breach. This

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amendment provides for adequate separation landscaping along the side boundaries of the development.

The non-compliance with regard to maximum 35% site coverage is considered in greater detail below under "Statutory Provisions". The proposed site coverage is acceptable, given the difficult site dimensions, the good level of landscaping proposed within the Mona Vale Road and side setback and having regard to its minor non-compliance.

The proposal achieves the design requirements of SEPP 65 and is acceptable with regard to the desired future character of the locality and having regard for the proposed site coverage, building setbacks, landscaping, bulk and scale, amenity and appearance.

Landscaping

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

Site

The almost level site fronts onto Mona Vale Road and Sturt Place. Existing mature trees provide landscape amenity to front setback and along side boundaries.

Deep soil landscaping

Numerical compliance 51.4%

Agree with areas included in calculations? Yes

Setbacks

Side/Rear

Building A Southwest 5.1m, Complies: No

Building B Southwest 6m, northwest 6m, Complies: Yes

Street:

Sturt Place (9m required), northeast/6m Complies: No

Mona Vale Road (10-12m required), southwest 10-12m, complies: Yes

Street setback to Sturt Place and southwest side setback to Building A do not comply with the setback requirements under DCP55. This will limit the ability to achieve the proposed landscaping, shown on the landscape plan. However conditions have been recommended to require improved planting to the Sturt Place boundary and within the road reserve. The proposal generally achieves the intent of LEP194 with regard to tall tree planting and landscaping.

Tree removal/impacts/tree replenishment

A tree report prepared by McKay Tree Management, dated 19 June 2006, has been submitted. Tree numbers refer to this report.

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Number of existing trees to be removed: 21 (3 additional street trees on Mona Vale Road to be removed).

Number of existing trees to be retained: 8 including one to be transplanted. Of these one tree to be retained is exempt under Council's Tree Preservation Order – Liquidambar styraciflua (Liquidambar)/Tree 18.

Trees to be retained

- *Harpephyllum caffrum (Kaffir Plum) Tree 12/ 11H,10S,700DBH – streetscape amenity to Mona Vale Road, good condition – excavation for gate, fence and path within critical root zone.*
- *Harpephyllum caffrum (Kaffir Plum) Tree 13/ 14H,12S,1200DBH– streetscape amenity to Mona Vale Road, good condition – excavation for front fence within critical root zone, excavation for drainage trench within primary root zone.*
- *Quercus palustris (Pin Oak) Tree 14/ 16H,10S,400DBH– minor streetscape amenity to Mona Vale Road due to proximity of Trees 12 and 13, fair condition, suppressed form due to adjacent trees – excavation for drainage trench within critical root zone, 5.5m to proposed building. Removal recommended.*
- *Liquidambar styraciflua (Liquidambar) Tree 18/11H, 9S, 450DBH, exempt under Council's Tree Preservation Order –streetscape amenity to Mona Vale Road, front fence within critical root zone. Removal recommended and replacement with endemic tall tree planting.*
- *Acmena smithii (Lilly Pilly)Tree 28/17H, 12S, 400 DBH, good specimen – no impacts.*
- *Liquidambar styraciflua (Liquidambar) Tree 30/18H, 17S, 900DBH, good specimen - excavation for drainage trench, pit and associated pipes within critical root zone. Proposed drying area located almost entirely within canopy spread of tree.*
- *A mature Phoenix canariensis (Canary Island Palm)/Tree 4 is proposed to be transplanted to the corner of Mona Vale Road and Sturt Place.*

Comment on vegetation removal

1. *Macadamia integrifolia (Macadamia) Tree 11/ 15H, south-west boundary, basal inclusion, poor condition - 1.5m from basement excavation. Removal supported.*
2. *Cupressus macrocarpa 'Brunniana' (Golden Cypress) Tree 15/ 17H, Mona Vale Road frontage, 1 sided crown suppressed by adjacent trees. Arborist report states tree is overmature, poor specimen. Removal supported.*
3. *No significant trees in the middle of the site to be removed for building*
4. *Street trees to be removed - Mona Vale Road*
5. *Alnus jorullensis Tree S1/ 8H. Removal supported*
6. *Harpephyllum caffrum (Kaffir Plum) Tree S3/ 6.5H. Removal supported*

Number of canopy trees to be planted 13 (10 required in total, 4 exg)

Landscape design

Common open space

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The principal common open space is located on the northern side of the development consisting of a pool and small area of lawn. An area is located at the western end of the site, located primarily within the canopy spread of a large Liquidamber/Tree 29. Solar access would be limited. A further area of communal open space is located within the frontage to Mona Vale Road.

Private outdoor space

The use of such a large proportion of the front setback as private open space, prevents the achievement of adequate and viable landscaping to ensure the built form does not dominate the landscape (LEP194, 25D (2)(b) and 25I (1)(e)). . Increased setback to be conditioned.

Screen planting

Proposed screen planting along the southwestern boundary include Syzigium paniculatum and Callistemon citrinus 'Endeavour'. Communal area along southwestern boundary to allow sufficient area for layered screen planting including medium shrubs, large shrubs, small trees and large trees. Screen planting to the northwestern boundary include Pittosporum revolutum to the communal open space. Existing Chamaecyparis obtusa 'Crippsii' (Golden Cripps Cypress)/Tree 32 and two proposed evergreen trees, Hymenosporum flavum (Native Frangipani), are proposed as screen planting to the building along this boundary. Their mature heights of less than 10 metres would be less than required. Removal of Tree 32 and replacement with a tall endemic tree planting is recommended. Screen planting to 2-3m to continue along the entire length of this boundary.

Trees to side setbacks

The trees located less than 2 metres from the building would not be viable plantings under the Tree Preservation Order. Increased setback to be conditioned. (Refer Condition Nos. 76, 88 & 89)

Other comments

Front fence

Existing masonry front fence to Mona Vale Road to be removed and replaced with 1.8m timber palisade fence setback 1.6m from front boundary with Pittosporum revolutum (Pittosporum) hedge planting in front.

Pool

A pool is located within the front setback of Sturt Place, 3 metres from street frontage. To preserve streetscape character increased setback to be conditioned. (Refer Condition No. 76).

The application is supported, subject to conditions. (Refer Conditions 56 to 70, 86 to 91, 100 to 105 and 122 to 124)."

Council's Landscape Development Officer supports the proposed development but raises concerns in relation to compliance with the setback requirements of DCP 55. Of primary concern is the location of the development within 6.0 metres of Sturt Place boundary and the location of the development within 5.1 metres of the south-west (side) boundary.

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The proposed development has been designed so that Building A is set behind substantial landscaping along the Mona Vale Road frontage, with Building B situated behind Building A, fronting the cul-de-sac portion of Sturt Place.

The resulting development does not meet the minimum setback requirements but would achieve the intention of LEP 194 and Parts 4.3 and 7.3 of DCP 55 in that substantial landscaping is provided along the Mona Vale Road frontage and adequate separation will be provided to new development within Sturt Place.

In order to improve the level of landscaping provided within the front setback to Sturt Place, conditions have been recommended to require courtyard walls to be set further back from the street boundary and additional landscaping to be undertaken in the front setback. (*Refer Condition Nos 76, 88 & 89*).

Subject to compliance with these conditions, the proposed development is satisfactory with regard to front setbacks and will be in keeping with the future character of St Ives envisaged by the Memorial Avenue Precinct Masterplan.

The proposal is therefore supported on landscape grounds.

Engineering

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

"Water management"

The site drains towards the eastern corner, where there is a street drainage pit.

The BASIX commitments are for 33m³ of rainwater storage, with re-use for irrigation and toilet flushing. For this site, detention storage of only 75% of 54m³ = 40m³ is required. Previously, it was proposed to provide some detention storage in a series of Stormtech units, but these have been deleted to increase the deep soil area.

The detention tank under the driveway, which is shown as 21m³, can be increased in size to accommodate all the detention storage required. I have discussed this with the designing engineer and he is happy for this to be conditioned.

Parking

The development includes 60 resident and 9 visitor parking spaces, which is more than required by the LEP. The basement carpark complies with AS2890.1:2004 in terms of dimensions, gradients and headroom. The traffic engineer has recommended mirrors at the ramps, and this is included in the recommended conditions.

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Traffic generation

The development is expected to generate 15-20 vehicle trips per peak hour, which is not likely to have a significant effect on flows in Mona Vale Road or the surrounding streets.

Waste collection

A waste collection area is shown in the basement carpark. The grade of the driveway at 20% is satisfactory for access by the small waste collection vehicle. The service vehicle turning bay is also a visitor parking space. If this space were occupied, it is considered that the vehicle could reverse around the bend in order to leave the site in a forward direction.

Although a roller shutter is shown on the plans, it will need to be deleted or other arrangements made with Council's Manager Waste Services.

Construction management

A detailed Construction and Traffic Management Plan will be required before commencement of works. RTA approval will be required if access directly off or within 20 metres of Mona Vale Road is proposed. The applicant may wish to apply for a Works Zone in Sturt Place.

Geotechnical appraisal

A report was prepared, based on the geotechnical engineer's experience at sites in Newhaven Place. The detailed subsurface investigation can be done following demolition and prior to commencement of excavation.

The site is expected to be underlain by variably weathered shale. Vibration effects are not expected to be an issue unless ironstone layers or sandstone are encountered during excavation.

Nevertheless, dilapidation reports for structures at 6 and 8 Sturt Place and 222 Mona Vale Road will be required prior to commencement of any works, including demolition.

The application is supported, subject to conditions. (Refer Conditions Nos 36 to 50, 77 to 85, 94 to 99 and 108 to 121)."

STATUTORY PROVISIONS

State Environmental Planning Policy No 55 - Remediation of Land

SEPP 55 requires Council to consider the development history of a site and its potential for containing contaminated material.

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The subject site has historically been used for residential purposes and is unlikely to be affected by contamination.

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 with the application in accordance with the requirements of the SEPP.

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:

The site is located in close proximity to the St Ives Town Centre and has been rezoned for residential flat development, as have adjoining properties to the immediate north, south and west. Development in the vicinity of the site is a mixture of detached residences, commercial and medium density residential development.

The street is dominated by existing Seniors Living developments on the opposite side of Mona Vale Road, the St Ives Shopping Village and Stanley Street to the south of the site. The area is also defined by Mona Vale Road and nearby Link Road which provides an established urban setting with a mixed scale of development.

The site is included as part of the St Ives Triangle or Memorial Avenue Precinct, identified as an area in which residential flat development is encouraged. The St Ives Triangle is defined by Mona Vale Road, Sturt Place, Killeaton Road and Memorial Avenue. It is envisaged that the majority of existing sites within the St Ives Triangle will be developed for residential flats in the near future.

The core objectives of LEP 194 and DCP 55 are to encourage residential flat development that is situated within a landscaped setting. The site is suitable for residential flat development, having regard for the existing site characteristics, the nature of adjoining development and the desired future character for land included in the St Ives Triangle. The size of the site and its ability to sustain new significant tree plantings will achieve this objective.

Principle 2: Scale:

The development meets the prescribed building envelope requirements of LEP 194, including building height, deep soil landscaping, site coverage and setbacks. Its scale is considered acceptable.

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Principle 3: Built form:

The proposed is satisfactory with regard to the setback and landscaping requirements contained within DCP 55. The development is well set back from the primary road frontage to Mona Vale Road and is well articulated along both the Mona Vale Road and Sturt Place frontages. The site will accommodate significant canopy trees and new landscaping within the site. The development is consistent with the desired local character and the future context of the locality.

Principle 4: Density:

The development complies with the development standards and controls relating to density. The proposal achieves a high level of residential amenity, with good solar access, cross ventilation and open space areas without adversely impacting on the visual amenity of the area. The density proposed is consistent with the Residential 2(d3) zoning.

Principle 5: Resource, energy and water efficiency:

More than 70% of the apartments achieve greater than 3 hours sunlight to living areas between 9am and 3pm in mid winter. There are no south-facing, single aspect apartments. Greater than 60% of apartments have natural cross ventilation. 85% of apartments are naturally ventilated, which is above the 60% recommended in the Residential Flat Design Code.

Principle 6: Landscape:

The proposed development results in a total deep soil area of 51.4% and complies with the prescribed standard in LEP 194.

The proposed landscaping is consistent with the desired future character of the area and maintains existing large canopy trees at the site perimeters which will soften the buildings and contribute to the streetscape.

Principle 7: Amenity:

The proposed units will have good solar access and visual and acoustic privacy. Terraces and balconies are functional and are generally easily accessible from living areas. Each individual unit has its own entry lobby and secure internal access to the basement car park by lift or stairs.

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.

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The proposal provides housing for a mixture of income levels, family structures and accessibility levels and is consistent with both SEPP 65 and DCP 55 in this regard.

Principle 10: Aesthetics:

The proposed built form is responsive to the site characteristics, is well articulated and is consistent with the desired character encouraged by DCP 55.

The façade facing Mona Vale Road is composed of a variety of horizontal and vertical elements and is articulated into three defined components, being a central core and two subordinate wings based around two entry foyers. The top floor is set in from the edge of both buildings and recedes in form and finish.

The choice of materials includes a combination of masonry, glass, timber and concrete. These are considered acceptable mediums and finishes creating a modern development in natural and recessive colour tones.

Residential Flat Design Code

Relating to the local context:

The building envelope, in terms of setbacks, is considered satisfactory having regard to the desired future character of the locality.

Site analysis:

An appropriate site analysis was submitted, indicating building edges, landscape response, access and parking and building performance. The site analysis included an assessment of the Memorial Avenue Precinct Master Plan, including setbacks from future residential flat development to the, north, south and west of the site and at the opposite corner to the entry to Sturt Place. The proposed setbacks to side and rear boundaries will enable significant boundary landscaping to be achieved, ensuring the future privacy of adjoining properties.

In terms of site configuration, the proposal provides acceptable locations for deep soil landscape areas, in compliance with Council's guidelines.

The siting and orientation of the development allows adequate solar access for the habitable areas and private open spaces for the development and adjoining properties.

The merits of the application with respect to stormwater management, access and privacy are considered below.

Building design:

As detailed in this report, the development provides suitable residential amenity for future occupants in compliance with SEPP 65 and DCP 55.

All other relevant matters relating to building design are considered elsewhere in this report.

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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.

Council's Development Engineer considers the proposed stormwater system as acceptable, (subject to conditions), and consistent with the provisions of SREP 20.

State Environmental Planning Policy - Building Sustainability Index (BASIX)

A BASIX Certificate has been submitted with the development application. The proposed development is therefore deemed to comply with the requirements of SEPP (BASIX).

Ku-ring-gai Planning Scheme Ordinance (KPSO)

COMPLIANCE TABLE		
Development standard	Proposed	Complies
Site area (min): 2400m ²	2912m ²	YES
Deep landscaping (min): 50%	51.4%	YES
Street frontage (min): 30m	48m	YES
Number of storeys (max): 5	5	YES
Site coverage (max): 35%	36.7% (49.5m ² non-compliance)	NO
Top floor area (max): 60% of level below	59.6%	YES
Storeys and ceiling height (max): 5 and 13.4m	Building A: 5 & 13.2m Building B: 5 & 13.3m	YES
Car parking spaces (min): 9 (visitors) 49 (residents) 58 (total)	9 spaces 60 spaces 69 spaces (including a total of 2 disabled spaces)	YES YES YES
Manageable housing (min): 10% or 6 units	12% (4 units)	YES
Lift access: required if greater than three storeys	Lift access provided	YES

Site coverage (cl.25I(6)):

Clause 25I(6) of the KPSO requires that residential flat buildings within Residential 2 (d3) zone must have a maximum site coverage of 35% of the site area.

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As indicated in the *Compliance Table*, the proposed development exceeds the maximum site cover requirement and results in a site coverage of 36.7% or some 49.5m² in excess of the maximum.

A SEPP 1 objection has been submitted addressing the proposed departure from the site coverage standard.

SEPP 1 objection -site coverage

SEPP 1 enables Council to vary a standard where strict compliance with that standard would be unnecessary, unreasonable or tend to hinder the objectives of the Environmental Planning & Assessment Act, 1979.

Where an applicant wishes to vary a development standard, the application must be accompanied by a well founded, written objection which demonstrates that compliance with the particular standard:

- a. is consistent with the objectives of the relevant development standard;
- b. strict compliance would hinder obtainment of the objectives of SEPP1 or the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act and
- c. is unreasonable or unnecessary in the circumstances of the case.

The proposal does not comply with the development standards prescribed in clause 25I(6) (Site coverage) of Ku-ring-gai Planning Scheme Ordinance which requires that:

(6) Maximum site coverage

Buildings of a kind described below are not to occupy a greater percentage of the site area than is specified below for the kind of buildings. If a site is comprised of land in Zone No 2 (d3) and other land, the other land is not to be included in calculating site area.

Residential flat buildings – 35%,

The applicant has sought a variation to the development standard on the following grounds:

- *The unusual shape of the Sturt Place cul-de-sac also means that there is a significant separation between this site and the sites to the north and west. Mona Vale Road also provides significant separation to the east. In this respect, an increase in site area would also achieve compliance with the site coverage requirement without any change to the building footprint.*
- *The proposed development will meet the requirements for deep soil landscaping. The KPSO requirement of 50% of the site area has been met so there are no consequences to varying the building footprint in terms of the ability to provide deep soil landscaping.*
- *Any reduction in the building footprint would not automatically convert to deep soil landscaping. It is more likely that any reduction in the building footprint would result in paved area rather than landscaping as it would be around the immediate perimeter of the building.*

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- *There are very few impacts on the neighbouring properties as a result of the development. The overall compliance with the floor space ratio requirement as well as the significant provision of landscaping between buildings will ensure that the minor variation to the footprint does not result in any impacts to neighbouring development.*
- *The building to building separation achieves the requirements of Council by ensuring setbacks and landscaping are achieved. As discussed above, changes to the building footprint are not likely to result in a development that achieves a better outcome for the neighbourhood in terms of the key issues listed in Clause 25I above.*
- *The unusual shape of the site and the large amount of road reserve around the development has resulted in a scheme with high levels of landscaping and building separation. Instead of being between various built forms, the development only shares two boundaries with other potential residential flat buildings.*
- *The Sturt Place frontage and the Mona Vale Road frontage provide significant space around the buildings and the site. This space also provides the opportunity for greater than normal landscaping as a buffer between developments.*

The KPSO has a suite of controls that seek to ensure a quality environmental outcome for the site. These controls include standards for deep soil landscaping, street frontages, number of storeys, site coverage, top storey limit and height limits.

In the circumstances of the case, strict compliance council's development standards for the site coverage controls under Clause 25I(6) of the KPSO 1971 is unreasonable and unnecessary. The SEPP 1 objection has demonstrated that the variation to the standard will not hinder the objectives of the Act nor will it undermine the objectives of the standards.

The development provides a high level of amenity, both in terms of the future occupants and in terms of reducing amenity impacts to neighbouring developments. This is in part evidenced by the schemes compliance with the remainder of the development standards in Clause 25I."

Accordingly the proposed development passes the strict test for a SEPP 1 Objection and warrants the support of Council."

When considering whether the SEPP 1 objection to the site coverage requirements of Clause 25I(6) is well founded, Council must have regard for the following matters:

1. *whether the control to be varied a development standard*

Clause 25I(6) of the KPSO details the maximum site coverage for residential flat development within the Residential 2(d3) zone. The requirements of this clause constitute a development standard within the meaning given in Section 4 of the Environmental Planning and Assessment Act.

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2. *what is the underlying object or purpose of the development standard*

There are no written objectives specifically provided for the development standard, however, the objectives of the purpose of the maximum site coverage control may be established from the aims and objectives provided for development contained within LEP 194.

The purpose of the development standard is to:

- i. Ensure that sufficient ground area is available for tall tree planting
- ii. 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,
- iii. Provide side setbacks that enable effective landscaping, tree planting between buildings, separation of buildings for privacy and views from the street to rear landscaping,
- iv. Provide built upon area controls to protect the tree canopy of Ku-ring-gai, and to ensure particularly the provision of viable deep soil landscaping in order to maintain and improve the tree canopy in a sustainable way, so that tree canopy will be in scale with the built form,
- v. Encourage water sensitive urban design,
- vi. Ensure sunlight access to neighbours and to provide sunlight access to occupants of the new buildings,
- vii. Encourage safety and security of private development by requiring a high standard of building design and landscape design,

Despite the proposal's non compliance with the maximum site coverage requirements of Clause 25I(6), the proposal retains sufficient areas of deep soil landscaping and adequate separation to achieve the intentions of the development standard.

The proposed departure from the development standard is minor in nature and does not result in a development which has an unreasonable level of site coverage given the difficult site characteristics and the proposal's compliance with Council's deep soil requirement.

The proposal achieves the purpose of the development standard.

3. *whether compliance with the development standard consistent with the aims of SEPP No. 1*

The aims and objectives of SEPP No. 1 are given as to:

“Provide flexibility in the application planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 5(a),(ft) and (ii) of the Act.”

The objectives contained within Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act (EP & A Act) 1979 state that the objects of the Act are:

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- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, [and]*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*

The proposal is consistent with the aims and objectives of SEPP 1 and the objectives of the EP & A Act 1979.

4. *whether compliance with the development standard is unreasonable and unnecessary in the circumstances of the case*

The proposed development complies with Council's deep soil landscaping requirements, will not generate an unreasonable level of overshadowing to adjoining properties, will achieve adequate separation between buildings, provide sufficient areas for new canopy tree plantings and is consistent with the form of development envisaged in the zone.

The non-compliance with the site coverage standard, equates to only a small area of approximately 49.5m². To require that the development fully comply with the site coverage provisions on this site, areas within the building such as internal circulation areas, living room dimensions and the like would have to be reduced, therefore reducing the level of amenity for future residents.

The proposed development results in a relatively minor breach to the site coverage control and under the circumstances, would not present an unreasonable level of site coverage, given the difficult site characteristics and the proposal's compliance with Council's deep soil requirement. Furthermore, the relationship between the development site and the adjoining properties to the north and south would not be compromised by the breach.

5. *whether the objection is well founded*

The SEPP 1 objection has demonstrated that the proposed breach to the site coverage control will not result in any detrimental impact. The arguments presented in the SEPP 1 objection are well founded, and compliance with the development standard is considered unnecessary and unreasonable in the circumstance. The proposed departure from the site coverage requirement is supported in this instance.

6. *conclusion*

The arguments presented in the SEPP 1 objection are well founded, and compliance with the development standard is considered unnecessary and unreasonable in the circumstance. The proposed departure from the site coverage requirement is supported in this instance.

Heritage /conservation areas (cl.61D - 61I):

The site is not located in a heritage conservation area and is not a heritage item.

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Residential zone objectives and impact on heritage:

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

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) <ul style="list-style-type: none"> 150m² per 1000m² of site area = 436.8m² 	Area 1 (front setback) = 480m ² Area 2 (north Building B) = 236.5m ² Total Consolidated Deep Soil Area = 716.5m ²	YES
No. of tall trees required (min): 10	13	YES
Part 4.2 Density:		
Building footprint (max): <ul style="list-style-type: none"> 35% of total site area 	36.7%	NO
Floor space ratio (max): <ul style="list-style-type: none"> 1.3:1 	1.21:1	YES
Part 4.3 Setbacks:		
Street boundary setback (min):		
Primary frontage: (Mona Vale Road). <ul style="list-style-type: none"> 10-12 metres (Mona Vale Road) <40% of the zone occupied by building footprint) 	12m (generally) 10m (min) <40% of the building footprint occupies the 10-12m front setback zone	YES YES NO
Secondary frontage: (Sturt Place). <ul style="list-style-type: none"> 9.0 metres (Permitted by Memorial Avenue Precinct Master Plan) 	Building A 6m (min) – North East boundary Building B 6m to 8.8m to Sturt Place	NO

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COMPLIANCE TABLE		
Development control	Proposed	Complies
Side/Rear boundary setback (min): <ul style="list-style-type: none"> 6m 	<p><i>Building A</i> South-west: 5.1m (min), 6m (generally)</p> <p><i>Building B</i> North: 6m South-west: 6m</p>	<p>NO</p> <p>YES YES</p>
Setback of ground floor courtyards to street boundary (min): <ul style="list-style-type: none"> 8m/11m 	<p><i>Building A</i> 10m (Mona Vale Road) 3m (Sturt Place)</p> <p><i>Building B</i> 4m (Sturt Place)</p>	<p>YES NO</p> <p>NO</p>
% of total area of front setback occupied by private courtyards (max): <ul style="list-style-type: none"> 15% 	<p><i>Building A</i> 6.3% (Mona Vale Road) 56% (Sturt Place)</p> <p><i>Building B</i> 39% (inc pool area)</p>	<p>YES NO</p> <p>NO</p>
Part 4.4 Built form and articulation:		
Façade articulation: <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>
Built form: <ul style="list-style-type: none"> Building width < 36m Balcony projection < 1.2m 	<p><i>Building A</i> 36m</p> <p><i>Building B</i> 31.5m</p> <p>up to 2.1m</p>	<p>YES</p> <p>YES</p> <p>NO</p>
Part 4.5 Residential amenity		
Solar access:		

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COMPLIANCE TABLE		
Development control	Proposed	Complies
<ul style="list-style-type: none"> >70% of units receive 3+ hours direct sunlight in winter solstice 	100%	YES
<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 	>50%	YES
<ul style="list-style-type: none"> <15% of the total units are single aspect with a western orientation 	<15%	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 	12.5m 9.5m >6m 8.2m >13m >9m	YES YES YES NO 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 2.4m >3m >3m	YES YES YES YES

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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 (max) >1.5m >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 >10m ² >12m ² >15m ² >2.4m	YES YES YES YES
Part 4.7 Social dimensions:		
Visitable units (min): <ul style="list-style-type: none"> 70% 	100%	YES
Housing mix: <ul style="list-style-type: none"> Mix of sizes and types 	Mix of 1, 2 & 3 bedroom units	YES
Part 5 Parking and vehicular access:		
Car parking (min): <ul style="list-style-type: none"> 49 resident spaces 9 visitor spaces 58 total spaces 	60spaces 9 spaces 69 spaces (including a total of 2 disabled spaces)	YES YES YES

Part 2: Elements of good design

The proposal utilises high quality finishes and building materials and provides for a variety of front, side and rear setbacks in order to achieve good articulation and interest to the streetscape and adjoining properties. Significant landscaping elements forward of the building are provided to Mona Vale Road which will ensure that the development is consistent with the building setback objectives in DCP 55. The design is consistent with the elements of good design.

Part 3 Local context:

The proposed development is satisfactory with regard to the planning controls contained in LEP 194 and the design guidelines in DCP 55. The proposal departs from the Memorial Avenue Precinct Master Plan, however, the development is well set back from the primary street frontage to Mona Vale Road, will maintain a high quality appearance to Sturt Place and will encourage the

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establishment of significant canopy trees and new landscaping within the site. The development achieves the design principles of SEPP 65 and DCP 55 and is consistent with the desired local character and the future context of the locality.

Part 4.1 Landscape design:

The proposal complies with the deep soil landscaping requirement of LEP 194 and is generally satisfactory with regard to the landscape design guidelines of DCP 55. The proposal will reinforce the landscape character of the area and allow adequate area for canopy tree planting forward of the buildings, to both street frontages.

In order to ensure that courtyard fencing to Sturt Place contributes to an open landscape character and, a condition has been recommended to require the courtyard fences to Units Nos. 1 and 2 and the proposed pool enclosure to be set back a minimum of 4.0 metres from the Sturt Place boundary. (*Refer Condition No. 76*)

The proposal is satisfactory with regard to the landscape design guidelines of DCP 55.

Part 4.3 Setbacks and Part 7.3 Memorial Avenue Precinct Masterplan:

The proposed development complies with the minimum required setback from Mona Vale Road. The proposed development does not comply with the required setback to Sturt Place.

The objectives of the setback control is to encourage new residential flat development that is set behind substantial landscaping, is well separated from adjoining development and is of a scale and form that is suitable in the locality and does not dominate the surrounding area.

The proposed development has been designed so that Building A is set behind substantial landscaping along the Mona Vale Road frontage, with Building B situated behind Building A, fronting the cul-de-sac portion of Sturt Place.

The resulting development does not meet the minimum setback requirements but would achieve the intention of Part 4.3. and Part 7.3 of DCP 55 in that substantial landscaping is provided along the Mona Vale Road frontage and adequate separation will be provided to new development within Sturt Place.

It is a consequence of the irregular nature of the site, that the proposed development does not achieve the minimum 9.0 metres setback to the Sturt Place frontage. However, on balance, the scale of development envisaged by the Residential 2(d3) zoning is achieved and the presentation of the development to both Mona Vale Road and Sturt Place will be satisfactory.

In order to improve the level of landscaping provided within the front setback to Sturt Place, conditions have been recommended to require courtyard walls to be set further back from the street boundary and additional landscaping to be under taken in the front setback. (*Refer Condition Nos 76, 88 & 89*).

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Subject to compliance with these conditions, the proposed development is satisfactory with regard to front setbacks and will be in keeping with the future character of St Ives envisaged by the Memorial Avenue Precinct Masterplan.

Side setbacks

DCP 55 requires a minimum side and rear setback of 6 metres, including basement levels. The intention of the side and rear setback controls is to encourage effective landscaping and tree planting between buildings and adjoining sites as well as adequate distance between buildings.

Building A encroaches into the south-eastern side setback by some 0.9m. Building A is setback 5.1 metres from the common boundary with the adjoining property at 222 Mona Vale Road for a distance of 8.0 metres at Levels 1, 2 & 3, the balance of the building complies with the minimum required 6m setback. The area of the breach is located behind front elevation behind existing trees in the front setback. Additional tall tree planting is proposed forward of the building to soften the appearance of the development.

The proposed basement levels comply with the setback requirement, and does not affect basement levels, which comply.

The departure from the side setback requirement is supported in this instance, due to the minor departure from Council's requirement (900mm) due to the ability to retain existing canopy trees and the proposal to install new canopy trees forward of the development.

Part 4.4 Built form and articulation:

Part 4.4 contains design guidelines that are designed to prevent buildings from impacting on the public domain and dominating the streetscape and to control separation and landscaping between buildings.

The intention of Part 4.4 is to encourage buildings which do not dominate the street and to encourage a predominance of landscape features. The proposed building is well articulated, achieves compliant setbacks from the street and is satisfactory with regard to side boundary setbacks. The development also maintains significant areas of deep soil landscaping forward of Building A and to the north of Building B. These areas are suitable for tall canopy tree plantings and will provide a landscape buffer between the development and adjoining properties.

The proposed development complies with the maximum building width stipulated by DCP 55 and provides well articulated façades both to Mona Vale Road and to Sturt Place that will contribute to the desired future character of the area. The proposal is consistent with the form of development envisaged by the DCP controls and the Memorial Avenue Precinct Master Plan.

The proposal is acceptable in relation to built form and articulation.

Part 4.5 Residential amenity:

The building layout, orientation and provision of outdoor space and landscaping should ensure acceptable internal and external amenity for occupants.

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DCP 55 contains requirements relating to availability of space, storage, solar access, natural solar ventilation, visual and acoustic privacy and outdoor living.

A review of the compliance of the development with these controls is provided in the Compliance Table above. The development achieves compliance with the applicable controls. The proposal provides good residential amenity for future occupants in terms of solar access, private open space, room dimensions and building separation.

Part 4.6 Safety and security:

Apartments adjacent to public streets are required to have at least one window or a habitable room with an outlook to that area. Entries and common open space should be visible from public areas or apartments and lighting should be provided to increase visibility.

The proposal provides windows and balcony areas that overlook the street and external access areas. Pathways leading to the main access are clearly visible and identifiable. These areas are viewed from ground floor units and courtyards, providing acceptable passive surveillance. The development does not provide entrapment areas and is consistent with Part 4.6 of DCP 55.

Part 4.7 Social dimensions:

As indicated in the *Compliance Tables* above, the proposal provides 12% 'manageable' units in accordance with LEP 194 Clause 25N and 100% 'visitable' units, internal paths of travel and visitor and resident parking spaces in accordance with DCP55 Clause 4.7 C-3.

The development provides a flexible mix of housing types and a suitable variety of unit sizes to meet market demand for a range of medium density accommodation.

Part 5 Parking and vehicular access:

Car parking and vehicular access is in accordance with DCP 55 and DCP 43.

Clearly defined and separate pedestrian access routes are provided throughout the development, reducing the potential for pedestrian or vehicular conflict.

Part 7 Nominated areas:

7.3 Memorial Avenue Precinct, St Ives

The proposed development departs from the Memorial Avenue Precinct Master Plan, as contained within Part 7 of DCP 55.

In its original form, the Memorial Avenue Master Plan envisaged the construction of an east-west link road from Sturt Place through to Memorial Avenue. However, the link road was not implemented. This affects a large number of properties in the northern portion of the precinct including the subject site. Despite this, the master plan remains a consideration for new

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development in the precinct by virtue of its inclusion in Part 7 of DCP 55 and by virtue of the requirements of SEPP 65 that Council consider the "desired future character" of an area.

The proposed development departs from the master plan in terms the required setback to Sturt Place. The master plan envisages that development on this part of the site would have a minimum setback of 9.0 metres. The proposed development is set back a minimum of 6.0 metres from the Sturt Place frontage with substantial area of landscaping to be provided along the Mona Vale Road frontage.

The proposed development does not achieve the minimum 9.0 metres setback along the north-east boundary to Sturt Place, however, it is consistent with , the scale of development envisaged by the Residential 2(d3) zoning. The presentation of the development to both Mona Vale Road and Sturt Place will be satisfactory.

The proposed development is satisfactory with regard to the planning controls contained within LEP 194 and to the design guidelines contained within DCP 55. The development does not unreasonably impact upon the development potential of adjoining sites or the desired future character of the area. This is consistent with the objectives of the zone and the intentions of the master plan.

Development Control Plan 31 - Access

Matters for assessment under DCP 31 have been taken into account in the assessment of this application and the proposal is satisfactory.

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 and the proposal is satisfactory.

Development Control Plan No 43 - Car Parking

Matters for assessment under DCP 43 have been taken into account in the assessment of this application and the proposal is satisfactory.

Development Control Plan 47 - Water Management

Matters for assessment under DCP 47 have been taken into account and the proposal is satisfactory.

Section 94 Plan

The development attracts a section 94 contribution of \$599,387.19 which is required to be paid by **Condition No 75.**

LIKELY IMPACTS

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

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SUITABILITY OF THE SITE

The site is suitable for the proposed development.

ANY SUBMISSIONS

The submission received has been considered in the assessment of this application.

PUBLIC INTEREST

The proposal is considered to be in the public interest.

ANY OTHER RELEVANT CONSIDERATION

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.

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 962/06 for demolition 2 dwelling houses and construction of a residential flat building comprising 33 units, basement car parking for 69 vehicles, swimming pool and associated landscaping and drainage at 2-4 Sturt Place, St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

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

Dwg No	Issue	Description	Author	Dated	Lodged
A2.12	DA2	Basement Level 1 Plan	Hill Thallis Pty Ltd	23 Jan 2007	23 Jan 2007
A2.11.2	DA2	Basement Level 2 Plan	Hill Thallis Pty Ltd	23 Jan 2007	23 Jan 2007
A2.11.1	DA2	Basement Level 3 Plan	Hill Thallis Pty Ltd	23 Jan 2007	23 Jan 2007
A2.13	DA1	Site Plan/Ground Floor Plan	Hill Thallis Pty Ltd	23 Nov 2006	23 Jan 2007
A2.14	DA1	Plan Level 1	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006
A2.15	DA1	Plan Level 2	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006
A2.16	DA1	Plan Level 3	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006
A2.17	DA1	Top floor plan	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006
A2.18	DA1	Elevations NW and SE	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006

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A2.19	DA1	Elevations NE and SW	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006
A2.20	DA1	Elevations NW of SE Building	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006
A2.21	DA1	Section NW Building	Hill Thallis Pty Ltd	23 Nov 2006	23 Nov 2006
A2.22	DA2	Section 1 SE Building	Hill Thallis Pty Ltd	23 Jan 2007	23 Jan 2007
A2.23	DA2	Section 2 SE Building	Hill Thallis Pty Ltd	23 Jan 2007	23 Jan 2007
0619-01	B	Landscape plan	Guy Sturt & Associates	23 Nov 2006	23 Nov 2006
0619-02	B	Landscape plan	Guy Sturt & Associates	23 Nov 2006	23 Nov 2006

2. 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.
3. 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.
4. To avoid the proliferation of plant equipment that is visible to the street, individual air conditioning units shall not be installed on any unit balcony or on the roof of any residential flat building. All air conditioning condenser equipment shall be contained within the basement levels of the building and all ducting contained wholly within the building.
5. All building works shall comply with the Building Code of Australia.
6. 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.
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. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
9. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal

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

10. For safety purposes, depth markers shall be provided at both ends of the pool.
11. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
12. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
13. The existing swimming pools shall be made safe during all demolition work by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
14. 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.
15. 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.
16. **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.

17. 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.
18. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

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19. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
20. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
21. 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.

22. 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.
23. The fence and footings shall be constructed entirely within the boundaries of the property.
24. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
25. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
26. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
27. 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.
28. 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

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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.

29. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
30. 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.
31. 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.
32. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
33. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
34. 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.
35. 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.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- 36. 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.
- 37. 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 the BASIX commitments.
- 38. 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.
- 39. 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.
- 40. 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.
- 41. 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

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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.

42. 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.
43. 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 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.
44. 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.**
45. 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.
46. 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".
47. 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

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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.

48. 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 which would prevent this service.
49. 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 prior to bulk excavation works 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.
50. It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states “A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage.”

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

51. 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.
52. 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.

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53. 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.
54. 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.
55. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
56. Removal or pruning of the following trees is not approved as part of this Development Application. A tree report prepared by Earthscape Horticultural Services, dated April 2006, has been submitted. Tree numbers refer to this report.

Tree/Location

Stenocarpus sinuatus (Firewheel Tree) Tree 7
Harpephyllum caffrum (Kaffir Plum) Tree 12
Harpephyllum caffrum (Kaffir Plum) Tree 13
Metasequoia glyptostroboides (Dawn Redwood) Tree 25
Quercus palustris (Pin Oak) Tree 27
Acmena smithii (Lilly Pilly) Tree 28
Liquidambar styraciflua (Liquidambar) Tree 30
Camellia japonica (Japanese Camellia) Tree 31

57. 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

<i>Magnolia grandiflora</i> (Bull-bay Magnolia) Tree 1	Removal
<i>Cupressus glabra</i> (Arizona Cypress) Tree 2	Removal
<i>Fraxinus excelsior</i> 'Aurea' (Golden Ash) Tree 3	Removal
<i>Cupressus sempervirens</i> 'Stricta' (Slender Italian Cypress) Tree 5	Removal
<i>Cupressus sempervirens</i> 'Stricta' (Slender Italian Cypress) Tree 6	Removal
<i>Camellia japonica</i> (Japanese Camellia) Tree 8	Removal
<i>Syzygium australe</i> (Scrub Cherry) Tree 10	Removal
<i>Macadamia integrifolia</i> (Macadamia) Tree 11	Removal
<i>Quercus palustris</i> (Pin Oak) Tree 14	Removal
<i>Cupressus macrocarpa</i> (Monterey Cypress) Tree 15	Removal
<i>Franklinia axillaris</i> (Gordonia) Tree 16	Removal
<i>Ulmus glabra</i> 'Lutescens' (Golden Elm) Tree 17	Removal
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 18	Removal
<i>Thuja sp.</i> (Arborvitae) Tree 19	Removal
<i>Melaleuca revolutum</i> (Paperbark) Tree 20	Removal
<i>Syagrus romanzoffiana</i> (Cocus Palms) Tree 21	Removal
<i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Cripps Cypress) Tree 22	Removal

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<i>Cupressus torulosa</i> (Bhutan Cypress) Tree 23	Removal
<i>Chamaecyparis lawsonia</i> (Lawson's Cypress) Tree 26	Removal
<i>Franklinia axillaris</i> (Gordonia) Tree 29	Removal
<i>Chamaecyparis obtusa</i> 'Crippsii' (Golden Cripps Cypress) Tree 32	Removal

58. 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 trees located on site being retained

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

59. Canopy pruning of the following tree/s which may be necessary to accommodate the approved building footprint shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All other branches are to be tied back and protected during construction as recommended in the arborist report, under the supervision of a qualified arborist.

Tree/Location

Liquidambar styraciflua (Liquidambar) Tree 30

60. Removal/pruning of the following tree/s from Council's nature strip 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

Chamaecyparis obtusa 'Crippsii' (Golden Cripps Cypress) Tree 22 / 3 trees Removal

61. Root pruning of the following tree/s which may be necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location

Stenocarpus sinuatus (Firewheel Tree) Tree 7
Harpephyllum caffrum (Kaffir Plum) Tree 12
Harpephyllum caffrum (Kaffir Plum) Tree 13
Metasequoia glyptostroboides (Dawn Redwood) Tree 25
Quercus palustris (Pin Oak) Tree 27
Acmena smithii (Lilly Pilly) Tree 28
Liquidambar styraciflua (Liquidambar) Tree 30
Camellia japonica (Japanese Camellia) Tree 31

Tree Works

Root pruning
Root pruning
Root pruning
Root pruning
Root pruning
Root pruning
Root pruning
Root pruning

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62. 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

63. 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
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 7	3m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 12	5m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 13	6m
<i>Metasequoia glyptostroboides</i> (Dawn Redwood) Tree 25	5m
<i>Quercus palustris</i> (Pin Oak) Tree 27	7m
<i>Acmena smithii</i> (Lilly Pilly) Tree 28	6m
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 30	8m
<i>Camellia japonica</i> (Japanese Camellia) Tree 31	3m

64. 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
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 7	3m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 12	5m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 13	6m
<i>Metasequoia glyptostroboides</i> (Dawn Redwood) Tree 25	5m
<i>Quercus palustris</i> (Pin Oak) Tree 27	7m
<i>Acmena smithii</i> (Lilly Pilly) Tree 28	6m
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 30	8m
<i>Camellia japonica</i> (Japanese Camellia) Tree 31	3m

65. 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.

66. 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
<i>Phoenix canariensis</i> (Canary Island Palm)/Tree 4	Refer Landscape Plan

67. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Sturt Place as an evenly spaced avenue planting. Approximate position to front of Unit 1, Unit 2 and western façade of Unit 15/carpark entry The tree/s used shall be a minimum 25 litre container size specimen/s trees:

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Tree Species	Quantity
<i>Camellia sasanqua</i> (Chinese Camellia)	3

68. Following removal of *Alnus jorullensis* Tree S1 and *Harpephyllum caffrum* (Kaffir Plum) Tree S3, from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council at no cost to Council.
69. 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.
70. 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.

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

71. 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.
72. 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).
73. 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

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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.

74. 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.
75. 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 THIRTY-ONE (31) ADDITIONAL DWELLINGS IS CURRENTLY \$599,387.19. 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 - St Ives	\$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

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SEPP (Seniors Living) Dwelling 1.3 persons

76. To ensure that courtyard fencing does not dominate Sturt Place, the proposed courtyard fences to Units Nos 1 and 2 and the proposed pool enclosure shall be set back a minimum of 4.0 metres from the Sturt Place boundary. Details of the courtyard fencing in accordance with this condition shall be provided to the Principle Certifying Authority's satisfaction prior to the release of the Construction Certificate.
77. 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.
78. 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.

79. The Applicant proposes to carry out the following infrastructure works in the Public Road:
 - a. construct a new concrete footpath for the Sturt Place 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 and/ or the Roads and Traffic Authority has issued a formal written consent under the *Roads Act 1993*.

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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.

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.

80. 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:
 - 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".
 - Mirrors are shown at the top of each ramp.
 - 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 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.

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81. 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.
82. 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). **To achieve the required volume, the tank under the entry drive may need to be enlarged.**
 - 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 Hyder Consulting, Issue B, submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

83. Prior to issue of the Construction Certificate the submitted stormwater concept plan by Hyder Consulting, Issue B must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address the following issues:

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- **The stormwater pit adjacent to Tree 30 is to be deleted and all pits and pipes are to be located at least 5 metres from Tree 30.**
- **To allow for screen planting, pits and pipes along the boundary with 6 Sturt Place are to be at least 1.5 metres from the boundary.**

84. 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.
85. 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.
86. The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

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

87. Paving works within the specified radius of the trunk/s of the following tree/s shall be of type and construction to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be prepared by a suitably qualified professional and submitted to and approved by the Principal Certifying Authority prior to the release of the Construction Certificate:

Tree/Location	Radius From Trunk
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 7	3m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 12	5m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 13	6m
<i>Metasequoia glyptostroboides</i> (Dawn Redwood) Tree 25	5m
<i>Quercus palustris</i> (Pin Oak) Tree 27	7m
<i>Acmena smithii</i> (Lilly Pilly) Tree 28	6m
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 30	8m
<i>Camellia japonica</i> (Japanese Camellia) Tree 31	3m

88. An amended plan of the proposed landscape works consistent with the landscape plan CD-0619/01 Rev B dated 23/11/06 and CD -0619/02 Rev B dated 21/11/06 prepared by Guy Sturt and Associates, subject to the following amendments as specified and shall be submitted

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to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out and installed in accordance with the approved landscape plan/s.

The following amendments to the plan must be undertaken:

- > Existing levels are to be retained beneath the canopy drip lines of all trees to be retained on site and adjoining properties. Particular attention is given to Trees 29.
- > Proposed planting of *Angophora costata* within front setback of Units 14 and 15 are not viable at 4m from the building. Proposed canopy planting to front setback of Sturt Place to be substituted with *Jacaranda mimosifolia* (Jacaranda). Trees to be located in approximate positions as follows, two in front of Units 14 and 15, same locations as proposed tree planting to front setback to building at southern end of Sturt Place and an additional tree is to be located within the front setback in front of Unit 2.
- > Proposed planting of *Angophora floribunda* within side setback of Units 1 is not viable at 1.6m from the building. Proposed planting of *Ceratopetalum apetalum* (Coachwood) within side setback of Units 2 is not viable at 2.4m from the building. Both trees are to be planted minimum 5 metres from building within 3m wide communal planting area.
- > Proposed street tree planting of *Angophora costata* is to be deleted.
- > To preserve the streetscape character and intent of deep soil planting area to front setback, the proposed ramp to west of basement stairs to Unit 2, to be deleted.
- > One additional endemic canopy tree, capable of attaining a minimum height of 13m are to be planted with a minimum setback to buildings of 5m, to replace Tree 32.
- > One additional tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted with a minimum setback to buildings of 5m, to south eastern corner of Unit 11 along southern site boundary.
- > Proposed planting of two *Hymenosporum flavum* (Native Frangipani) to northwestern corner of site, to be substituted with one tall endemic canopy trees capable of attaining a minimum height of 13m are to be planted with a minimum setback to buildings of 5m.

89. To maximise landscape amenity for the site, the following private courtyards are to be amended to ensure that proposed screen planting and tree replenishment is within the ownership of the body corporate. The amended plans must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The private courtyards are to be reduced in size as detailed by the following;

- > The courtyard for Units 2 within the side setback are to not encroach closer than 4m to the northern site boundary.
- > The courtyard for Units 1, 2 and 11 within the side setback are to not encroach closer than 4m to the south western site boundary.
- > The courtyard for Units 1 and 2 within the front setback are to not encroach closer than 4m to the northern front boundary to Sturt Place, an additional 1.4m from Sturt Place boundary.
- > The courtyard for Unit 14 within the front setback is to not encroach closer than 4m to the northern front boundary to Sturt Place.

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- > The southern courtyard to Unit 2 to finish in line with north-western bedroom wall of building. The northern courtyard fence to return flush to northwestern corner of basement carpark exit stairs.

90. A CASH BOND/BANK GUARANTEE of \$10,000 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.

91. A CASH BOND/BANK GUARANTEE of \$10,000 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 (\$)
<i>Acmena smithii</i> (Lilly Pilly) Tree 28	\$5000
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 30	\$5000

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

92. 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.
93. In order to ensure the development does not detract from the appearance of adjoining buildings and surrounding areas, a schedule of colours and finishes for all external works shall be submitted to the Principal Certifying Authority and approved in writing prior to the release of the Construction Certificate. All external materials, finishes and colours shall be consistent with the schedule of colours and finishes submitted with the development application. All external surfaces shall be finished to the final satisfaction of the Principal Certifying Authority.

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94. Following demolition but prior to the commencement of bulk excavation works on site, the applicant is to submit the results of a detailed geotechnical investigation comprising a minimum of three cored boreholes to at least 1 metre below proposed basement level. The report is to address such matters as:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Dilapidation survey.
- Support and retention of excavated faces,
- Hydrogeological considerations,

The recommendations of the report are to be implemented during the course of the works. The report is to be submitted to the Principal Certifying Authority and approved prior to the commencement of bulk excavation works.

95. Prior to the commencement of any 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 the residences at 6 and 8 Sturt Place and 222 Mona Vale Road.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that professional based on the excavations for the proposal and the recommendations of the submitted geotechnical report.

Where the consulting geotechnical engineer is of the opinion that no dilapidation reports on adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. Upon submitting a copy of the dilapidation report to Council (or certification that no report is required), 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.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

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

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.

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.

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 unless otherwise approved.
- 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 2

The *Construction 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.

97. 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.
98. 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 Mona Vale Road northbound for the frontage of the site.
 - Full width, including kerb and gutter and footway area, of Sturt Place;
 - All driveway crossings 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.

99. 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:

Item 2

- 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.

100. 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
<i>Stenocarpus sinuatus</i> (Firewheel Tree) Tree 7	3m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 12	5m
<i>Harpephyllum caffrum</i> (Kaffir Plum) Tree 13	6m
<i>Metasequoia glyptostroboides</i> (Dawn Redwood) Tree 25	5m
<i>Acmena smithii</i> (Lilly Pilly) Tree 28	6m
<i>Camellia japonica</i> (Japanese Camellia) Tree 31	3m

101. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding the proposed driveway, 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
<i>Liquidambar styraciflua</i> (Liquidambar) Tree 30	8m
<i>Camellia japonica</i> (Japanese Camellia) Tree 31	3m

Item 2

102. 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.
103. 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.
104. 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.
105. Upon completion of the installation of the required tree protection measures, the consent holder is 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

106. 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 Regulations.
107. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.
108. Prior to issue of an Occupation 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 6 and 8 Sturt Place and 222 Mona Vale Road. The report must be completed by a consulting structural/geotechnical engineer. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.

Item 2

109. 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 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.

110. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 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.
111. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88B or 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

Item 2

restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

112. 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.

113. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
114. 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 mirrors are provided where necessary.
- 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:
 1. Australian Standard 2890.1 - "Off-street car parking",
 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.

115. 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:

Item 2

- 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 BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- That retained water is connected and available for uses including toilet flushing and garden 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.

116. 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.

Item 2

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.

117. 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.
118. Prior to issue of the Occupation Certificate a suitably qualified and experienced 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.
119. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the report submitted prior to excavation, 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.
120. Prior to issue of an Occupation 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.
121. 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:
 - Half road pavement width, including kerb and gutter, of Mona Vale Road northbound for the frontage of the site.
 - Sturt Place full width including driveways and laybacks opposite the 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.

122. 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 is required as specified. Documentary evidence of compliance with this

Item 2

condition shall be submitted to the Principal Certifying Authority prior to issue of the Occupation Certificate.

123. 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.
124. 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.
125. 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.
126. 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.

D Hoy
Executive Assessment Officer

R Eveleigh
Acting Team Leader
Development Assessment - Central

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:

- 1. Locality map 743526**
- 2. Zoning extract - 743526**
- 3. Elevations & sections – 743538, 743540**
- 4. Roof plan - 743543**
- 5. Shadow diagrams – 743543**
- 6. Basement floor plans - 743537**

Confidential Site plan, ground floor plans and landscape plan

LOCATION SKETCH

2-4 STURT PL ST IVES

DEVELOPMENT APPLICATION No 0962/06



Scale : 1:2500

05-03-2007

- | | | | |
|--|--------------|--|-----------------|
| | AGREEMENT | | PETITION |
| | OBJECTION | | SUBMISSION |
| | SUBJECT LAND | | CIRCULATED AREA |

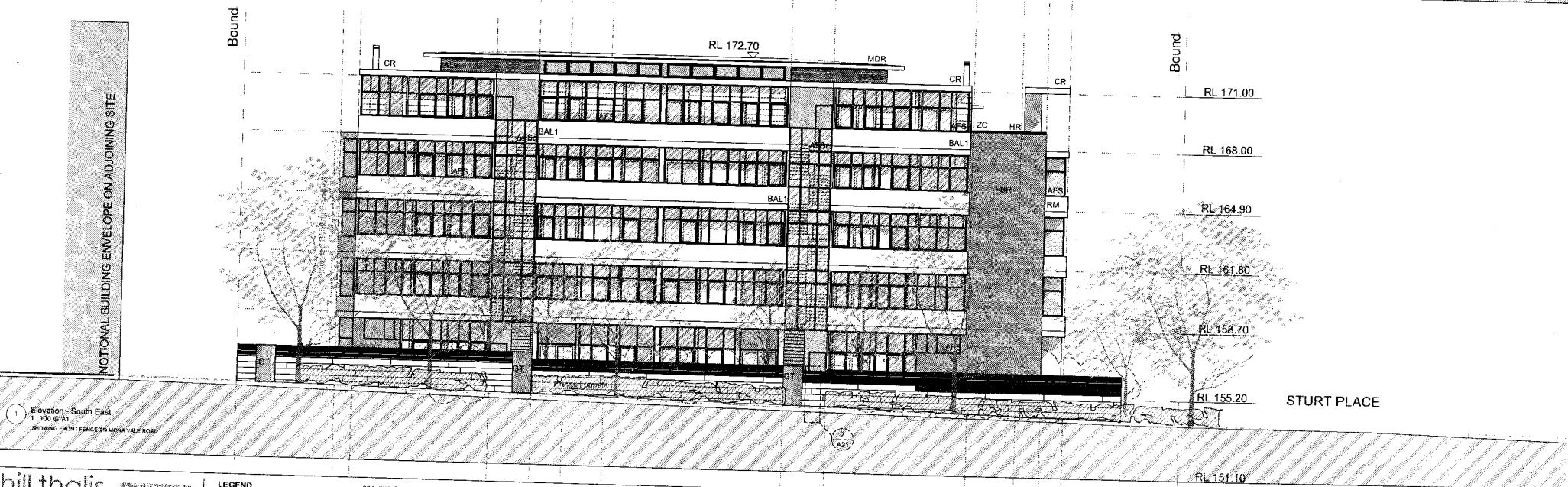


Zoning Extract

2-4 STURT PLACE ST IVES DA 0962/06

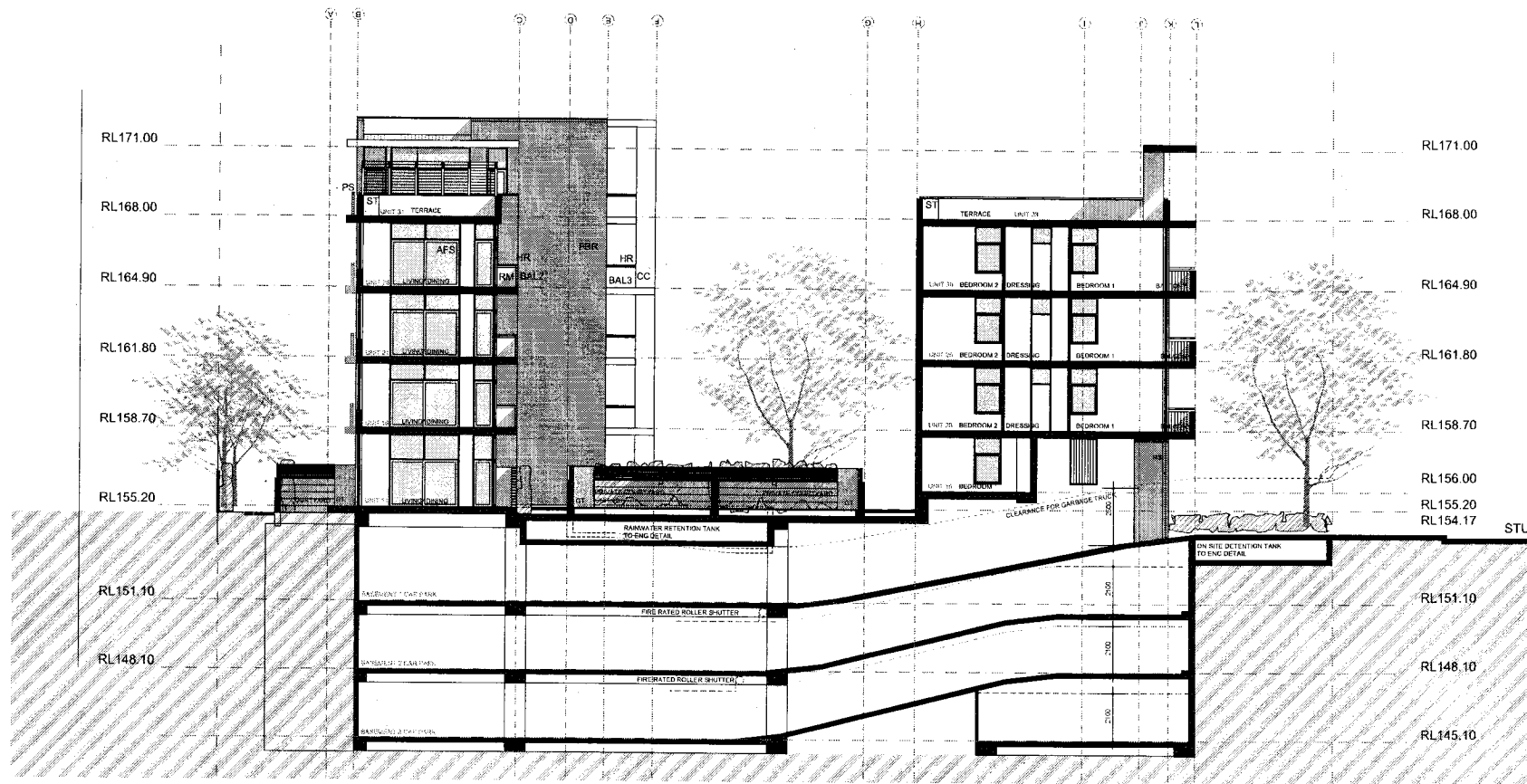


ZONES			RESERVATIONS		GENERAL
2. RESIDENTIAL			OPEN SPACE		EXISTING COUNTY ROAD OTHER PLANNING INSTRUMENTS
(a) RESIDENTIAL A			(a) OPEN SPACE (Public Parks & Recreation)		
(b) RESIDENTIAL B	2(b)		(b) COUNTY OPEN SPACE		
(c) RESIDENTIAL C	2(c)		SPECIAL USES		
(c1) RESIDENTIAL C1	2(c1)		SPECIAL USES (Parking etc)		
(c2) RESIDENTIAL C2	2(c2)		ROADS		
(d) RESIDENTIAL D	2(d)		(a) COUNTY ROAD PROPOSED		
(d3) RESIDENTIAL D3	2(d3)		(b) COUNTY ROAD WIDENING		
(e) RESIDENTIAL E	2(e)		(c) LOCAL ROAD PROPOSED		
(f) RESIDENTIAL F	2(f)		(d) LOCAL ROAD WIDENING		
(g) RESIDENTIAL G	2(g)				
(h) RESIDENTIAL H	2(h)				
3. BUSINESS			5. SPECIAL USES		
(a) RETAIL SERVICES		3(a)	(a) SPECIAL USES A (Schools etc)	SCHOOL	
FLOOR SPACE RATIOS			(a1) SPECIAL USES A1	5(a1)	
A1 2.0:1		3(a)-A1	(b) SPECIAL USES (Railway)		
A2 1.0:1		3(a)-A2	6. OPEN SPACE		
A3 0.75:1		3(a)-A3	(a) RECREATION EXISTING		
(b) COMMERCIAL SERVICES			(b) RECREATION PRIVATE		
		3(b)	(c) RECREATION PROPOSED		
FLOOR SPACE RATIOS					
B1 1.0:1		3(b)-B1			
B2 1.0:1		3(b)-B2			









1 Section
1:100 @ A1

hill thalis
ARCHITECTS

LEVELS AS SHOWN ARE TO FINISH
DIMENSIONS TO FACE UNLESS NOTED
STAIRS TO BE IN ACCORDANCE WITH
STAIRS TO BE IN ACCORDANCE WITH
STAIRS TO BE IN ACCORDANCE WITH

LEGEND

AFS ALUMINIUM FRAMED DOOR/WINDOW SYSTEM
AFS ALUMINIUM FRAMED GLAZED SCREEN
ALV ALUMINIUM LOUVER
BAL1 BALUSTRADE TYPE 1
BAL2 BALUSTRADE TYPE 2
BAL3 BALUSTRADE TYPE 3
BAL4 BALUSTRADE TYPE 4
BDV BOUNDARY FROM SURVEY
CC CONCRETE COLUMN - TO ENGINEER'S DETAIL
CL CLOTHES LINE

COP CURBOARD
COT COPS
CR CONCRETE ROOF - TO ENGINEER'S DETAIL
CT CERAMIC TILE
ESC ELECTRICAL SERVICES CUPBOARD
FBS FACE BRICKWORK
FGD FLOORING
FHR FIRE HOSE REEL
GT GATE
HNS HANDSAL TO BCA REQUIREMENTS
LA LANDSCAPED AREA - TO LANDSCAPE ARCHITECT'S DETAIL
MOR METAL DECK ROOF - INSULATION TO MAXIMUM REQUIREMENTS

PG PERIODA TO FUTURE DETAIL
PI PERIODA TO FUTURE DETAIL
RM RENDERED MASONRY
RS RENDERED SHUTTER
SS SHALADE
ST STAIRCASE CUPBOARD
TS TAPER SURFCE
ZC ZINC CLADDING

ISSUE
DA
DAY
DAY

DATE
18.08.06
21.11.06
21.11.06

AMENDMENT
Jared Gledhill, Pgs 105/111 10/06
J. Gledhill
J. Gledhill
J. Gledhill

ALL STRUCTURE, HYDRAULIC, MECHANICAL AND
ELECTRICAL PLANT TO BECA AND ENGINEER'S DETAIL

Residential Apartments
2-4 Sturt Place, St. Ives

TITLE
Section: SE Building

ISSUE SCALE DATE DRAWN: CHECKED:
DA2 1:100 @ A1 19/07/06 PH PT

DWG NO
A2.23

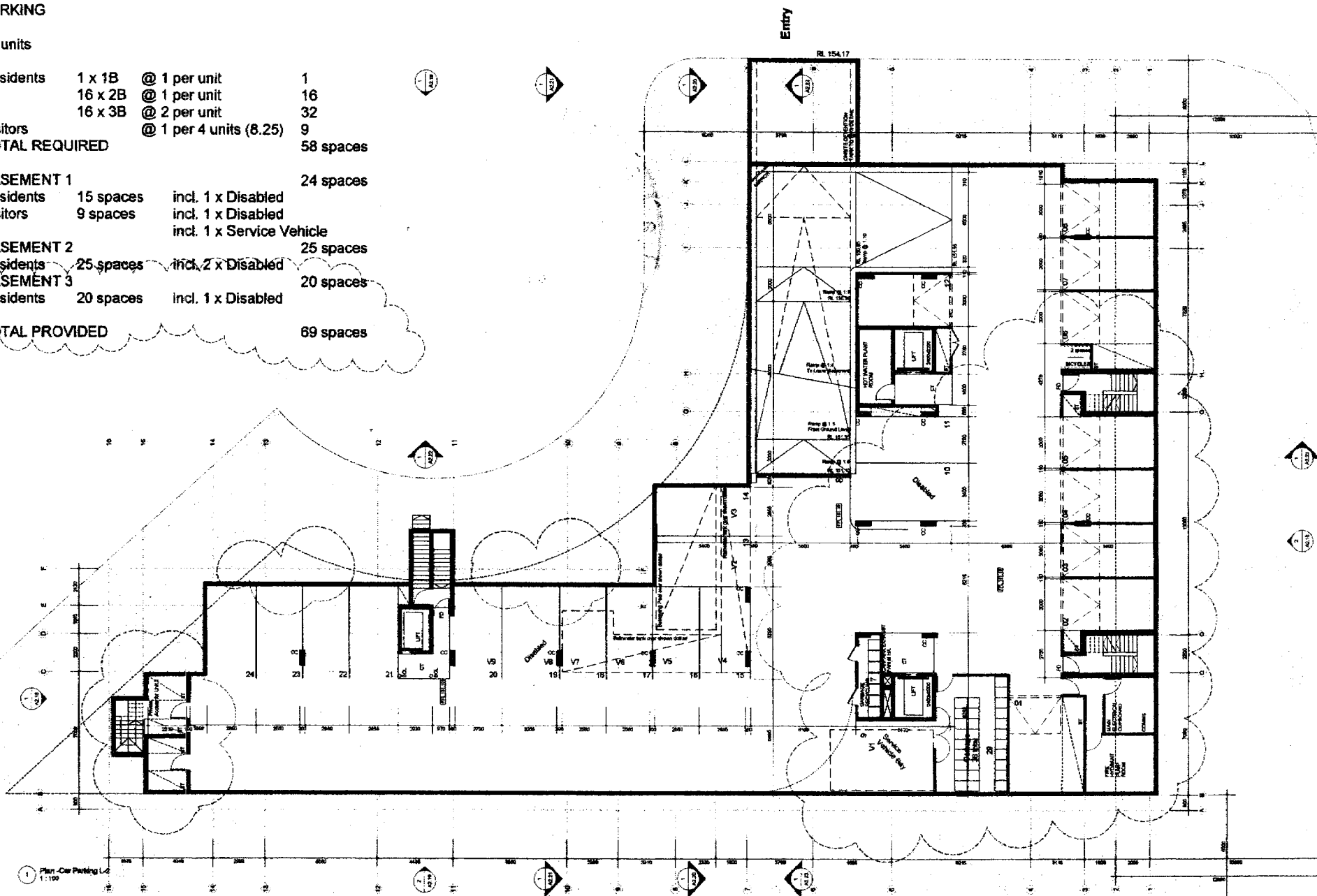
33 units

Residents	1 x 1B	@ 1 per unit	1
	16 x 2B	@ 1 per unit	16
	16 x 3B	@ 2 per unit	32
Visitors		@ 1 per 4 units (8.25)	9
TOTAL REQUIRED			58 spaces

BASEMENT 1		24 spaces
Residents	15 spaces	incl. 1 x Disabled
Visitors	9 spaces	incl. 1 x Disabled
		incl. 1 x Service Vehicle

BASEMENT 2		Incl. 1 x Service Vehicle	
Residents	25 spaces		25 spaces
BASEMENT 3		Incl. 2 x Disabled	
Residents	20 spaces		20 spaces

TOTAL PROVIDED 69 spaces



ALGWA (NSW) WOMEN'S CONFERENCE 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to nominate delegates to the Australian Local Government Women's Association (NSW) Annual Conference.

BACKGROUND:

Correspondence has been received from hosts of this year's event, Lismore City Council, calling for nominations to attend the Conference.

COMMENTS:

A Program for the Conference is **attached** to the report.

RECOMMENDATION:

That Council determine its delegates to the Australian Local Government Women's Association Conference 2007.

PURPOSE OF REPORT

For Council to nominate delegates to the Australian Local Government Women's Association (NSW) Annual Conference.

BACKGROUND

Correspondence has been received from hosts of this year's event, Lismore City Council, calling for nominations to attend the Conference. The Conference will be held in Lismore from Thursday, 3 May to Sunday, 6 May, 2007.

COMMENTS

A Program for the Conference is **attached** to the report.

FINANCIAL CONSIDERATIONS

The cost of attending the Conference is \$550.00 per delegate for non-members and \$500 for members. Sufficient funds exist within this year's Budget to meet the costs of attendance at this Conference.

RECOMMENDATION

That Council determine its delegates to the Australian Local Government Women's Association Conference 2007.

Geoff O'Rourke
Senior Governance Officer

John McKee
General Manager

Attachments: Program - ALGWA (NSW) 2007 Conference - 737591



Australian Local Government Women's Association (NSW)



Annual Conference

Lismore – May 3 to 6, 2007

"Living with Change"

President of ALGWA—Ms Susan Page—Welcome

The City of Lismore is the capital of the NSW Northern Rivers area. It is the administrative centre for Federal and State Governments as well as the sporting, legal, educational, medical, commercial and retail hub of the region.

Lismore experiences mild to warm temperatures all year round. Its location, natural beauty and sub-tropical rainforests attract people from all walks of life.

Lismore lies 789kms north of Sydney (direct flights via Regional Express Airlines REX are available) and one hour south of the Queensland border. Australia's most easterly town and tourist icon Byron Bay is 45kms east of Lismore.

Lismore Local Government area plays host to many lifestyles and cultures.

The alternative village of Nimbin is a 30 minute drive to the North.

On behalf of the NSW Branch of the Australian Local Government Women's Association (ALGWA) I extend a warm invitation to you to attend the 2007 Annual ALGWA conference at Lismore City Council.

The conference organising committee have developed an exciting program of speakers and workshop sessions. There will be plenty of opportunities to network with friends and colleagues.

I encourage Councillors, General Managers, Local Government Staff and anyone with an interest in Local Government to attend.

At a time when change is part of every day life it seems fitting to that this year's conference theme is "Living with Change".

Susan Page—President.



For further conference information please contact:

**Leanne Clark on 66 262 004 or email
leanne.clark@lismore.nsw.gov.au**

**For accommodation bookings please contact the Lismore
Visitor Information Centre on 1300 369 795**

Or visit our web site www.lismore.nsw.gov.au

"Living with Change"



Thursday May 3, 2006

Mayoral Reception - 5pm Star Court Arcade, Molesworth Street, Lismore

Cr Merv King, Mayor of Lismore, Mr Thomas George, Member for Lismore & Mr Ian Causley, Federal Member for Page, will cordially welcome you to Lismore for the 2007 ALGWA Conference.

The Mayoral Reception will be held from 5pm to 6pm, at the Star Court Theatre, Molesworth Street, Lismore with light refreshments, snacks and a fashion parade on offer. Please be advised dinner will **not** be provided. A list of restaurants is attached.

Friday May 4, 2007—Lismore Workers Club, Keen Street, Lismore

MC - Mr David Hallett

8.00am Registration Opens

9.00am **Official Opening** - Welcome to Country, National Anthem, Welcome by Mayor of Lismore, Official Ceremony performed by President of ALGWA & Minister.

9.30am **Keynote Address** - Prof. Colleen Cartwright, Southern Cross University
"Changing Demographics: An Ageing Population and the Challenges for Women"

10.00am **Morning Tea**

10.30-11.15am **Workshop Session 1**

Room 1 A. Ms Genevieve Slattery "Communicating Change"

Room 2 B. Mrs Margot Sweeny "Live With Change Or Live To Change?"

Room 3 C. Ms Cathy Henkel "Do We Need More Women Making Films?"

11.15-12.00pm **Workshop Group Session 2**

Outcomes Local Government Reform Proposals: "A New Direction For Local Government" & "Planning A Sustainable Future" presented by Department of Local Government

12.00-12.30pm Hotspots - facilitated by ALGWA Executive

Close of nominations for ALGWA Executive

12.30-1.30pm **Lunch**

1.30-2.00pm **Workshop Group Session 3**

FuturePlus Financial Services presented by Ms Aneesa Samuel

2.00-2.30pm Presentation of Candidates for Executive Positions

Presentation of Potential 2009 Conference Hosts

2.30-3.30pm **Workshop Group Session 4**

"Coping With Change" Presented by Local Government Shires

Association Learning Solutions, Ms Carole Webb

3.30-3.45pm **Afternoon Tea**

3.45 - 5.00pm **Tour of the Northern Rivers Waste Depot & Lismore Botanical Gardens.**

An operational viewing of the worm farm, revolve centre, recycling depot and the Botanical Gardens sites with commentary..

"Living with Change"



Friday May 4, 2007 C'td

7.00pm **Informal Dinner** at the Lismore Turf Club, featuring Lantern making Workshop and local poets and comedians. Buses will pick up from 6.15pm at accommodations houses and will commence return trip at 10.00pm. The Turf Club is a 10 minute drive just north of Lismore.

Saturday – May 5, 2007– Lismore Workers Club, Keen St, Lismore

7.00am Café & Culture Tour (includes breakfast).

MC – Cr Jenny Dowell, Lismore City Council

9.00–9.30am Voting for ALGWA Executive. Voting for 2009 Conference Venue. Hot Spots facilitated by Country and City Vice President.

9.30–10.00am "Lismore's Living Library" Shauna McIntyre, Lismore City Council,

10.00–10.30am **Morning tea**

10.30–11.00am **Keynote Address** – Ms Linda Burney, see attached profile

11.00–11.45 **Workshop Session 5**

Room 1 A. Mrs Rebekka Battista "Put the Fun Back into Fundraising – A Key To Building Your Community"

Room 2 B. Mayor Jan Barham "Local Government – A Green Priority"

Room 3 C. Ms Jan Strom "The Councillors' conundrum: Community Representative OR Represent Community"

11.45–12.30pm **Workshop Session 6**

Room 1 A. Cr Phyllis Miller "Striking a Balance in Political Life"

Room 2 B. Ms Pamela Westing "Excellence in Local Government" Business framework at Byron Shire"

Room 3 C. Cr Ros Irwin "Dancing in the Lions Den–Women Leaders in Local Government in Five Countries."

12.30–1.30pm **Lunch**

1.00pm Voting Closes for ALGWA Executive & Venue Hosts.

1.30–3.30pm **Annual General Meeting**

Please Note: Delegates who do not need to attend the AGM can do as follows:

- Visit the Richmond Tweed Library Mobile Unit (to be located in carpark)
- Experience Lismore's "Living Library" AND/OR
- Enjoy a 10 minute massage/wellness check courtesy of Southern Cross
- University School of Natural and Complimentary Medicine.

3.30pm–5.00pm **Delegates Bus Tour – Lismore & surrounding area**

A guided visit of the historical, social and commercial "high spots" of Lismore.

7.30pm **Official Dinner** to be held at the Auditorium, Lismore Workers Club.

Guest Speaker Ms Di Morrissey Entertainment will be provided – Bring your dancing shoes. (Buses will pick up from 6.15pm at accommodation houses and will commence return trip at 10.00pm.)

Living with Change

Sunday May 6, 2007

- 7.00am "Wilson River Experience Walk" guided tour followed by a breakfast on the bank of the Wilson River.
Note: if inclement weather the function will be held at the Lismore Workers Club.
- 9.30am Summary of Conference Outcomes at the Lismore Workers Club.
Guest Speaker—David Hallett—Nimbin Community Economic Development Officer and Award Winning poet.
- 10.00am ALGWA (NSW) Executive Meeting will be held in the Lismore Workers Club

Conference Registration Information

Registration Fees (all including GST)

Full Registration - Member (includes Dinners)	\$500.00
Full Registration - Non-Member (includes Dinners)	\$550.00
Accompanying Person (includes all Dinners and 2 day tours)	\$265.00
Day Registration - Friday or Saturday (Dinner included)	\$250.00 per day
Informal Dinner—Friday Night	\$ 60.00
Formal Dinner—Saturday Night	\$ 80.00
Gaia Retreat Day (Thursday May 3, 2007)	\$110.00

Registration Close on April 13, 2007

Cancellation: Refund excluding \$60 Administration Fee if notified by April 13, 2007.

How to Register?

Please complete all details on a separate Registration Form (which is a Tax Invoice) for each Delegate, and return it with either a cheque made payable to "Lismore City Council" or credit card details to Lismore City Council, ALGWA Conference, PO Box 23A, Lismore NSW 2480.

Accommodation

A free accommodation booking service is available from the friendly staff at the Lismore Visitor Information Centre on 1300 369 795.

Air Travel

Regional Express Airlines (REX) has 52 flights each week between Lismore and Sydney. For flight details please phone 02 6627 6100 and quote "Lismore" or email lismore@travelworld.com.au to co-ordinate your bookings.

Child Care

Child Care is available by contacting Leanne Clark on 02 6626 2004.

If you require further information please contact Leanne Clark on 66 262 004 or email to leanne.clark@lismore.nsw.gov.au or go to www.lismore.nsw.gov.au



FuturePlus
Financial Services



"Living with Change"

REGISTRATION FORM / TAX INVOICE

(THIS DOCUMENT BECOMES A TAX INVOICE FOR GST PURPOSES UPON COMPLETION AND PAYMENT)

PLEASE RETURN FORM WITH PAYMENT

DELEGATE INFORMATION (Please complete the section below)

Surname First name

Organisation

Position Authorised Signature

Mailing Address State Postcode

Phone Fax Mobile

Email Address

ACCOMPANYING PERSON INFORMATION (Complete only if registering)

Name of Accompanying Persons

SPECIAL REQUIREMENTS (eg dietary, wheelchair etc)

REGISTRATION FEES (✓ PLEASE INDICATE – ALL FEES INCLUDE GST)

REGISTRATIONS CLOSE ON APRIL 13, 2007

Full Registration – Members (includes all functions)	<input type="checkbox"/>	\$500	\$.....
Full Registration - Non Members (includes all functions)	<input type="checkbox"/>	\$550	\$.....
Accompanying Person (includes 2 dinners & 2 tours)	<input type="checkbox"/>	\$265	\$.....
Day Registrations (Friday OR Saturday – night meal included)	<input type="checkbox"/>	\$250	\$..... per day
Informal Dinner (Friday night)	<input type="checkbox"/>	\$60	\$.....
Formal Dinner (Saturday night)	<input type="checkbox"/>	\$80	\$.....
Gaia Retreat Day (Thursday May 3, 2007)	<input type="checkbox"/>	\$110	\$.....
Total			\$.....

Registrations Close 13/4/07. Cancellation: Refund excluding \$60.00 Administration Fee if by 13/4/07.

LISMORE CITY COUNCIL

PAYMENT DETAILS (ABN 60 080 932 837)

You may pay by cheque or complete the credit card details below.

Cheque enclosed: ☐ Made out to Lismore City Council for \$.....

CREDIT CARD DETAILS

BANK

Please debit my: ☐ Bankcard ☐ Visa ☐ Mastercard **Expiry Date**/.....

Card No:

Cardholders Name Signature

SESSIONS DETAILS

Please Circle which session you are interested in? This is only a guide for organisers for set-up.

Friday May 4, 2007

10.30am	Session 1	Room 1 - A	Room 2 - B	Room 3 - C
11.15am	Session 2	Room 1		
1.30pm	Session 3	Room 1		
2.30pm	Session 4	Room 1		

Saturday May 5, 2007

11.00am	Session 5	Room 1 - A	Room 2 - B	Room 3 - C
11.45am	Session 6	Room 1 - A	Room 2 - B	Room 3 - C

TRANSPORT / ACCOMMODATION DETAILS (Please circle)

Will you be Flying into Lismore? Yes No

Arrival Date: _____ Arrival Time: _____

Departure Date: _____ Departure Date: _____

Where are you Staying? _____

Do you require bus transport to and from the airport? Yes No

FUNCTION ATTENDANCE (to assist with planning please ✓ the functions you will be attending) *Please note all functions are included in your registration fee.*

Mayoral Reception – Star Court Theatre, Molesworth Street, Lismore (no transport required)

Delegate ☐

Accompanying Person ☐

Informal Dinner – Lismore Race Course, Woodlawn Road, Lismore (transport provided)

Delegate ☐

Accompanying Person ☐

Official Dinner – Lismore Workers Club, Keen Street, Lismore (transport provided)

Delegate ☐

Accompanying Person ☐

Breakfast – Saturday May 5 – Café n Cultural tour

Delegate ☐

Accompanying Person ☐

Breakfast – Sunday May 6 – Tour of the Wilson River, breakfast in the Park

Delegate ☐

Accompanying Person ☐

Optional Tour of Nimbin – Sunday May 6 – Lunch at Blue Knob Gallery and Café.

Delegate ☐

Accompanying Person ☐

TENDER FOR AUDIT SERVICES FOR THE PERIOD 1 JULY 2007 TO 30 JUNE 2013

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the expiration of the current contract for audit services and to recommend calling new tenders.

BACKGROUND:

In accordance with Section 422 of the Local Government Act, 1993, Council must appoint a person as auditor and their term of office. Under Section 424 this must be for a period of 6 years.

COMMENTS:

As the term of Council's current auditor expires on 30 June 2007, Council must call for tenders and appoint auditors for the period 1 July 2007 to 30 June 2013.

RECOMMENDATION:

That Council confirms the recommended process for selection of its auditor for the next six year period ending 30 June 2013.

PURPOSE OF REPORT

To advise Council of the expiration of the current contract for audit services and to recommend calling new tenders.

BACKGROUND

In accordance with Section 422 of the Local Government Act, 1993, Council must appoint a person as its auditor. Section 424 of the Act specifies that the period of appointment is to be for six years. As the appointment of Council's current auditors, Spencer Steer, expires on 30 June 2007, the new six year period will commence on 1 July 2007.

Section 422 further specifies that:

- “(2) A council's auditor may be:
 - (a) an individual who is a registered company auditor, or
 - (b) a partnership whose members or employees include a registered company auditor, or
 - (c) a corporation whose employees include a registered company auditor.
- (3) If the council's auditor is a partnership, any member or employee of the partnership may act as the council's auditor as long as he or she is a registered company auditor.
- (4) If the council's auditor is a corporation, any employee of the corporation may act as the council's auditor as long as he or she is a registered company auditor.
- (5) An auditor may not be appointed or reappointed unless tenders for the appointment or reappointment have been called.
- (6) In this section, "registered company auditor" has the same meaning as it has in the [Corporations Act 2001](#) of the Commonwealth and includes the Auditor-General.”

Part 9.2 of the Corporations Act 2001 specifies the requirements for registration as a company auditor.

COMMENTS

In accordance with sub-section (5) of Section 422 of the Local Government Act 1993, tenders must be called for the provision of audit services. A tender specification has been prepared and is **attached**.

The tender defines the services required, the assessment criteria and recommends a committee of Council officers to evaluate the tender responses. This committee consists of the General Manager, Director Corporate, Director Operations and Manager Finance.

Following this evaluation it is proposed to report back to Council with a recommendation as to a suitable appointment.

Following Council's endorsement of this process, tenders will be advertised during March and April. This will allow for a report to be presented to Council before June 2007.

CONSULTATION

None

FINANCIAL CONSIDERATIONS

Audit fees are currently \$46,000 per year and it is considered that a similar level of cost will be incurred in the new audit contract.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Director Operations has been consulted regarding his proposed role as a member of the tender evaluation committee.

SUMMARY

In accordance with sections 422 and 424 of the Local Government Act 1993, Council is required to call tenders for audit services for the period 1 July 2007 to 30 June 2013. A tender document has been prepared and is attached to this report.

RECOMMENDATION

- A. That Council calls tenders for audit services for the period 1 July 2007 to 30 June 2013.
- B. That tenders be evaluated by a committee of Council officers comprising the General Manager, Director Corporate, Director Operations and Manager Finance.
- C. That the committee prepare a report for a future Council meeting recommending the appointment of an auditor.

John Clark
Director Corporate

John McKee
General Manager

Attachments: Tender Specification for Auditing Services for the six year period ending 30 June 2013 - 743558

Ku-ring-gai Council
Tender Specifications for Auditing Services
for the six years ending 30 June 2013

Council is inviting tenders from suitably qualified persons or firms for the provision of audit services for the six years ended 30 June, 2013.

Introduction

Council is required under Section 422 of the Local Government Act, 1993, to appoint a suitably qualified person as its auditor. The auditor reports to the elected Council on the General Purpose and Special Purpose Financial Reports of the Council prepared annually in accordance with the Act.

The auditor is also required to report to the Council on various matters prescribed by the Local Government Code of Accounting Practice and Financial Reporting.

1.0 Council Background

Ku-ring-gai Council is located on the north shore of Sydney Harbour in the State of New South Wales. It employs around 500 staff and has a population of approximately 110,000. Council issued approximately 36,600 rate assessments in 2006/07.

1.1 Council Structure

The senior officer of the Council is the General Manager, John McKee, who is responsible for the overall operations of the Council.

The Mayor is Nick Ebbeck and the ten Councillors of the Council are:

Nick Ebbeck
Anita Andrew (Deputy Mayor)
Elaine Malicki
Adrienne Ryan
Michael Lane
Maureen Shelley
Jennifer Anderson
Laura Bennett
Tony Hall
Ian Cross

Tender Specification for Audit Services

Council does not have any formal committees.

Council staff operate under the General Manager in the following five departments, each of which has a Director, responsible to the General Manager:

- Director Development and Regulation (Michael Miocic)
- Director Operations (Greg Piconi)
- Director Community (Janice Bevan)
- Director Strategy (Steven Head)
- Director Corporate (John Clark)

Under the Director Corporate, Council's finance functions are carried out under the following senior staff:

- Manager Finance - vacant
- Financial Accountant - John Lane
- Management Accountant - Michael Lopez
- Senior Rates Officer – Robert Hay

1.2 Computer Systems

Council uses the Technology One suite of software applications for its principal functions:

- General Ledger
- Project Ledger
- Accounts Receivable (Proclaim)
- Accounts Payable
- Rates (Proclaim)
- Fixed Assets
- Property (Proclaim)
- Inventory
- Purchasing

Tender Specification for Audit Services

1.3 Funds

Council has one fund, known as the General Fund

1.4 Annual Financial Reports 2005/06 and Management Plan 2006-2010

Council's Management Plan contains details of planned income and expenditure for 2006/07 and future years and can be found at:

<http://www.kmc.nsw.gov.au/index.cfm?objectId=F94F15B5-A7A1-11D7-A8C70002A5908D91>

Council's most recent Annual Financial Reports for 2005/06 are included with this tender specification.

1.5 Business Activities

For the purposes of the National Competition Policy, Council has resolved that it conducts the following business activities:

Category 1

Council does not have any category 1 business activities

Category 2

Thomas Carlyle Children's Centre
Roseville Art Centre
Trade Waste
Gordon Golf Course
North Turramurra Golf Course
Tennis Courts
Swimming Pool
Plant Nursery
Commercial Leasing

1.6 Government Grants

During 2005/06, Council received a number of government grants (including RTA grants) which required expenditure to be audited and a separate report provided by the auditor. It is anticipated that there would be several grants received in future years that would also require audit reports.

1.7 Pensioner Rebate of Rates

During 2005/06 Council has received approximately 240 applications from eligible pensioners for rebates of rates. Council has approximately 3,050 pensioners receiving rebates of rates.

Tender Specification for Audit Services

1.8 Current Auditor

Council's present auditors are -

Spencer Steer Chartered Accountants
Level 9, 60-70 Elizabeth Street
Sydney, NSW, 2000

2.0 Tender Specifications

2.1 Services Required

Council is seeking a tender from suitably qualified persons or firms to carry out the following services -

- Audit of the General Purpose Financial Reports of the Council for each year.
- Audit of the Special Purpose Financial Reports of the Council for each year.
- Audit of expenditure of government grants requiring a separate audit report.
- Audit of pensioner rebate applications.
- Audit of Workers' Compensation Insurance Declaration.
- Audit of Domestic Waste Management reasonable cost.
- Audit of General Income Return required by the Department of Local Government.
- Examination of the Financial Reports to be incorporated in the Annual Report.

The audit (if any) required in respect of special purpose financial reports for government departments or agencies (other than the Department of Local Government requirements specified above) is not included in this tender. If required, a separate fee will be negotiated. However, should this be necessary, it is envisaged that the audit work performed under the tender will be sufficient for the purposes of any special purpose financial reports and the additional work involved will only be in respect of any such financial report.

The audit services shall include an audit coverage that can be defined as:

"The audit work necessary to enable an opinion to be expressed on the truth and fairness of the financial reports and compliance with any provisions of statutes, ordinances, Code of Accounting Practice or Accounting Standards related to the form and content of the reports."

Tender Specification for Audit Services

In addition to the above, the services to be provided will include reasonable services which a professional auditor would normally supply. These could include services such as evaluating the effectiveness and efficiency of internal control and accounting systems and interpretations of relevant new or revised accounting standards or legislation.

2.2 Outcome of Auditing Services

The outcome of auditing services shall be:

2.2.1 The provision of an audit opinion on the General Purpose Financial Reports of the Council;

2.2.2 The provision of an audit opinion on the Special Purpose Financial Reports of the Council;

2.2.3 The provision of a report to the Council and the Minister on the conduct of audit as required by the Act. As a minimum, this report should address the following matters:

- the Income Statement and operating result

A discussion on the operating result for the year including the effect of depreciation, the result for the year before capital income, level of grants and contributions and the level of rates increase for the year.

- Balance Sheet and financial position of council, including comment on the performance ratios

The Balance Sheet needs some interpretation, particularly in respect of restricted assets. Performance ratios included in the Notes are intended to be a measure of the financial position or performance of the Council and are deserving of comment. A comparison of ratios with other like Councils may be useful.

- Cash Flow Statement

The effect on the cash flow statement of material items such as borrowings or large S.94 contributions.

- the effect of restrictions applied to cash and investments
- the state of receivables
- debt service
- infrastructure assets
- the effect of any new accounting standard introduced for the first time
- any forthcoming important events

Tender Specification for Audit Services

- the effect of any significant initiatives undertaken or future plans of council where these can be quantified and are sufficiently firm to comment on
- Any other matter, which the auditor believes, should be brought to the attention of the Council. The auditor should be aware of current and future plans of the Council. Where the auditor can quantify the potential financial effect of proposed large or entrepreneurial projects or any adverse trends in financial performance, this should be discussed in the report

2.2.4 The provision of appropriate additional reports on the items detailed in paragraph 2.1

2.2.5 The provision of an internal control memorandum detailing any matters arising during the course of the audit and not otherwise reported. This memorandum should include any suggestions for improvement in efficiency or economy of resources detected during the course of the audit.

2.2.6 The meeting of all agreed deadlines to ensure that reports are available within the statutory time required.

2.2.7 The auditor may be required to present his reports to a full meeting of Council and to address Council on the audit and financial position of the Council.

2.3 Qualifications of Auditors

Applicants must be qualified in accordance with the Local Government Act, 1993, and the Regulations therein. In particular, section 422 of the Act requires auditors to be Registered Company Auditors as defined in the Corporations Act 2001.

Council also requires that they be able to demonstrate suitable experience.

2.4 Engagement of the Auditor

2.4.1 The auditor will be appointed for a period of six years from 1 July 2007 to 30 June 2013

2.4.2 The auditor will be appointed in accordance with Sections 422 and 424 of the Local Government Act, 1993.

2.4.3 This tender specification, tender documents submitted, a letter of appointment from Council and the acceptance of the appointment in writing by the auditor shall form the basis of the contract.

Tender Specification for Audit Services

2.5 Duties of the Auditor

2.5.1 The auditor shall provide the auditing services and carry out the auditing services with all reasonable skill and care.

2.5.2 The auditor has discretion as to the manner in which the auditing services are to be performed but shall have regard to:

- auditing practice and standard statements issued jointly from time to time by the Institute of Chartered Accountants and CPA Australia;
- the Local Government Act, 1993, and the Local Government Regulations;
- the Code of Accounting Practice and Financial Reporting and other relevant publications and circulars issued by the Department of Local Government;
- any other relevant legislative provisions.

2.5.3 The auditor shall ensure that all relevant time deadlines are met to enable the audited financial statements to be available within the specified statutory time.

2.6 Fees

2.6.1 The fee quoted in the tender shall be for the initial year only and shall be fixed and shall not be subject to any variation.

2.6.2 Tenders should state the proposed basis of any increase in fees for subsequent years.

2.6.3 Tenders should clearly state whether the tendered fee includes GST or not.

2.6.4 Tenderers must state their Australian Business Number.

2.7 Operational Audits (Value for Money)

Operational audits (or Value for Money audits) fall outside the scope of this tender. However, as Council may wish such audits to be conducted, tenderers should include a statement of their capability and the hourly fees that would be charged for such an assignment.

2.8 Other Services

The tender should include details of other services offered by the tenderer and the fee structure.

Tender Specification for Audit Services

3.0 Instructions to Tenderers

All tender documents must comply with Section 2, Tender Specifications, and Section 3 Instructions to Tenderers, of this document.

All tenders must include the following information:

3.1 Principals

- Name of principals involved with the audit
- Business address
- Period as a principal and employee
- Qualifications
- Experience in local government audits
- Capacity in which each person is to act

3.2 Key Personnel

The following information must be supplied in respect of Managers and other staff:

- Names
- Qualifications
- Experience
- Proposed capacity

3.3 Computer Audit

Details of the firm's capability in respect of computer audit. The names, qualifications and experience of personnel involved and the computer audit approach envisaged.

3.4 Visits

- Number per annum
- Duration
- Approximate dates

3.5 Audit Time

The tender should include the number of annual hours proposed for the audit by staff classification.

Tender Specification for Audit Services

3.6 Fee

Details of the fee proposed for the initial year. The fee may be all inclusive of costs or costs may be recouped at cost as an addition to the time fee. Where the tender is on the basis of recoupment of costs as an addition to a time fee, an indication of the anticipated costs for the initial year must be provided. The tender should clearly indicate whether the tendered fee is GST inclusive or not.

The basis of any increase in the initial fee in subsequent years must be stated.

3.7 Professional Indemnity Insurance

Applicants should provide a Statement that their professional indemnity insurance complies with at least the minimum required by the Institute of Chartered Accountants or CPA Australia and that they will maintain such insurance at that level for the term of the engagement.

3.8 Current Council Clients

Details of other Councils currently audited by the tenderer must be supplied together with details of other relevant major audit clients.

3.9 Referees

The names of at least two referees should be supplied. Such referees should be senior representatives of other NSW councils or other audit clients.

3.10 Other Information

Details may be provided of any other information, which it is felt will support the application for the provision of audit services.

4.0 Further Information

Further information is available from Noel Hall on 0415 328871.

5.0 Lodgement of Tenders

Tenders must be:

Tender Specification for Audit Services

- 5.1 Lodged in the tender box on level 4 at Council Chambers, 818 Pacific Highway Gordon, NSW
- 5.2 Received by mail prior to the time fixed for closing; or
- 5.3 Received in the mail after the time fixed for closing but bearing clear evidence by post mark that they were posted prior to the time fixed for closing.
- 5.4 Tenders will not be received by facsimile or email.

Late tenders will not be considered.

6.0 Closing of Tenders

Tenders close at 2:30 p.m. on 31 March 2007.

7.0 Council Procedure

7.1 Assessment Criteria

The assessment of tenders will be based on the following criteria –

	Criteria
1	Capacity – including quality and availability of workforce
2	Quality and depth of audit performance and experience
3	Proposed audit plan
4	Price
5	Value added services
6	Technical Expertise
7	Referees

7.2 Selection

Tenders will be reviewed by a committee consisting of the General Manager, Director Corporate, Manager Finance and the Director Operations. They will be assessed based on information provided in applications submitted. A report will then be submitted to Council with a recommendation of the committee.

The Council reserves the right not to accept the lowest or any tender.

8.0 Attachments

Attached to this tender specification is the latest General Purpose Financial Report of the Council.

Tender Specification for Audit Services

9.0 Future Developments

Council is not considering any future activities or developments that would significantly impact on the audit.

LEASE - 265 TO 271 PACIFIC HIGHWAY, LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of the Ku-ring-gai Youth Development Service Inc. exercising its option to renew the lease for the premises at 265 to 271 Pacific Highway, Lindfield.

BACKGROUND:

The lease for the Ku-ring-gai Youth Development Service Inc. expired on 31 December 2006 with that agreement containing an option to renew for a further two (2) years.

COMMENTS:

The Ku-ring-gai Youth Development Service Inc. has exercised their option to renew as per the terms of the lease.

RECOMMENDATION:

That Council authorise the exercise of the option by the Ku-ring-gai Youth Development Service Inc. for the premises at 265 to 271 Pacific Highway, Lindfield to continue to operate the Ku-ring-gai Youth Development Service.

PURPOSE OF REPORT

To advise Council of the Ku-ring-gai Youth Development Service Inc. exercising its option to renew the lease for the premises at 265-271 Pacific Highway, Lindfield.

BACKGROUND

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

On 12 October 2004 Council resolved to grant a two (2) year lease with a two (2) year option to the Ku-ring-gai Youth Development Service Inc. to operate their a range of recreational and educational services and programs to the community. The initial two (2) year lease commenced on 1 January 2005 and expired on 31 December 2006.

COMMENTS

The Ku-ring-gai Youth Development Service Inc. under the conditions of the lease has exercised the option to renew the lease for a further two (2) years.

Since its inception the Ku-ring-gai Youth Development Service Inc. has offered various counselling and support services to the youth of the community to achieve their full potential.

The activities of the Ku-ring-gai Youth Development Service Inc. have met the priority issues as outlined in the Ku-ring-gai Council Community Plan by meeting the needs of young people by providing:

- Assistance with drug and alcohol issues.
- Leisure/recreation facilities.
- Personal safety
- A feeling of self esteem

They have been meeting their responsibilities as a tenant and have complied with the conditions as set out in Council's Policy for Leasing Council Property to Community Organisations. Given this it is recommended that the Ku-ring-gai Youth Development Service Inc. be granted a renewal of its lease.

Being an option to renew, the conditions of the previous lease stand with the exception of the exclusion of the renewal (option) clause.

CONSULTATION

The Ku-ring-gai Youth Development Service Inc. has indicated to Council that they wish to renew their lease as per the terms of the current agreement.

FINANCIAL CONSIDERATIONS

The current rental being paid by the Ku-ring-gai Youth Development Service Inc. is \$1,689pa and is subject to annual CPI adjustments throughout the option period.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

The lessee has exercised their option to renew and fulfilled their obligations under the term of the lease. The Ku-ring-gai Youth Development Service Inc. has provided a worthwhile service to youth in need and their families within the community.

Accordingly, it is recommended that Council grant the renewal of the lease with the conditions of the original lease standing and reflect the leasing policy at this time.

RECOMMENDATION

- A. That Council receive and note the exercise of option and approve the grant of a 2 year lease to the Ku-ring-gai Youth Development Service Inc. over Council premises at 265 to 271 Pacific Highway Lindfield.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the Common Seal of Council to the lease agreement.

Stephen Plumb
Community Facilities Coordinator

Janice Bevan
Director Community Services

DEVELOPMENT CONTROL PLAN NO 28 - ADVERTISING SIGNS - DRAFT AMENDMENTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To report to Council on the public exhibition and consultation of Draft Amendments to Development Control Plan No 28 - Advertising Signs (DCP 28) to present a final amendment to Council for consideration for adoption.

BACKGROUND:

On 12 December 2006 Council resolved to place on public exhibition draft amendments to DCP 28. The draft amendments were placed on public exhibition from 24 January to 23 February 2007.

COMMENTS:

During the exhibition period two written submissions were received.

RECOMMENDATION:

That Council adopt the draft amendments to development Control Plan No 28 - Advertising Signs as attached to this report.

PURPOSE OF REPORT

To report to Council on the public exhibition and consultation of Draft Amendments to Development Control Plan No 28 - Advertising Signs (DCP 28) to present a final amendment to Council for consideration for adoption.

BACKGROUND

At its meeting of 12 December 2006, Council considered minor changes proposed to DCP 28 – Display and Erection of Advertisements and Advertising Structures. The changes proposed were in response to a number of issues, including administrative issues, raised by Development Assessment and Compliance staff in working with the DCP.

Proposed changes include:

- Notes added to Home occupation Identification and Temporary Signage controls (Parts 8 and 10) to link them to DCP 46 – Exempt and Complying Development.
- Provisions for property promotional signs added in the temporary signage controls (Part 10).
- Review of provisions in relation to size and number of temporary signs.
- Provisions that do not allow the illumination of temporary signs.

On 12 December 2006 Council resolved:

- A. *That Council exhibits an amendment to Draft Development Control Plan No 28 – Advertising Signs as outlined in this report for a period of 28 days in accordance with the provisions of clause 18 of the Environmental Planning and Assessment Regulation 2000.*
- B. *That Chambers of Commerce be notified of the exhibition.*
- C. *That a report be brought to Council following the exhibition.*

The draft amendments were exhibited from 24 January to 23 February 2007 and the Chambers of Commerce notified.

COMMENTS

During the exhibition period, two written submissions were received. No changes to the plan are recommended.

CONSULTATION

The draft amendments to DCP 28 were placed on public exhibition from 24 January until 23 February 2007 and an advertisement was placed in the North Shore Times on 24 January 2007. The Chambers of Commerce in Lindfield, St Ives, Turramurra and Wahroonga were notified about the exhibition and invited to comment. Information was also displayed at Council's Customer Service area, libraries and website.

Two written submissions were received from the following:

Stephen Astey, (President), Turramurra Chamber of Commerce
Ralf Rendall, Rendall Holdings Pty Ltd, Suite 6, 14 Eastern Rd, Turramurra

The following issues were raised:

Issue

Questions in relation to A-frame signs on private property and signage fees.

Comment

These questions do not relate to the proposed amendments. The questions have been referred to Council's Building and Compliance Section.

Issue

The prohibition of illumination of real estate and promotional signs is arbitrary and unreasonably restrictive. Illumination between sundown and 11pm should be permitted.

Comment

As a comparison, illuminated signage is permitted for limited hours under Section 5.16.8 of the Kuring-gai Town Centres DCP. However, it is not permissible as exempt development under the Kuring-gai Town Centres LEP. Any consideration of illuminated signage for marketing and real estate signage should require a merit assessment and therefore lodgement of a development application.

The inclusion of controls permitting illumination in DCP 28 – Advertising signs, is complicated by the link to DCP 46 – Exempt and Complying Development. The controls for exempt “Real estate signs” in DCP 46 refer directly to the controls in DCP 28. Therefore permitting illumination for marketing and real estate signs in Part 10 of DCP 28, would automatically make such illuminated signs exempt under DCP 46. This would allow an uncontrolled proliferation of illuminated signage.

Should an applicant lodge a development application for illuminated real estate signs, a case would have to be made to vary from the controls in the DCP, as is the case for any variation from DCP controls. To date, there has been little demand for the illumination of temporary signs.

No change is recommended.

FINANCIAL CONSIDERATIONS

Council costs have primarily related to staff time required for the preparation and review of the Draft DCP as well as the costs of advertising and exhibiting the document. These costs have been met with the planning budget of the Planning Department.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The amendments were proposed due to issues raised by Development Assessment and Compliance officers. The staff were advised of the exhibition, and no issues have been raised relating to the proposed amendments.

SUMMARY

The Draft DCP was exhibited from 24 January to 23 February 2007. Two submissions were received as a result of the exhibition. No changes are recommended to the plan as exhibited.

RECOMMENDATION

- A. That Council adopt the amended Development Control Plan No 28- Advertising Signs as included in **Attachment A** to this report.
- B. That Development Control Plan No 28 take effect upon notice of its adoption by Council appearing in the local newspaper.
- C. That the relevant Chambers of Commerce be notified of Council's decision.

Terri Southwell
Urban Planner

Antony Fabbro
Manager Urban Planning

Steven Head
Director Open Space &
Planning

Attachments: Development Control Plan No 28, as amended - 722690



Advertising Signs

Draft Development Control Plan No.28

Draft



Exhibition version - January 2007

Ku-ring-gai Council

www.kmc.nsw.gov.au

Development Control Plan No.28

Advertising Signs

Schedule of Amendments

	AMENDMENT	ADOPTED
1	A new section (see Section 7) has been inserted into DCP28 containing controls for advertising on outdoor dining furniture and footpath trading equipment. The controls bring DCP28 into line with Council's Policy on outdoor dining and footpath trading. Several definitions have also been added, including: "furnishing", "business identification" and "third party advertising". The document has also been amended to improve format, clarity, internal consistency and overall useability as it has not been reviewed since its original adoption in 1996.	20 April 2006 Effective 28 April 2006

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Introduction

1.1 Name of this DCP

This plan is known as “Development Control Plan No 28 – Display and Erection of Advertisements and Advertising Structures”.

1.2 Commencement Date

This Development Control Plan (DCP) was adopted by Council resolution on _____

1.3 Land to which this Plan applies

This plan applies to all land within the Local Government Area of Ku-ring-gai including land under the care, control or management of State or Federal Government Bodies.

1.4 Objectives

- a) Preservation and enhancement of the predominantly residential character of the Ku-ring-gai area.
- b) An appropriate balance between the established streetscape character and the commercial need to advertise goods and services.
- c) Advertisements and advertising structures that are compatible with the architectural style of the built environment.
- d) Advertisements and advertising structures that do not disrupt vehicular or pedestrian traffic flow.

1.5 Relationship to other planning instruments

This DCP is created under Council's principle environmental planning instrument, the *Ku-ring-gai Planning Scheme Ordinance* (KPSO).

1.6 Advertising signs that require approval

All proposals for advertising and advertising structures must be submitted to Council for assessment as a development application unless the advertising / advertising structure is **exempt or complying development** under the KPSO.

Note 1: Some advertising signs may also require building approval under Section 68 of Chapter 7 of The Local Government Act 1993.

Note 2: Applications granted consent by Council do not exempt the applicant from compliance with other statutory requirements.

1.7 Making an application

Development applications should be prepared in accordance with Council's Development Application (DA) Guide. All applications for advertising and /or advertising structures should contain the following information:

- i. Precise location of the proposed signage.
- ii. Type, nature and size of the sign.
- iii. Purpose of advertising.

- iv. If relevant, qualifications of the organisation being advertising as a local charitable or community service organisation.
- v. If temporary or part-time, the time(s) and date(s) of their erection.

1.8 Definitions

Above-awning sign means a sign attached to the upper side of an awning (other than the fascia or return end).

Advertising panel means any advertising structure other than those defined in this DCP which is not illuminated, including a hoarding, bulletin board or billboard.

Business identification sign means a sign or a logo that identifies the nature of the business carried out by the person or business, at the premises or place at which the sign or the logo is displayed, but does not include third-party advertising.

Floodlit means illumination by an external source of artificial light.

Flush wall sign means a sign other than a hoarding that is attached to the wall of a building which does not project horizontally more than 50mm from the wall.

Furnishing means furniture, appliances and other movable articles in an outdoor dining area, but excludes planter boxes, utensils, dining sets and the like.

Illuminated sign means any sign that is internally illuminated.

Pole or pylon sign means a sign that is erected on a pole or pylon independent of any building or other structure.

Projecting wall sign means a sign that is attached to the wall of a building (other than the transom of a doorway or display window), that projects more than 50mm from the wall to which it is attached and that has a width greater than its height.

Roof sign means any sign displayed above the on the roof or parapet of a building.

Third party advertising means any advertising other than that which identifies the business undertaken at the subject premises.

Top hamper sign means a sign that is attached to the transom of a doorway or display window of a building.

Under-awning sign means a sign that is attached to underside of an awning (other than the fascia or return end).

2 General Controls

- a) The advertising sign must comply with all relevant provisions of:
 - *State Environmental Planning Policy No. 64 – Advertising and Signage*;
 - the *Environmental Planning and Assessment Act 1979*;
 - the *Ku-ring-gai Planning Scheme Ordinance*; and
 - the *Local Government Act 1993*.
- b) The advertising must be of a design that is in sympathy with the character of the building to which they are affixed.
- c) The proposed advertising must not be the dominant visual element on the subject building, group or buildings or streetscape.
- d) Advertising affixed to heritage items or located within heritage conservation areas must complement and enhance the visual quality of the building and streetscape.

3 Advertising Structures

Note: The following advertising styles are considered to be inappropriate and are discouraged by Ku-ring-gai Council:

- flashing signs, moving signs, balloon signs or the like
- signs advertising an activity or trade other than that associated with the building to which the sign is attached
- sandwich boards
- hoarding signs, painted bulletins, stickers, or advertisements in the nature of posters other than those described in this DCP
- any advertisement that would, in the opinion of Council be unsightly, objectionable, or injurious to the amenity of any streetscape, landscape, foreshore, public reserve or public place
- painted window or wall signs above awning height
- the painting of buildings in corporate colours
- signs on stationary vehicles used principally for the purpose of advertising
- fluorescent colours
- all signage in residential areas not specified in this DCP

3.1 Under-awning signs

Not more than one under-awning sign may be erected per business / shop and under-awning signs:

- a) must not exceed 2.5 metres in length and must not project beyond the edge of the awning, except in the case of an awning wholly within the boundaries of the allotment occupied by the building;
- b) must not exceed 0.3 metres in depth;
- c) must be not less than 2.6 metres from existing ground level at any point.
- d) must be erected at right angles to the property boundary of the building to which the awning is attached;
- e) must be located within 3.0 metres of the centre of the building façade;

3.2 Above-awning signs

Above-awning signs may only be erected where they are compatible with the building style and locality, and where:

- a) they are parallel to the fascia or return end of the awning;
- b) they do not project beyond the edge of the awning;
- c) if lettering is of a skeleton style, they
 - do not exceed 0.9 metres in height, and
 - have a base that is affixed directly to the awning and that is not more than 0.2 metres in height; and
- d) if lettering is of a solid style, they
 - have a maximum advertising area of 2.2m²
 - have a maximum height of 1.5 metres, and
 - the base of the lettering is not more than 2.4 m above the roof of the awning.

3.3 Top hamper signs

Top hamper signs

- a) must not extend more than 3.7m above the ground; and
- b) must not project more than 150mm beyond the face of the shop front and/or the building alignment.

3.4 Pole and pylon signs

Pole and pylon signs:

- a) must not project over any road;
- b) must not be less than 2.6 metres from existing ground level at any point;
- c) must have a maximum advertising area of not more than 4m² on any single face; and
- d) must not be more than 6m above the existing ground level at any point.

3.5 Flush Wall Signs

Flush wall signs:

- a) must not project above the top of the wall to which they are attached;
- b) must not extend above awning height; and
- c) must be of a size and shape that relate to the architectural design of the building to which they are attached.

3.6 Projecting Wall Signs (Vertical)

Where the height of a projecting wall sign is greater than its width, the projecting wall sign:

- a) must project from the wall to which it is attached in accordance with the following scale:

Height of advertising sign base	maximum allowable projection
2.6 – 3.7 metres above ground level	0.5 metres
3.7 – 4.6 metres above ground level	0.75 metres
> 4.6 metres above ground level	1.0 metres

- b) must not project above the top of the wall to which it is attached;
- c) must be at least 2.6 metres above the ground; and
- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.

3.7 Projecting Wall Signs (Horizontal)

Where the height of a projecting wall sign is less than its width, the projecting wall sign:

- a) must be erected at right angles to the wall of the building to which it is attached;
- b) must be at least 2.6 metres above the ground level at every point.
- c) must project from the wall to which it is attached in accordance with the following scale:

Height of advertising sign base	maximum allowable projection
2.6 – 3.7 metres above ground level	0.5 metres
> 3.7 metres above ground level	0.75 metres

- d) must not extend closer than 0.6 metres to the vertical projection of any kerb alignment.
- e) must have a projection not greater than 3.0 metres.

3.8 Roof signs

Applications for roof signs will be considered on merit.

3.9 Advertising Panels

- a) Newsagents' headline advertising in the form of placards, posters of headlines and the like etc must be in frames fixed to the facade of the subject premises.
- b) All ancillary advertising for charitable functions and Christmas and New Year decorations and the like, shall be subject to Council approval prior to display.

3.10 Floodlit Signs

- a) Floodlit signs which project over public roads must not be illuminated by a lighting medium which is less than 2.6 metres above the ground.

3.11 Illuminated Signs

- a) Where illuminated signs are located within 61.0 metres of a traffic control signal, the advertising sign must not have lighting coloured red, amber, green or blue unless:
 - permission has been granted by the Roads and Traffic Authority, and
 - the sign is not less than 9.0 metres above road level.
- b) Illuminated signs located within 122 metres of a traffic control signal where by reason of a grade or curve the signs would be in line with a driver's vision of the signal or where, within this distance, the signs could be interpreted on approach as traffic control signals may only be erected with permission from the Roads and Traffic Authority.

4 Controls for advertising in business centres

4.1 General

- a) Signs must be designed with regard to the history and period of the buildings to which they are affixed.
- b) Above-awning signs must of a design that is appropriate to the building style and surrounding townscape elements.

4.2 Shop front signs

- a) All shop front signs must be located at or below the level of the awning.

4.3 Fascia signs

- a) Fascia signs must be professionally produced painted, screen printed or other flush wall signs.

4.4 Upper-fascia and above-awning signs

- a) Upper fascia and above-awning signs must be lettering on windows only with a maximum letter height of 300mm.

- b) Panels attached to the upper fascia or above the awning must not exceed more than 25% of the upper fascia / above-awning wall area.
- c) The signs must not be illuminated.

5 High Rise/Corporate Centres

- a) Signage on high rise and corporate centres must be corporate logos only on the frontage of the building.
- b) The area of the signs shall not exceed 25% of the solid wall area of the face upon which they are displayed of the top-most level.

Note: The solid wall area excludes glazed areas.

- c) Illuminated signs located in residential areas must be fitted with automatic timing devices to ensure that they may be set to minimise disturbance to residents.

6 Service Stations

- a) Pole, emblem and price signs must not be greater than 6.0 metres in height as measured from ground level.
- b) All signs must be wholly contained within the allotment.
- c) The total area of all signage on the property must not exceed 1m² per 3m of the primary road frontage.
- d) Canopy fascia signs must contain trade name details and corporate identification only.
- e) Subsidiary signs must be of a number, size and style that are compatible with the size of the operation as determined by Council.
- f) Illuminated and floodlit signs may only operate during approved trading times.

7 Advertising on Outdoor Dining Furniture or Footpath Trading Activities

Advertising associated with outdoor dining furniture or footpath trading activities must comply with the following controls:

- a) Advertising on furnishings other than business identification must not exceed third party advertising of one business other than the primary business at the premises.
- b) If business identification is used on planter boxes, the advertisement must be fully incorporated into the design of the planter boxes.
- c) Display stands used in footpath trading areas must not contain third party advertising.

Note: Business identification is permitted on display stands.

8 Home occupation identification signs

Signs erected to identify home occupation businesses do not require consent from Council if they comply with Council's exempt development provisions.

Note: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 13.

9 Residential Identification Signs

Residential identification signs do not require development consent from Council if they comply with Council's exempt development provisions.

10 Temporary Signs

10.1 Real Estate and Property Promotional Signs

- a) Not more than one sign may be erected at any premises, except where there is more than one real estate agency, where not more than 1 sign per real estate agency may be erected at any premises.
- b) Signage must advertise only the premises and/or land to be sold/leased or the development under construction on the site to be sold/leased upon completion.
- c) All signs are to be removed within fourteen (14) days of sale or auction of the property.
- d) The size of signboards is not to exceed:
 - i. 1.15 m² where single dwellings, dual occupancy development or single units within multi-unit housing are being advertised for sale;
 - ii. 4.5 m² where commercial or industrial premises are being advertised;
 - iii. 2.5 m² where premises other than those listed in i) and ii) above are being advertised for sale;
- e) Are not illuminated, self-illuminated or flashing at any time.

Note 1: For the purposes of Exempt Development in DCP 46 – Exempt and Complying Development, this Part was formerly Part 14.

Note 2: All Real Estate advertising signs not complying with this plan may be:

- *impounded by Council.*
- *held by Council for seven (7) days after the advertiser or agent has been notified in writing Council has impounded the sign.*
- *be made available to the advertiser or agent upon payment of all costs associated with the impounding with a minimum fee of \$50.00 per sign being payable.*

Signs not recovered within the seven (7) day period may be disposed of at Council's discretion. Where the advertiser or agent fails to recover signage Council may still seek to recoup any cost incurred.

10.2 Sporting and Special Events Signs

Signs for sporting and special events such as cultural and entertainment activities will be considered by Council on individual merit. Council recognises these activities as an important element in community use of commercial precincts and special consideration will be given to permit departures from provisions of this plan provided that such departures do not significantly impact on the locality.

- a) Signage must be displayed for a period not greater than fourteen (14) days prior to the event and must be removed on the day following the event.
- b) Not more than two (2) organisations' advertising may be displayed at any one (1) set of approved banner poles.
- c) The advertising must be that of recognised local organisations or organisations of a charitable or community service nature.

Note: All unauthorised advertising will be impounded by Council.

10.3 Other Advertising

- d) Council may grant consent to other advertising structures not described in this Plan provided that they are temporary advertising only.
- e) Temporary signs to which Council grants consent under this section may not be erected for a period of more than two (2) months.

11 Maintenance

- f) A sign shall not be altered in any way (except for removal) after approval, unless permission in writing for such alteration is obtained beforehand from Council.
- g) All signs shall be maintained to the satisfaction of Council at all times.

NEW MEMBERS TO THE HERITAGE ADVISORY COMMITTEE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Councillors to consider approving new Community representatives as members to the Heritage Advisory Committee and the meeting dates for 2007 for the Committee.
BACKGROUND:	The Heritage Advisory Committee is an advisory committee comprised of community members and two (2) Councillors. Their role is to advise Council on heritage matters and assistance in promoting an understanding and appreciation of heritage in Ku-ring-gai through specific activities and events. Nominations have now been received from community members.
COMMENTS:	The terms of reference of the Committee require that Council endorse community representatives on the Committee following receipt of expressions of interest. During the advertised period, two (2) applications were received. All applicants would make a valuable contribution to the Committee with a wide range of knowledge. Two (2) nominations were received from community representatives (residents). In addition the National Trust, Royal Australian Institute of Architects (RAIA) and Ku-ring-gai Historical Society put forward three (3) representatives.
RECOMMENDATION:	That Council appoint the persons as nominated in this report as Community representatives to the Heritage Advisory Committee and that the dates for the 2007 meetings as outlined be adopted.

PURPOSE OF REPORT

For Councillors to consider approving new Community representatives as members to the Heritage Advisory Committee and the meeting dates for 2007 for the Committee.

BACKGROUND

The Heritage Advisory Committee is an advisory committee comprised of community members and two (2) Councillors. Their role is to advise Council on heritage matters and provide assistance in promoting an understanding and appreciation of heritage in Ku-ring-gai through specific activities and events.

The Chair of the Heritage Advisory Committee is Councillor Anderson and the Deputy Chair is Councillor Shelley.

COMMENTS

Under the Charter new Community members are sought every two years. The current Community Members term is now complete.

Membership

The Charter of Responsibility for the Heritage Advisory Committee (copy **attached**) sets out membership. In addition to staff and Councillors, there are representatives of nominated groups and community representatives.

In the case of representatives of nominated expert groups, these representatives are determined by the groups themselves who are then required to notify Council. To date written advice has been received from the Ku-ring-gai Historical Society confirming Jennifer Harvey as their representative.

Despite phone calls to follow up correspondence, written nominations have not yet been received from the National Trust although the National Trust verbally indicated that Bob Moore will be their nominee. A written nomination has been received on behalf of the Royal Australian Institute of Architects nominating Ian Stutchbury. Council awaits formal notification from the National Trust.

Selection of community representatives is by way of self nomination following a call for expressions of interest and appointment by Council.

An expression of interest for new community members to the Committee was advertised in the North Shore Times on Friday, 2 February 2007 and on the Ku-ring-gai Council Website for four weeks. During the advertised period, two (2) nominations were received. In addition the National Trust, Royal Australian Institute of Architects (RAIA) and Ku-ring-gai Historical Society put forward three (3) representatives.

Item 7

S03816
1 March 2007

Council must now decide to appoint community representatives from the expressions of interest received. The Charter of Responsibility of the Committee requires a minimum of two (2) community representatives, but sets no maximum.

Two (2) nominations have now been received from community members. This includes nominations which have been received from: Greg Holman and Vanessa Mack (verbally and via previous nomination form). Their nominations are **attached**. Because the nominations include details that are considered personal information under the Privacy Act, they are attached as confidential for the information of Councillors. It is recommended that Council approve both of these applications for community representative membership of the Committee.

Meeting dates

The first meeting will be held in March with the date to be confirmed as 26 March 2007. It is proposed to have the meetings on the fourth Monday of the month (where possible), meeting dates are proposed for the following dates: 16 April, 25 June, 27 August and 29 October 2007.

CONSULTATION

An expression of interest for new community members to the Committee was advertised in the North Shore Times on Friday, 2 February 2007 and on the Ku-ring-gai Council Website for four weeks. During the advertised period, two (2) nominations were received. In addition the National Trust, RAIA and Ku-ring-gai Historical Society put forward three (3) representatives.

FINANCIAL CONSIDERATIONS

Cost of running the Heritage Advisory Committee is covered by the Urban Planning Budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not required for this report.

SUMMARY

The terms of reference of the Committee require that Council appoint community representatives on the Committee following receipt of expressions of interest. Nominations are attached for Council consideration.

An expression of interest was placed in the North Shore Times in February 2007. Two (2) nominations were received in the advertised period. It is recommended that Council approve both of these applications for community representative membership of the Committee.

RECOMMENDATION

- A. That Greg Holman and Vanessa Mack be appointed as Community Representatives to the Heritage Advisory Committee for 2007.
- B. That the meeting dates for the Heritage Advisory Committee for 2007 be held on 26 March, 16 April, 25 June, 27 August and 29 October 2007.
- C. That the previous Community representatives be thanked for their contribution to the Heritage Advisory Committee.

Karen Chapman
Student Planner

Antony Fabbro
Manager
Urban Planning

Steven Head
Director
Open Space and Planning

Attachments: **1. Heritage Advisory Committee - Charter of Responsibility - 742145**
 2. Nominations - Confidential attachment

CHARTER OF RESPONSIBILITY

For Heritage Advisory Committee

CHARTER OF RESPONSIBILITY **FOR THE HERITAGE ADVISORY COMMITTEE**

AIM

1. To provide advice to Council on heritage matters.
2. To provide assistance to Council in promoting an understanding and appreciation of heritage through specific activities and events.

OBJECTIVES

Council's objective in respect to heritage is to conserve the identity of the Ku-ring-gai area as established by its environmental heritage, character, topography, rural environment and residential amenity. Council's heritage program should aim to achieve, or be consistent with the following objectives:

1. to retain specific evidence of the development of the Ku-ring-gai areas;
2. to further integrate heritage conservation into the planning and development control process;
3. to develop conservation objectives, policy and strategies for use in environmental plans or development control plans;
4. to actively seek opportunities for the enhancement and promotion of Ku-ring-gai's heritage, eg via the publication of design guidelines, information pamphlets, community involvement and education activities etc; and
5. to allow members of the public to address the Committee on Heritage issues.

This is to be conducted:

- in accordance with the conservation principles outlined in the Burra Charter;
- whilst encouraging public involvement; and
- within ongoing review and development of heritage policy;

APPOINTMENT OF THE HERITAGE ADVISORY COMMITTEE

Appointment of Councillors and Community Representatives to the Heritage Advisory Committee is for a maximum of **two (2) years with nominations for community members to be called for every two (2) years** and for Councillors to be nominated after a 2 year term coinciding with the appointment of Councillors to committees following the election of the Mayor and Deputy Mayor or following the general elections – whichever occurs first. Where a member of the Committee fails to attend three meetings of the Committee without leave of absence, Council may terminate appointment of that member of the Committee.

CHAIRPERSON

The Chairperson of the Heritage Advisory Committee will be elected by the Council and shall be a Councillor. A Deputy Chairperson will also be elected by Council. In the absence of the Chairperson and Deputy Chairperson, those present at the meeting will elect an Acting Chairperson for that meeting only and that person may or may not be a Councillor.

MEMBERSHIP

Membership of the Heritage Advisory Committee will consist of Councillors, representatives of Council staff, and suitably interested and qualified members of specified groups and community representatives who are residents of Ku-ring-gai.

Nominations for membership of the Heritage Advisory committee representing specified groups shall be by way of invitation to the Group to nominate a representative. Such representatives may or may not be residents of Ku-ring-gai.

Nominations of community representative shall be by expressions of interest called for by way of advertisement in local papers. Such representatives must be residents of Ku-ring-gai.

A report shall be submitted to Council detailing nominations received and the membership of the Committee for community representative shall be determined by Council.

Membership consists of:

Ku-ring-gai Council

- | | |
|--|----------------------------------|
| • Councillors to be nominated by Council. | Any interested Councillor |
| • Director of Planning and Environment or Delegate | 1 |
| • Council officer providing support to the committee | 1 |
| • Council's Heritage Officer | 1 |
| • Other Council officers may attend from time to time as observers or to discuss specific matters. All staff shall not be voting members of the committee. | |

Specified Groups

- | | | |
|---|-----------|---|
| • National Trust of Australia | 1} | |
| • Ku-ring-gai Historical Society | 1} | as nominated by the relevant group |
| | } | |
| • Royal Australian Institute of Architects (RAIA) | 1} | |

Community Representatives

Community representatives who are residents of Ku-ring-gai **2 (minimum) appointed by Council following receipt of expressions of interest**

QUORUM

For the purpose of voting on issues raised in the committee, the number of members constituting a quorum shall be equal to half the membership of the Committee plus one. The Chairperson of the Committee shall not have a casting vote.

PUBLIC PARTICIPATION

Members of the public may attend meetings as observers.

Members of the public may attend the Committee to raise an issue. Members of the Public wishing to raise an issue should provide notice of their attendance to the Chairperson prior to the meeting. The Chairperson shall have discretion in making a final decision on whether to allow a public presentation at the meeting. Members of the Public should preferably submit a written statement to support their presentation. Members of the Public shall be limited to 10 minutes to address an issue unless the Committee resolves to extend the time for presentation.

REPORTING

The Reference Group makes recommendations to the Council or a Committee of the Council on all relevant business put before it. Recommendations of the Committee will be represented to the Council in written form accompanied by comment from relevant Council officers. Matters determined by the General Manager as purely or substantially “operational” in nature will be dealt with by the relevant director and any action or lack thereof reported to the Reference Group on a regular basis.

MEETINGS

The Committee is to meet on a bi-monthly basis. No meeting is to be held in December or January. The Chairperson has the discretion to call meetings at other times on a needs basis provided sufficient notice is given to allow for such meetings to be advertised. Minimum number of meetings per year shall be 5. The Committee may appoint a sub-group to progress specific activities or events. Such meetings may be informal and meet on a needs basis.

DEVELOPMENT APPLICATIONS

Members of the Committee may comment on Development Applications and/or planning documents referred to it at the discretion of either the Director Environmental & Regulatory Services or the Director Planning & Environment.

COUNCIL’S HERITAGE ASSISTANCE FUND

All applications for financial assistance under Council’s Heritage Assistance Fund shall be referred to the Committee for advice.

HERITAGE NOMINATIONS

All nominations for heritage listing of Individual Items, Precincts or Conservation Areas are to be referred to the Committee for advice.

GENERAL BUSINESS

Members of the Committee may raise special matters that they believe are within the charter and request, by recommendation to Council, that a report will be prepared on the matter by Council's Officers for a future meeting of the Committee

ANNUAL REPORTING AND DISCLOSURE

Each Committee member shall submit a general annual disclosure in writing to the General Manager and in addition shall submit a disclosure in respect of any direct or indirect pecuniary interest in any matter, which has been presented to the Committee for advice at the meeting at which that matter is to be discussed. The disclosure is to be submitted to the General Manager prior to the meeting at which the matter is to be discussed.

ADMINISTRATIVE SUPPORT

Ku-ring-gai Council will provide administrative support for typing and distribution of the Minutes and Notification of Meeting and Agenda.

A staff member shall record the Minutes.

Council may, by resolution, provide financial and additional staff support to the Committee or to a sub-group of the Committee for specific activities undertaken by the Committee or a sub-group of the Committee to promote an understanding and appreciation of heritage.

FINALISATION OF BUSHLAND ENCROACHMENT POLICY

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to adopt the final Bushland Encroachment Policy in accordance with the Local Government Act 1993.

BACKGROUND:

In December 2006 Council considered a report recommending that the draft Bushland Encroachment Policy be placed on public exhibition for comment. The Policy was publicly exhibited throughout January and February 2007.

COMMENTS:

No comments regarding the draft Bushland Encroachment Policy were received during the public consultation period.

RECOMMENDATION:

That Council adopt the Bushland Encroachment Policy without amendment in accordance with Section 161 of the Local Government Act 1993.

PURPOSE OF REPORT

To seek Council's approval to adopt the final Bushland Encroachment Policy in accordance with the Local Government Act 1993.

BACKGROUND

On 12 December 2006, Council considered a report recommending the exhibition of the draft Bushland Encroachment Policy to provide a strategic, cost-effective and consistent enforcement framework to address the occurrence of encroachments on Council-managed bushland reserves throughout the Ku-ring-gai LGA.

Following consideration of the report Council resolved:

- A. *That the draft Bushland Encroachment Policy be exhibited for a minimum period of 40 days during which public comment will be sought.*
- B. *A copy of the draft Policy be referred to the Department of Lands and Department of Local Government for comment.*
- C. *That a final report be prepared to Council following public consultation.*

COMMENTS

No comments were received during the public exhibition period.

CONSULTATION

The draft Bushland Encroachment Policy was exhibited from Wednesday 10 January until Wednesday 21st February, 2007. This allowed for the minimum 42 day exhibition and submission period as required by Section 160 of the Local Government Act.

Copies of the draft Policy were made publicly available at Council's libraries, the customer service counter at Council Chambers as well as on Council's web site. Advertisements were placed for notification of the exhibition period in early January 2007. Notification of the exhibition was also placed on Council's website.

Copies of the draft Bushland Encroachment Policy were also referred to representatives from the Department of Lands and Department of Local Government for comment.

No submissions or other comments were received during the exhibition period.

FINANCIAL CONSIDERATIONS

The works generated by the Bushland Encroachment Policy do not require the expenditure of additional funds over and above that provided through the ordinary rate income and Environmental Levy funding.

Under the current Policy structure, Council's direct costs in managing encroachments, including legal costs are restricted to encroachments classified as 'High Priority'. This will limit Council's expenditure to the management of encroachments with significant community and environmental impacts. Enforcement of the Policy will become the responsibility of Council's Community Environment Officers, as financed under the Environmental Levy and Rangers within the Development and Regulation section.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The draft Bushland Encroachment Policy has been considered by the Development and Regulation, Open Space, Finance and Business and Technical Services sections of Council.

SUMMARY

The draft Bushland Encroachment Policy has been prepared and exhibited in accordance with the provisions of the *Local Government Act 1993*. The Policy specifically relates to the management and use of community land categorised as a 'natural area' under the *Act*

Under section 47D of the *Act*, the exclusive occupation or exclusive use of community land otherwise than in accordance with a lease, license or estate is prohibited. Section 47B of the *Act* places restrictions on the purposes for which a lease, licence or other estate can be granted, in respect of community land categorised as a natural area.

The purpose of draft Bushland Encroachment Policy is to provide a strategic, cost-effective and consistent enforcement framework to address the occurrence of encroachments on Council-managed bushland reserves throughout the Ku-ring-gai LGA.

During the exhibition period, no issues were raised that affected the direction or intent of the draft Policy.

RECOMMENDATION

- A. That the draft Bushland Encroachment Policy be adopted by Council without amendment.
- B. That notification of the adoption of the Bushland Encroachment Policy be undertaken consistent with the requirements of Section 161 of the *Local Government Act 1993*.

Graeme Williams
**Community Environment
Officer**

Peter Davies
**Manager Sustainability &
Natural Environments**

Steven Head
**Director Open Space &
Planning**

Attachments: Final Bushland Encroachment Policy - 655123

Bushland Encroachment Policy



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Bushland Encroachment Policy

1. Citation

This Policy may be cited as Ku-ring-gai Council's Bushland Encroachment Policy.

2. Land to which the policy applies

This Policy applies only to land classified as 'community land' and categorised as 'a natural area' under the *Local Government Act 1993*. This encompasses land managed under a reserve trust or where Council has care, control and management of land under the *Crown Lands Act 1989*.

3. Policy intent

The purpose of this Policy is to provide a strategic, cost-effective and consistent enforcement framework to address encroachments on Council-managed bushland reserves throughout the Ku-ring-gai Local Government Area (LGA).

Consideration has been given to the legislative intent behind community land provisions, the principles of natural justice and procedural fairness, community values and Council's operational capacity in promoting the long-term ecological integrity of community land categorised as a natural area.

This policy recognises Council's limited capacity to manage all occurrences of encroachments on Council-managed assets through a bushland prioritisation framework and can therefore be exercised for both reactive and proactive management responses.

4. Context

4.1 Policy

Encroachments can be regarded as illegal extensions of private property boundaries and/or structures onto public land. At the urban - bushland interface, the arrogation of Council land is often exacerbated by ill-defined reserve boundaries and the increasing pressures of urbanisation. Although at an individual level, encroachments may appear minor in impact, cumulatively encroachments are responsible for detaining and degrading hectares of the Council/community reserve system. Historically, management of encroachments has been complicated by the absence or inconsistency of Council practices, policies and the progressive imbuement of environmental considerations in local government legislation.

Unauthorised encroachments in Council reserves have the ability to

- compromise the integrity of natural and cultural values,
- alienate land from public use/access,
- impede fire management,
- detract from aesthetic appearances,
- divert and encumber council resources and assets,
- jeopardise public safety,
- cause social inequity, and
- incite issues of legal liability.

Preceding Council documents support the need for a formalised management response to the issue of encroachments on Council managed community land. Encroachments were specifically identified as a management issue in Ku-ring-gai Council's Bushland Plan of Management (adopted May, 2006). In addition, the Ku-ring-gai Council Biodiversity Strategy (adopted May, 2006) recognised encroachments and illegal clearing as a threatening process, while the Ku-ring-gai Community Environmental Research Project Report, 2005 acknowledged urban development and habitat/biodiversity as the two main environmental issues for the Ku-ring-gai Community. This Report further justified these issues as dominant areas for Council activity in the immediate future.

4.2 Environmental

The Ku-ring-gai LGA contains approximately 1,100 hectares of Council-managed bushland reserves (Figure 1). The majority of natural vegetation is contained within 12 reserves that exist within 13 sub-catchments. Local vegetation consists of three Endangered Ecological Communities (EECs); Blue Gum High Forest, Sydney Turpentine-Ironbark Forest and Duffys Forest, which are listed under the NSW *Threatened Species Conservation Act 1995* and/or the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*. Other vegetation communities present in the Ku-ring-gai reserve network can be described as Sydney sandstone-derived communities (Refer to Ku-ring-gai Councils' Bushland Reserves Plan of Management, 2006).

The majority of Ku-ring-gai's bushland reserves are distributed along steep gullies away from ridge-top developments. Reasonable connectivity is displayed in these elongated, linear valley reserves, which in many cases, remain contiguous with the National Parks that form the East, West and Northern boundaries of the LGA. Reserves located at higher elevations have typically geometric margins and consist of EECs that correspond with local soil profiles. These ridge-top reserves are characteristically isolated from adjoining vegetation and subsequently embedded within the urban matrix. All reserves exhibit a high perimeter: core ratio with intensive urban landuse and consequently, experience degrading, anthropogenic-induced disturbances. Despite these urban pressures, remnant vegetation within Ku-ring-gai's reserve system currently supports a rich diversity of flora and fauna species.

4.3 Social

The dominant landuse in Ku-ring-gai consists of low-density residential housing (*95 percent of the LGA*), with approximately 2,450 properties adjoining Council bushland. This creates 92 kilometres of interface between residential properties and bushland reserves. The high perimeter/area ratio of bushland to urban development in Ku-ring-gai generates issues for bushland management, including the encroachment of residential properties onto Council bushland reserves.

Some encroachments occur in a slow, progressive fashion and usually from the well-intentioned activities of residents at the bushland interface. Seemingly harmless activities such as lawn mowing, fire break maintenance and informal gardening can stimulate notions of ownership, pride and a process of successive appropriation passed with land title from one proprietor to another. Further activities such as placement of structures, gradual removal of native vegetation and extension of fencing create the deceptive appearance of private property on Council land.

According to 2001 statistics, the Ku-ring-gai LGA had significantly higher shares of home owners (nearly 60%), compared with average figures in the Sydney Statistical Division (39%). While the proportion of purchasers was higher, the overall percentage of renters was substantially lower in Ku-ring-gai (approximately 11%) when compared to the Sydney Statistical Division (29%).

Collectively, this household tenure data has implications in relation to encroachments. The concentration of home owners in the Ku-ring-gai LGA reflects a more settled area with mature families and a less transitory population base. Long-term home-ownership in detached dwellings (as opposed to short-term renters in high-density housing) facilitates sentiments of ownership and domestic pride, which can extend beyond legal property boundaries. The exclusivity of the Ku-ring-gai area and its attractiveness to affluent households also increases the value of land within the regional housing market and hence, pressures to appropriate further areas at the bushland interface (particularly those that may be degraded) (Ku-ring-gai Community Profile, 2006).

4.4 Economic

The economic impacts of encroachments on council lands are compound, yet ill-defined. In terms of local government, encroachments impinge on the economic efficiency of council bush regeneration and weed control programs. Encroachments are a typical encumbrance to the construction or maintenance of council fire breaks and the implementation of hazard reduction burns. Consequently, the management of encroachments, including investigation, documentation and removal consumes council resources and limited operational budgets.

For private land owners, most prominently those who inherit encroachments from previous land owners, the cost of maintaining and subsequently removing encroachments in accordance with the state laws represents a substantial economic inconvenience. The rehabilitation and re-integration of land formerly subject to an encroachment also entails considerable long-term investment to prevent rapid weed invasion and site degradation.

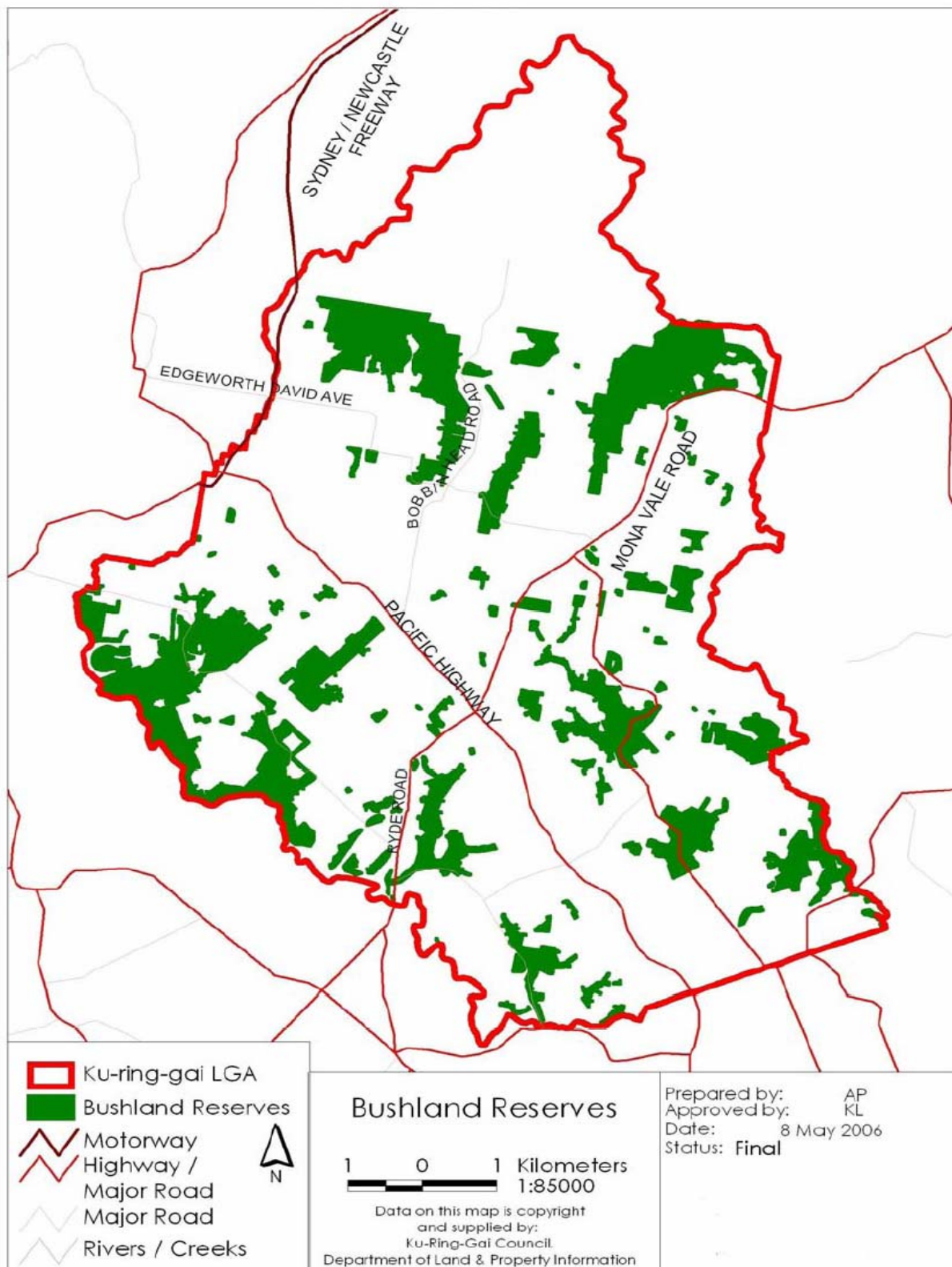


Figure 1. Map of Ku-ring-gai Council's Bushland Reserves

5. Aims

1. To provide a functional and transparent framework to direct Council's response in the management of encroachments on Council bushland.
2. To reduce the impact of encroachments on the ecological integrity of bushland within the Ku-ring-gai LGA.
3. To raise community appreciation and respect for community land.
4. Ensure Council satisfies its legal obligations under the *Local Government Act 1993*.

6. Objectives

Governance

1. Provide Council with a strategic, consistent and comprehensive approach to managing encroachments on community bushland.
2. Extend and seek further partnerships with other statutory authorities and non-government organisations to help maintain or enhance the condition of the urban bushland interface.
3. Establish and maintain a database to document and monitor encroachments at the urban bushland interface.
4. Review and rationalise Council's existing documents and standards.
5. Ensure currency and consistency with Council, other government policies, standards and legislative requirements.

Economic

6. Provide Council with a cost-effective approach to managing encroachments on community bushland.

Environmental

7. Improve connectivity between the bushland interface and core (principal) reserve component.
8. Classify encroachments based on ecological sensitivity criteria and linear extent to facilitate strategic management.
9. Remediate and enhance the integrity of Council reserves at key sites along bushland interface.

Social

10. Increase level of regulatory and educational engagement initiatives undertaken by Council at the bushland interface.
11. Minimise and mitigate disturbance caused by human intrusion through promoting responsible community interaction with natural areas.

7. Legislative frameworks

The *Local Government Act 1993* (LG Act) is the primary piece of legislation relevant to encroachments on Council managed community lands. In relation to community land, the aim of the LG Act is:

- To assist councils in the categorisation of community land and the management of that land.
- To promote the best management of environmentally sensitive land.
- To curb the inappropriate alienation of community land for essentially private purposes.
- To reinforce the public's right to participate in public land management.

Chapter 6, Part 2 of the LG Act generally establishes Council's responsibility in managing community land for public purposes. Section 47D (1) of the LG Act prohibits the exclusive occupation or exclusive use by any person of community land otherwise in accordance with a lease, licence or estate. This section must be read in conjunction with Section 47B of the Act which precludes the granting of lease or licence for private residential purposes on land categorised as a natural area. Section 124, orders 27 – 29 of the LG Act provides councils with regulatory mechanisms to assist the protection or repair of public places.

Section 36E of the LG Act sets out the core objectives for the management of community land categorised as a natural area.

- (a) to conserve biodiversity and maintain ecosystem function in respect of the land, or the feature or habitat in respect of which the land is categorised as a natural area, and
- (b) to maintain the land, or that feature or habitat, in its natural state and setting, and
- (c) to provide for the restoration and regeneration of the land, and
- (d) to provide for community use of and access to the land in such a manner as will minimise and mitigate any disturbance caused by human intrusion, and
- (e) to assist in and facilitate the implementation of any provisions restricting the use and management of the land that are set out in a recovery plan or threat abatement plan prepared under the [*Threatened Species Conservation Act 1995*](#) or the [*Fisheries Management Act 1994*](#) .

Council also manages land on behalf of state authorities. In instances where encroachments occur on land under the care, control and management of Council or on land managed under a reserve trust, provisions of the LG Act apply. Section 98 of the *Crown Lands Act 1989* devolves Council with the ability to use provisions of the LG Act in relation to land where Council is the manager of a reserve trust.

Under Section 45D (3) of the *Real Property Act 1900* a possessory application may not be made in respect of an estate or interest in any land, or in any part of any land of which the Crown or council within the meaning of the *Local Government Act 1993* is the registered proprietor.

8. Relevant policies, guidelines and plans of management

This policy must be read in conjunction with relevant Plans of Management and other adopted Council policies and guidelines.

Examples are included, but not limited to

1. Bushland Reserves Plan of Management (2006)
2. Biodiversity Strategy (2006)
3. Temporary Access Over Community Land Policy (2003)
4. Tree Management Policy (1999)
5. Bushcare Volunteer Policy (1997)
6. Council's Management Plan
7. Fire Break Maintenance Standards (1997)
8. Development Control Plan No. 46 Exempt and Complying Development (2004)
9. State Environmental Planning Policy 19 Urban Bushland
10. Hornsby – Ku-ring-gai Bush Fire Risk Management Plan (1997)

9. Process and management

The following principles establish Council's decision-making process and collectively provide Council with a strategic, consistent and cost-effective approach to managing encroachments on community bushland.

9.1 Priority rating matrix

To ensure the most cost-effective use of resources, the following rating matrix has been devised to evaluate the socio-environmental impact of individual encroachments on Council managed land. The rating matrix partitions encroachments in A, B, and C classes based on ecological sensitivity criteria and linear extent (Figure 2). Specific objectives for each class of encroachment have been provided to guide management prioritisation and outcomes (Figure 3).

SPATIAL EXTENT	LARGE (>15m)	B	A	A
	MODERATE (5 – 15m)	C	B	A
	SMALL (<5m)	C	C	B
		LOW	MEDIUM	HIGH
		BUSHLAND SENSITIVITY		

Figure 2. Priority Rating Matrix with Class Outputs

Class	Priority	Definition	Operational Response	Objective
A	High Priority	Encroachment impacts bushland of significant ecological/social value, and/or impacts public safety, public access or operational outcomes.	Stages 1 – 3 of Property Inspection Report. Emphasis on voluntary compliance underpinned by regulation and education.	Complete removal and rehabilitation.
B	Medium Priority	Encroachment impacts bushland of moderate ecological and/or social value.	Stages 1 & 2 of Property Inspection Report. Emphasis on education and negotiating voluntary compliance.	Voluntary removal and rehabilitation.
C	Low Priority	Encroachment impacts bushland of limited ecological and/or social value.	Stage 1 of Property Inspection Report. Written notification and education materials sent and voluntary compliance only upon resident initiation.	Documentation and promotion of voluntary removal.

Figure 3. Class Objectives and Associated Operational Response

9.2 Identification of encroachments

In each instance that a alleged encroachment is reported or detected,

Council will;

9.2.1 Class the nature and manage each encroachment in accordance with the priority rating matrix and associated class objectives.

9.2.2 Follow the desktop analysis procedure prescribed in Stage 1 of the Property Inspection Report (Appendix 2).

9.2.3 Investigate all reports of alleged encroachments in a consistent and impartial manner.

9.2.4 Refer any encroachments pertaining to land owned/managed by external (State) land management agencies or private property owners for management action.

9.2.5 Review relevant property files to determine the incidence of past encroachments or to obtain other information.

9.2.6 Avoid direct contact with owners or occupiers of land to which an alleged encroachment applies until such time as Council has identified the encroachment in accordance with Stage 2 of the Property Inspection Report) so as to minimise potential conflict.

9.3 Resident engagement

When an alleged encroachment has been identified or is unverified from Stage 1 of the Property Inspection Report,

Council will;

9.3.1 Follow the procedure prescribed in Stage 2 of the Property Inspection Report.

9.3.2 Ensure all owners or occupiers of land receive a standard contact letter requesting a site meeting to discuss the alleged encroachment and a registered survey of the property, in addition to educational material as the first point of contact (Appendix 3).

9.3.3 If practicable, conduct property inspection from within Reserve boundary when owner/occupiers of land from which an encroachment emanates refuses to permit entry to premises for site inspection.

9.3.4 Exercise any necessary power of entry or inspectorial function in accordance with provisions of the *Local Government Act 1993*.

9.3.5 Provide each owner/occupier of land from which an alleged encroachment emanates an approximate measurement and ground marking of any necessary property dimensions using the relevant Deposited Plan (DP) under section 192 of the *Local Government Act 1993* for the purposes of ascertaining the existence of an alleged encroachment. Measurements will be taken on the horizontal plane.

9.3.6 Regard all encroachments considered to be impacting public safety or impeding operational outcomes as Class A in the Priority Rating Matrix.

9.3.7 Classify the result of owner/occupier meeting into one of following outcomes.

A. Owner/occupier concedes to alleged encroachment and agrees to voluntarily comply with directives by removing structures and desisting inappropriate behaviours; as formalised in Voluntary Compliance Agreement (Appendix 4). Refer to Section 9.4 *Voluntary compliance*.

B. Owner/occupier concedes to alleged encroachment but refuses to comply for reasons of undue hardship, legality issues, general apathy, non-accountability or other rationale. Refer to Section 9.5 *Enforced compliance*.

C. Owner/occupier denies validity of alleged encroachment or refuses to permit entry. Refer to Section 9.5 *Enforced compliance*

D. From on-site investigations, alleged encroachment appears improbable or immaterial. Refer to Section 10 *Communication and prevention*.

E. The alleged encroachment is considered 'abandoned' with no evidence of exclusive use or occupation able to be established. Refer to Section 9.6 *Removal and rehabilitation*.

9.4 Voluntary compliance

In instances where owner/occupiers of land from which an encroachment emanates agrees to voluntarily comply with removal directives;

Council will:

9.4.1 Follow the procedure prescribed in Stage 3 of the Property inspection Report.

9.4.2 Formalise arrangements in a Voluntary Compliance Agreement (Appendix 4) to ensure equity and consistency in voluntary compliance.

9.4.3 Guide and support residents in the removal of structures from community land.

9.4.4 Not assume any responsibility for damages or mishaps to persons or property whilst engaged in the removal of private structures from community land.

9.4.5 Accept as true and correct any current survey conducted by a registered surveyor that confirms or refutes Council's assumptions regarding an encroachment.

9.4.6 Provide each resident with an approximate indication of the boundary between private and community land, unless otherwise signified by a registered survey/or.

9.4.7 Permit each owner/occupier of land to which an encroachment emanates a single time extension of two weeks for compliance with the terms of a Voluntary Compliance Agreement upon written request or otherwise through discretion of the enforcing officer.

9.4.8 Subsequent to written request, consider reasonable variations or extensions to the specific terms prescribed in a Voluntary Compliance Agreement issued by Council.

9.4.9 Upon change of circumstances, generally review the fairness of the terms prescribed in the Voluntary Compliance Agreement upon written request by owner/occupier of land from which an encroachment emanates. The period for voluntary compliance stays until otherwise varied by Council.

9.4.10 Exercise any right under the Voluntary Compliance Agreement should the terms and/or conditions stated in the Agreement not be satisfied within the time specified, without reasonable excuse, including, but not limited to;

- Removal of encroachment
- Recovery of a debt
- Service of an order under the *Local Government Act 1993*

9.5 Enforced compliance

In instances where owner/occupiers of land from which an encroachment emanates deny the validity of the encroachment or generally refuse to comply with removal directives;

Council will;

9.5.1 Follow the procedure prescribed in Stage 3 of the Property Inspection Report.

9.5.2 Demonstrate procedural fairness when exercising regulatory functions.

9.5.3 Retain the right to issue an order/s in accordance with provisions of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*. Copies of all correspondence will be stored against relevant property files.

9.5.4 Where none can be obtained, commission or re-authenticate a property boundary survey from a registered surveyor prior to the service of an order or at any other occasion deemed necessary. Financial approval must be sought from the Manager Sustainability and Natural Environments.

9.5.5 Ensure all orders contain promote the option to enter a Voluntary Compliance Agreement with a period for compliance not being less than the period specified in the order.

9.5.6 Retain final determination as to the standards or extent that an order must be satisfied taking into consideration any representations made against the terms of an order or against the order generally during the period allocated for representations to be made.

9.5.7 Hear any representations received against a proposed order by Council's nominated environment manager and provide a single consultative session to all residents wishing to debate the terms of an order.

9.5.8 Retain the right to undertake whatever measures are necessary to give effect to the terms of an order, including the carrying out of any work required by the order and recovering costs.

9.5.9 Serve all orders in respect of land owned or occupied by more than one person to both persons if aware of their existence or requested to do so.

9.5.10 Revoke or modify any orders when proven inconsistent with a registered survey or other irrefutable proof.

9.5.11 Ensure all orders are appropriately re-inspected within 7 days following the date for compliance.

9.5.12 Retain the option to serve penalty infringement notices for non-compliance with Council orders.

9.5.13 Not undertake court proceedings for encroachments without prior review and approval from the Director of the Open Space Department and Council delegate authorised to approve for matters to be held in Court.

9.6 Removal and rehabilitation

If Council decides to undertake removal works by way of agreement or order;

Council will;

9.6.1 Review the option to instigate remediation works, by way of order, contract or operations on community land subject to a Class A encroachment with the aim of re-instating connectivity between the principal reserve system and urban interface.

9.6.2 Ensure all remediation works are consistent with the vegetation community found on that land.

9.6.3 Specify to owner/occupiers of land the terms for the removal of an encroachment and terms for the remediation of land formally subject to an encroachment by way of Voluntary Compliance Agreement (Appendix 4) or order, whichever deemed appropriate. Rehabilitation of land subject to an encroachment will be prioritised in instances where the person/s responsible for the instatement of the encroachment can be established.

9.6.4 Retain the right to require a restoration plan to be prepared by a qualified bush regeneration contractor to oversee the terms of remediation. The restoration plan must be approved by Council's Natural Areas Division prior to commencement of works to permit a site meeting with the relevant contractor. Council is to be notified upon completion of works to determine the satisfaction of remediation terms.

9.6.5 Retain the right to remove or otherwise dispose of objects (via contract or operations) left on Council land after the period specified in a Voluntary Compliance Agreement or order, whichever is applicable.

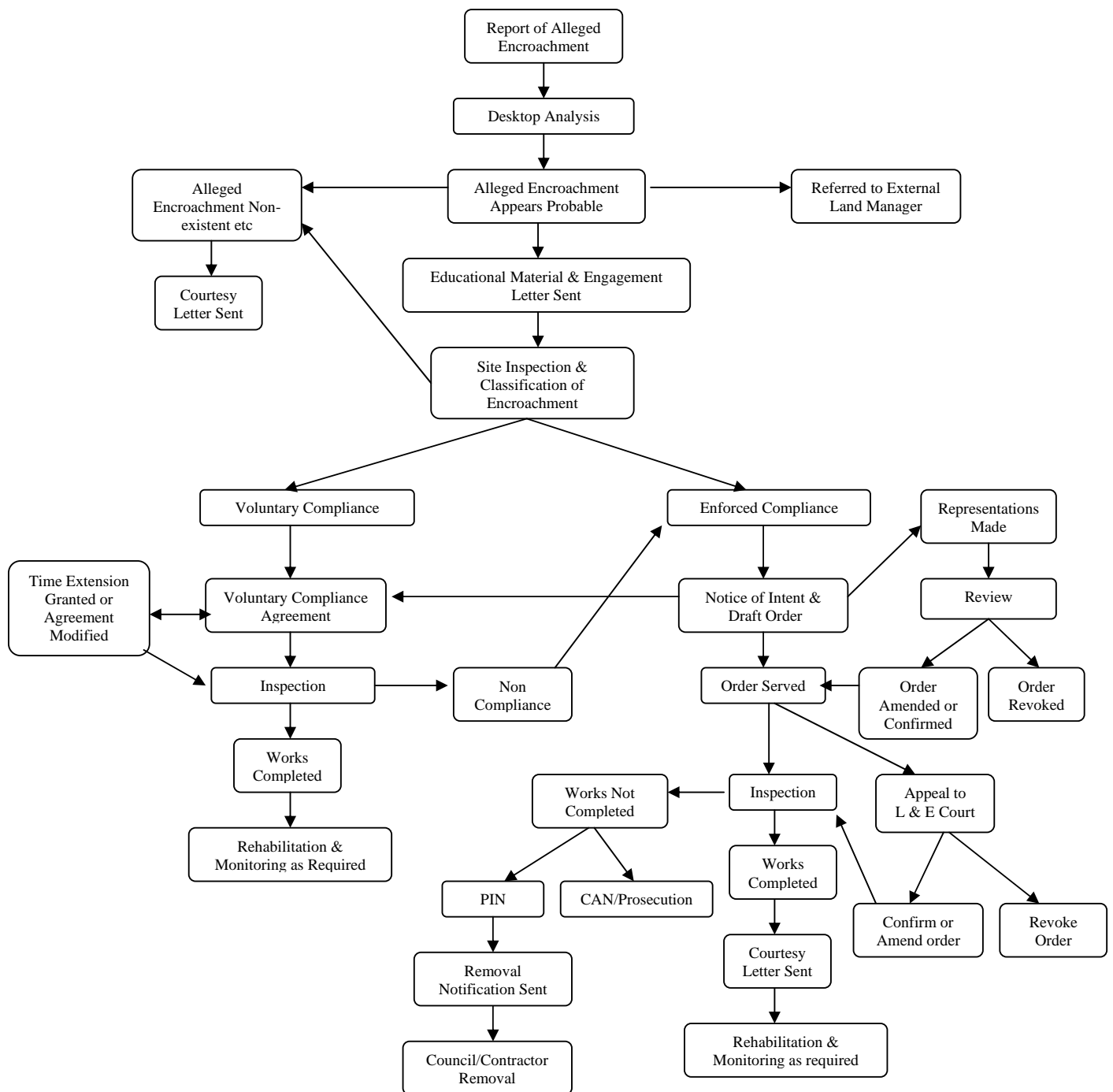
9.6.6 Provide written notification to residents to inform of any intention to remove or otherwise dispose of objects left on community land with a minimum of 14 days notice prior to commencement of removal and/or rehabilitation works.

9.6.7 Consider the economics and long-term sustainability of restoring land formerly subject to an encroachment.

9.6.8 Reserve the right to consider site specifics when determining remediation terms.

9.6.9 Review the option to remove any encroachments considered 'abandoned' on community land.

9.7 Operational summary



10. Communication and prevention

Communicating the negative impacts associated with encroachments provides an important mechanism to raise appreciation and respect for community land, provide offenders with contextual knowledge prior to Council engagement and to prevent the establishment of new encroachments. To ensure effective communication and prevention occurs,

Council will;

10.1 Disseminate through local media and/or Council's internal reporting systems an annual encroachment education campaign.

10.2 Publish in local media any successful prosecutions for encroachments on community land.

10.3 Regularly provide education material at local community events.

10.4 In the course of enquiries regarding specific properties, notify of known encroachments and inform respective owners or purchasers of Council's Bushland Encroachment Policy.

10.5 Where practical, formalise the boundary of Council constructed fire breaks with a hard edge to discourage future encroachments.

10.6 If resident engagement has occurred, send acknowledgment letters to all owner/occupiers of property investigated for the presence of encroachments, but where no encroachment was found.

11. Data and financial management

11.1 A database will be established to record information on encroachments being resolved through this policy.

11.2 An annual budget will be allocated to specifically support and facilitate the removal and rehabilitation of encroachments.

11.3 Any funds acquired through the administration of this policy will be retained in a separate account and expended for purpose of rehabilitating land/s formerly subject to an encroachment.

12. Dispute Resolution

12.1 The Director of the relevant Department will consider mediation between Council and property owner when necessary.

13. Policy review process

13.1 The Policy will be reviewed 12 months from date of adoption and thereafter every 3 years.

13.2 The Policy will be amended as and when required in response to legislative changes.

14. Definitions

Bushland - land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation.

Bushland Interface -the peripheral area of a bushland reserve that adjoins residential/commercial or other land uses.

Community Land –land that is classified as community land under Division 1 of Part 2 of Chapter 6 of the *Local Government Act 1993*.

Encroachment -unauthorised occupation or use of or unauthorised activities on community land by a person including but not limited to a building or structure or part of a building or structure on community land, gardens on or gardening of community land and mowing or clearing community land.

Enforced Compliance (Orders) -an official order issued by Council under Section 124 of the *Local Government Act 1993*, requiring or prohibiting the doing of things to or on premises.

Natural Area – as defined in the *Local Government Act 1993*.

Principal Reserve –the major, predominately interior portion of the bushland reserve, otherwise excluding the bushland interface.

Priority Rating Matrix -a system which facilitates the strategic evaluation of encroachments on community land. The rating matrix partitions encroachments into three classes based on ecological sensitivity criteria and linear impact.

Procedural Fairness/Natural Justice – Legal terms (often used interchangeably) to imply that a decision maker should not only act in good faith and without bias but also should grant a hearing to any person whose interests will be affected by the exercise of that decision before the decision is made.

The 3 principles of natural justice are:

- the right to be heard, or the right to have a fair hearing with the opportunity to present one's case
- the right to have a decision made by an unbiased decision-maker
- the right to have the decision based on evidence

(Newcastle University, Victoria University)

Rehabilitation Works -activities undertaken to redress the impact, ecological or otherwise of encroachments on community land.

Property Inspection Report –internal reporting document used to compile relevant information to substantiate the presence of an encroachment and collate evidence for legal purposes.

Alleged Encroachment -a possible yet unverified encroachment on community land.

Vegetation Community – floristic association of vegetation.

Voluntary Compliance –cooperation with and fulfilment of a Council request to remove structures and/or desist inappropriate behaviours in the absence of regulatory engagement.

Voluntary Compliance Agreement –a non-legalistic, formalised agreement which sets out the agreed upon terms of conditions for removing and/or rehabilitating encroachments.

ST IVES CENTRE PLANNING - RESPONSE TO COUNCIL RESOLUTION, 27 FEBRUARY 2007

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To provide a response to the Council Resolution adopted on 27 February 2007 relating to the Acquisition / Lease of Public Land by St Ives Village Shopping Centre.

BACKGROUND:

Council has recently completed the St Ives centre planning project and submitted the Final LEP & DCP to the State government for gazettal.

COMMENTS:

Council has been provided with the planning proposals and outcomes for the St Ives Village Shopping centre precinct. This information process including the St Ives Shopping Village Precinct has been provided throughout the entire St Ives Centre planning.

RECOMMENDATION:

That the report be received and noted.

PURPOSE OF REPORT

To provide a response to the Council Resolution adopted on 27 February 2007 relating to the Acquisition / Lease of Public Land by St Ives Village Shopping Centre.

BACKGROUND

On 27 February, 2007 a Notice of Motion from Councillor Bennett was adopted requiring a response on the Acquisition/Lease of Public Land by St Ives Village Shopping Centre.

Council resolved the following:

"A Report come to Council on the content of all discussions held in the term of this Council between staff/consultants and the St Ives Shopping Village on the acquisition/lease by the Shopping Village of public land including (but not limited to):

- (a) Shopping Village/Council proposals for the sale/lease of public land (broken down by DP number) and any responses to such proposals.*
- (b) An explanation of why the content of these discussions was not reported to Council /Councillors.*
- (c) An explanation of why Council holds no records of these discussions on TRIM.*
- (d) An explanation of why no disclosure of these discussions was made to the Independent Hearing on Community Lands for St Ives.*
- (e) and the Report come to a Council meeting held before the meeting which considers the issue of the reclassification of community land in St Ives. This will enable an informed debate on the issue of reclassification."*

Councillors have previously been provided with a response to a Question Without Notice from Councillor Bennett.

The answer as provided to Councillors was as follows.

"Have any discussions been held between Council staff and/or Consultants over whether car parking required by the re-development of the St Ives Shopping Village could be accommodated on or under land currently owned by Council?"

In planning for the St Ives Centre Council staff have had discussions with representatives of the St Ives Shopping Village over the provision of parking in the St Ives Village / Council owned land precinct.

These matters have been raised and discussed at the Planning Committee Meetings held throughout 2005 and 2006 and in the series of reports to Council on the planning for the St Ives Centre.

COMMENTS

There are three sites within the St Ives Village Shopping Centre Precinct that Council owns and are classified as 'community land' and were subject to the public hearing process for St Ives for potential reclassification as operational land.

These are:

- 176 Mona Vale Road, St Ives (Lot 103 DP 627012 and Lot 105 DP 629388) – Car Park.
- St Ives Village Shopping Centre Car Park
11-21 Cowan Road and Village Green Parade, St Ives (Lot A DP 321567, Lot 1 DP 504794, Lot 2 DP 822373, Lots A and B DP 336206, Lots B and C DP 322331 and Lot 1 DP 420126); and
- Early Childhood Centre and Neighbourhood Centre and St Ives Library (being Part Lot 1 DP420106)

Planning for this precinct has been underway since early 2005 as was required by a Section 55 Direction from the Minister for Planning.

Council consulted with relevant stakeholders in the formulation of the draft LEP and draft DCP for St Ives Centre as it is required to do under the provisions of the Environmental Planning and Assessment Act (EP&AA) and Regulations (see **Attachment 1**).

Consultation for the St Ives Village Shopping precinct area included amongst an extensive range of stakeholders, the St Ives Village Shopping Centre (E.K Nominees) and their representatives. The consultation process did not involve negotiation in any form with any party, the issue of acquisition and/or lease of Council owned land.

Concepts which outlined the undergrounding of carparking within the carpark adjacent to the Village Green Shopping Centre have been included since the earliest phases of the development of the St Ives Centre master plan.

Planning for this precinct from 2005 to 2006, including outcomes of discussions with the land owners and their representatives, have been presented to Council throughout the project via reports to Council, Council's Planning committee meetings, Councillor briefings, and community consultation on planning for the St Ives Centre. Information contained in these reports is on Council's records system. Reporting to Council has accurately reflected the extent of discussions with all stakeholders including the owners of the St Ives Village Shopping Centre.

These reports have outlined in concept form the approach to seeking potential reclassification of certain Council owned land and to facilitate integration with the St Ives green and potential redevelopment sites with new /relocated underground parking, community facilities and potential retail/commercial and residential uses.

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Confidential Economic Modelling for the St Ives Centre (prepared by consultants)

As part of the economic feasibility process and to assist Council in planning for the precinct, Council's economic consultant reviewed on a confidential basis, the economic assumptions of the St Ives Village Shopping Centre.

A confidential report on this matter from Council's independent economic consultant was provided for Council. This information was not provided to any external parties. The details and assumptions of the St Ives Village centre economic feasibility information has not been provided to Council staff, nor do Council staff have any knowledge of its content.

In planning for Council owned land in the St Ives Shopping Precinct key meetings and planning reports have been reported to and considered by Council as outlined below:

19 July 2005- Ordinary Meeting of Council

This report considered land use options and associated traffic options- including the key sections dealing with the closure of village green parade and the under grounding of car parking, public domain improvements and new public spaces and the summary reasons were provided for seeking reclassification of Council owned land from "community land" to "operational land".

15 December 2005- Extraordinary Meeting of Council St Ives Draft LEP & DCP

In this report there are several references to the planning for this precinct including 1 (a) St Ives Shopping Centre Village 166-172 Mona Vale Road, St Ives- provides information on the options for this precinct for retail space and car parking, background information and final analysis and recommendations and notes *"these were presented to the Planning Committee on 13 September and 13 October 2005 and notes a "number of meetings were held with the Shopping Village Owners and their architects and traffic planners to discuss the options. A briefing has also been provided to staff and councillors by the landowner"*.

Under section 4(c) of the same report Council's Car park 11-19 Cowan Road, St Ives there is also information on the planning concepts background, Issues/opportunities and a final recommendation.

Other reports on the planning for the St Ives Centre (including areas within the St Ives Shopping Precinct area) have been made to Council on the following dates;

- **28 February 2006** - St Ives Town Centre Draft Local Environmental Plan & Draft Development Control Plan - Final Amendments prior to Exhibition;
- **14 March 2006** - St Ives Centre DLEP – Review of retail floor space;
- **18 July 2006** - St Ives Exhibition of draft Local Environmental Plan;
- **8 November 2006** - Adoption of Final LEP & DCP for the St Ives centre, including the outcomes of the Public hearing process.

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Information on this matter was made publicly available on an ongoing basis via:

- Via Council's web site;
- St Ives Planning displays;
- Within Council reclassification exhibition material.

Public Hearing St Ives - Land Reclassification

In accordance with Council's resolutions for the St Ives centre, staff engaged an independent consultant to conduct the public hearing as required under the process.

Ku-ring-gai Council made a formal submission to the public hearing which clearly outlined the purpose for seeking the reclassification of the lands within the St Ives centre from "Community land to Operational land" of each parcel so proposed.

Council's submission to the Public hearing also notes "*no agreements for lease or sale have been made for the sites subject to the public hearing*".

If Council decides to reclassify land then a formal process is required to be adopted by Council to guide the next steps in changing the status of the land eg formal sale and / or lease.

At this stage Council will be in a position to consider a formal policy on planning agreements and development mechanisms such as public private partnerships.

The LEP & DCP and aligned documentation set out Council's general policy position on the planning and urban design for this precinct.

Economic Feasibility Information

These reports have made general assumptions about the value of land, including Council owned land for the purposes of the economic modelling. As outlined earlier in this memo, this confidential information on Council owned land, has been provided to Council throughout the project including briefings by staff and the economic consultants.

Council's consultants have verbally indicated they have not undertaken discussions with the Shopping Centre regarding acquisition or lease of public land.

A specific response to each question within the Notice of Motion is provided below.

"A Report come to Council on the content of all discussions held in the term of this Council between staff/consultants and the St Ives Shopping Village on the acquisition/lease by the Shopping Village of public land including (but not limited to)":

- (a) *Shopping Village/Council proposals for the sale/lease of public land (broken down by DP number) and any responses to such proposals.*

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Response: As outlined in this report and in the series of Council reports, planning committees and briefings to Councillors regarding the St Ives Centre Plan all information pertaining to the planning for Council owned land within the St Ives Shopping village precinct has been provided. Detailed comments on all submissions made to Council were included in the report to Council following exhibition of the draft LEP and DCP. No proposals regarding the sale or lease of Council land within the St Ives Centre have been made or offered.

(b) *An explanation of why the content of these discussions was not reported to Council/Councillors.*

Response: As outlined previously in this report and as presented to Council, reports to planning committees and briefings to Councillors over the 2005- 2006 period all information pertaining to the planning for Council owned land within the St Ives Shopping village precinct has been reported.

(c) *An explanation of why Council holds no records of these discussions on TRIM*

Response: Council's record system (TRIM) contains the reports to council, information on planning committees, briefings to Councillors and other correspondence relating to the planning of the St Ives precinct. Information outlined in those reports detail the extent of consultation undertaken with stakeholders to the process.

(d) *An explanation of why no disclosure of these discussions was made to the Independent Hearing on Community Lands for St Ives*

Response: as outlined in this report and in Council's submission to the public hearing relevant information relating to this matter was provided.

(e) *and the Report come to a Council meeting held before the meeting which considers the issue of the reclassification of community land in St Ives. This will enable an informed debate on the issue of reclassification.*

Response: This report contains the response to the resolution of Council of 27 February. Final reporting on reclassification has not yet occurred.

CONSULTATION

Consultation for the planning for the St Ives centre has been extensive throughout the past 18 months.

FINANCIAL CONSIDERATIONS

There are no specific financial considerations arising from this report.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments of Council have been consulted in the preparation and delivery of the St Ives Centre plans, including Council owned land within the St Ives Shopping Village Precinct.

SUMMARY

Staff have sought, consistent with Council's position, to extensively consult in the development of the Centre plan to seek the broadest input into the planning process. Consultation with stakeholders has been reported to Council throughout the project. Council has not resolved to either reclassify existing Council land or to negotiate with any party, further carparking development on Council's land, adjacent to St Ives Village Shopping Centre.

RECOMMENDATION

That the report be received and noted.

Antony Fabbro
Manager
Urban Planning

Steven Head
Director
Open Space and Planning

John McKee
General Manager

Attachments: Summary of all consultation undertaken for St Ives Centre Planning - 743360

St Ives Centre**Summary of surveys, consultations, displays, emails & mail-outs**

(November 2004 to date)

The following list is an extract of work undertaken by Council's staff to inform and consult with stakeholders regarding the St Ives town centre:

• St Ives Household Survey	7300 (sent)	12 Nov 04
• St Ives Business Consultation	7.-8.30 am	15 Nov 04
• St Ives Shopper Survey	700	17 Nov 04
• St Ives Business Consultation	7.-8.30 am	22 Nov 04
• Youth Survey – St Ives High & Anglican Youth	50	26 Nov 04
• St Ives Business Consultation	7.-8.30 am	29 Nov 04
• St Ives Business Consultation	4.30-6.30pm	29 Nov 04
• Cotswolds Retirement Village	14	30 Nov 04
• St Ives Business Consultation	7.30-8.30 am	1 Dec 04
• Huon Park Retirement Village	2	6 Dec 04
• St Ives Resident Group Consultation	19	7 Dec 04
• SIPA Resident Group Consultation AM	14	13 Dec 04
• SIPA Resident Group Consultation	11	13 Dec 04
• SIRAG Resident Group Consult	19	13 Dec 04
• Masada College SRC consultations	12	14 Dec 04
• StIves - RFR Vision Workshop	48	17 March 05
• St Ives – Business feedback / consultation	25	29 March 05
• St Ives Vision RFR email Survey	200	29Apr 05
• St Ives Options Workshop – Land owners	12	26 May 05
• St Ives Options Workshop – Resid. & Business	60	26 May 05

- St Ives Options RFR email survey advice **750** 15 June 05
- St Ives Village Green Fair – options survey **119** 19 June 05
- St Ives Chamber of Commerce – feedback session 20 20 July 05
- St Ives Chamber of Commerce – town centre update 25 8 Feb 06
- Email update to St Ives Residents 750 10 Feb 06
- Email update to St Ives Stakeholders 800 21 Aug 06
- Email reminder to St Ives Stakeholders 800 23 Aug 06
- Email update to St Ives Stakeholders 800 25 Aug 06
- Email media update to St Ives Stakeholders 800 8 Sep 06
- Email to St Ives stakeholders - Council Meet 800 27 Oct 06

St Ives Planning Exhibition 2006 – staffed displays:

- Tue 22 Aug 10-2pm
- Thu 24 10-2pm
- Thu 24 6-8pm
- Sat 26 Aug 10-2pm

- Tue 29 Aug 10-2pm
- ***Public Information Sessions - Wed 30 Aug 2.30-3.30pm & 7-8.30 pm***
- Thu 31 10-2pm
- Thu 31 6-8pm
- Sat 2 Sept -10-2pm

- Tue 5 Sept 10-2pm
- Thu 7 Sept 10-2pm
- Thu 7 Sept 6-8pm
- Sat 9 Sept -10-2pm

- Tue 12 Sept 10-2pm
- Thu 14 10-2pm
- Thu 14 6-8pm
- Sat 16 Sept -10-2pm.

RESPONSE TO DEPARTMENT OF LOCAL GOVERNMENT ON "A NEW DIRECTION FOR LOCAL GOVERNMENT" POSITION PAPER AND "PLANNING FOR A SUSTAINABLE FUTURE" OPTIONS PAPER

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider and forward a submission on the Department of Local Government's position paper "A New Direction for Local Government" and options paper "Planning a Sustainable Future" to the Department.
BACKGROUND:	In 2006 the Department of Local Government released two documents concerned with the future direction of local government. Comments on the options and directions proposed are sought to inform the Department in its deliberations as to the next stage in the proposed reform process for local government.
COMMENTS:	The option paper on Planning a Sustainable Future presents three scenarios for the future planning and reporting for local government. The third option, reshaping the framework, is consistent with the current direction of council as it looks beyond the four year management plan cycle and seeks to incorporate longer term strategy, assets and financial planning. The New Direction paper contains seven core elements, essentially seeking to strengthen the transparency, accountability and long term sustainability of local government. Comments on the strategies as identified are offered in the attached response.
RECOMMENDATION:	That the attached submission be sent to the Department of Local Government as Ku-ring-gai Council's response to both options papers.

PURPOSE OF REPORT

To consider and forward a submission on the Department of Local Government's position paper "A New Direction for Local Government" and options paper "Planning a Sustainable Future" to the Department.

BACKGROUND

In 2006 The Minister for Local Government, the Hon Kerry Hickey MP, announced a series of proposals that aim to set a new direction for Local Government. Details of the proposals are outlined in the following two documents:

A New Direction for Local Government - A Position Paper Oct 2006 (Attachment 1); and
Planning a Sustainable Future - A Department of Local Government Options Paper on Integrated Planning and Reporting for NSW Local Councils Nov 2006 (Attachment 2).

Comments on these documents are due in March 2007.

The pressure leading to these changes has been identified in the *Independent Financial Sustainability Inquiry* (the Allan, Darlison and Gibbs inquiry) and various Local Government Departmental reviews. These reviews have found a number of issues affecting councils' ability to develop and deliver long-term strategic plans and achieve better long-term outcomes, including:

- The nature of the existing framework;
- A general lack of resources for Local Government;
- Confusion over roles and responsibilities in developing strategic plans;
- Uncertainty about how to develop and deliver the plans;
- Lack of long-term financial planning;
- Lack of sufficient supporting information to develop a long-term plan; and
- Uncertainty about integrating council plans with state and regional priorities.

COMMENTS

A New Direction for Local Government - A Position Paper Oct 2006. This position paper sets out a series of report proposals grouped under the following seven themes:

1. Good governance;
2. Representative democracy and community support;
3. Sound policy;
4. Sufficient resources;
5. Meaningful planning;
6. Connectedness; and
7. Strong leadership.

Comments against each of these themes are included in attached response (attachment 3).

Planning a Sustainable Future - A Department of Local Government Options Paper on Integrated Planning and Reporting for NSW Local Councils Nov 2006.

Under this options paper three reporting frameworks are proposed:

1. maintaining the status quo;
2. adding a mandatory Strategic plan to the existing framework; and
3. reshaping the framework to include: a 10 plus Community Strategic Plan that would encompass social, environmental, economic and governance themes (similar to the proposed reporting of the draft 2007/11 Management Plan); a four year delivery program as well as the optional preparation of a range of supporting plans including an asset management plan, development contributions plan, environmental management plan and capital works plan; an annual operational plan outlining the implementation of the delivery program including budget, fees and changes; and a modified version of the annual report focusing on Council's performance in delivering its strategic plan, delivery program and operations plan.

Option 3 is consistent with many recent and proposed initiatives of Ku-ring-gai Council. These include:

- the development of the 10 year financial model;
- the adoption of the Global Reporting Initiative framework for the preparation of our annual report;
- the use of quadruple bottom line reporting for the Management Plan;
- the development of a forward capital works program;
- the current development of a Sustainability Plan; and
- the scheduled development of a new developed contribution plan and comprehensive LEP and DCP.

With this in mind, the forward direction of Council in terms of its planning and reporting reflects many of the reforms mooted by the Department.

CONSULTATION

The Department of Local Government held a number of briefings during the exhibition period in addition to various addresses by the Minister at the Local Government Association of NSW 2006 Annual Conference. Briefings and workshops on the Planning a Sustainable Future Options Paper have been attended by the Mayor, Deputy Mayor, various Councillors and a number of senior staff.

NSROC have prepared a submission from the region's perspective (attachment 4)

No other consultation has been undertaken specifically by Council.

FINANCIAL CONSIDERATIONS

The options papers do not have an immediate impact on Council's financial position. However, if the reforms are implemented there would be greater emphasis on resource sharing across councils and may change the way council plans for and reports on the future delivery of services and

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programs. There may also be additional impacts in relation to borrowings and special rate variations in those requests may be assessed at a regional level.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The attached submission was a collaboration across all departments of Council

SUMMARY

These position papers have the potential to reform local government in a significant way not seen since the redrafting of the Local Government Act in 1993. At this stage the Department of Local Government are seeking feedback on the proposals that no doubt will involve further discussion and consultation as a preferred model is chosen. The submission (attachment 3) to this report encourages these reforms and to a large extent supports many of the initiatives suggested in the New Directions position paper and option 3 “reshaping the framework.”

RECOMMENDATION

- A. That Council notes the NSROC submission.
- B. That the submission as outlined in attachment 3 be endorsed and submitted to the Department of Local Government.

Peter Davies
Manager Sustainability &
Natural Environments

Steven Head
Director Open Space &
Planning

John McKee
General Manager

Attachments:

- 1. A New Direction for Local Government - 742415**
- 2. Planning a Sustainable Future - 742413**
- 3. Response for Department of Local Government - 743206 (circulated separately)**
- 4. NSROC Submission - 743089**

A NEW DIRECTION FOR LOCAL GOVERNMENT

A POSITION PAPER

OCTOBER 2006

ACCESS TO SERVICES

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SECTION 1

A NEW DIRECTION

1. THE CHALLENGE FOR THE 21ST CENTURY

Local government is about sustaining communities. It is much more than providing services. Services are a council's response to its community needs in a wider context of local democracy and local representation. Local councils, as the heart of communities, are an essential ingredient in forging the quality of a community's life.

While each community is unique, council administration is not. The challenge to local government in the 21st Century is to retain local community 'uniqueness' while delivering valued services as economically as possible. Resources are limited and demands are competing so it is critical that local government finds new ways to plan and deliver services so that local democracy is sustainable and able to flourish.

Because communities are never static, it stands to reason that local government, as the closest tier of government to people, should also be constantly evolving to meet changing community needs.

While local government in NSW has been undergoing reform in recent years there are still many opportunities to further refine and improve the system of government that has served the people of NSW so well for over a century.

This position paper suggests a new direction and options for further reform across the sector. It is intended to generate debate so that consensus can be reached on the way forward. The matters raised in the paper are based on the assumption that the local government sector is committed to innovation and continuous improvement. This paper supports initiatives proposed in the Draft NSW Government State Plan - A New Direction for NSW. In particular, it aligns with the areas of building harmonious communities through increased community participation; improving services to focus on community needs; and growing prosperity across NSW by focussing on financial management and strengthening the rural and regional skills base.

The paper acknowledges work done across the sector including the recent Local Government Inquiry into financial sustainability commissioned by the Local Government and Shires Associations (LGSA) and chaired by Professor Percy Allan. Where relevant, it addresses the issues raised and recommendations made by Professor Allan.

2 A SNAPSHOT OF LOCAL GOVERNMENT IN NSW

2.1 History

For the first 50 years of the NSW colony, all services were provided by the State. Over time governors wanted to follow the English model by delegating the delivery of local services to a local system of governance.

In the 1840s, District Councils were created to raise revenue locally for the purpose of constructing and maintaining roads, bridges, public works and gaols. They were also charged with maintaining a police presence. Twenty-eight District Councils were proclaimed.

Under the *Municipalities Act 1858*, any town, city, hamlet or rural district could be constituted as a municipality by a petition of fifty or more householders. Municipalities had responsibility for roads, bridges, ferries, cemeteries, water supply, sewerage, hospitals, libraries, museums and parks etc. There was reluctance by communities to form municipalities and by 1905, only 1% of the State was covered.

In 1905, the *Local Government (Shires) Act* divided the remainder of NSW into 134 shires. The boundaries were set by a local government area commission. The *Local Government Act 1906* consolidated existing legislation. By 1910, there were 324 councils in NSW.

In 1919, the *Local Government Act 1906* set out in detail how local government was to be administered in NSW. The 20th century saw numerous amalgamations, boundary adjustment and reforms. The 1919 Act was regularly amended and was replaced in 1993.

The 1993 *Local Government Act* introduced greater autonomy for councils with a broad range of functions and responsibilities contained in a Charter. The essence of the Charter is community leadership and accountability.

2.2 Local Government Now

Local government in NSW is diverse. Councils provide a wide range of services and conduct an array of functions. No two councils are the same. The following is a snapshot of some key statistics.

- There are 152 general purpose councils.
- Geographic size of councils ranges from 5.8 square kms (Hunters Hill) to 53,510 square kms (Central Darling).
- Population size ranges from 1400 residents (Urana) to 280,000 (Blacktown).
- The most common age group of Councillors is 50-59 years (34.5%).
- 26% of councillors are female and 74% male.
- Councils employ over 51,000 staff.
- 96% of General Managers and 86% of Senior Managers are male.

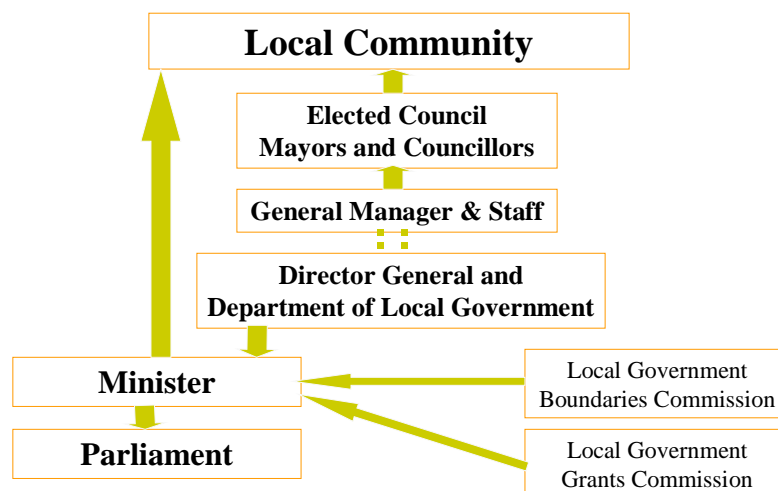
- Councillor numbers range from 5 to 15. The total number of Councillors in NSW is around 1500.

Local councils provide a complex array of services. Gone are the days of 'rates, roads and rubbish'. As well as looking after roads and collecting waste, NSW councils provide services for their communities that include libraries, recreation and sporting facilities, water and sewer, art and cultural facilities, health and community services and cemeteries.

Local government in NSW is a \$6 billion industry that touches almost every citizen in some way on a daily basis. The following diagram illustrates the broad local governance system in NSW:

Diagram 1

The System of Local Government in NSW



2.3 Reforms

The story of local government in NSW has been one of constant change and renewal. Not only is this desirable, it is necessary if councils are to reflect their communities and meet their changing needs. There have been periods of intense activity. 1910 marked the peak in terms of numbers of councils. At that time there were 324 councils. The boundaries of these councils did not necessarily reflect ecological catchments, communities of interest, or the financial capacity of communities. The subsequent reforms have largely been designed to address the financial sustainability of councils.

In 1973, the Committee of Inquiry into Local Government Areas and Administration chaired by Mr CJ Barnett undertook a major review of boundaries. The Committee concluded that a number of councils were too small to be sustainable and recommended that there be only 97 District Councils in NSW. By 1973 the number of councils had dropped to 223.

Between 1974 and 2003 a number of voluntary amalgamations occurred resulting in the total number of councils decreasing to 173.

In 2003, the NSW Government called on councils to develop proposals for structural reform under the Local Government Reform Program. The purpose was to create a strong and sustainable local government system. Possible solutions included amalgamations, boundary adjustments (along communities of interest or natural catchments), resource sharing and governance improvements.

Amalgamations resulted in the overall number of councils reducing to 152 by 2005. Resource sharing and governance reforms are the subject of the current thrust of local government reform.

2.4 Council Resources

Councils obtain revenue from four main sources:

- Rates on property. Growth in each council's total rates income is capped to a percentage each year roughly in line with CPI. This percentage can be exceeded with Ministerial approval through an application for a Special Variation under section 508 and 508A of the *Local Government Act 1993*. Specific criteria must be met;
- Financial Assistance Grants (FAGs) from the Commonwealth Government. These are distributed by the NSW Grants Commission; a body set up to advise the Local Government Minister on how to allocate the FAGs. The Commission works on a formula which takes into account population, infrastructure, remoteness etc;
- Council fees such as Development Application fees, plant hire charges, sporting field use, hall hire, etc;
- Miscellaneous revenue (interest from investments, etc).

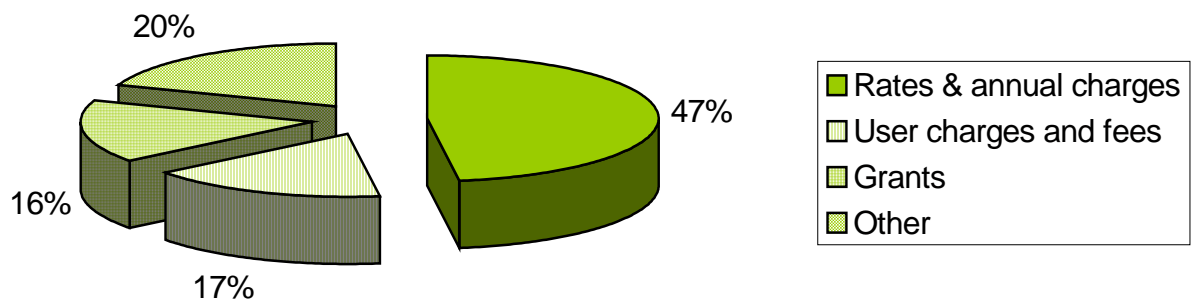


Diagram 2 Local Government – Major Sources of Funding

2.5 The New South Wales Department Of Local Government’s Role

The Department of Local Government’s vision is “to foster a strong and sustainable local government sector that meets changing community needs.” It provides the legislative and policy frameworks that enable councils to provide the quality services required by their communities.

The Department also monitors council compliance with legislative and regulation requirements, investigates complaints about councils and provides information and guidance to councils, government agencies and the public about local government.

The Department has adopted a ‘systems’ approach to building a strong and sustainable sector. The key elements of a well functioning local government system have been identified and strategies are being put in place to progressively strengthen and improve the whole system. This has been in response to emerging issues, many of which have been identified from within the sector.

2.6 The Fork In The Road

Local government in NSW has many challenges confronting it. Many of these were highlighted in the Allan Inquiry report. Some hard choices and decisions need to be made. It is as much about identity and function as it is about funding. Councils operate in a context of increasingly demanding and complex community expectations where there are limited resources and skills shortages.

Different words can be used to describe the diverging pathway confronting the sector but they can be reduced to two basic scenarios. One is a contracted services model where councils only provide basic services such as road maintenance and waste removal. The other is a growth model where council functions and responsibilities expand to become the type of organisations contemplated and made possible by the 1993 *Local Government Act*. It is recognised that some councils already embrace this model.

Local government's key role is to support and sustain communities. As community expectations are growing, it is unlikely that communities would support councils reducing their services. This paper is based on the assumption that local government wishes to take the path of increasing its role to match the changing needs of local communities. The challenge is to develop appropriate ways to do that cost effectively.

2.7 Obstacles In The Path

Local government in NSW operates largely in a competition, compliance and dependency paradigm. One hundred and fifty-two councils compete for scarce resources from the State and Commonwealth Governments to supplement other sources of income such as rates. In terms of performance and the expected delivery of services, all councils are largely considered as equals. However, the variance in council size, resources and ability is wide.

Reform has generally been resisted because it has been seen as code for amalgamation and the loss of local representation.

The *Local Government Act 1993* does not impede cooperative or joint service delivery between councils. However, the culture of the sector has been to adopt a more cautious approach with respect to alternative business models, which involve working across boundaries.

Incentives have focussed on the delivery of core services within a council boundary rather than to take a wider sector approach. Performance measures of councils drive this behaviour because performance is only measured council by council. The result is duplication of delivery systems and sector wide inefficiencies. Some councils are now struggling to survive in an environment of increasing competition for resources.

3. THE FUTURE FOR LOCAL GOVERNMENT

3.1 Sustainable Communities

A sustainable community is difficult to define. It is not a static end product but more a state of becoming. People who live in sustainable communities have a sense of belonging and a strong sense of place. A sustainable community can be recognised by its confidence, self-reliance and ability to assume responsibility for its future.

The core components of a sustainable community include;

- Social cohesion; a socially mixed community where neighbourhoods are characterised by diversity of income, age, culture and housing tenure etc and there are opportunities to move freely through life's cycles without the need to relocate.
- Functional economy; diverse employment opportunities exist which underpin a quality of life matched with community prosperity expectations.
- Robust environment; ecologically balanced with impacts from human activity capable of being accommodated without degradation.
- Sound infrastructure; facilities and services are matched to community needs.

3.2 Strong and Sustainable Local Government

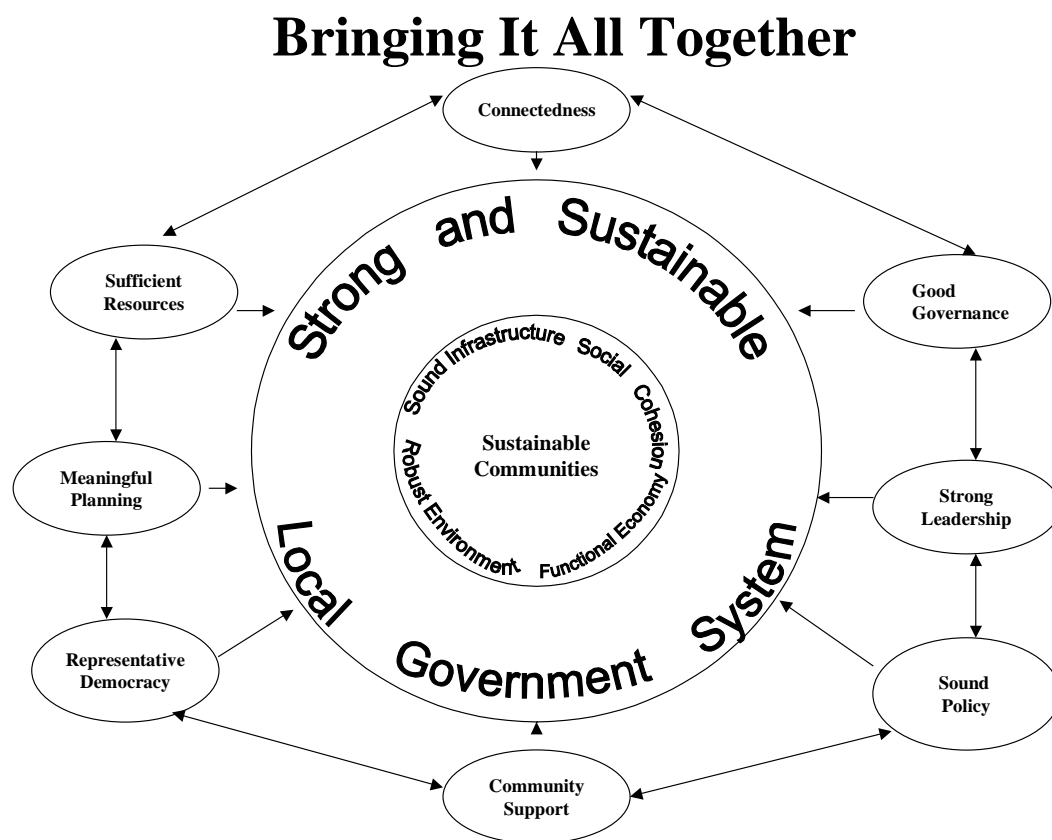
In the same way that communities are different, local councils also have differences in the services they provide and the manner in which they provide them. However, the core elements of a strong local government system are the same. They can be summarised as:

- (1) *Good governance*: The way the council is directed, controlled and managed to ensure there is community confidence in the organisation's performance.
- (2) *Representative democracy and community support*: Elected members are truly representative of their community demographics. People are able to participate in local affairs and have confidence in council decisions.
- (3) *Sound policy*: Clear and transparent policies enable decisions to align with community values and expectations.
- (4) *Sufficient resources*: Human and financial capital is sufficient to implement council decisions, deliver services to agreed community standards and to meet statutory obligations.
- (5) *Meaningful planning*: Planning processes translate community aspirations into council services.
- (6) *Connectedness*: Councils are linked to the wider community and are not 'islands'.

- (7) *Strong leadership*: Councils are places where people want to work and contribute. There is active competition for positions at both the political and managerial levels.

The following diagram illustrates the connection between sustainable communities and a strong local government system.

Diagram 3



3.3 New Direction

If local government is to reach its potential as a vibrant tier of government, there needs to be a change in thinking about how the sector operates. The culture of isolated units needs to be replaced with a new paradigm of connectedness and innovation. Such a paradigm would see all the players as an integral part of one system, which is charged with the goal of achieving better outcomes for sustainable local communities. One business; many providers.

Neither the community in general nor other tiers of government are satisfied that local councils are as efficient and effective as they could be in providing

their services. If the question of resourcing is to be addressed, it is incumbent on the sector to prove that every possible efficiency has been adopted and that the services provided are wanted and valued by the community. This new direction would encourage new approaches to meeting community needs without being hindered by protecting traditional ways of working. It is acknowledged that many councils are already actively engaging in innovative business models consistent with this direction.

If a sector wide approach is adopted, concerns about the number of councils would recede as different models of governance emerge. Local diversity, community autonomy, efficiency and effectiveness in service delivery would be the primary concerns.

Sustainable reform can only come through the sector embracing new business models, enhancing community engagement and focussing on quality service delivery.

The principles of the new direction would be:

- State and local government “have an open and productive relationship” - Inter Governmental agreement signed on 12 April 2006 between Commonwealth, State and Local Government. (Element 1: Good governance)
- Stronger councils assisting weaker ones. (Element 2: Representative democracy and community support)
- Minimal duplication while maintaining competition principles to drive efficiency improvements. (Element 3: Sound Policy)
- Ideas and resources being shared. (Element 4: Sufficient resources)
- Focussing on continuous improvement. (Element 5: Meaningful planning)
- Boundaries not being impediments. (Element 6: Connectedness)
- Councils mentoring each other. (Element 7: Leadership)

If this paradigm of thinking is embraced by the entire local government sector, the possibilities are vast. Councils could be ‘community franchises’ purchasing or trading services from a local government market place of specialist providers. Some councils could specialise in certain ‘back office’ businesses and compete to provide the service to multiple councils. New business models could emerge resulting in increased efficiencies, improved services, and a new fresh image for local government.

SECTION 2

BUILDING ON THE STRENGTHS: THE NEW DIRECTION IN PRACTICE

The local government system in NSW has many enduring strengths. As with any system however, continuous improvement is essential if the goal of having sustainable communities is to be realised.

If the sector is to continue to meet the challenges before it, there is a need for ongoing debate. This section outlines some current initiatives and puts forward for discussion, some suggestions for further reform. It is important that they are viewed as a package and not in isolation. They are designed to engage the sector in a debate on how local government can reform itself largely from within. Some of them will require legislative change. Others will require new policy directions and some will only need a new way of thinking.

The Department has been progressively assessing gaps that are inhibiting local government from working as effectively as it could. Grouped under the elements of a good system as outlined in Section 1, are projects designed to assist councils to better understand and meet the needs of their communities. Collectively they attempt to describe a strong and sustainable local government system, in the context of the new direction of connectedness and innovation. The seven elements are:

1. Good governance
2. Representative democracy and community support
3. Sound policy
4. Sufficient resources
5. Meaningful planning
6. Connectedness
7. Strong leadership

ELEMENT I. GOOD GOVERNANCE

Good governance is the foundation of a sustainable and successful organisation. Good governance delivers good performance. It minimises the risks of financial failure, ensures transparency and accountability and promotes efficiency and effectiveness. Local government is under intense scrutiny and the success of the sector is only as good as its weakest part. It is essential that the elements of governance are clear and transparent so communities have confidence in the way a council is managed.

What we have been doing

Promoting Better Practice (PBP) Reviews

The Department has been conducting PBP reviews of councils since 2004. These act as a health check on the individual councils and the identification of trends across the sector. The reviews cover

- Strategic directions
- Governance
- Regulatory functions
- Asset and financial management
- Community and consultation
- Workforce relations

Recommendations are made to treat performance problems and to prevent problems arising.

The PBP program is a proactive, early intervention strategy to assist individual councils as well as sharing learning across the whole sector. From the reviews done to date some consistent themes have been emerging which are helping drive the Department's work in progressively building a strong and sustainable system. While there are many areas of satisfactory performance, there are major areas in need of improvement. These are:

- Strategic management
- The role of councillors
- Community engagement
- Code of conduct implementation
- Complaints handling
- Meetings practice
- Risk management
- Integration of social and landuse planning
- Asset/Infrastructure planning and management
- Service standards
- Workforce planning

Now that a significant number of reviews have been completed, reports and trends are being posted on the Department's website so the sector as a whole can benefit.

Reviewing the Model Code of Conduct

The *Local Government Act 1993* requires councils to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prepared by the Department in consultation with the LGSA, Local Government Managers Australia, the Independent Commission Against Corruption and the NSW Ombudsman. These requirements came into effect on 1 January 2005. The Department is currently reviewing the implementation of the Code in consultation with the sector including the bodies mentioned above with a view to updating it as appropriate.

What we think needs doing

Proposal 1.1: Peer reviews of councils

The Department is able to conduct around 18 Promoting Better Practice reviews (PBP) each year. At this rate it will take many years to complete all councils. To both speed this up and to broaden the opportunities for learning across the sector, some PBPs could be conducted by councils themselves and then reviewed by the Department with voluntary peers from other councils. Reviews could also be conducted by a mixture of Departmental staff and accredited volunteers from other councils (elected and staff). The reviews would follow the agreed and standard format. This would encourage the principle of mentoring.

Proposal 1.2: Strategic planning assistance for councils

Strategic planning is a current gap in many councils. Without it, good governance is severely hampered because there is no strong framework for a council to work within. It is proposed to provide support and training to councils on this element of governance as part of the integrated planning and reporting reforms outlined in Proposal 5.1.

Proposal 1.3: Red tape review

Any prudent organisation or sector will from time to time review administrative processes to make sure they are still fit for purpose and focussed on outcomes. While much of the red tape in the *Local Government Act* is being assessed as part of the Integrated Planning and Reporting project, it is proposed to conduct a more comprehensive red tape review of the Act and Regulation and remove anything that does not add to the quality of life for sustainable communities.

Proposal 1.4: Clarification of roles

It is essential in any organisation that roles and functions be as clear as possible. It is an important requirement for good governance. The *Local Government Act 1993*, outlines in a broad sense, the roles and responsibilities of councillors, mayors and general managers. However, there are differing interpretations of some aspects that often lead to internal conflicts and disputes. This diverts attention away from the primary purpose of councils and can eventually lead to inappropriate behaviour and dysfunction.

It is proposed to further clarify the respective roles to support other initiatives, particularly in relation to integrated planning and leadership development.

ELEMENT 2. REPRESENTATIVE DEMOCRACY AND COMMUNITY SUPPORT

For a council to be effective, it should broadly reflect its community demographics and be able to confirm it has community support to make decisions on behalf of that community.

What we have been doing

Reduction in Councillor Numbers.

The *Local Government Act* provides that councillor numbers can only be altered by a referendum. However, the Act was amended in 2005 to enable councils, as a one-off opportunity, to reduce the number of councillors without a referendum. A sunset clause ended this opportunity on 15 July 2006. No council may have less than 5 councillors and councils divided by wards could not apply if it meant that there would be less than 3 councillors in a ward.

21 councils put forward proposals with the total number of councillors across the state reducing by 47. This will come into effect at the next ordinary election in September 2008. Some councils expressed interest in reducing numbers but were prevented by the ward limitation.

Diversity in Local Government:

Councils in NSW do not as a general rule, reflect the demographics of their communities. For example, currently, only 26% of NSW councillors and 4% of general managers are women.

The Department has been supporting greater diversity in local government and is keen for councils to create an environment where under represented groups want to make a contribution.

We have worked with key players in the sector to develop and promote the National Framework for Women in Local Government Kit. We recently held a "Promoting Diversity in Local Government" workshop where councils

showcased initiatives and explored future opportunities for encouraging diversity.

What we think needs doing

Proposal 2.1: Develop principles for determining local representation

There is no formula for calculating the number of councillors required for a sound local democracy. In NSW the number of councillors can range from 5 to 15. Representation levels vary from one councillor per 500 people to one councillor per 15,000 people. It is proposed to develop some principles to guide councils and their communities when considering councillor numbers. This will not result in a formula but is intended to establish agreement across the sector on the criteria to be used for efficient and representative local democracy. Depending on the outcome of this work, consideration may then be given to another opportunity to alter councillor numbers where appropriate, to align with the new principles.

Proposal 2.2: Develop a kit to promote 'candidacy' in local government

If local government is to be strong and robust it is essential that the best possible candidates are attracted. There are many in the wider community who have an ill informed or negative view of councils. As a result, it is possible that many potential candidates do not stand for council thereby reducing the pool of available talent both in number, diversity and ability.

It is proposed that the Department and the LGSA work together on a kit to promote local democracy, the important role of councils and the opportunities being a councillor presents. The existing publication "So You Want to be a Councillor" will be expanded and updated. Unnecessary impediments to attracting candidates will be identified and addressed as part of the work.

Proposal 2.3: Promote flexible meeting times

Council meetings are the public face of local democracy. If they are well run, respectful and focus on community outcomes, the community is more likely to have confidence that sound decisions are being made. The Department has in recent times provided the model Code of Conduct and Meeting Practice Note to assist. However, if councils are to attract high calibre people who are representative of the community, consideration needs to be given to a greater level of flexibility in how and when meetings are conducted. It is proposed therefore to encourage flexible meeting times to accommodate the needs of working people and families.

Proposal 2.4: Guidelines on community consultation and involvement

The Promoting Better Practice Reviews of councils have revealed a consistent theme of councils having a patchy understanding of community engagement. If councils are to support sustainable communities then this element of their work is of critical importance. It cuts to the core of everything a council does. It must be a central focus of policy development in a well functioning local democracy. As well as being the key to sound decision making, communities are demanding more say in how they are governed.

However, it is recognised that meaningful community engagement is not easy. It is proposed therefore to develop tools to assist councils in engaging with their communities. It is acknowledged that some councils already do this extremely effectively. The guidelines will build on this work with a view to sharing successful strategies.

Proposal 2.5: Workforce planning assistance

It is important that council organisations are also diverse. The Promoting Better Practice reviews have highlighted that many councils do not have workforce plans in place. It is proposed to develop guidelines to assist councils in the preparation of such plans including strategies to encourage a diversity of employees commensurate with the demographics of the council area.

ELEMENT 3. SOUND POLICY

A key function of the Department is to provide policy advice to facilitate effective decision making throughout the sector. This is a prerequisite of a strong and sustainable local government system. Policies are an organisation's way of minimising risks of failure in meeting its goals.

What we have been doing

Policy Advice

The Department issues policy advice on a regular basis. Each year the Director General issues around 80 circulars on a number of matters. These cover a range of topics including the release of major guidelines and policies. Some recent examples include:

- Pecuniary interest guidelines
- Public private partnership guidelines
- Councillor expenses and facilities policy guidelines
- Model code of conduct guidelines
- Compulsory acquisition guidelines
- Meetings practice note

What we think needs doing

Policy can be divided into big “P” and little “p”. Big “P” is the big picture agenda where the framework for how councils operate is established. What the Department is doing in this area is outlined elsewhere in this paper. Little “p” is the myriad of issues, which arise on a daily basis where clarification/interpretation is required or advice on a better way of doing something is provided. In addition to circulars, the Department provides a large quantity of information directly to individual councils.

Proposal 3.1: Develop a policy directory

Issuing circulars and guidelines with policy advice is a core little “p” service provided by the Department. We will continue to consult with the sector and identify where policy advice is required. Currently, policy advice is contained in a number of circulars and letters. It is proposed to consolidate them into a directory of best practice on the website in an easy to read “Frequently Asked Question” format. Encouragement will also be given for councils to use this facility to share good practice.

ELEMENT 4. SUFFICIENT RESOURCES

A vibrant council needs human and financial resources to implement its decisions and to fulfil its statutory obligations.

What we have been doing

Ministerial Roundtable

In recognition of the difficulty of some rural and remote councils to remain financially sustainable, the NSW Minister invited all jurisdictions to a special Roundtable held in Sydney in May 2006. The Roundtable recommended to the Local Government and Planning Ministers’ Council (LGPMC) that there be nationally consistent approaches to asset management, financial reporting and sustainability. It also supported a case for more funding to local government via the Financial Assistance Grants (FAGs).

At its meeting on 4 August 2006, the LGPMC endorsed a nationally consistent approach to asset management, financial reporting and sustainability. On 20 October 2006, the LGPMC endorsed the draft national framework. The principal components of the framework include:

- Asset management policy statement from the State specifying minimum requirements for local government.
- Council asset management plans linked to long term financial plans.

- Governance and management arrangements clearly articulated and in place.
- Levels of service defined in consultation with the community.

Infrastructure Task Force

In line with the approach adopted by the LGPMC, the Department has set up the NSW Infrastructure Task Force to advise on the most appropriate way of putting in place an asset management and financial reporting system which is consistent with other jurisdictions. The work of the Task Force will link with the integrated planning and reporting project (see proposal 5.1). Its membership comprises the DLG, LGSA, Local Government Managers Australia (LGMA), Institute of Public Works Engineers Australia (IPWEA), Department of Energy Utilities and Sustainability (DEUS), the Roads and Traffic Authority (RTA) and the Local Government Auditors.

Financial Assistance Grants (FAGs)

NSW has put a case to the LGPMC for an increase in FAGs. FAGs are increased annually to take into account inflation and population increases. In 1997/98 the Australian Government did not include the population factor. The NSW case to LGPMC requested that the population escalation factor, not allowed in 1997/98, be reinstated and backdated. This would give NSW an additional \$55m as a one-off payment and an additional \$5m annually. NSW will continue to mount a case for increased funding while at the same time driving efficiency reforms at the local level as outlined elsewhere in this paper.

Supporting Special Variation Applications

In 2005/06 forty-six councils applied to exceed the rate cap under sections 508 and 508A of the *Local Government Act 1993*. Of these, thirty-one were approved unamended, eight were approved with modifications, five were declined and two were withdrawn. Applications generally focussed on infrastructure and were approved where a good business case was made supported by an asset management plan and evidence of community support.

Capital Expenditure Reviews

Capital expenditure reviews are required when councils wish to carry out major building works. If a council is proposing to fund the project either partially or fully from a new borrowing allocation or a special rating variation a copy of the review must be forwarded to the Department prior to any determination being made. In order to make the process more robust and rigorous, the Department is currently improving the application process. It will align with the proposed new planning process outlined in Proposal 5.1 by requiring any proposal to be linked to the council's long-term plan. It will also require a more detailed business case than is currently the case.

What we think needs doing

Proposal 4.1: Asset management plans

It is proposed to introduce an asset management system, which is consistent with the national framework. It will be informed by the work of the Infrastructure Task Force outlined above but is likely to include:

- Requirements for councils to have a long term asset management plan linked to a long term financial plan (at least 10 years);
- Condition assessment service levels determined in consultation with the community;
- Standardised reporting/terminology;
- A phasing in period with support tools;
- Peer review (rather than audit).

The framework will link to the integrated planning project with any planning and reporting requirements incorporated into the new planning system (see Proposal 5.1). It will also clarify what is expected from councils when applying to exceed the rate cap. The Infrastructure Task Force is preparing a discussion paper on a range of options.

Proposal 4.2: Efficiency statement

As part of the overall strategy to improve and demonstrate the efficiency of local government, it is proposed to require councils to prepare an annual efficiency/productivity savings statement as part of its annual report. This will ensure that councils are continuing to reform their service delivery models and drive down delivery costs. It will be an opportunity for councils to showcase innovations such as strategic alliances and resource sharing. Explanations of the circumstances where rate rises remain below the cap could be included. The details of this proposal will form part of the Integrated Planning and Reporting project (see proposal 5.1).

ELEMENT 5. MEANINGFUL PLANNING

Planning is a process to translate community needs and aspirations into council services. To be meaningful, plans must result in actions and outcomes for the community and not be done merely to satisfy statutory requirements.

What we have been doing

Integrated Planning and Reporting

The Department is undertaking a review of the existing planning and reporting framework with a view to strengthening the focus on outcomes while at the same time streamlining the process. A discussion paper was released in early 2006 for comment to gauge current performance by councils and obtain views on how the system could be improved. Submissions to that paper confirmed that councils support an overhaul of the process. Planning and reporting should be meaningful and produce a result rather than being done as a 'tick and flick' exercise to meet a statutory requirement.

An options paper has now been prepared for comment including a proposal for how a streamlined approach could work.

What we think needs doing

Proposal 5.1: Integrated planning and reporting

Subject to comment on the options paper, it is proposed to introduce a new planning and reporting regime for councils that will replace the current one. It will be phased in and have clear outcomes and accountabilities.

Communities need information if they are to be effective so the new system will be as transparent and as simple to understand as possible. The new system proposes to include:

- A 10 year strategic plan (to be known as a Community Strategic Plan), including social, ecological, economic and governance outcomes. It will be revised and rolled forward each 4 years; within 18 months after each council election. A core feature will be a 4 year Delivery Program with details of how each strategy in the plan will be funded and delivered. The plan will link with State and regional plans to reflect joint priorities. Preparation of this plan is a councillor responsibility. It is proposed to be reviewed by a combination of representatives from both state and local government.
- An annual operational plan (similar to the current management plan) with a budget that is uniformly presented across councils and consistent with the national approach. This document implements the Delivery Program and is a General Manager responsibility to prepare.
- A simple reporting system that focuses on risks to achieving stated outcomes. Preparation is a General Manager responsibility.
- An annual report that comprises performance against key indicators. Preparation is a General Manager responsibility.

The options paper outlines in detail how this model would work. It also outlines alternative options.

ELEMENT 6. CONNECTEDNESS

In the information age of the 21st Century, councils cannot afford to be 'islands'. A strong local government system will require a high level of connectivity across communities and councils.

What we have been doing

Intergovernmental Agreement (IGA)

On 12 April 2006, all jurisdictions and the Australian Local Government Association signed an Intergovernmental Agreement. The IGA is an aspirational document that sets out principles for how the three tiers of government will work together in a spirit of cooperation. The Minister for Local Government signed the IGA on behalf of NSW.

The LGSA has requested the NSW Government to enter into a similar State based IGA. Consultation is underway on a possible IGA that reflects the national IGA.

Strategic Alliance Network

On 1 May 2006, the Department and the LGSA held an inaugural Strategic Alliance Conference. Over 220 delegates representing 100 councils attended to examine resource sharing models and to launch the Strategic Alliance Network. The Network is an ideas 'clearing house' or data base to promote resource sharing among councils. It collects models and experiences from councils so other councils can learn and not 'reinvent the wheel'. It is proposed that the Network will be web based and updated by councils for councils. Since the conference, the number of alliances between councils has grown significantly. Development of the Network is currently underway.

What we think needs doing

Proposal 6.1: Benchmarks

The Department's Comparative Data is a collection of data for the purpose of comparing councils in groups of similar councils. There are few benchmarks across the sector against which any council can assess performance. It is proposed to develop a small number of key indicators to set out the core competencies of any council no matter what size. These will also take into account the recently endorsed draft national framework for asset management financial reporting and sustainability. As councils range in size and function,

setting benchmarks is likely to generate much debate. In order to advance the debate some suggested categories for the benchmarks are as follows:

- Financial
- Service delivery responsiveness and efficiency
- Community engagement
- Environmental responsibility
- Social/community well being
- Leadership and governance
- Workforce

Proposal 6.2: Regional/Cluster indicators

If resource sharing and efficiency improvements are to be meaningful, councils must be able to report to their communities on how they have worked beyond their own borders. Under the new direction for local government, where the whole sector is the focus, councils should decide themselves who they will form alliances and business arrangements with.

Councils are invited to put forward proposals for Council Business Clusters. The Clusters can be on a geographic basis or functional basis, or both. Actual and potential savings and benefits should be detailed to highlight the efficiencies being gained or expected to be gained. Details of any existing cluster arrangements should be included so there is full awareness across the sector of all the initiatives underway. This will enhance learning and avoid duplication

Once the clusters are determined, measures will be established for each cluster to ensure efficiencies and service improvements continue to be quantified and evaluated as part of the Promoting Better Practice reviews. Regional Organisations of Councils (ROCs) are one form of cluster. However, membership of a ROC is insufficient unless that ROC is seriously coordinating resource sharing on a formal basis with demonstrated outcomes.

Some models councils could consider include:

- Shared administrations
- Co-operatives
- Partnerships
- Alliances
- Service level agreements

Proposal 6.3: General manager contracts to enable working with neighbouring councils

The standard contract for general managers (GMs) was released on 1 July 2006. It does not deal with the issue of working across council boundaries.

If resource sharing opportunities are to grow, part of the performance measure of a GM should include how he or she works for the betterment of the whole system. It is proposed to enable GMs, via their contracts of employment, to contribute to council business clusters and other sharing arrangements.

Proposal 6.4: Resource sharing guidelines

Many councils already have experience with setting up resource sharing arrangements. As part of the Strategic Alliance Network, it is proposed to prepare guidelines outlining the various models available with practical advice on how to go about setting one up. It will be 'nuts and bolts' approach including potential legal structures, pitfalls, performance indicators and case studies etc to assist the development of robust Council Business Clusters.

Proposal 6.5: Regional context for Special Variation applications to exceed the rate cap

If resource sharing is effective it should generate savings and reduce the need for rate rises above the cap. However, should a council wish to apply to exceed the cap, it is proposed that the applicant must demonstrate that efficiencies have been achieved through resource sharing. Applications may also be considered on a joint council basis where the costs and benefits of projects to be funded by the increase are to be shared.

ELEMENT 7. STRONG LEADERSHIP

A strong local government system can only be achieved if people see value in participating in local democratic processes and councils are an employer of choice.

What we have been doing

Leadership Development for Councillors

In response to the Promoting Better Practice reviews and the public inquiry into Brewarrina Council, which found that councillors were struggling to understand their role, the Minister announced compulsory training for councillors to commence after the 2008 elections.

This program is being designed to assist councillors to be effective community leaders by being well-informed when making decisions. The program will link with the introduction of a strategic planning role for councillors with tools and guidance being provided to help with this crucial function.

Skills Shortage Taskforce/Scholarships

The Department set up the Professional Skills and Training Shortages Task Force in 2005 to assist councils in addressing the problem of skills shortages. The Task Force comprises the Department, LGSA, LGMA, Department of Education and Training, councils, peak industry bodies and education providers. One of the emerging goals from the group's work is the need to promote local government as an employer of choice and an exciting career for young people. The Task Force has had a number of important successes already including: collaboration with TAFE NSW and the University of Technology Sydney to develop training courses specific to local government; and undertaking activities designed to promote local government as a career choice.

The Task Force has also been responsible for the introduction of the Local Government Scholarship Program recently announced by the Minister for Local Government. Under this program councils can apply for funding on a matched basis to support final year students with their study. It will continue to identify opportunities to assist councils with workforce planning.

What we think needs doing

Proposal 7.1: Accreditation for councillor learning and development

To be successful, councillor learning and development must be a rewarding and sought after experience. It should enhance decision making and be part of a culture of continuous improvement. In order to focus on councillors' leadership roles it is proposed to develop a process that sets out clearly the outcomes and commitments expected by councillors and councils with respect to learning and development over the term of the council. The process will include some form of recognition or accreditation for councillor skills.

Mayors have some different roles to councillors such as chairing council meetings. There is also a special relationship needed with the General Manager.

As part of the learning and development program, it is proposed to provide specific coaching for mayors on their role including joint sessions with their General Managers. Experienced mayors will be encouraged to be mentors for new mayors.

SECTION 3

WHERE TO FROM HERE?

Local government in NSW is at a crucial point in its history. Communities are rapidly changing. As the heart of communities, local councils must continue to evolve.

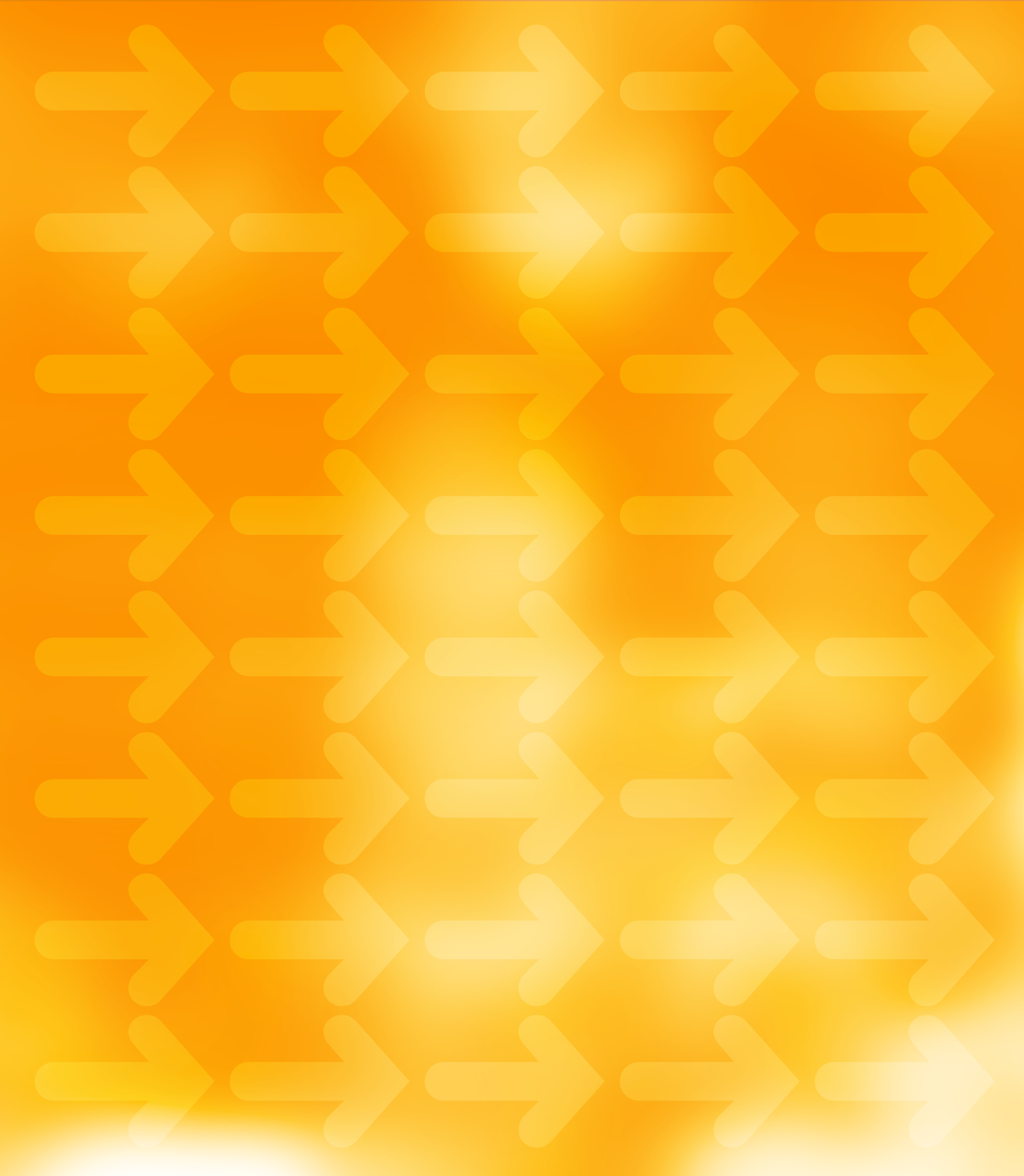
This position paper sets out a context for ongoing reform by the local government sector. It sets out a direction of connectedness and innovation and invites comments on specific proposals to further advance this direction. These proposals are not intended to be all encompassing but rather a means for the sector to debate how best it can ensure NSW councils continue to meet the changing needs of their communities.

Comments on these proposals and any other suggestions for how the sector can grow in strength should be marked "A New Direction for Local Government" and sent to:

Deputy Director General
Department of Local Government
Locked Bag 3015 Nowra 2541

Or email dlg@dlg.nsw.gov.au.

The closing date for submissions is 9 March 2007.



PLANNING A SUSTAINABLE FUTURE

**A DEPARTMENT OF LOCAL GOVERNMENT
OPTIONS PAPER ON**

**INTEGRATED PLANNING AND REPORTING
FOR NSW LOCAL COUNCILS**

NOVEMBER 2006



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The future of local government depends largely on its capacity to anticipate, challenge, and respond to the forces that will shape our communities in the coming years.

It is a challenge that faces all levels of government in Australia, as our society continues to change – the need to respond in measured, strategic and relevant ways, the need for leadership, and the need for vision.

This paper examines the effectiveness of the current planning and reporting framework in promoting sustainable outcomes for local government and presents a number of options to strengthen their strategic focus.

Why was this paper developed?

There are a number of drivers behind the development of this Options Paper. These include:

- Increased expectations of local government
- The NSW Local Government Reform Program
- Recent inquiries and studies into councils' strategic performance
- Changes to the industry's operating environment
- Innovation from within the industry

Increased expectations

Since the current planning and reporting framework was developed, community expectations of local councils have continued to increase. Councils are now delivering a wider range of services and the need for effective planning to make optimum use of resources has never been stronger.

Local Government Reform

In September 2003, the State Government announced its Local Government Reform Program, which aims to ensure healthy and sustainable local councils that are accountable and responsive to their communities.

The program has taken on many aspects, from the initial round of amalgamations to the current focus on resource sharing and promoting better practice throughout the industry. The government is committed to continuing the reform process and has recognised that a key element in ensuring the sustainability of local government is its capacity for strategic planning. Councils who have the capacity to identify and respond to the influences and pressures affecting their community's future, set key directions and priorities and develop strategies to achieve the outcomes their community wants are in a far better position to survive and prosper.

The focus on sustainability led to the development of the Integrated Planning and Reporting Project, to review the effectiveness of the current legislative framework for planning and reporting and assess councils' experience in integrating the various planning mechanisms. The project also considered the impact of strategic alliance arrangements, with many councils now moving to a more regional approach to planning and resource management.

In December 2005, the department issued a discussion paper *"Fitting the Pieces Together"* which focused on integrated planning and reporting issues. The paper drew responses from local councils, government agencies and industry bodies, and these comments were considered along with other research projects and industry consultation. The various models presented in this Options Paper have been developed from this research and consultation process and the model ultimately adopted will form part of the Local Government Reform Program. It is expected that any reforms in this regard would be implemented from 2008.

Inquiries and Performance Studies

In considering the future of local government, the department has become increasingly concerned about the strategic capacity of our industry and the long-term implications this may hold. These concerns were echoed in the recent Inquiry into the Financial Sustainability of Local Government, commissioned by the LGSA and chaired by Professor Percy Allan, and have also been supported by other independent research and the department's Promoting Better Practice reviews.

While a number of councils are showing strong leadership in developing and implementing long-term plans, it has become clear that the majority currently do not plan beyond three years, nor budget beyond one year, for most of the services they provide. The result has been a significant impact on the financial sustainability of some councils, increased risk of failure of major infrastructure and increasing tensions over diminishing resources and competing priorities.

Reviews of councils' planning frameworks have shown that many currently experience difficulty with strategic planning and find it challenging to integrate the various planning mechanisms. Studies of councils' Social and Community Plans and State of the Environment Reports have also revealed a lack of integration with the Management Plan.

Changes to the operating environment

Since the existing legislative framework was developed, there have been a number of changes to the industry's operating environment. These include:

- Development of the State Plan
- Development of regional strategies
- The NSW planning reforms
- Reforms to natural resource management

NSW Government State Plan – A New Direction for NSW

The recently exhibited draft State Plan will also affect the operation of local councils, with the NSW Government clearly defining the goals and outcomes that will shape public policy over the next 10 years. The NSW Government's State Plan is being developed with the expectation that local councils will use its key directions as a guide when preparing their own strategic plans. It also proposes a number of partnerships and opportunities for local government.

Regional plans

Many government agencies are now developing regional strategic plans, identifying their priorities for the provision of services. The advent of regional land use plans has presented challenges for some councils, with the realisation that their strategic land use plans and Local Environmental Plans (LEPs) may not necessarily be aligned with the direction and priorities of the regional plan or strategy.

Land use planning reforms

Significant changes have also been made to the NSW land use planning system in the past two years. Broadly this major overhaul of the planning system was designed to focus resources on strategic planning for growth areas, simplify planning controls, improve development assessment processes and allow flexibility in the use of developer levies for local facilities and services. In particular, these reforms have affected the way that major projects are assessed and how councils prepare their LEPs.

The LEP reform is designed to focus councils' planning efforts on pro-active planning on a larger scale and reduce the resources consumed by small-scale, ad hoc planning epitomized by "spot rezonings". All councils are required to prepare a new principal LEP, based on a "standard instrument" (or template) within the next five years.

In the light of these reforms, it was timely to review the planning and reporting framework prescribed by the *Local Government Act 1993*. The review has considered the link between councils' strategic plans, their LEPs and development contributions plans.

Natural resource management

There have also been a number of significant changes to natural resource management requirements since the local government planning and reporting framework was developed.

These include the introduction of the *Native Vegetation Act 2003* and *Native Vegetation Regulation 2005*, the *Catchment Management Authorities Act 2003* and the *Natural Resources Commission Act 2003*. The legislation resulted in the establishment of the Natural Resources Commission and the development of state-wide standards and targets for natural resource

management. On a local level, these standards and targets are implemented primarily through Catchment Action Plans, under the direction of the State's 13 Catchment Management Authorities (CMAs). The Natural Resources Commission reports annually on progress in achieving compliance with the state-wide standards and targets.

These changes have led to some questions about the future role local government will play in natural resource management and environmental reporting and the relationships between local councils and Catchment Management Authorities. These relationships are still being defined and the integrated planning and reporting review has explored the possible linkages between councils' strategic plans and Catchment Action Plans, and the future role of state of the environment reporting.

Industry innovation

The department was also prompted to review the existing planning and reporting framework through the acknowledgement that a number of councils were currently operating beyond the prescribed system, with positive effect.

Substantial work has been undertaken by a number of innovative councils to develop strategic planning frameworks and integrate their existing plans. Some councils have moved to continuous monitoring frameworks for environmental and social planning and others have adopted sustainability frameworks as their over-arching planning mechanism. In all cases, the councils had found that they were somewhat impeded by the existing planning and reporting requirements in achieving their aims.

This raised the question as to whether sections of the industry have evolved beyond the existing framework and how innovative planning systems could be better accommodated and encouraged by the regulatory framework. Accordingly, this review considers not only legislative change, but the use of mentoring teams and support mechanisms to encourage further innovation within the industry.

What did the review include?

The review of the planning and reporting framework included:

- Circulation of a discussion paper - "Fitting the Pieces Together" - on integrated planning and reporting issues
- Review of submissions received from local councils, government agencies and industry organisations
- Review of relevant inter-state legislation
- Review of research into councils' strategic capacity
- Review of related local government projects, including asset management frameworks and long-term financial planning
- Review of sample strategic plans, management plans and annual reports

- Extensive consultation with an industry reference group, including representatives from the Local Government and Shires Associations, Local Government Managers Australia, Local Government Community Services Association, Department of Planning and a number of universities.
- Consultation with the Ministerial Advisory Council
- Consultation with other key stakeholders, such as the Institute of Public Works Engineering Australia, Corporate Planners Network, General Managers and community services staff, at various industry forums

What were the main findings?

The review found there were a number of issues affecting councils' ability to develop and deliver long-term strategic plans and to integrate their existing plans to achieve strategic outcomes. These included:

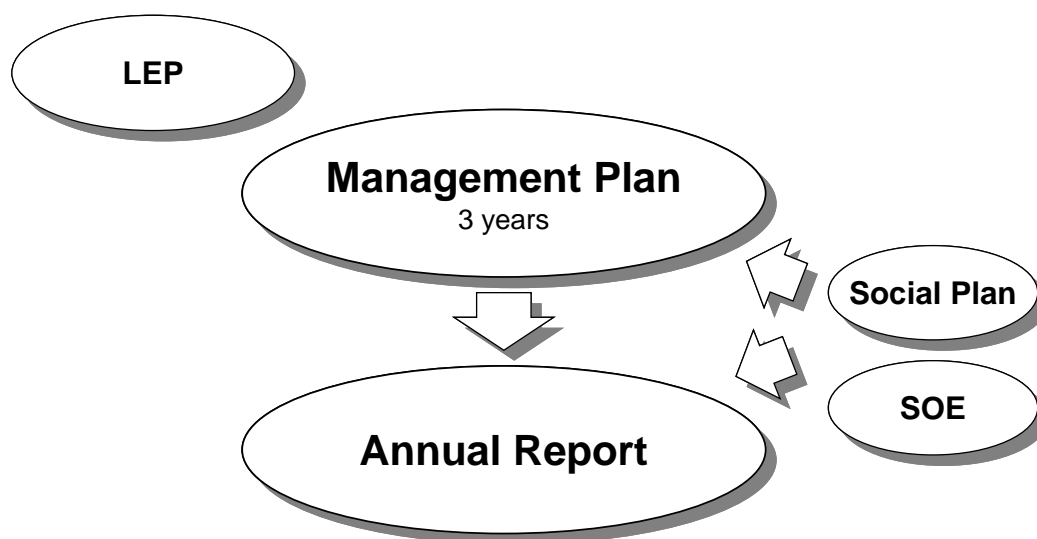
- The nature of the existing framework – the provisions do not encourage long-term planning nor assist councils to pursue innovative directions in integrating their plans. There is concern that the regulatory requirements are too prescriptive, directing resources towards compliance and multiple reporting requirements, rather than achieving strategic outcomes
- A general lack of resources for local government – councils find it difficult to devote funding to strategic planning when there are more urgent, operational needs
- Confusion over roles and responsibilities in developing strategic plans – specifically relationships between senior staff and councillors
- Uncertainty about how to develop and deliver the plans – there is evidence that some councils lack technical capacity in this regard
- Lack of long-term financial planning – many councils only budgeted one year ahead
- Lack of sufficient supporting information to develop a long-term plan – this mainly relates to lack of asset management systems and limited levels of community consultation
- Uncertainty about integrating council plans with state and regional priorities – some councils find it difficult to consult with state government agencies, or are not included in regional planning consultations
- Uncertainty about councils' role following the various state reforms, particularly in natural resource management

What are the options?

In considering the results of the review, there are three basic options for the planning and reporting framework:

- 1) Maintain the status quo
- 2) Add to the existing framework
- 3) Reshape the framework

Option 1 – Maintain the status quo



The option of maintaining current structures should always be considered. The existing framework has been operational for the past 13 years, with various amendments and additions over that time. While having limitations, the framework does have some merits:

- It encourages at least three years of forward planning
- It includes some requirements for community consultation
- It requires councils to report to their communities on principal activities
- It mandates some social and environmental planning and reporting mechanisms.

Concerns with the existing framework include:

- It doesn't encourage councils to take a long-term view
- It isn't sufficiently flexible to accommodate the varied needs and resources of different councils
- It is overly prescriptive, encouraging a focus on compliance rather than strategic direction
- It focuses too heavily on operational matters

- It doesn't encourage integration with other systems, such as long-term financial planning, asset management and land use planning
- The planning and reporting timeframes don't align

In future years, it would be reasonable to expect that more requirements may be added to the reporting regime, as the scope of local government continues to expand and expectations of public accountability increase.

Because the environment in which councils operate is also changing, it is not actually possible to “maintain the status quo” in terms of planning and reporting. The weight of changing expectations, management roles and infrastructure (under the new national framework for asset management and financial planning) will demand a new approach not easily catered for by the existing framework.

Although the existing framework does not prohibit long-term planning – the management plan may be developed for a period longer than three years - it does not encourage it, either. Neither does it provide any guidance for councils seeking to improve their strategic position. Over the years, the focus has shifted to compliance with the regulations, rather than applying the strategic intent of the framework. Combined with limitations on resources, this has tended to make planning more reactive than strategic. In this environment, it would be reasonable to suggest that the current planning framework is not providing the optimum solution for local government.

If the existing framework is maintained, the department could seek to mitigate future impacts by:

- Ensuring impact assessments are undertaken before any new requirements are added to the planning/reporting regime
- Providing guidelines and better practice examples to assist councils in the planning and reporting process
- Encouraging regional approaches to some reporting, eg State of the Environment reports
- Making requirements more flexible where possible

Option 2 – Add to the existing framework

One option for improving strategic focus is to add a mandatory strategic plan to the existing framework. Under this proposal, councils could be required to:

- Consider the needs of their community over the next 10-20 years
- Identify key directions and priorities
- Outline strategies for achieving these outcomes.

This would ensure that long-term needs and pressures were at least considered in councils' planning regime and that the community had more direct input into determining key directions for the future. The mandatory strategic plan would sit at the top of the planning structure, with the 3-year management plan beneath it. The requirements to complete a State of the Environment Report and Social and Community Plan would remain.



While this structure would provide change with the least disturbance to existing regimes, it would also result in additional resource requirements for councils. The level of benefit that may be obtained from this investment is open to question, as the structure maintains the existing problems of integrating the various planning mechanisms.

Resources would still need to be directed towards developing social and community plans and the State of the Environment Report (SoE), as well as the new strategic plan. The annual report would be retained.

Councils would need to determine how they could integrate the objectives of their new strategic plan into the management plan structure and how the social plan and SoE could help to inform the strategic plan. The existing problems with differing timeframes, eg SoEs every four years, social plans every five and management plans at least every three years, would remain.

There is also potential for duplication, particularly with community consultation, as the various plans are prepared.

Option 3 – Reshape the framework

The final option is to reshape the existing framework in some way to strengthen strategic focus, streamline the planning and reporting processes

and encourage integration between the various plans. The proposed model is designed as a continuous framework, rather than a static planning model. It is designed to allow councils more autonomy in responding to their community's various needs, and encourages elected representatives to play a leading role in developing long term plans.



Why mandate strategic planning?

This model includes a mandatory requirement for a long-term strategic plan. One of the recurrent themes emerging from the review is that councils need to develop a stronger strategic focus. It is acknowledged that many councils currently experience difficulty with strategic planning and there are varying views as to what constitutes a “strategic plan”. Some councils regard a “strategic plan” as being the sum total of their strategic documents, such as the social plan, strategic land use plans, service development strategies etc. Others see it as a separate entity, overarching these documents.

There is also a question as to whether a council’s strategic plan should relate to the future of the community it serves, or the future of the council. There are concerns that councils are “planning” for matters that are outside their immediate sphere of influence – that they should focus only on the services that they could directly provide.

Considering the wide variety of views on the subject, it was felt that the only way to progress strategic planning within local government was to provide a base model upon which all councils could build.

Developing a strategic plan for the community

The strategic plan would focus on building a sustainable community and the various roles that council can play in achieving this aim.

Key elements of a sustainable community include:

- Social cohesion; a socially mixed community where neighbourhoods are characterised by diversity of income, age, culture and housing tenure etc and there are opportunities to move freely through life's cycles without the need to relocate
- Functional economy; diverse employment opportunities exist which underpin a quality of life matched with community prosperity expectations
- Robust environment; ecologically balanced with impacts from human activity being accommodated without degradation to the environment
- Sound infrastructure; facilities and services are matched to community needs.

To achieve this, councils need to think beyond the services that they can directly provide and determine where they, as an organisation, will fit within their community's future. They need to understand where their community is going and what it wants before they can respond to this in a meaningful and appropriate way and direct their energies where they will be the most effective.

The term "Community Strategic Plan" has been used to refer to the strategic plan, to reinforce the view that it is a plan for the community, rather than just the council. There is no intention to mandate what councils should call their plan. However, all plans would include four mandatory "themes": Social; Environmental; Economic; and Governance, which must be addressed in some way.

Each council would be free to develop its Community Strategic Plan within the context of its own community needs and existing planning and business frameworks, provided that the plan addresses the key themes in some way. For example, a rural council's Plan may have different objectives and be designed on a smaller scale than an urban council's Plan. Councils who currently work on a sustainability framework, or the Business Excellence Framework, may wish to integrate their Community Strategic Plan with these systems.

This model allows councils the maximum flexibility to develop business systems that suit their own particular needs and to carry out planning and reporting that is the most appropriate for their particular community

It does not mandate any plans or reports, apart from the four key themes. It attempts to address some of the current concerns with the mandatory social planning framework – ie that the framework is too narrow and the mandatory target groups are not appropriate to all communities. It also attempts to address the difficulties some councils currently face in attempting to integrate the Social Plan, or State of the Environment Report into sustainability frameworks, the Business Excellence Framework, or other planning structures. Councils could choose to be more innovative in their approach – or they could simply adopt the basic framework and target their monitoring activities to a series of key indicators, depending on the resources available.

While the mandatory structure of the Social Plan would no longer be applied, councils would still be expected to undertake social planning and monitoring. Similarly, State of the Environment reporting would not be prescribed, though councils would be expected to develop adequate monitoring and reporting frameworks, in consultation with the CMA.

It is proposed that the Community Strategic Plan has a prescribed minimum timeframe of 10 years. Councils would be free to adopt any timeframe they choose beyond that point.

The purpose of the Plan is to identify the community's main priorities and expectations for the future and to plan strategies for achieving these goals. In doing this, the planning process will consider the issues and pressures that may affect the community during this period and the level of resources that will realistically be available to achieve its aims and aspirations.

The Plan should consider outcomes that the council could achieve either by:

- Providing direct services or programs
- Providing or facilitating services and programs in partnership with other agencies
- Acting as a community advocate, to lobby other agencies for change.

To do this, council would obviously need to consult widely with the community and other agencies providing services within the region. Considering existing State or regional plans would also be important to the development process. The requirement for community engagement would be mandated by legislation – the method of carrying it out would not be mandated. Each council would be free to decide appropriate methods, depending on the characteristics of its particular community. The department would provide detailed guidelines to assist with engagement and consultation processes.

An integral part of the Community Strategic Plan will be a 10-year resourcing strategy, which outlines the financial commitment required to achieve the Plan's outcomes. This will give councils a clearer picture of the resources required, particularly if the Community Strategic Plan has identified the need for major capital works or asset upgrades/augmentations.

To inform the initial Community Strategic Plan, councils would be expected to draw from their existing plans and other documents, such as the Social Plan, Cultural Plans, State of the Environment reports, infrastructure servicing strategies, development contributions plans, strategic land use plans and their existing Local Environmental Plan (LEP).

Once completed, the Community Strategic Plan will naturally influence a number of the council's planning instruments, such as the LEP, standards of service, capital works programs and asset management strategies. It will identify the social, economic and environmental outcomes the community expects, and these expectations should be reflected in future land use planning, natural resource planning, community service and infrastructure projects. The current Planning Reform process is timely, as it will allow councils to achieve stronger integration between their Community Strategic Plan and their new LEP.

Who would develop the Community Strategic Plan?

For councils to successfully develop their Community Strategic Plan, they will need to develop a strong working partnership between staff and elected representatives. It is proposed that the Mayor and councillors would hold legislative responsibility for the Community Strategic Plan. These responsibilities would include:

- Establishing the strategic direction of the council, in consultation with the community and council staff
- Ensuring the Plan is implemented by the council
- Reporting to the community on council's progress in implementing the Plan

Naturally, to achieve this aim, they would rely heavily on the technical expertise and leadership of the council's senior staff. Councillors and staff would also be expected to work together in developing the Delivery Program (described below). This program details how each new council will work towards achieving the outcomes outlined in the Community Strategic Plan.

Operational plans supporting the main framework would be the responsibility of the General Manager.

This model also prescribes special duties to the General Manager to ensure that each council is constantly monitoring and assessing its operating environment and adjusting its plans accordingly. The General Manager would be responsible for ensuring monitoring systems are in place to inform council of key issues that may impact on the Community Strategic Plan. These systems would include, as a minimum:

- Maintenance of current social planning mechanisms, including demographic profiles, social indicators and needs analysis
- Systems for monitoring relevant legislative changes
- Systems for monitoring financial drivers
- Collection and analysis of environmental data from relevant sources

- Asset management systems
- Stakeholder consultation networks

The purpose of this is to ensure that the resources currently devoted to preparing the mandatory plans and reports, every four or five years, are applied to more immediate mechanisms. The council should be constantly in touch with its community and continuously monitoring the changes in its operating environment.

It is proposed to amend the *Local Government Act 1993* to more clearly define the roles of councillors and the General Manager in developing, implementing and maintaining the council's Community Strategic Plan.

Could councils change the Community Strategic Plan?

Each new council would review the Community Strategic Plan to determine whether or not its objectives were still relevant and appropriate to the community. It would also be required to roll the Plan forward a further four years, so that its planning timeframe is perpetual. If councils wished to change the plan substantially – for example change a key objective – they would need to carry out further consultation with their community.

Proposed amendments should be in response to new influences or changes affecting the community, rather than the council's political preference. If the community supports the new direction, the Community Strategic Plan, and the various plans that support it, could be changed accordingly.

Would the Community Strategic Plan be assessed by industry regulators?

The model in Option 3 includes an assessment mechanism for the Community Strategic Plan. However, it is not intended that they be submitted to the Department of Local Government for "compliance checking". The purpose of the integrated planning and reporting project is to encourage councils to develop the tools they need to better manage their community's future. Its intent is to provide assistance and encourage autonomy, rather than develop a new regulatory framework for local government. Option 3 therefore proposes to use regional mentoring and liaison teams to assist in the development of the Community Strategic Plans, encourage exchange between stakeholders - so that relevant agencies are aware of council plans and that councils are aware of relevant regional and state strategies - and to evaluate the initial Community Strategic Plan developed by each council.

These teams would consist of representatives of the Department of Local Government, members of local councils, the LGSA, the LGMA and other government agency and industry members, as appropriate. The basis of the evaluation process would be to determine:

- Whether the Plan adequately addresses the four themes prescribed by the legislation

- Whether the Plan has been adequately informed by existing plans, studies and documentation, including relevant state and regional plans
- Whether its objectives are tangible and achievable ie not just “motherhood” statements
- Whether adequate community consultation has occurred in the development phase

The mentoring teams would also evaluate each council’s initial Delivery Program (as described below) to determine:

- Whether the Delivery Program is adequately aligned with the objectives of the Community Strategic Plan
- Whether the financial projections and resourcing arrangements contained within the program are realistic and achievable
- Whether additional borrowings, or a special variation to rates will be required.

Where does the LEP fit in?

Under this model councils would still prepare their Principal LEP, as required by the *Environmental Planning and Assessment Act, 1979*. The underpinning Strategic Land Use Plan and subsequent LEP should reflect the same community directions and priorities identified in the Community Strategic Plan, if adequate consultation has been undertaken. Subsequent reviews of the Community Strategic Plan and the LEP should be regarded as a “cross check” to ensure that both documents are aligned.

What is the Delivery Program?

Underpinning the Community Strategic Plan is a Delivery Program, which outlines how each new council will deliver the outcomes proposed in the Plan during its term of office and the measures it will use to determine its success. The Delivery Program will be directly linked to the Community Strategic Plan, and prepared in consultation with the community.

The Program will look at the council’s programs and priorities for its term and include four years of detailed budgets. However, councils would still have the flexibility to review these budgets annually when determining their rates and charges for the year.

Councils would be free to prepare any other supporting plans to assist them in delivering the outcomes of their Community Strategic Plan. These might include asset management plans, development contributions plans, environmental management plans, and capital works programs. It would be expected that these plans would reflect the priorities and direction of the Community Strategic Plan.

What is the Operational Plan?

Councils would also prepare an annual operational plan, which outlines the “nuts and bolts” of implementing the Delivery Program for that year, and the budget that will be required. It will be a separate document to the Community Strategic Plan and the Delivery Program.

The operational plan will focus on the detail of implementing each year of the Delivery Program and should not depart substantially from the direction and budgets set in the Program. Councils will be required to place the document on public exhibition, as it will contain the proposed fees and charges for the coming year.

What about reporting requirements?

Under all models proposed, councils will continue to remain directly accountable to their communities and to report annually to them on their progress in achieving strategic outcomes. The intention of Options 2 and 3 is to streamline reporting requirements and align them more closely with the planning framework.

The Option 3 model includes a modified version of the existing annual report which focuses mainly on the council’s performance in delivering the outcomes identified in its Community Strategic Plan and supporting framework.

The review took a detailed look at the various legislative requirements for the annual report and considered whether or not some requirements could be deleted, as they are reported via other channels, or whether alternative reporting formats, such as electronic “report cards”, could be developed. These alternatives are still being considered and councils are invited to comment on how the annual report could best be streamlined, while still maintaining accountability to the community.

Under the Option 3 model, the legislative requirement to prepare a Management Plan would also be removed, as this structure would be replaced by the Delivery Program. The reporting requirements currently prescribed for the Management Plan, ie quarterly, will also be reviewed. Councils are encouraged to provide comment on suitable reporting requirements for the Delivery Program.

How is planning and reporting integrated?

The diagram below shows how the objectives from the Community Strategic Plan may be cascaded through the system.

For example, a council’s Community Strategic Plan might identify the objective of “A safe and healthy community” and nominate key strategies for achieving this. These strategies might include a wide variety of approaches, such as ensuring quality water supply and safe operation of sewerage services, ensuring efficient collection of domestic and commercial waste,

promoting health education programs, lobbying for more aged care services in the area, developing crime prevention strategies for the community, and improving road safety.

These intentions would be translated into the Delivery Program in the following way, for example:

Strategy:

Improving road safety

Delivery methods:

- 1) Undertake a review of the condition of all roads in council's area
- 2) Develop a Roads Management Strategy
- 3) Identify funding options for roads management
- 4) Identify key community concerns with road safety
- 5) Develop programs to address key road safety issues

The Operational Plan would then focus on what council would do towards achieving each of these goals in the coming year. For example:

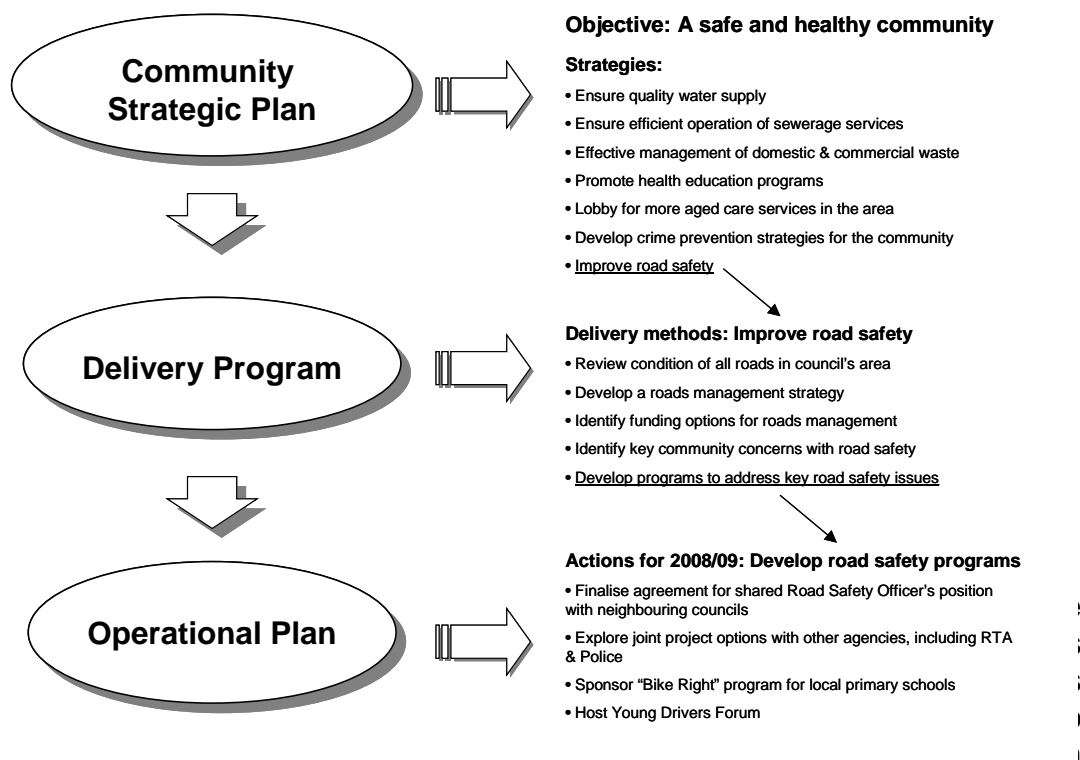
Develop road safety programs:

Actions for 2008-09

- 1) Finalise agreement for shared Road Safety Officer's position with neighbouring councils
- 2) Explore joint project options with other agencies, including RTA & Police
- 3) Sponsor "Bike Right" program for local primary schools
- 4) Host Young Drivers Forum

In this way, the objectives of the Community Strategic Plan are cascaded down through council's planning framework, so that general directions and objectives for the community are translated into strategies, then into programs and finally, individual actions.

The annual report would focus on council's success in achieving the individual actions identified in the Operational Plan and its progress in implementing the four-year Delivery Program.



state asset management framework.

The model proposed in Option 3 considers asset management as an integral part of the strategic planning process, by requiring the Community Strategic Plan to address asset management issues.

A separate discussion paper on asset management is being prepared and will be circulated to councils shortly.

Will this model affect the way councils resource their projects?

The Integrated Planning and Reporting project aims to improve councils' capacity for long-term planning and should help them to identify their resourcing needs earlier in the planning cycle. The requirement to consider resourcing over the 10-year period of the plan will help councils to take a wider view of their needs, considering not only finances, but also human resources and asset requirements. They will be able to identify the additional resources that could be raised through borrowings, rate variations or grants and will be in a better position to take maximum advantage of funding opportunities, resource sharing options and strategic alliances.

How would the model be implemented?

Adopting Option 3 would require substantial changes to existing legislation and a significant implementation period. Although a number of councils have already progressed substantially along the lines of Option 3, the majority have not yet embraced strategic planning at this level. It is acknowledged that the initial stages of implementation would involve additional commitment of resources from some councils. However, the new structure would ultimately

result in savings through improved efficiency, long-term planning and reduced reporting requirements. To assist in the transition, a staged implementation and assistance package is proposed, over the 2008-2012 council term.

Under a suggested implementation program, the State's councils would be divided into three groups, according to existing level of development, resources and capacity. Group One would consist primarily of councils who have already developed a Strategic Plan, and have adequate asset management systems in place. Councils would have the option of nominating which Group they would like to join.

The phase-in schedule would be:

Group One – Community Strategic Plan and Delivery Program to July 1 2013 submitted for review by September 2009

Group Two – Community Strategic Plan and Delivery Program to July 1 2013 submitted for review by September 2010

Group Three – Community Strategic Plan and Delivery Program to July 1 2013 submitted for review by September 2011.

The success of the changes will also depend on the level of support provided to local councils by the department and other industry organisations during the implementation phase. The following support mechanisms are proposed:

- Development of comprehensive guidelines to support the planning processes
- Establishment of a Good Practice website, showing examples of Community Strategic Plans and including useful resources to help councils develop and implement their plans.
- Regional mentoring teams to assist councils with the strategic planning process and provide evaluation and feedback on plans
- Briefings to various professional groups, including general managers and councillors
- Encouraging councils to work jointly in developing their Community Strategic Plan
- Identifying training needs and developing appropriate programs

Where do we go from here?

This options paper forms the next stage of consultation and review for the Integrated Planning and Reporting Project. The paper was announced by the Minister for Local Government, the Hon Kerry Hickey MP, on 30 October 2006 and consultation on the options will continue until 9 March 2007. The consultation period will include:

- Receipt of written submissions on the Options Paper
- Regional focus groups and workshops for councillors and council staff, conducted by the Department of Local Government
- Discussion of the proposals at various industry workshops conducted by the LGSA and LGMA

Making a written submission

Councils, agencies, industry groups and other interested individuals are welcome to make written submissions on this Options Paper.

A feedback form is provided below, or you may wish to prepare a more detailed response. A series of key questions is also provided, which may be of assistance when preparing your submission. There is no requirement to answer all, or any, of the questions, they are provided solely as a guide to discussion.

Written submissions on this Options Paper should be directed to:
Integrated Planning and Reporting Project
Department of Local Government
Locked Bag 3015
NOWRA NSW 2541

Or via email to:
IPRProject@dlg.nsw.gov.au

The closing date for submissions is 9 March 2007

Key questions

Concepts

- Which of the proposed models would work best for your council or agency?
- What are some of the advantages/disadvantages of the models proposed?

Roles and responsibilities

- What role should the Mayor and councillors play in planning for the community's future and reporting on achievements?
- Should special responsibilities be assigned to the Mayor in this regard?
- What role and responsibilities should be assigned to the General Manager in planning for the community's future and reporting on achievements?
- How could people with differing views work together to develop shared long-term plans for the community?
- How could councillors and council staff work together to develop a Community Strategic Plan?
- How could social, environmental, land use planners and asset managers work together to develop the Community Strategic Plan?
- What assistance would new councillors need to help them participate in the strategic planning process?

Reporting

- How could the annual report be streamlined, while still maintaining accountability to communities?
- How could Catchment Management Authorities and local councils work together to improve environmental reporting outcomes?
- What reporting requirements should be imposed on the proposed Delivery Program in Option 3?
- Do you have any suggestions for further streamlining local government reporting, under *the Local Government Act 1993*?

Implementation

- Could your council's current planning framework be readily adapted to the integrated model? Why/why not?
- What training/information/assistance would be required to help councils implement Options 2 or 3?

Government agencies

- How could your agency use councils' Community Strategic Plans to assist in its regional planning?
- Would the use of regional mentoring/liaison teams assist in your planning activities and improve communication between your agency and local councils?
- What role could your agency play in this process?



Feedback Form

Integrated Planning and Reporting Options Paper

Organisation _____

Contact Person _____

Contact No. _____

Email _____

Preferred Option:

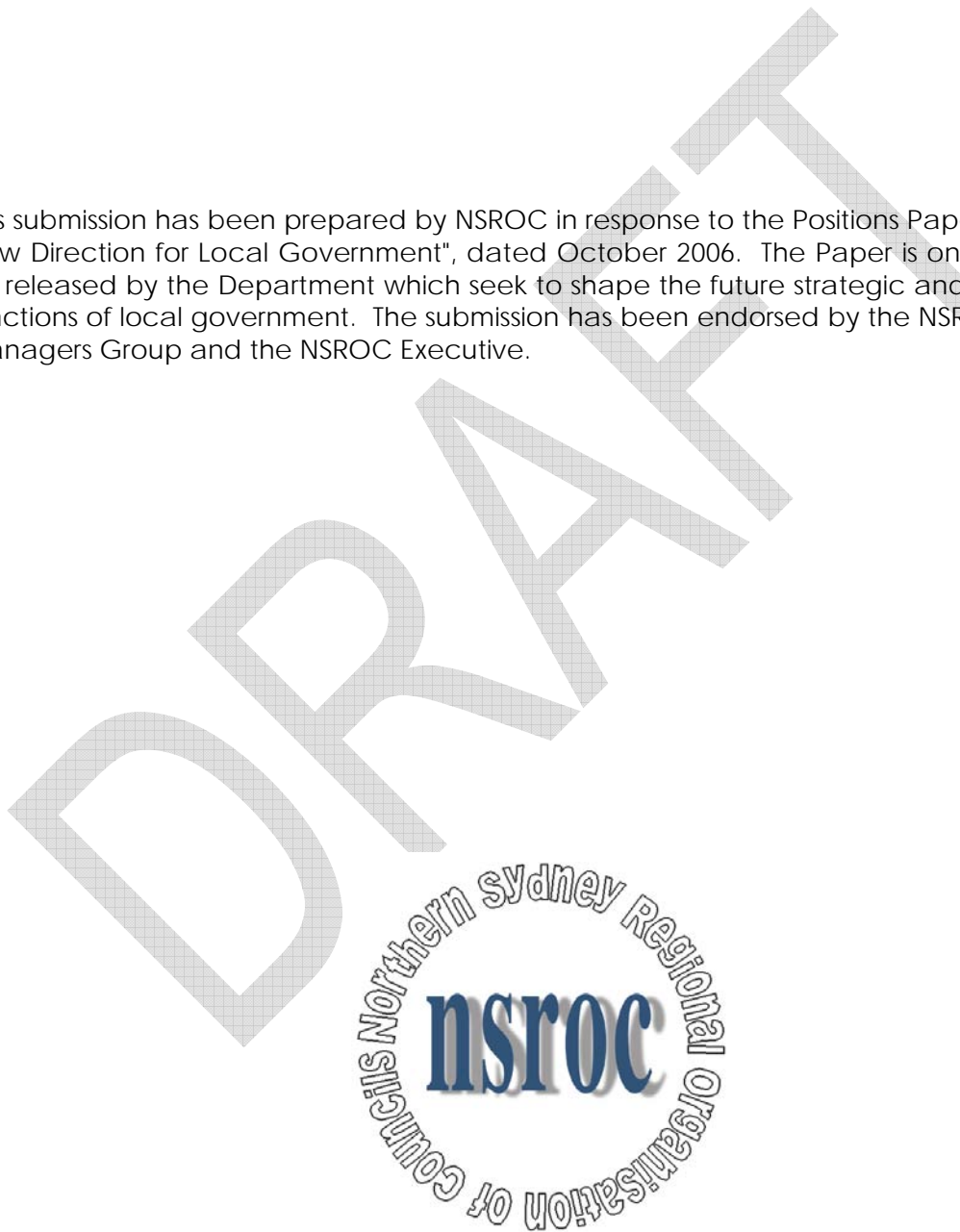
Option 1 ☐ Option 2 ☐ Option 3 ☐

Comments:



NSROC Submission on the New Directions for Local Government Position Paper

This submission has been prepared by NSROC in response to the Positions Paper entitled "A New Direction for Local Government", dated October 2006. The Paper is one of three to be released by the Department which seek to shape the future strategic and operational functions of local government. The submission has been endorsed by the NSROC General Managers Group and the NSROC Executive.



WHAT IS NSROC?

Northern Sydney Regional Organisation of Councils (NSROC) is a voluntary organisation of local governments established to provide strong local government leadership; to work co-operatively for the benefit of the Northern Sydney region; and to effectively advocate on agreed regional positions and priorities. The councils under the NSROC umbrella are; Hornsby, Willoughby, North Sydney, Lane Cove, Ryde, Ku-ring-gai and Hunters Hill.

The NSROC councils are committed to the sustainable management of an area which covers nearly 700 square kilometres, and they serve a population of over half-a-million people. The region is home to a diverse collection of landscapes and communities, ranging from scenic waterways, bush land parks and areas of historical significance through to residential high-rise living and thriving commercial and retail centres.

NSROC recognises local government in New South Wales is under significant pressure due to a combination of legislative, funding and operational factors which have been well documented in the recent independent inquiry into the financial sustainability of NSW Local Government titled 'Are Councils Sustainable' (May 2006). The co-incidence of changing community expectations, rate-pegging, cost-shifting, declining grants revenue from the Federal Government and the introduction of new reporting and operational requirements from the state have collectively resulted in a difficult operating environment for many councils.

In response to these challenges the NSROC councils have embarked on a process of continuous improvement and reform across their entire range of service, governance and legislative requirements. Such reforms include changes to operational procedures, development of strategies and plans, entering into collective enterprises with other local government entities and private businesses, introducing cost recovery mechanisms, revised accounting procedures, the introduction of sustainability requirements, infrastructure auditing and expansive staff and councillor training activities. It should be recognised that the NSROC councils have been pro-active in this regard and that the majority of the easily achievable and highly beneficial reforms have already taken place.

In recognition of their stated aim of 'working together for a better region' the councils have also embarked on a collective exercise to ensure that the region is equipped to deal with future challenges and to encourage a strategic approach to solving the problems it faces now and into the future. In 2004/05 NSROC commissioned three reports which examined the threats to the on-going prosperity and well-being of the region.

These are:

1. The Economic Contribution of the NSROC Region, CIE, December 2004
2. The Potential Impacts of Population Growth in the NSROC Region, Noonan, July 2005; and
3. NSROC Regional Social Report, Le Bransky, June 2005.

These reports not only document where and how the impacts of a growing population, declining revenue base and aging infrastructure will manifest themselves in the region, they also make a series of recommendations to try and address these issues. These important documents have been bolstered by the NSROC Strategic Plan which identifies 8 key directions for action on a regional basis; the annual production of a regional State of Environment Report which identifies threats and responses to environmental issues in the region from a regional rather than council specific basis; and through the completion of a

NSROC Regional Planning Strategy which identifies population and job growth scenarios over the next 30 years.

This activity demonstrates that the NSROC councils are already pursuing many of the proposals at the heart of the New Directions Paper. In addition there are a wide range of sub-regional activities also taking place where the focus is smaller and the benefits accrue to a smaller number of councils. These are identified in **Appendix 1**.

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Comments on Section 1

While much of the introductory information in the position paper is common sense and beyond dispute there are some specific statements and themes which are strongly disputed by NSROC and which set up erroneous first principles which are then further developed in the body of the paper.

In a general sense the position paper does not bode well for the promises of partnership which have been readily espoused by the Minister and senior departmental staff. The position paper presents as being more directive to local government, rather than accepting that local government is an autonomous sphere of government, directly responsible to its electorate. Until there is an agreed statement of the roles and responsibilities of local government and an agreed belief in the virtues of grass-root democracy many of the problems of local government will not be resolved.

Specifically the NSROC councils do not agree with the broad statements regarding the efficiency and effectiveness of local government, community views about local government and what is identified as "sufficient resources". It is noted that these statements are not attributed to any specific report or research but rather are presented as widely accepted fact.

Where dissatisfaction may be present within communities regarding the performance of local government the community is even less satisfied with the other tiers of government on the grounds of efficiency and effectiveness, as the *Independent Inquiry into the Financial Sustainability of NSW Local Government*, May 2006, chaired by Professor Allan pointed out. This was more recently underlined with respect to environmental responsibilities by the community survey commissioned by the Department of Environment & Conservation NSW in 2006. All tiers of government need to work together on these issues rather than characterising the problem as one residing at the local level alone.

The position paper also suggests the local government is at a 'fork in the road' and that councils are confronting a choice of either contracting or expanding their service provision (page 8). The paper concludes that communities are unlikely to support councils reducing their services. NSROC concurs with this statement but adds the important point that the major impediment to such expansion is the inability of the NSROC councils to leverage the appropriate level of funding from their communities due to rate-pegging.

No other sphere of government or local government entity outside of NSW is handicapped in such a manner and it cuts to the heart of why councils are struggling to expand their service provision. The NSROC region is one of the wealthiest in Sydney, if not Australia, and yet councils struggle to maintain a moderate level of service provision predicated on traditional community expectations, let alone respond to new challenges such as security, global warming, water shortages, mental health, public transport and urban consolidation. As such the potential for duplication of services within local government is overstated and the constraints resulting from cost-shifting and rate-pegging simply not recognised.

Councils are a reflection of their communities and need to respond to changing needs over time. In recognition of this, the Councils Charter in the *Local Government Act 1993* is broad. Councils have embraced the broader role, and communities now expect the wide range of services from their local Councils. Communities generally do not want to see

services diminished. The reality is that communities have to be prepared to pay for the services they expect and want whether that be through rates or other fees for service.

The core components of a sustainable community identified the Paper are supported:

- social cohesion
- functional economy
- robust environment
- sound infrastructure

The core elements of 'strong and sustainable local government' are accepted. However rather than connectedness, community engagement is a more appropriate description of the link between Councils and their communities.

The statement that sustainable reform can only come from "new business models, enhancing community engagement and quality service delivery" is simplistic and leaves out the key element of insufficient resourcing. Whilst the principles of the new direction are accepted, and there can always be room for improved efficiency, the fact remains that local government in NSW is under-resourced for the work it has to do.

Further comments are made under the headings of the seven elements identified on the paper.

Section 2

ELEMENT 1: GOOD GOVERNANCE

Overall Comment:

The program of Promoting Better Practice Reviews is supported. It is noted that to date the majority of reviews have been undertaken in smaller rural and regional Councils, with a few in metro Sydney. Conclusions drawn may therefore be particularly relevant although not limited to smaller Councils. The current review of the Model Code of Conduct is supported, particularly the review of the operations of Conduct Committees, which have been problematic to date for many Councils.

Proposal 1.1 Peer reviews of Councils

The concept of self-assessment by Councils, and also peer reviews, is supported in general. However it should be clearly noted that councils are already significantly under-resourced and any additional imposts come at the cost of delivering core services. It should also be noted that charitable notions of free assistance to fellow councils runs contrary to the paper's emphasis on pragmatic efficiency. The impetus for such a process should be predicated on notions of self-determination and not as an additional regulatory exercise enforced by the department.

Proposal 1.2 Strategic Planning assistance for Councils

The provision of strategic planning assistance to Councils is supported, although it should be noted that the majority of the NSROC councils already do comprehensive strategic plans both individually and collectively as identified in the introduction to this submission. The recent comments by the Deputy Director General at recent workshops regarding the nature of possible support is of concern as it is unlikely to include grant funding but rather be limited to guidelines and web-site advice.

Proposal 1.3 Red tape review

The removal of unnecessary red tape is supported however it is noted that such reviews are not new and have generally under delivered against expectations in recent years. The documented propensity of legislatures (including NSW) to produce ever more red tape was a major point of the Business Regulation Action Plan for Future Prosperity (published by the Business Council of Australia in 2005).

Proposal 1.4 Clarification of roles

The Local Government Act 1993 provides a good outline of the respective roles of mayors, councillors and general managers. Further clarification is welcome but the underlying issue seems to be related more to a non acceptance of the defined roles as they are and a propensity to establish barriers.

Element 2: Representative Democracy and Community Support

Overall comment:

Democratically elected Councils should be reflective of their communities and have the mandate to make decisions on behalf of their communities.

Proposal 2.1 Develop principles for determining local representation

The idea of establishing principles for considering councillor numbers is generally supported. One principle is representation based on per head of population. Other principles may relate to geographic size of the council area, and complexity of the urban, natural and social/cultural environments. Councils should reflect the demographics of their communities, both in terms of the numbers of women elected and appointed to senior positions, as well as in terms of cultural diversity.

It may be appropriate to establish an independent panel to manage the process; however the overall emphasis should remain on ensuring that councils function effectively and are adequately resourced rather than quibbling over the semantics of councillor proportionality.

Proposal 2.2 Develop a kit to promote 'candidacy' in local government

A new kit for local government candidates would be useful however this in itself is unlikely to significantly address the issue. The major impediment to attracting candidates is the poor remuneration and long hours the position entails. It is counter-intuitive to suggest that councillors should be highly skilled, trained professionals with strategic planning ability, a strong comprehension of good governance and finely-honed business acumen and yet their positions should be occupied on a charitable basis.

Proposal 2.3 Promote flexible meeting times

Supported.

Proposal 2.4 Guidelines on community consultation and involvement

Local government is the level of government closest to the community, and is generally very accessible and responsive to its community. Community engagement is the "bread and butter" of Councils and is something that many Councils do well. However guidelines could be of assistance to some Councils, and the sharing of experiences between Councils would be useful.

Proposal 2.5 Workforce planning assistance

Most councils understand that there are skill shortages and that we have to plan for the workforce of the future. The NSROC Human Resource Managers already meet regularly and many have work force plans. Guidelines drawing on these existing strategies could be of value to those Councils that have not yet had the opportunity of developing their own. The Department could assist local government in workforce planning by assisting in developing a positive perception about careers in local government and about local government in general.

ELEMENT 3: SOUND POLICY

Overall Comment:

The Department of Local Government has a clear role in developing policies for the whole local government sector. This leads to consistency in approach across local government. These policies and the regular DLG circulars provide valuable assistance to Councils. However Councils must also develop and maintain policies, which make clear their position on local issues and to guide local decision-making.

Proposal 3.1 Develop a policy directory

A policy directory on the DLG website would be of assistance to Councils.

In addition, it would be useful for the Department to develop or collect model policies based on best practice in Councils on the wide range of areas where Councils are required to have policies. These could also be available on the DLG website. Examples include: Complaints Handling; Access to Information; Compliance and Enforcement. It would also be useful to have a Frequently Asked Questions section and supplementary explanatory notes on more complex policies.

ELEMENT 4: SUFFICIENT RESOURCES

Overall Comment:

It must be recognised that numerous reviews both at the State level and nationally have found that local government lacks the resources to fulfil its charter. This is particularly the case in NSW, as demonstrated by the *Local Government Inquiry into Local Government Financial Sustainability*, where three decades of rate-pegging have left Councils' revenues far behind those of Councils in other States.

The on-going impediment of rate-pegging is inevitably going to lead to a decline in the quality and quantity of service provision to the community. While rate variations and special levies have provided some relief, their application is neither transparent nor systematic. Without the certainty of an adequate income councils continue to make difficult choices on which services they can afford to provide to their communities, despite the ability of those communities, in many instances, to pay for them.

The paper is silent on this matter and others, such as the decline in federal assistance, cost-shifting, and infrastructure renewal. It is worth noting that the Deputy Director General has encouraged support for this position paper and the associated 'Planning a Sustainable Future' paper on the basis it will assist local government in making a case for additional funding to the state and federal government. This ignores the fact that the evidence already exists in documents such as the above mentioned Inquiry and that no amount of new plans or efficiency statements can be a substitute for adequate resourcing provided by and determined by local communities without unnecessary state intervention.

Proposal 4.1: Asset Management Plans

The requirement for Councils to have a long term asset management plan linked to a long term financial plan is supported. The NSROC Councils are already working to develop and standardise asset management plans across the region. It is noted that at present there is considerable variability across councils in the development of such plans however there is consistency in the fact that many assets have been under-funded in order to bridge the funding gap that rate-pegging has created. Asset Management Plans will highlight a Council's revenue, expenditure and any infrastructure funding gap.

Proposal 4.2: Efficiency Statement

This proposal is based on the assumption that local government is not efficient at present. As stated above NSROC does not agree with this assumption. A problem in dealing with productivity in local government is that we deliver both 'hard' (relatively easy to measure) and 'soft' (relatively difficult to measure) services. Balancing resource allocation between core infrastructure and service provision is at least as important as the question of efficiency and too much emphasis on the latter may divert attention from the former.

The UK Audit Commission has undertaken productivity studies in local authorities measuring improvements against central government guidelines. Difficulties were encountered in comparing minimal improvements in well performing authorities as against substantial improvements in poorly performing authorities. There must be care shown in ensuring that this experience is not repeated.

Program like Victoria's "Local Government Improvement Incentive Program" could be considered for NSW Councils. This program was linked to payments which were available to Councils for infrastructure improvements. Payments were determined at the State level in regard to each local government's compliance with the requirements of National Competition Policy, Best Value reporting and the development of asset management plans.

Providing yet another reporting requirement for councils does not assist councils in addressing their resourcing issues.

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ELEMENT 5: MEANINGFUL PLANNING

Overall Comment:

It is agreed that planning should not be done merely to meet statutory requirements. It is for this reason that the statutory requirements should facilitate rather than restrict Council planning.

Proposal 5.1: Integrate planning and reporting

Comments will be provided in more detail in the submission on the *Integrated Planning and Reporting Options Paper*. However in brief, the proposal for a new planning and reporting regime replacing the existing one is supported. The current system does not encourage long-term or strategic planning; there are many different requirements for plans with varying timeframes. An integrated strategic and operational planning system, with meaningful annual reports will be more effective for Councils and their communities.

However in endorsing this proposal it is paramount that the efficiencies gained from reworking the current planning and reporting system are significant and demonstrable. The Deputy Director General has made it clear during the current round of local government workshops that the department will not be providing financial assistance for councils to do strategic planning. It is therefore imperative that the additional impost from doing a strategic plan with additional community consultation be offset by a reduction in other planning and reporting requirements. A whole-of-government response is required in which the Department works with other state agencies to streamline reporting and planning processes.

ELEMENT 6: CONNECTEDNESS

Overall Comment:

The NSROC councils are already connected in a meaningful way – through NSROC itself. As identified in the introduction in to this submission and as illustrated in the appendix of regional projects, committees and reports, the NSROC councils have been working in an intimately connected fashion for over 20 years. The dividends of these relationships are not always readily quantifiable because they include experience sharing, intellectual property sharing, and uniform policy development which creates efficiencies over long periods, sometimes in subtle ways.

The reason ROCs exist and function so effectively is that they are created, managed and owned by councils. They work on an appropriate geo-spatial level which sits between the council entities themselves and the state wide representative body, the LGSA. NSROC has a number of functions, not least being collective procurement and project management. However the function of the ROC as a lobbying and advocacy tool is not to be underestimated and recognised persistently if at times reluctantly by all state agencies and departments, a significant and recent example being the Metropolitan Strategy.

The thrust of this section seems to be on the basis of administrative and service delivery efficiencies achieved through business partnerships. This fails to recognise the overarching strategic policy setting and advocacy roles that ROCs provide. The requirement for demonstrable outcomes is just a likely to be a hospital saved, a ferry service retained, a green space created or an inappropriate development proposal defeated as it is to be reaping a financial dividend. It also fails to recognise that efficiencies are not always to be gained when a council is of sufficient size and placed within a competitive urban context. NSROC has gone to the market on many purchasing, service delivery and infrastructure issues only to find that there are no financial benefits to be achieved or that the financial benefits accrue at the expense of flexibility, dedicated servicing and tailored solutions. Recent examples include the NSROC Regional Waste Tender and approaches made to financial institutions based on a joint investment strategy.

The disconnect, where it exists, is principally between the state government and local government. While professing a desire for partnership and co-operation, too often the relationship between the state and local governments is one of master and slave. This has been clearly demonstrated by the range of planning reforms recently introduced by the current Planning Minister which were introduced without appropriate consultation with local government, provide for greater ministerial discretionary powers and disconnect both councils and the communities they represent from the assessment process on major projects.

The move to establish an Intergovernmental Agreement between State and local government in NSW is a good idea but any IGA has to be meaningful and lead to tangible outcomes. The Strategic Alliance network is also a good initiative, but needs to itself produce tangible results.

Proposal 6.1: Benchmarks

The development of a number of key indicators and benchmarks for measuring and assessing Councils' performance is fully supported. The current LG Comparative Data Report is useful, but leads to comparisons of non-comparable Councils with faulty

conclusions being drawn. The Comparative Data also appear far too late to be a true reflection of Councils' current performance.

Proposal 6.2: Regional/Cluster indicators

As discussed previously, NSROC is already working across a range of sectors, in some cases as business clusters, in others as policy bureaux or advocacy mechanisms. As a general principle, resource-sharing and the establishment of business clusters are supported where they do produce efficiency gains and provide for the effective delivery of quality services to the community. Communities do need to be satisfied that they are getting value for money in the services being provided by their Councils. Communities will however not be satisfied if they believe that they are subsidising, through their own rates, the activities of another Council.

A number of the NSROC councils are also working with other councils outside of the NSROC alliance, through twinning arrangements, sister cities and sectoral specific business ventures. It should be remembered that councils work in a risk-averse environment and can not embark on a range of business activities which are subject to the normal risk associated with start-up business ventures in the open market.

The assumption that any number of councils can and should join together to manage their 'back-of-house' operations such as administration, information technology, records, development assessment processing does not recognise the nature of size efficiencies that exist in local government but also challenges the nature of localised democracy. Specific communities require specific services, and while efficiencies might be achieved by pooling those services with other councils, this might compromise the nature of those tailored services.

There is no evidence provided to suggest that the people of NSW are unsatisfied with the number and operational efficiencies of local government in this state. While there is some potential for joint business clusters these should not be viewed as the 'magic bullet' for the long term sustainability issues of local government. As stated previously, the lifting of rate-pegging, the end of cost shifting, and a dramatic decrease in state government intervention and micro-management of local government affairs would be of far greater benefit.

Proposal 6.3: General Manager contracts to enable working with neighbouring councils

The proposal is generally supported as it is already occurring to some degree for the City of Ryde through the General Manager's participation in NSROC and the NSROC Strategic Plan. It is noted that the contributions of General Managers toward "the betterment of the whole system" always need to add direct value to their council otherwise their rate payers are not getting full value for money.

Proposal 6.4: Resource sharing guidelines

The preparation of guidelines and models for how to set up business clusters would be of benefit to all Councils however they should not be compulsory.

Proposal 6.5: Regional context for Special Variation applications to exceed the rate cap

While it is recognised that Councils need to become more efficient this proposal is not supported due to the subjective nature of describing the efficiencies achieved through resource sharing. In particular this proposal contradicts proposal 4.1 which indicates that

special rate increases will be subject to the guidelines of the asset management framework.

The success of an application should be based on justifying the reasons for the application (e.g. maintenance of ageing infrastructure) and what measures they have taken to fund this from existing resources and other options they have explored. The reasons and urgency for a special variation for a council may have little connection with the potential for regional resource sharing. As stated above, resource sharing is not the panacea for all the ills of local government.

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ELEMENT 7: STRONG LEADERSHIP

Overall Comment:

There are many strategies which could improve the attractiveness of local government to people wanting to be elected as Councillors and people wanting employment. Not least of these is for state ministers to publicly recognise the invaluable and largely un-paid role councillors play in governing local communities and the unsurpassed connectedness local government has with its communities.

The image of local government is certainly important, and people need to feel that local government is fulfilling an important role and making a difference to the communities that they serve. Providing training for Councillors is important, but the varied existing skills of councillors also need to be recognised. Attracting employees to local government through the provision of scholarships is sound, but there needs to be a broad-ranging strategy of measures, which will portray local government as an employer of choice.

Proposal 7.1: Accreditation for councillor learning and development

Recognition or accreditation of Councillor learning and development programs is supported.

NSROC REGIONAL INITIATIVES

NSROC Policy

A principal function of NSROC is to work as a collective of Councils to develop regional policies to address regional issues. These policies take the form of strategies, submissions, protocols and action plans and are then used to guide and inform decision making by local government in the region.

Regional Reports Undertaken

- **Northern Sydney Sub-Regional Planning Strategy (Draft)**
 The councils of Hornsby, Ryde, Ku-ring-gai, Hunter's Hill, Lane Cove, North Sydney and Willoughby have jointly contributed to the preparation of a Sub-Regional Planning Strategy covering the NSROC group of Councils.
 The NSROC Strategy is to form the basis of the NSROC Sub-Regional component of the Metropolitan Strategy. It is expected that the NSROC Strategy will be endorsed and adopted by the State Government.
 The main Strategic Plan elements are:

 1. Strategic Planning Policies underpinning the Strategic Plan for the management of land uses and infrastructure improvements;
 2. A Sub-Regional Structure Plan to 2034 indicating the planned changes in population, dwellings and employment as well as major infrastructure improvements that are necessary to respond to the planned changes.
 3. A series of plans showing the projected key changes for the years, 2014, 2024 and 2034 along with the progressive infrastructure phasing that will be required to match the new planned changes.
- **NSROC; Environmental Impacts of a Substantial Population Growth in the Northern Region of Sydney**
 A comprehensive analysis of the potential environmental impacts of the population increase expected to occur over the next 30 years within the NSROC boundaries in the northern sector of Sydney.
- **NSROC Regional Social Report**
 This report was undertaken to develop a better understanding of the social issues and constraints that the NSROC Councils face in the region and to plan for future social infrastructure.
- **Economic Contribution of the NSROC Region**
 This report was commissioned by the NSROC Councils to provide an understanding of the region's activity and contribution, in perspective to the Sydney, New South Wales and national economies.
- **Regional State of the Environment Reports**
 The seven councils of the Northern Sydney Regional Organisation of Councils (NSROC) recognised that unnecessary duplication could be avoided by producing one regional SOE report each year and that there would be the additional benefits of knowledge sharing, data uniformity, cost savings and better reporting on broad

environmental issues. In 2005 the first NSROC regional SOE report was produced at a cost of saving of approximately 60 staff working weeks and \$62,000.

- **NSROC Regional Tree Management Policy**

This Policy was developed as trees are a vital component of the green infrastructure of our cities. They provide a crucial ecological, environmental and amenity resource in the urban environment. It is of fundamental importance to urban society that this natural asset is protected, nurtured and enhanced in order to make our cities sustainable and pleasant places in which to live - both now and for future generations.

- **Regional Aboriginal Social Plan**

The development of a regional Aboriginal Social Plan provided an opportunity for local councils to work in a coordinated way with State and Commonwealth government departments to address the social needs of Aboriginal people living in Northern Sydney.

- **NSROC Regional Profile**

The report was undertaken to provide an understanding of the population characteristics of the NSROC region. This information is necessary for many of the planning and developments issues undertaken by each Council within the region, and is an essential part of its every day business.

Regional and Sub Regional Joint Ventures

- **Regional Procurement**

The NSROC Councils pursue a wide range of collective purchasing arrangements to save costs and ensure efficient service delivery for individual councils and their communities. Individual councils also avail themselves, from time-to-time of discounted purchasing through the Department of Commerce, State Contracts. It is anticipated that Local Government Procurement will provide another scale for regional purchasing in the future.

Current regional purchasing agreements are;

- Asphalt
- Hardware
- General Stationery, Copy Paper, Printer Toners, Printed Envelopes
- Provision of Pesticides and Herbicides
- Supply and Lay of Cultivated Turf
- General Signs and Traffic Control Products
- Street Name Blades and Associated Hardware
- Provision of Tree Services
- Provision of Road Line Marking
- Cleaning of Gross Pollutant Traps

Whilst actual savings are difficult to quantify they are known to be significant and are predicated on the following;

1. Cost saving efficiencies from collective advertising and tendering.
2. Cost saving through the combined purchasing power of seven councils.
3. Efficient use of purchasing officer's time and expertise and sharing of intellectual property.

The difficulty in quantifying savings stems from variability across a wide range of items and specifications; however, it is estimated to be within the vicinity of 2% – 5% across the portfolio.

NSROC is currently developing procedures to enable an accurate assessment of cost savings on all future purchasing arrangements.

- **Employment – Regional Aboriginal Heritage Officer**

The role of the Aboriginal Heritage Officer, (which is a joint initiative by six Councils), is to monitor Aboriginal Sites on a day to day basis and long term management reports are developed to ensure their preservation and protection. An important part of the role is to communicate with schools and other groups, and teach children an ethos of understanding to appreciate the unique culture of the Aboriginal people.

- **Shorelink**

Shorelink is a computer network that links the five Lower North Shore Council Libraries; North Sydney, Lane Cove, Willoughby, Mosman and Manly – the network was established in 1983. The member Councils continue to demonstrate their commitment to the Network through their financial support, acknowledging that cooperation delivers both economic benefits and quality services. Shorelink is renowned for innovation and excellence in the provision of library information technology and is recognised as an outstanding example of local government cooperation.

- **Metro Pool**

Metro Pool is a Co-Operative Self Insurance Scheme

- Established to help stabilise insurance premium costs, achieve significant cost savings and long term benefits for member Councils through effective risk management. Metro Pool members have a long term view of the advantages of pooling and seek to benefit through excellent risk management and prudent financial strategies.

- **Land Use Planning – St Leonards Strategy**

A joint planning initiative between three of the NSROC Councils; Lane Cove, North Sydney and Willoughby – to plan for the future growth of St Leonards, identified as a regional centre in the Metropolitan Strategy. The Strategy was devised with \$200,000.00 from the Planning Reform Fund and administered by the Department of Planning.

- **Sydney's North 2030**

Sydney's North 2030 has been developed to ensure business viability in a dynamic, socially responsive and ecologically sustainable manner for the Sydney North region.

- **ID Profile**

The NSROC Community Profile is an on-line ABS statistical software tool designed to inform community groups, Council, investors, business, students and the general public on demographic information relevant to the region. The tool presents data in simple, clear tables and charts with concise factual commentary.

Councils that do not have the system would be budgeting for at least one person for 6-12 months to extract the raw data and turn it into information of benefit to council.

The NSROC Councils collectively purchased and maintain the software tool at a significant cost saving per council.

NSROC Professional Officer Groups

NSROC manages a wide variety of projects and issues on behalf of the region. Major projects and issues are managed by specific committees or professional officers groups (POGs) which meet on a regular basis to achieve outcomes, develop strategies and policies, and exchange information.

- **Supply Management Group**

The formation of the Supply Management Group was to implement purchasing agreements, which would produce savings to member councils both in the real cost of products which were being commonly purchased throughout the region, and the reduction in the duplication of effort occurring by each council entering into their individual agreements.

- **Waste Management Group**

Effective waste management is a crucial responsibility of councils in the NSROC region. Collectively, the NSROC councils generate over 114,000 tonnes of putrescible waste and 40,000 tonnes of green waste.

The Waste Management Professional Officers Group meets regularly to achieve outcomes, develop strategies and policies, and exchange information, and ensure best practice is promoted throughout the region.

- **Environmental Officers Group**

Environmental issues are extremely important in the NSROC region, as pressure on natural resources intensifies and the population of the NSROC community continues to expand. The Environmental Officers Group meets to consider a more consistent approach to addressing environmental and sustainability issues as the NSROC Councils recognises many environmental concerns do not correspond with individual council boundaries.

The POG also develop regional Grant Funding applications.

- **Planning Professional Officers Group**

Planning in the NSROC region has assumed great importance as the rapidly growing population seeks to manage development within their communities. The Planners Group which meet monthly to exchange technical planning information, review new planning policies and prepare submission on planning reforms.

- **NSROC Transport Officers Group**

In order to better deal with transport issues and effectively lobby state government for change, the NSROC Transport Group was created to develop a Regional Transport Strategy, identify innovative solutions to community transport needs, and to participate in the transport reform process initiated by State Government.

- **Human Resources Officers Group**

Council staff is the most valuable resource any council has. Each of the NSROC councils is committed to providing a professional and efficient service through its

staff, and this requires ongoing training, resourcing and supervision. This group meets on an irregular basis to address Human Resource issues.

- **Finance Professional Officers Group**

The Northern Sydney Financial Managers Group which meets quarterly, to discuss financial issues and investigate joint projects and purchasing possibilities which would provide significant benefits to the member councils.

- **Sportsfield Professional Officers Group**

The Sportsfield professional Officers Group was formed to consider and improve sustainable provision and management of sportsfields within the NSROC community."

- **Infrastructure Professional Officers Group**

The purpose of the NSROC Infrastructure Group is to work collaboratively in identifying opportunities to improve asset management and in developing a consistent asset management framework.

- **Media Professional Officers Group**

The Media Professional Officers Group's focus is:-

- Information exchange and networking
- Sub-Regional Issues – collectively target specific outcomes and media entities
- Identifying Key issues for the region (e.g. transport – bus and rail) – regional media/communication approach

- **Community Services Professional Officers Group**

The Community Services Group's role is to:-

- Improve the quality of and access to human services and facilities.
- To improve resource efficiency and effectiveness in order to provide improved service delivery.
- To promote an integrated human services planning forum on a 'whole of government basis at a regional level

Regional Youth Services Activities

- **ShoreShocked**

ShoreShocked is Youth Festival held annually for the last 15 years. Over the years it has grown from hosting a few rock bands and attracting a couple of thousand people to currently showcasing a Rock Stage, a Hip-Hop Tent, a Dance Tent and attracting 10 000 plus fun loving young people.

It is the only FREE, large scale Youth Entertainment option in the Lower North Shore area, and is the original, pioneering event to allow young unsigned local acts to play on stage with popular headlining bands.

It also gives young people a chance to learn the myriad of skills required in event management.

- **Lower North Shore Youth Inter Agency**

This organisation meets once a month to provide networking opportunities for Local Government Youth Officers.

- **Northside Ride**
A Skate Board Competition hosted by several NSROC Councils.
- **ArtStart**
An education and training programme hosted by NSROC Councils.

Participation in Regional Programmes

ICLEI

Save Every Drop

- **Street Lighting Programme**
Councils participating in the SLI Program represent about 90% of the public lighting in EA's territory, and have been working jointly to achieve reforms to serious longstanding deficiencies in EA's public lighting services

NOTICE OF MOTION

BEECHWORTH TO WARRAGAL SITE

Notice of Motion from Councillor E Malicki dated 1 March 2007.

I move:

"That staff investigate and report back on a variety of densities for the Beechworth to Warragal Roads site in order to deal with the issues raised by Councillors on the site inspection.

This report should return to Council within 3 months and should include a more thorough look at the three potential heritage items as well as environmental issues, block depth and other matters raised on the inspection.

The report should also take into account the fact that there is little housing choice around our town centres and seek to provide housing variety as appropriate to the site.

Also further advice be sought from State and Federal Departments of Conservation on the proximity of the Sheldon Forest BGHF and the need to keep intact linkages to facilitate the long term survival of this species."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Elaine Malicki
Councillor for Comenarra Ward

NOTICE OF MOTION

INQUIRY INTO THE F3 TO SYDNEY ORBITAL TRANSPORT LINK

Notice of Motion from Councillor T Hall dated 5 March 2007.

I move that:

"Following the announcement by the Federal Minister for Roads and Local Government to appoint an Inquiry headed by Justice Pearlman into an alternative road link between the F3 and M2 to replace the abandoned road corridor, known as the B2/B3 option, that this Council present a detailed submission to that Inquiry to provide its own alternatives to alleviate the increasingly devastating traffic congestion of State highway No.1 (Pacific Highway) between the F3 and Ring Road 3 (Lane Cove Road Pymble) and the current through-traffic from and to the Central Coast is having on the welfare and health of residents in the Ku-ring-gai Local Government Area, detrimentally affected by this state highway."

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Tony Hall
Councillor for St Ives Ward

Attachment: **Background Information - see Councillors Information under separate cover**

MEDIA RELEASE

The Hon Jim Lloyd MP
Minister for Local Government,
Territories and Roads
19 February 2007
L016/2007

FORMER CHIEF JUDGE TO HEAD INDEPENDENT REVIEW OF F3 TO SYDNEY ORBITAL TRANSPORT LINK

Federal Minister for Local Government, Territories and Roads, Jim Lloyd, today announced an independent Review of the F3 to M7 Corridor Selection (F3 to Sydney Orbital).

Mr Lloyd has appointed a former Chief Judge of the New South Wales Land and Environment Court, the Hon Mahla Pearlman AO, to chair the Review.

"As an eminent Australian who has had a long and distinguished legal career, Ms Pearlman is eminently qualified to undertake this important task," Mr Lloyd said.

"In particular she has extensive experience in dealing with complex land use and planning issues and I am pleased she has agreed to Chair this review," he said.

The Terms of Reference of the Review are:

Giving due consideration to the information in the Interim Report - F3 to Sydney Orbital Corridor Review March 2006, consider and advise on:

whether the assumptions and data used in the F3 to Sydney Orbital Link Study 2004 were valid and reasonable at the time of the study, whether changes since the report's publication affecting land use and transport flows in Western Sydney would support any significant changes to these projections, and whether any significant changes to those projections would alter the conclusions reached in the F3 to Sydney Orbital Link Study of April 2004.

"I have consulted with the NSW Minister for Roads, Eric Roozendaal, on the release of the Interim Report - F3 to Sydney Orbital Corridor Review March 2006, which contains information central to the Review. I expect that report will be released shortly," Mr Lloyd said.

"The focus of this Review is about examining the technical underpinnings and the robustness of the process followed to ensure the decisions taken by governments previously on the F3 to M7 route selection were soundly based," Mr Lloyd said.

The Review will, amongst other things, consider any community and business concerns of the study which lead to the F3 to M7 route selection, including possible impacts in traffic usage patterns as a result of opening the Westlink M7, which may not have been anticipated at the time of the original 2004 study.

"It is important that we now move as quickly as possible to finalise planning of the route connecting the F3 to the M7 to complete the AusLink National Network in the North Sydney Metropolitan area and relieve traffic congestion along Pennant Hills Road," Mr Lloyd said.

The Australian Government is investing \$15 billion in AusLink, The National Land Transport Plan over the five years to June 2009.

"Ms Pearlman is expected to call for public submissions to the Review in the near future. The Review findings are to be reported to my office by the end of July 2007."

Further information about the Review of the F3 to M7 Corridor Selection including the public Submission process can be found at <http://www.dotars.gov.au/F3toM7review>

Media Contacts

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